

WRITTEN EVIDENCE PAPER TO THE LOCAL GOVERNMENT & HOUSING COMMITTEE

Minister for Social Justice, June 2022

I welcome this opportunity to provide information in relation to the Committee's inquiry into provision of sites for Gypsy, Roma and Traveller persons.

I have addressed each of the Committee's areas of interest below and I look forward to discussing further with the Committee on Wednesday 22 June.

It may be helpful at the start of this evidence paper to outline the recent work on the Anti-Racist Wales Action plan which includes Goals and Actions related to Gypsies, Roma and Traveller People.

Anti-racist Wales Action Plan (June 2022)

1. The Welsh Government is taking action to make Wales an Anti-racist nation. On 7 June, the Welsh Government published the 'Anti-Racist Wales Action Plan' to tackle systemic and institutionalised racism.
2. Drawing on Black, Asian and Minority Ethnic communities' experiences of racism, and race inequality, the Plan sets out a series of actions from across Government to make a real difference to the lives of people. The actions are focused on the next two years, set against the vision of a Wales which is anti-racist in 2030.
3. The Plan adopts an anti-racist approach which means looking at the ways in which racism is built into our policies, formal and informal rules and regulations, and the way Government works. It focuses on the ways in which racism affects the lives of ethnic minority people, such as their experience of racism in everyday life, service delivery, as part of the workforce and the lack of visible role models in positions of power.
4. The Goals and Actions in the plan cover policy areas across government, including, health, culture, homes and places, employability and skills, education as well as a focus on leadership and representation within Welsh Government and across public services.
5. Within the plan there are Goals and Actions directed at improving the lives of Gypsies, Roma and Traveller people within the policies areas of, education and Welsh language, Health and, Homes and Places.
6. Secure homes of all types, are fundamental to people's well-being and to every aspect of their lives, including their mental and physical health and well-being, their educational opportunity and achievement, their employment outcomes and their social and cultural well-being.
7. Our overall aim is that ethnic minority people are able to live in decent, secure and affordable homes which meet the diversity of their needs. COVID-19 has

brought into sharp focus the importance of appropriate and affordable home for everyone's mental and physical well-being. It has also highlighted the deep inequalities that exist for some people in accessing such homes.

8. The actions related to the *Homes and Places* section of the plan are provided below.

Homes and Places | Standards, provisions and services

Goal

To ensure that standards provision and services around the provision of homes advance race equality, embed anti-racism, equality and human rights, and meet the diverse needs of ethnic minority people.

Action

- Work with ethnic minority-led organisations, local authorities, Housing Associations, Shelter Cymru and Citizens Advice Cymru to demonstrate the information, advice and advocacy needs of ethnic minority people are met in relation to accessing appropriate homes, including Gypsies and Travellers, ethnic minority women and asylum seekers and refugees.

Homes and Places | Gypsy and Traveller accommodation

Goal

To recognise that safe, culturally appropriate accommodation is necessary in order for individuals to flourish in other parts of their lives and to address the lack of site provision and poor quality of Gypsy and Traveller accommodation in Wales.

Actions

- Create a national network of transit provision to facilitate travelling life, with consideration for negotiated stopping, as appropriate.
- Pilot additional or new ways of funding permanent provision.
- Explore the potential for a mobile home rental scheme run through social housing in order to improve quality and cost of rental provision in Wales.
- Capital requirement for mobile home rental pilot
- Provide learning and development support to Local Authority Elected Members on Gypsy and Traveller communities' culture, needs and strengths. The specification for the service will be drawn up to ensure the support will go beyond awareness-raising and will include anti-racism
- Commission a three-year pilot programme to provide independent, trusted advice to those seeking to develop private sites
- Review the current funding policy for Gypsy and Traveller sites and assess its effectiveness, with a view to piloting additional or new ways of funding site provision, including support for private sites
- Re-draft the Sites Guidance to ensure that the design and location needs of communities are better reflected in this document
- Commission a national training scheme for Welsh local authority housing options teams, and other relevant professionals, to improve the approach taken and support offered to community members seeking help for homelessness and accommodation issues by creating Gypsy and Traveller "champions" or "leads" in each local authority

- Ensure existing legal mechanisms are fully utilised to ensure compliance with existing legislation

Whether the current Welsh Government framework is ensuring sufficient culturally-appropriate Gypsy and Traveller residential and transit sites across Wales?

9. Gypsies, Roma and Travellers are amongst the most marginalised groups in our society. We know these groups often experience discrimination, inequality and a lack of opportunities. We want to ensure that members of these communities are supported to fulfil their potential and make a full contribution to Welsh society.
10. The [Enabling Gypsies, Roma and Travellers plan \(2018\)](#) outlined the breadth of work which the Welsh Government is undertaking to ensure inequalities experienced by these communities are reduced, access to opportunities increased, and relations between these communities and wider society improved.
11. The [Housing \(Wales\) Act 2014](#) placed duties upon local authorities to ensure that sufficient sites are provided. Local Authorities are required to carry out periodical assessments (Gypsy and Traveller Accommodation Assessments – GTTA) of the accommodation needs of Gypsies and Travellers residing in (i.e. who live there) or resorting to (i.e. stay in the area from time to time) its area, and to make provision for sites where the assessment identifies an unmet need for mobile home pitches. An assessment must be carried out within each “review period”.. Statutory guidance ([Undertaking Gypsy and Traveller Accommodation Assessments – Welsh Government Guidance \(2015\)](#)) was produced to assist Local Authorities in discharging their duties under Part 3 of the Housing (Wales) Act 2014.
12. In 2018 the [Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites – June 2018](#) guidance was provided on the planning aspects of identifying sustainable sites for Gypsies and Travellers.

The extent to which local planning authorities and Gypsies and Travellers are succeeding in working together, as recommended in Welsh Government guidance, with the aim of identifying sustainable sites for Gypsies and Traveller communities?

13. Our guidance recognises it is imperative that the preferences of community members are given consideration and the relevant Local Authorities work together to decide where the demand for accommodation will arise. We encourage local authorities to work in partnership, and to ensure their assessments are informed by the work of other Local Authorities.

The extent to which local authorities’ Gypsies and Traveller Accommodation Assessments (GTAAs) are being implemented, monitored and reviewed to ensure they meet the accommodation needs of the traveller community.

14. Section 102 of the Housing (Wales) Act 2014 requires Local Authorities to submit their Gypsy and Traveller accommodation assessment reports to the

Welsh Ministers for approval. Welsh Ministers will assess the submitted report to ensure its robustness in terms of compliance with the [guidance](#), quality of engagement with relevant individuals and calculation of needs.

15. Welsh Ministers may approve the assessment as submitted, approve the assessment with modifications, or reject the assessment and require a new assessment be undertaken. If reports are not approved as submitted, the Welsh Government will consult with the particular Local Authority in relation to the necessary changes required.
16. As a result of the pandemic there have been delayed to the GTAAs being completed and submitted by Local Authorities in 2021/22. A majority of local authorities have now completed and submitted a GTAA and accompanying reports. The requirement was to have done so by 24 February 2022. The Welsh Government is now assessing these reports.
17. Once the Gypsy and Traveller accommodation assessment has been approved by Welsh Ministers, Local Authorities will be subject to a legal duty to exercise their functions to provide mobile home pitches to meet the identified needs. Section 56 of the Mobile Homes (Wales) Act 2013 provides the power for Local Authorities to do this.

To explore the potential challenges for local authorities and the Welsh Government in providing suitable and sufficient accommodation sites for traveller communities.

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To explore what the implications will be of the provisions in the UK Government's Police, Crime, Sentencing and Courts Bill

22. The Police, Crime, Sentencing and Courts Act ("the Bill"/"the Act") UK Government legislation and applies equally to Wales and England. Certain provisions of the Act make provision with regard to devolved matters or confer or impose functions on Devolved Welsh Authorities. These have been managed using Legislative Consent Memorandums and Motions, as outlined below.
23. The Act also includes provisions on unauthorised encampments, which will impact on Gypsy and Traveller communities in England and Wales. This evidence sets out the impact of these provisions, and the action the Welsh Government has taken in response. This includes action with police partners in Wales.

Impact of the provisions on unauthorised encampments in the Act

24. The Act creates a new offence for England and Wales and an accompanying power for the police to seize property (including vehicles) where individuals reside or intend to reside on land with a vehicle. This new offence does not align with our approach as a government. The Welsh Government focuses on engagement with communities, investment for adequate provision of authorised sites and enabling local authorities to meet the accommodation needs (residential and transit) of Gypsy and Traveller communities.
25. The Minister for Social Justice has repeatedly raised concerns directly to UK Government about the provisions on unauthorised encampments and asked them to reconsider the approach as it would impact disproportionately on members of our Gypsy and Traveller communities. In these exchanges we have highlighted that Gypsies and Travellers are an ethnic minority who have been part of Welsh life and history for many hundreds of years, and emphasised our deep concerns about the potential existential threat to their culture and way of life. The Welsh Government fundamentally oppose the criminalisation of the Gypsy and Traveller communities, which counters every facet of our Travelling Ahead strategy.

Legislative Consent Memorandum and Motions

26. Across the development and passage of the Act, we have used Legislative Consent Memorandums and Legislative Consent Motions to ensure that the voice of the Senedd is heard on matters that fall within its competence. We laid a [Legislative Consent Memorandum](#) (LCM) on 28 May 2021, which replicated the LCM laid prior to the 2021 Senedd Elections on 22 March. This position was reaffirmed in further LCMs, including [Supplementary LCM Number 3](#) which was laid on 20 December 2021.
27. The Senedd debated and voted on the Bill on two occasions, voting on four Motions in total. The first Senedd debate on the Bill took place on 18 January and the second debate took place on 01 March 2022. During the second phase of consideration of final amendments stage of the Bill and because the Senedd had already it's made position clear through prior Legislative Consent Motions,

the Minister for Social Justice published a [written statement](#) in April 2022. This statement highlighted once more the votes of the Senedd on the amendments which fall within competence.

28. Minister Malthouse wrote to the Chief Constables and Police and Crime Commissioners of England and Wales on 13 May informing them the Bill received Royal Assent on 28 April and is now an Act. It also stated the Secretary of State will issue statutory guidance on the Unauthorised Encampment measures although no timetable has been provided for this at the time of writing.
29. On 7 June, the Minister for Social Justice issued a further Written Statement to summarise the overall outcomes of the Act, and to outline the approach taken by Welsh Government across the development, passage and future implementation of the Act. This further highlighted our objection to the provisions on Unauthorised Encampments.

Policing in Wales approach to the provisions

30. Although Policing is not devolved to Wales, the Welsh Government works closely with the four police forces and Police and Crime Commissioners in Wales. This reflects that policing in Wales takes place in a distinct legislative context, and that policing regularly interfaces with devolved services such as housing, mental health and substance misuse.
31. The Minister for Social Justice meets on a monthly basis with the lead PCC for Wales, currently PCC Dafydd Llywelyn of Dyfed Powys. The Minister for Social Justice also chairs the Policing Partnership Board for Wales on a quarterly basis, with the First Minister chairing one meeting a year. At the most recent meeting on 17 March 2022, the issue of Unauthorised Encampments was discussed.
32. Work is being undertaken to understand in detail the difference that the new measures will make in Wales, current shortcomings in the availability of transit sites for members of the Gypsy Roma Traveller community in Wales and how these could be addressed, and national policing developments in response to the new legislation.