

Correspondence from Trudy Aspinwall, Travelling Ahead: Gypsy, Roma and Traveller Advice & Advocacy Service on the Legislative Consent Memorandum on the Police, Crime, Sentencing and Courts Bill, 15 September 2021

Legislation, Justice and Constitution Committee - Police, Crime, Sentencing and Courts Bill

Further to recent correspondence I am writing regarding the Committee's consideration of the 'Police Bill' with particular reference to Part 4 – the criminalisation of trespass proposals and their likely impact on Gypsy, Traveller and nomadic communities of Wales.

We provided a briefing earlier in the year (attached again for ease of reference) which has been shared with the Committee previously and have been invited to send in any additional points. Now that the Bill has gone to the House of Commons we thought it would be helpful for the Committee to see the most recent briefing from Friends, Families and Travellers prepared for the House of Lords where the Bill is currently being considered - please see attached. The briefing draws on data from England but the content reads across to Wales with the exception that in Wales you do not need to show proof of travelling for planning purposes.

We very much welcome and support the Welsh Government commitment of their intention to challenge the proposals in the Bill relating to encampments on constitutional, human rights and public sector equality duty grounds. As stated in our previous briefing we believe that there is a legislative conflict here particularly between the duties on local authorities under the Housing Act to meet the residential and transit needs of nomadic families in Wales, but also the duty under human rights legislation to respect and facilitate the nomadic way of life, the duty to protect and promote children's rights under the Rights Measure and the proactive intentions of the Wellbeing of Future Generations Act; as such the proposals in the Bill very much come under the legislative competence of the Welsh Government and indeed cuts across, and would undermine some of the most positive, proactive legislation and policy that exists in the whole of the UK to support Gypsy and Traveller communities.

Part 4 of the Police Bill, if enacted, will place nomadic families in Wales in the insidious position of potentially being criminalised for the failure of public authorities to meet their own legal duties as there remain no transit sites or provision in Wales and a continuing shortfall of permanent residential pitches for Gypsies and Travellers.

I am writing on behalf of an informal coalition of Welsh organisations and individuals who are working together on this issue which includes TGP Cymru, BASW Cymru, Race Alliance Wales, Shelter, Tai Pawb, Romani Cultural and Arts Association, CLINKS, Gypsies and Travellers Wales and we would urge the Committee to recommend that Senedd members do not give consent to Part 4 of the Bill

Thank you
Best wishes

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