



CPG on Race Equality Meeting Minutes

Police Crime Sentencing & Courts Bill: Criminalising a way of life?

23rd November 2021 | 9:00 – 10:00 | Online

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- **Meeting Opened and Welcome by John Griffiths MS**

- Welcomed everyone and briefly went through the agenda.

- **Why we are here- Part 4 of the Police, Crime Sentencing and Courts Bill**

Jenny Rathbone MS

- This Bill will poison the water of community harmony.
- The Bill will criminalise people who occupy land temporarily.
- The Bill completely overrides the planning act of 2014 which obliges all local authority to have at least 1 traveller site in its boundaries.
- There are 3 local authorities that do not have a site for travellers- which inevitably people will be criminalised when they stop, and they need to stop because it is dangerous if they do not.
- It is important that we have a discussion on this before we get to vote on the Bill.

- **GRT community views and concerns**

Allison Hulmes, co-founder of the GRT Social Work Association

Tom Tom Hendry

Community voices

- Allison is a Welsh-Gypsy and is co-founder of GRT social work association. The association was founded because social work needs to change, and they have a deep belief that change will only occur through community.
- Allison feels this Bill will normalise anti-gypsy hatred in the UK and Wales.
- The Welsh Government has failed because we should never be in this situation. Wales could have set a standard and held the moral high ground with stopping places and assessment needs have never been met. Why? Because of institutionalised racism and normalisation of anti gypsy hate.
- Families do not want to engage in assessment processes because nothing changes, and they have lost trust in the system.
- Families face imprisonment, fine and having their homes removed because they have nowhere else to stop.

- Welsh Government attempt to close the gaps on health and education outcomes will fail to close if housing issues are not resolved in a culturally appropriate way.
- No real attempts are made to understand GRT people.
- REAP will fail to create an anti-racist Wales unless the Welsh Government addresses the real need of the community immediately.
- The legislative Consent Motion submitted early this year was so poorly written and lost an opportunity to make a real difference.
- Situations will only change for GRT communities where there is representation in Senedd and local authority.
- No more, 'Blah blah blah'.

- Tom Tom has a background in equality for 12 years and is shocked how this Bill can even be proposed.
- We are coming up to holocaust Memorial Day, and Tom Tom finished with his favourite saying: "Annihilation and assimilation are two facets of the same fate".
- This quote is very true, whether it be through documentation. This document is disgusting and should be thrown out.

- Lian explained we should know about equality- if they did, we would not be faced with this Bill. 100 years ago, a person could be killed for being friends with a gypsy, are we going back to that?
- GRT communities have been part of UK heritage for 500+ years. Now in 2021, GRT ethnicity is being stamped out.
- An advanced driving licence is needed (towing licence) for long caravans and young men do not have these licences, so they need an older person with the license to drive caravans. The Bill states people will be penalised if 'they can't move or won't move'.
- Lian does not see any other ethnicity fighting for their heritage as much as GRT communities.

- Martin feels exhausted and drained as he has been doing this for 13 years and feels that their situation has gotten worse.
- Concerns: That anti gypsy hatred will escalate. A video went viral 2 years ago of a man who set fire to a trailer in the middle of the night that had a family in it.
- Martin is concerned that people will take it upon themselves to attack and remove GRT people.
- There was a campaign against a GRT transit site in Wrexham 2 weeks ago that was planned. The campaign was led by a caravan site owner that held a plot down the road for profitable use as a holiday let. This business owner won their campaign.
- GRT suicide rates are 7% higher than the general population already, this will only get worse.

- **The legal view - How to reduce the impact of Part 4 of The Bill**

Lucy O' Brien, Watkins and Gunn Solicitors
Trudy Aspinwall, Travelling Ahead

- Lucy asked, 'What will the Welsh Government do to mitigate against the consequences that have been outlined by the community?'
- One of the issues is that local authorities are not complying with duties with authorised encampments.

- Policing is not devolved, but housing is devolved. The Welsh Government needs to be aware that there will be legal challenges brought against them with non-compatibility with Welsh Government guidelines and local authority not complying with the housing duty.
- Trudy re-iterated the duty of the local authority to adequately assess the needs of GRT sites.
- The report from the Senedd committee has stated that the Welsh Government cannot withhold consent to pass the Bill because this is an issue around public order.
- Dr Huw Evans is an academic lawyer from Cardiff Met has explained that The Legislation and Constitution Committee that have looked at Part 4 of the Bill have stated that it falls under maintenance of public order, so therefore Welsh Government consent is not needed, and it will not be included under the LCM (legislative consent motion). However, Dr Huw Evans does not think it is as simple as portrayed, this is because the Bill touches upon the use of land and regulations. Use of land is not reserved. If it can be argued that Part 4 relates to the use of land and not public order, then consent would be needed from the Senedd regarding Part 4.
- Dr Huw goes onto the Human Rights Act, Section 3, which states that, legislation must be read and given effect in a way that is compatible with human rights.
- Dr Huw cites article 8, the right to private family life must be considered, because it is families that are encamped on land.
- There is an argument of proportionality that comes under human rights, and it can be argued that Part 4 of the Bill is not proportionate. Part 4 could lead to division of families and confiscation of homes; children being looked after and significant impact on mental health and wellbeing.
- There are zero transit sites in Wales, 7 years after the last assessment.
- There vast human rights considerations the Senedd need to take into consideration alongside the housing act duty.
- Trudy feels strongly that MSs need to be questioning and challenging the Welsh Government on using their levers properly. There needs to be a very clear message that enforcement action will be taken against local authorities that have failed completely in the duties.
- Trudy is in the process of providing a briefing to the Senedd ahead of the LCM (legislative committee motion) debate.

• Q&A

- John Griffiths asked if there are MSs in the meeting who would like to speak?
Sioned Williams MS, Plaid Cymru, thanked everyone for their powerful testimonies. Plaid Cymru rejects any policies that would criminalise traditional ways of life. Plaid will be opposing this legislation. Plaid advocates that policing must be devolved to protect people from the ravages authoritarianism in Westminster.
- Alex (traveller) stated that some people do not need a site, and asked if parties would stick up for people who live harmlessly by the side of the road?
Alex explained she is not GRT, and does not have that classification and she is also in need of protection.
- John Griffiths asked Alex, is this your general way of life or due to housing costs?
Alex explained, it is not because of housing costs, Alex has lived like this for 40 years.

- Trudy, from Travelling Ahead reassured Alex that her rights are included under being a Traveller.
- Neeta asked why is that when we come to equalities issues there is no equality, take action and get on with it please.
- Jenny MS thanked everyone for speaking so clearly on the threat of GRT lives. Jenny is hopeful that Senedd will withhold consent.

CLOSE & hand- over of secretariat role to Race Council Cymru

John Griffiths MS

- John Griffiths thanked everyone for what has been a powerful Cross party group Meeting.
- John encouraged a strong dialogue as campaigns need to be built and sustained.
- John asked Jenny Rathbone if she has any contributions to add:
- Jenny explained that communities at large need to stand up for the rights of GRT, we cannot play off one group against another, and we need to combat the racism that exists. People say things about GRT communities that they would not say about other ethnic communities, and we need to combat that.
- The secretariat of this cross party group will now be handed back to Race Council Cymru with agreement from attendees.