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email: XXXXXXXXXXXXXXXXXX.com
(preferred method of communication)

27th September 2021

The Chief Executive
North Norfolk District Council
By Email

Complaint

Contravention by North Norfolk District Council of the Race Relations Act 1968.

Section 1 (1) of the Act states: *For the purposes of this Act a person discriminates against another if on the ground of colour, race or ethnic or national origins he treats that other, in any situation to which section 2, 3, 4 or 5 below applies, less favourably than he treats or would treat other persons, and in this Act references to discrimination are references to discrimination on any of those grounds.*

Section 2 (1) of the Act states: *It shall be unlawful for any person concerned with the provision to the public or a section of the public (whether on payment or otherwise) of any goods, facilities or services to discriminate against any person seeking to obtain or use those goods, facilities or services by refusing or deliberately omitting to provide him with any of them or to provide him with goods, services or facilities of the like quality, in the like manner and on the like terms in and on which the former normally makes them available to other members of the public.*

Section 2 (2) goes on to state: *The following are examples of the facilities and services mentioned in subsection (1) above, that is to say— access to and use of any place which members of the public are permitted to enter ;*

Background

A member of the public was refused access to a public car park in the administrative area of North Norfolk District Council. The car park attendant refusing access is alleged to have given as his reason for refusing access “no, we are on high alert for Travellers” Refusal of access, in addition to the attendant, was by means of a height barrier.

When questioned by email why access was refused the North Norfolk District Council spokesman replied by email on 16th July 2021 timed at 0857 that: *I’m sorry that you were unable to access the car park on that day. We reserve the right to close the height barriers, as we need to protect our communities and businesses.* No doubt you have a file copy but a copy is available should you ask for it.

Questioned as to who communities and business were being protected from, the same council spokesman replied by email on 16th July at 1626 that - *“A joint decision was made by the Police and Council Senior Management to install these barriers following the bad experience we had from travellers in August 2017, when most of the town’s pubs and cafes had to close for fear of safety of their staff and customers. The previous night they have received abuse and harassment, with travellers demanding free drinks, food and also money”*. No doubt you have a file copy. It is available should you ask for it.

The discriminatory height barriers are openly and clearly stated to be an exclusion to Travellers using the car park who, as an ethnic minority, are all alleged by the council to be criminals - committing the crimes shown above. A possibly unintended consequence of the discrimination is that all users of high sided vehicles (specifically campervans and motorhomes because these are also used by Travellers but also those disabled choosing to use high sided vehicles to accommodate, for example, wheel chairs or campervans or motorhomes for toilet facilities) who are not alleged to be criminals but are caught up in the discrimination. In your effort to discriminate against an ethnic minority you discriminate also against those other innocent who do not enjoy protected status.

Complaint.

My complaint is that North Norfolk District Council has unlawfully discriminated against a protected ethnic minority.

Remedy Required. That full access is restored to all car parks under the control of North Norfolk District Council.

Further Relevant Information

I'd like the following to be taken into account. The Council spokesman, in the 0857 email stated that the council had the right to refuse access because of its need to protect communities and businesses, The spokesman did not say, but I'm assuming, that the council is relying on the General Powers granted under Localism Act 2010 and that denying access to a protected minority is permitted by those General Powers.

If this is not the case, I'd be pleased if you'd provide me with the Act that you do rely on.

I'd remind you that the Localism Act does not give you unlimited power. Taken from a Government Briefing Paper - *“The power does not permit local authorities to do anything that is specifically prohibited in legislation”* - in this case equality discrimination legislation and I'd remind you of Section 6 of the Localism Act

(c) the provision does not remove any necessary protection;

(d) the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise;

(e) the provision is not of constitutional significance.

Your discriminatory height barriers are unlawful and should be removed at the earliest opportunity; they should remain open at all times until this can be done.

Council Statement of Discrimination. When asked for clarification using the *Freedom of Information Act*, the council claimed to have no record of vital evidence of how the discrimination

decision was arrived at (records of meeting were not taken); the council did, however, provide evidence of how the discrimination was to be implemented – claiming that senior officers taking the decision had now left employment within the council. The council was unable to answer the FoI question; the evidence did not exist.

An email of 31 July 2018 at 13.40 from the Head of Paid Service divided car park users into Travellers and genuine users also – called legitimate traffic implication being that Travellers are not legitimate traffic. That email is attached though no doubt you have a file copy.

This discrimination is implied to be with the consent of the police. An email from the same source implied, though it is not explicit, that this consent is in a letter from the police which was later withdrawn. The inference to be drawn has to be that the police realised the discrimination is illegal and withdrew its letter.

The council has been asked to provide a copy of this letter and evidence of its withdrawal but has, so far, failed to provide it. The inference is to some extent confirmed in a report by the BBC of a statement by Chief Constable Nick Dean *"But to put the blame completely on the travelling community as a whole, I think is totally disproportionate."* Reported here: <https://www.bbc.co.uk/news/uk-england-norfolk-40997135> The Chief Constable does not support a discriminatory ban on Travellers.

The councils stated aim is to exclude from Gypsies and Travellers from use, while in motorhomes and caravans, of publicly owned car parks. Their aim is to begin discrimination as soon the council *"becomes aware of one or two vans with Travellers"*. How the council knows the occupants of one or two vans are Travellers is not made clear. One or two vans with *"legitimate users"* do not trigger exclusion.

Is your discrimination legal? No, it is not. It contravenes racial equality law with regard to discrimination – acknowledged by the council to be discrimination specifically against Travellers.

Is your discrimination rational? No, it is not rational to discriminate against an entire ethnic minority because of the alleged crimes of a few. Neither is it rational to, perhaps unintended, exclude other entirely innocent users; motorhome users, the disabled – as a couple of examples. Legitimate users in the words of the council,

Is your discrimination reasonable? No, if the alleged crimes identified by the council above have been committed then the discrimination does not address the criminal behaviour. It is simply displaced to another place. Neither is it reasonable to deny access to other (not protected) owners and users simply to deny access to the entire ethnic minority you allege to be criminal.

Is your discrimination proportionate? No, it is not. In the absence of past proven criminal behaviour in the form of convictions then it is not proportionate to deny access to all members of the public (who, after all are the owners and funders of public car parks) solely on what form of car they drive; that is, a high sided one. Bans may be justified on grounds such as weight of a vehicle perhaps protecting a car parks surface from damage but not simply on height.

Does your discrimination follow council policy? No, it does not. I have had benefit of reading council issued documents regarding discrimination policy. I quote from paragraph 2 of your council document titled *Equality, Diversity & Inclusion Policy 2021* :

"We do not and will not tolerate unlawful discrimination, harassment or victimisation in service delivery or employment on the grounds of any protected characteristic, or other characteristic

which disadvantage or reduces access to services, by reason of their circumstances.”

Does your discrimination infringe human rights? It very probably does as a recent Guardian article reports ...“ *The high court has ruled that local authorities can no longer issue blanket bans on Gypsies and Travellers stopping on parcels of land, in a landmark case* “

The press reference is to the ruling by Lord Justice Coulson in the Court of Appeal (*The London Borough of Bromley v Persons Unknown* [2020]). His ruling related to injunctions but the principle is the same for height barriers which are simply another form of restriction avoiding the nuisance of obtaining an injunction. A physical barrier rather than a paper one.

Lord Justice Coulson's Ruling *Gypsy and Traveller community have an enshrined freedom not to stay in one place but to move from one place to another. “An injunction which prevents them from stopping at all in a defined part of the UK comprises a potential breach of both the Convention and the Equality Act*

Does your discrimination incite racial hatred? Small sampling indicates that it probably does: as does ordinary common sense. From a social media site I select a small number of quotations – I have screenshots of the actual entries; you might like to have them?

Here are a few samples extracted:

Having had extensive experiences of these groups, then any barrier is about as much use as a chocolate tea pot because they would simply get out their angle grinders and the entire barrier structure would be out of the way in a few seconds!

*Travellers have cutting equipment that can easily remove height barriers, and have done so up here. Erecting height barriers simply prevents **decent folk** from using facilities that they have paid for.*

“Decent folk” which Travellers are clearly not; not in this person's opinion, and neither in the council's opinion and action in erecting barriers to safeguard against **all** Travellers.

The law is constantly thwarted by the system that daren't go against these people. This happens all over the land, if you don't believe it, just read the papers. Every day stories are printed about Irish travellers dumping rubbish, running amok, & countless other contraventions,

If you doubt what I write, I suggest any and all of these doo gooders ought to go and speak to people who live near to the Tolney Lane area of Newark on Trent, Drisney Nook slightly further North or Washingborough near Lincoln and I know what the public and the police will have to say about the vast majority of the tax dodging, law breaking residents who live in them.

*Anyone who knows anything about the Traveller Community will know that **in the very vast majority, they are a society who feel they are above the law.** My local MP Dr. Caroline Johnson is also a farmers wife and she is heading up a national campaign to try and protect the farming community from these groups of people, who make the lives of farmers almost impossible with thefts of excavators, quad bikes, live stock etc. etc. all running at exceptionally high levels. These same groups are believed to be the main cause for the very significant rise in dog theft and illegal puppy breeding!*

On another note, I am assured by a policeman friend that the vast majority of people in these communities will never use the facilities in their own caravans and motorhomes and will all go an

defecate wherever they please to go, never clearing up their mess, and this was one of the major problems experienced by the Wells Parish Council and other PC's along the Norfolk Coast, hence the access restrictions.

I've found in general that those who have had first hand personal experience of the extreme mess and damage, the physical and verbal abuse, the constant violence and the increased thefts caused by certain groups are happy with any actions the councils take to protect local residents.

The ones I'm talking about (and the ones the council are trying to prevent) certainly deserve all they get.

It makes my blood boil when I read about the mamby pambyish attitudes of so many people when it comes to certain groups who don't pay even the remotest levels of lip service to our once proud Countries laws!

There were more. Site management has prudently deleted the even more offensive.

That ordinary people feel able to publish such hatred is, at least in part, because they see local government holding the same views and acting on them by refusing access to publicly owned facilities. I don't apologise for repeating these two:

“The ones I'm talking about (and the ones the council are trying to prevent) certainly deserve all they get.

“I've found in general that those who have had first hand personal experience of the extreme mess and damage, the physical and verbal abuse, the constant violence and the increased thefts caused by certain groups are happy with any actions the councils take to protect local residents.”

It becomes clear that because Government (North Norfolk District Council) feels able to discriminate against an ethnic minority then elements among the civil populace feel emboldened to make their hatred public. Those comments above are not acceptable when aimed at Travellers; they would not be acceptable if aimed at Black People, or Asian, or at the Disabled, or at Jewish People. When Governments discriminate against ethnic minorities then racism becomes acceptable to elements of the civil population – as it has done now shown by the public statements above.

Altered slightly, the statements above would horrify: Example - *“Every day stories are printed about Irish travellers [or Blacks, Jews, Muslims, Asians (insert hatred of choice)] dumping rubbish, running amok, & countless other contraventions,”*

Try it. *Every day stories are printed about Black people dumping rubbish, running amok, & countless other contraventions,”*

Public outrage might see demands that council officials *“take the knee”* before meetings.

North Norfolk District Council's discrimination could reasonably be regarded as increasing racial hatred – increasing outrage and building and supporting prejudice which may already exist.

View from the European Commissioner for Human Rights, In his letter to Sir Lindsay Hoyle, MP (Speaker of the House of Commons) and Lord McFall of Alcluith (Lord Speaker of the House of Lords), dated the 1st July 2021 the Commissioner (*Dunja Mijatovic*) said *“ While the government can legitimately pursue actions to prevent public disorder, crime or nuisance, these should be*

clearly circumscribed, and any measures taken in this respect should be proportionate and non-discriminatory.

A legal, rational and reasonable solution would be to prosecute individuals who commit crime – not to punish an entire ethnic minority who, in any case, enjoy protected status from the discrimination you have applied.

I look forward to you notifying me by email that you have received this complaint and that it is receiving attention. Email is my preferred method of communication.

Tom Xxxx

Please scroll down for two attached emails;

From: "[Sandra King](mailto:Sandra.King@north-norfolk.gov.uk)" <Sandra.King@north-norfolk.gov.uk>
To: "[Sandra King](mailto:Sandra.King@north-norfolk.gov.uk)" <Sandra.King@north-norfolk.gov.uk>
Date: 9/21/2021 6:32:03 AM
Subject: Target Hardening Coastal Car Parks - redacted email 19/03/2018

Sandra King
PA to Corporate Leadership Team
+441263 516068



-----Original Message-----

From: russell tanner [mailto:Russell.Tanner@north-norfolk.gov.uk]
Sent: 19 March 2018 19:25
To: Nick Baker [mailto:Nick.Baker@north-norfolk.gov.uk]



Subject: RE: Target Hardening Coastal Car Parks

Hi Nick, on leave for 2 days but got your earlier voicemail late today.
Please see [comments](#) below.

Regards
Russ

Russell Tanner
Assets and Property Programme Manager
+441263 516210



From: Nick Baker
Sent: 19 March 2018 18:55
To: Russell Tanner
Cc: Duncan Ellis ; Richard Cook ; Steve Hems
Subject: Target Hardening Coastal Car Parks

Hi Russ et al

I met with the Chief Constable and others this morning regarding the position for this coming summer. We are working with the Police to have a combined approach to travellers following last year.

You'll be aware that the original police letter regarding target hardening etc. has been withdrawn and they are now awaiting confirmation from us of our offer on this issue. I will confirm that once I know from you exactly which car parks are planned for this.

My understanding, is that following the review last autumn and the initial inspections you guys undertook, we reached
9/22/2021

agreement on the following key tourist car parks for additional work:- Cromer x3, Meadows, Cadogan Road, Runton Road grassed area. Previously suggested by Steve H and agreed by Police that small tarmac area at Runton Road remained open to allow Travellers to be held there for enforcement action and dispersed from onwards. Sheringham x1 Station Approach and Wells x1 Stearmans Yard top and bottom for drop-in height restriction barriers, which would allow pretty much immediate restriction against caravans and camper vans.

The process would be that the police would inform us of their intelligence of expected travellers (or, potentially, we could become aware of one or two vans with travellers) and we would make local arrangements to drop and then man the height restrictions.

This would be notified via mobile contact to known volunteers and via our OOH system.

In addition, we would then man the barriers so that individual trapped vehicles could then get off the car park.

We need to have the barriers in place for the summer season (absolute date not specified but I am assuming June). In addition, we need in parallel to work up the process for putting the barriers into action.

Can you please advise the likely process and time line for getting these installed? **We are confident we can procure and install by end June on the above locations ready for the season.** Obviously, they need to look good, be easy to operate (with I assume, combination locks and no lifting) and meet the security requirements we need, with barriers for both entry and exit channels where appropriate. **We would also check with planning.**

Once we have them drawn, we also need to share with members, so we need a project plan to oversee the process. **We will be in a position to provide a project plan later this week with individual site specific proposals and costings by mid-April for further discussion.**

Happy to discuss.

Thanks

Nick

Sent from my iPad

Nick Baker

Corporate Director and Head of Paid Service

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INVESTORS
IN PEOPLE | Gold

Car Park Height restrictions - redacted email 31/07/2018



Sandra King <Sandra.King@north-norfolk.gov.uk>

21/09/2021 12:33

To: Sandra King

Sandra King

PA to Corporate Leadership Team

+441263 516068



Digital Finance Project
of the Year for COVID-19
Business Grants



-----Original Message-----

From: Nick Baker [mailto:Nick.Baker@north-norfolk.gov.uk]

Sent: 31 July 2018 13:40

To: ~ Members [mailto:Members@north-norfolk.gov.uk]

CC:

[Redacted content]

Subject: Car Park Height Restrictions

Good afternoon

Following last years unauthorised traveller encampment at Runton Road Car Park in Cromer, we agreed there was a need to further strengthen our protection of the key coastal car parks.

This needed to be balanced with the need to allow as much access as possible to genuine tourists, whilst allowing us to control access when necessary.

Once their investigations had finished and following discussions with the Police, we agreed with portfolio members last winter as to how best to do this. As a result, height restriction barriers are currently being installed at Cadogan Road, Meadows and Runton Road in Cromer, Station Approach in Sheringham and Stearman's Yard in Wells. The barriers will normally be open, but when closed, they are low enough to let cars pass, whilst preventing motor homes and caravans gaining access. The barriers will only be closed on intelligence from the police or others, that there is a high likelihood of traveller activity. Once closed, we will of course be manning the barriers to allow legitimate traffic to exit car parks and to explain the position to those who may wish to park a "high" vehicle and who would be turned away.

We have an operational procedure in place with the Police to allow early notification via text, mobile and email, with both police and NNDC officers, along with a small number of "trusted" other contacts having access to the barriers. This procedure will be tested shortly to ensure the practicalities work as planned. In addition, at least one Parish Council is providing barriers to its own land and we anticipate that it (and others if they choose to use such barriers) will also be added to the Police contact list

It should be stressed that no system will give us 100% security; there are too many variables for that, and we may still see travellers arriving with no prior intelligence from the Police. However, we believe what we have done will provide an enhanced level of security to key car parks, whilst balancing the needs of the tourism economy for tourist use of them, along with others with a legitimate need to use our car parks.

I hope this explains the position and we will keep you informed if the barriers are utilised.

Best regards

Nick

Nick Baker

Corporate Director and Head of Paid Service

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