

HB 36

National Assembly for Wales

Communities, Equality and Local Government Committee

Housing (Wales) Bill: Stage 1

Response from: Garden Court Chambers (Romani Gypsy and Travellers Team)



**RESPONSE TO THE CONSULTATION
ON THE
HOUSING (WALES) BILL**

BY

**GARDEN COURT CHAMBERS
ROMANI GYPSY & TRAVELLER TEAM
JANUARY 2014**

1. The National Assembly of Wales is undertaking an inquiry into the general principles of the Housing (Wales) Bill and, inter alia, the need for legislation set out in Part 3 which proposes that a duty be imposed on local authorities to provide sites for Gypsies and Travellers.

Part 3 Gypsies and Travellers_

2. Garden Court Chambers has a Romani Gypsy & Traveller Team which consists of barristers who have specialised in providing advice and representation to the Romani Gypsy and Traveller community for many years. Members of the team are recognised for their outstanding commitment to, and expertise in, this and other areas of law and, in particular, housing law and discrimination.
3. We have been involved in many of the leading cases in this area of law over many years, among them: *South Bucks DC v Porter (No. 1)* [2003] UKHL 26; [2003] 2 AC 558; *Harrow LBC v Qazi* [2003] UKHL 43; [2004] 1 AC 983; *Connors v United Kingdom* (2004) 40 EHRR 189; *Codona v Mid-Bedfordshire* [2004] EWCA

Civ 925; [2005] H.L.R. 1; *South Bucks DC v Porter (No. 2)* [2004] UKHL 33; [2004] 1 WLR 1953; *Kay v Lambeth LBC* [2006] UKHL 10; [2006] 2 AC 465; *McCann v United Kingdom* (2008) 47 EHRR 913; *Doherty v Birmingham CC* [2008] UKHL 57; [2009] 1 AC 367; *Kay v United Kingdom* (2010) 21st September 2010; *Manchester City Council v Pinnock* [2010] UKSC 45; [2010] 3 WLR 1441; *London Borough of Hounslow v Powell and Others* [2011] UKSC 8; and *Buckland v United Kingdom* (2012) Application No 40060/08, 18th September 2012.

4. We have had the advantage of reading the submission by Community Law Partnership and endorse its contents.
5. Garden Court Chambers welcomes the proposed legislation in clauses 84-91. We consider the proposed duties to be essential for the adequate provision of lawful sites for Gypsies and Travellers. Such sites should accommodate many of those who are currently forced to live on unauthorised encampments and thereby reduce the cost to the public purse of enforcement action.
6. Gypsies and Travellers are amongst the most discriminated, marginalised and vulnerable members of our society and experience the poorest outcomes of any ethnic groups in our society in terms of a range of indicators, including health, education, welfare, employment. The provision of sufficient sites to meet their accommodation needs is the key to addressing their outcomes and equality of opportunity in the future. As Community Law Partnership point out in their submission, the history of site provision in England and Wales shows conclusively that the solution lies in the kind of legislative proposals which we find in clauses 84 to 91 of the Bill.

Marc Willers

On behalf of

**The Romani Gypsy & Traveller Team
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15th January 2014