

2 March 2022

Dear John

I am writing on behalf of our coalition of organisations, activists, and race equality groups who have been working together on Part 4 of the 'Police Bill' – the criminalisation of trespass and its impact on Gypsy and Traveller communities across Wales. You can see our recent [briefing](#) to members of the Senedd and subsequent [Travellers Times](#) article

We are writing to you as Chair of the Local Government and Housing Committee to raise concerns about the lack of progress in delivering Gypsy and Traveller sites under the duty brought in by the Housing (Wales) Act in 2016. This correspondence is also copied to Jenny Rathbone as Chair of the Equality and Social Justice Committee as many of the issues are pertinent to the work of that committee too

There are some key issues which we feel the Committee should be aware of and might want to consider:

- a. Section 103 of the Housing Act Wales brought in a duty on local authorities to periodically **assess** the needs of Gypsy and Traveller communities in their areas for residential sites or pitches and to assess the need for transit provision for families to facilitate the nomadic way of life. The duty also requires local authorities to then **meet** that need through the provision of quality sites with decent facilities which provide permanent, or temporary pitches as assessed
The Welsh Government has also made a substantial capital Sites Grant Fund available since that time for local authorities to draw down costs to build new sites as well as re-furbishing old and run-down sites
The first of the new Gypsy and Traveller Assessments (GTAA) took place in 2016, the second assessments were due to be submitted to the Minister on 24 February 2022
- b. We know there has been very slow progress, in some local authority areas there has been none – leaving families (whose need was already well known) waiting on pieces of land with no access to quality facilities, and families overcrowded and doubling up on pitches on existing sites some of which are extremely run down. Many families have sought to meet their own need; bought land and developed their own small sites many of which are struggling to gain permanent planning permission and under constant threat of enforcement

The progress on making transit sites in Wales has been even less productive – there remain ZERO transit sites even proposed, never mind developed, across Wales in 6 years of the duty being in place; this means that travelling families continue to have to encamp on whatever land they can find, without access to facilities and at the mercy of local hostility and the ensuing pressure put on elected members and local authorities to ‘move people on’

- c. There has been a lack of accountability and monitoring at all levels. For many Local Authorities, no action has been taken over the six-year period and is now mostly spurred into action by the requirement to undertake their new assessment and meet the Welsh Government deadline. We have seen local councils and elected members actively campaigning against sites and even incidents of elected members accused of hate speech and discrimination being part of the decision-making process.

All in all, this has led many people from different Gypsy and Traveller communities across Wales losing faith in this process and indeed some refusing to engage in the most recent assessments because they see no evidence that the legal measures lead to any tangible benefit

- d. Of urgent concern is the impact of the UK Government’s Police, Crime, Sentencing and Courts Bill which is likely to proceed within the next few weeks to statute with Part 4 of the Bill in place. This will criminalise trespass with an ‘intent to reside’, changing this from a civil offence as it currently is, giving new powers to the Police to evict, seize vehicles (i.e., people’s homes), fine and potentially imprison anyone found guilty under the new legislation. The Bill also includes the ‘likelihood’ of distress or damage being caused amongst the potential triggers for invoking the powers and having no other place (including being homeless) will not be an exemption. The guidance for Police Forces which accompanies this Bill already published urges the Police ‘not to gold plate human rights’ when making their decisions.

The consequences of this on nomadic life and long held cultural traditions (going back to the 15th century here in Wales as elsewhere) are catastrophic; the increased criminalisation of a protected ethnic group already overrepresented in the criminal justice system; the increased incidence of homelessness and potential for children to go into local authority care (local authorities will have to provide and pay for all of this) and further marginalisation of families who already face huge prejudice and daily as well as structural racism.

The reason this is so relevant is that with the lack of pitches available and NO transit provision available in any part of Wales, families have no other option than to encamp on public and sometimes private land – this will leave families vulnerable to prosecution because local authorities have not met their own duties to provide sites – no wonder Gypsies and Travellers have no faith in the process

- e. In these coming weeks and months, it is crucial in our view that real progress, scrutiny, and challenge, are made so that the Housing Act duty and Wales’s commitment to support and uphold the rights of Gypsy and Traveller communities in Wales translate into tangible benefits and actions

The Minister for Social Justice now has all the 22 GTAA’s in front of her and her officials for assessment and review; of those we have had sight of prior to submission very few have used the opportunity to report on progress or analyse their failure to meet the duty and how they might go about overcoming future barriers.

- f. Extremely concerning is the emerging picture already that a significant number of local authorities have failed to find enough evidence that there is a need for 'transit' provision (permanent facilities in designated places) and are instead reporting that they will opt to adopt the 'negotiated stopping model' or the similar 'Managing Unauthorised Encampments' Welsh guidance. This guidance has been in place for nearly 10 years with no monitoring or consistency of practice across Wales, many local authorities (particularly under community or political pressure) do no more than move people on to another locality where the process is then repeated. The inclusion of these approaches as the *only* provision requires commitment of time and resources; dedicated liaison officers, identifying 'stopping places', positive engagement and relationships with Gypsies and Travellers - necessarily underpinned by political will – almost none of which has been apparent or is guaranteed by the production of a 'fresh' GTAA report

Key areas for action we have identified are:

1. That Welsh Government's review of the GTAAs is used as opportunity to hold local authorities to account and to drive urgent action to make provision under the Housing Act
2. An independent review of the lack of progress to date and the impact this has had on Gypsy and Traveller families across Wales
3. Effective and supportive protocols /local arrangements developed in partnership with Gypsy and Traveller communities with local authorities and the four police forces in Wales
4. The Welsh Government to continue to consider *all* the levers available to us in Wales to combat the UK legislation and its impacts; the Police Bill conflicts with Wales's responsibilities, specifically including our human rights obligations under the Government of Wales Act as well as all the commitments enshrined in the Children and Young People's Rights Measure; the Wellbeing of Future Generations Act and our socio- economic duty
5. The Welsh Government ensures that guidance is created for social workers in supporting human rights and family justice focused welfare assessments.

Please contact us if you require additional information or to discuss further

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