



# Cardiff Gypsy and Traveller Project

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HB 49

National Assembly for Wales

Communities, Equality and Local Government Committee

Housing (Wales) Bill: Stage 1

Response from: Cardiff Gypsy and Traveller Project

15 January 2014

By Post and Email [CELGCommittee@wales.gov.uk](mailto:CELGCommittee@wales.gov.uk)

Committee Clerk

Communities, Equalities and Local Government Committee

National Assembly for Wales

Cardiff Bay

Cardiff

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Dear Clerk

## **Re: Consultation on the Housing (Wales) Bill**

Cardiff Gypsy and Traveller Project write to make formal representations on the above Bill:

Cardiff Gypsy and Traveller Project (CGTP) is a small charitable organisation set up in 1981 following discussions between Gypsies and Travellers, Councillors and Voluntary Organisations in Cardiff. CGTP's geographical remit is the areas of Cardiff and The Vale of Glamorgan; we also have a remit of input and participation to national legislation, strategies, policy and strategy development directly concerning Gypsies and Travellers, their culture and lifestyle.

CGTP provides an extensive information, advice and liaison service to Gypsy and Traveller Communities in Cardiff and the Vale of Glamorgan, to Local Authorities and all relevant Agencies or Professionals working with Gypsies and Travellers. Our main areas of work are liaison on issues of Development, Management and Maintenance of Sites; Homelessness, Homeless Prevention; Welfare Benefits – Reviews and Appeals; Education; Health; Planning; Social and Housing Services; and Equality and Racial Discrimination.

Cardiff Gypsy and Traveller Project supports and enables Gypsies and Travellers to achieve a high and sustainable quality of life within their own culture through improving access to suitable accommodation, public services and employment, and seeks to improve access to and the effectiveness of the range of public services available to Gypsies and Travellers.

We further seek to improve equality of opportunity and outcomes for Gypsies and Travellers by reducing the practical consequences of discrimination against Gypsies and Travellers and to challenge discriminatory behaviour and attitudes.

An essential commitment of CGTP is to enable Gypsies and Travellers to be involved, so that they can participate in defining their own needs and concerns and help develop policies and practices to meet their needs.

## **Chapter 2 Section 41 Meaning of homeless and threatened homelessness**

Gypsies and Travellers who are resident at/occupants of unauthorised encampments or unauthorised developments are, as per the above, homeless.

It is our experience that Local Authorities are unable to meet their statutory duties to suitably accommodate homeless Gypsies and Travellers as there is a national shortage of vacant pitches on residential sites in Wales. Local Authorities are often unable to meet their duties even in the short term due to a lack of transit site provision. As of January 2014 many sites in Wales are overcrowded and to the best of our knowledge and belief there are no vacant pitches on any sites anywhere in the country at present. There are no transit sites anywhere in Wales

Without adequate provision of authorised residential sites, the national lack of transit sites and without adequate, robust planning for future provision of socially rented and privately owned sites there can be no doubt whatsoever that unauthorised camping will inevitably continue. This perpetuates the revolving door of homelessness for Gypsies and Travellers, which obviously affects their life chances.

Where Gypsies and Travellers have a cultural aversion to bricks and mortar property there should be scope for Local Authorities to discharge their duties in relation to homelessness either by tolerating encampments, identifying temporary stopping places and providing the necessary services and facilities (as noted in the revised Guidance on Managing Unauthorised Camping and the provisions set out in the UN Convention On The Rights Of A Child). Local Authorities should seek to find innovative, alternative means of securing land where caravans can be sited with permission as a means to alleviate homelessness, possibly by way of agreements with private sector providers, or landlords (caravan parks, private landowners etc).

## **Chapter 3, Part 3 Gypsies and Travellers**

### **Section 84 Assessment of accommodation needs**

We welcome the fact that all Local Authorities will have to undertake a new Gypsy Traveller Accommodation Needs Assessment within 1 year of the introduction of this Bill.

We seek clarification in relation to GTAA's and LDP's that have already been completed and ask whether these will also be passed before Ministers for approval?

Will there be a requirement for LDP's already completed to be revised following approval and publication of the new GTAA's that will be undertaken once this Bill becomes statute?

We agree that Gypsy Traveller Accommodation Needs Assessments (GTAA's) should be completed every 5 years as this is an appropriate time frame in which to capture information in relation to family demographics, increase in family size and subsequent demand for site provision. This would also serve to assist in evaluating whether Local Authorities are meeting their duties to provide sites and also whether current policy and legislation to increase site provision is working and fit for purpose.

There is currently no scrutiny in terms of assessing the accuracy of GTAA's, or to challenge their soundness in terms of the data captured constituting need and subsequently informing the planning process. CGTP is already aware of Assessments that in our informed opinion do not correlate with the real need presented to us as an organisation. In some cases the figures published in GTAA's in terms of accommodation need are far below our educated estimations.

There are anomalies in some GTAA's regarding the number of unauthorised encampments recorded and published in comparison to the actual numbers we as an organisation are aware of.

In this instance the number of encampments recorded in some GTAA's is less than the number of encampments CGTP has actually attended upon. There needs to be a method and conduit to scrutinise and challenge such figures.

Without an accurate prescriptive methodology framework for conducting and standardising GTAA's there cannot be a reliable and robust means of scrutinising and successfully challenging the data that informs the need for future site development.

**Please see our comments under Section 89**

### **85 Report following assessment**

We would recommend that all GTAA's are submitted to Welsh Government for scrutiny and approval, including those already completed that inform current and future local development plans.

We do not believe that providing a report to Ministers is sufficient. Many Local Authorities have outsourced the undertaking of GTAA's to third party organisations and therefore they have not been involved in the methodology of the same, or the management of the process – the robustness of some methodologies used should be questioned. Many GTAA's have been undertaken as desk based studies by research organisations who have little or no knowledge and experience of Gypsy and Traveller Communities, who therefore are not best placed to undertake such Assessments.

**Please see our comments under Section 89**

## **86 Duty to meet assessed needs**

Whilst there is an expectation for Local Authorities to exercise its powers under Section 56 of The Mobile Homes Act (Wales 2013) where an approved GTAA identifies the need for provision within an area, this is not an instruction. Legislative instruction is required to develop provision where need is identified or there will always be a shortage of suitable accommodation for Gypsies and Travellers.

We believe that whilst there is a need for regional partnership on the issue of providing sites and services for Gypsies and Travellers, the solutions are in the main to be found locally.

In our experience it is not appropriate or feasible to share the allocation of residential and transit sites over geographical areas, and recommend that Councils look at local solutions for local needs.

Whilst grant funding exists for developing new sites, the demand for funding far exceeds the funds available. In the current climate it will take years to meet the need for new sites through WG funding.

We recommend WG introduce a statutory instrument to allow Registered Social Landlords to develop, provide and manage residential sites for Gypsies and Travellers. This provision exists in England where a number of RSL's provide and successfully manage sites for Gypsies and Travellers, reducing the encumbrances on Councils to develop sites where need is identified.

The finance and fundraising initiatives available to RSL's could alleviate the pressure on Local Authorities to provide socially rented sites, meaning that potentially sites could be developed quicker, with the use of private finance available to Housing Associations, who can then recoup the funds through the rental income (a provision not available to Local Authorities).

## **87 Failure to comply with duty under section 86**

We welcome the provisions relating to legislative competency as set out in Section 87 in order to secure the development of new socially rented sites in the future. Further we would welcome a timescale for Council's to comply with any Direction made by Ministers as set out in this section.

Will sanctions be imposed on Local Authorities who are failing to comply with Section 86 and 87?

In cases where there is no Local Authority or publically owned available, will there be an expectation that WG will make land available for Gypsy and Traveller Sites, or will local authorities have to rely on provisions for the compulsory purchase of private land?

Attention needs to the fact that demand for private site provision exists (in many cases evidenced by GTAA's) and due regard should be given to the difficulty faced by Gypsies and Travellers in securing planning permission for private sites.

What is the role of Ministers where need for private provision is identified, but remains un-discharged through lack of suitable available land and difficulty obtaining

planning permission? This is also an issue we will be raising in discussion of the Planning (Wales) Bill.

## **89 Guidance**

Many GTAA's in Wales have been undertaken by third party organisations that have developed their own methodology for completing Assessments. This leads to anomalies in terms of sampling, quality and accuracy of data to inform the Authority in terms of need, and is not conducive with regards to ascertaining the bigger picture of accommodation and associated need within Wales.

The content and design of questionnaires can be very poor with little scope to glean information as to future site aspirations.

Some GTAA's have been completed by using the LHMA Guidance produced by WAG some years ago. The sample questions given in Appendix F of the LHMA Guidance published in 2006 would glean a very basic picture of need for pitches only. The questions would glean very little information in terms of the impacts of accommodation and homelessness on health, education and life chances for Gypsies and Travellers. Neither does the existing guidance give scope for catching evidence in terms of social needs, or planning, designing and delivering suitable services to meet the needs of Gypsies and Travellers now and in the future in addition to their aspirations in terms of future accommodation, health and education.

We are of the opinion that WG should develop a prescriptive framework for GTAA's to standardise their undertaking. We would further suggest that any framework includes set questions to be asked when undertaking GTAA's. This would serve to capture data regarding demographics, accommodation, standards and quality of sites, living environments and social factors. Having standard questions would serve to assist in designing and developing services suitable to meet the current and future needs of Gypsies and Travellers in the development of new sites and the development and provision of services to meet the needs of Gypsies and Travellers at local and national level (education and health in addition to social factors that impact on accommodation and life chances).

There is anecdotal evidence to suggest that GTAA's have not adequately identified, accessed or assessed the needs of Gypsies and Travellers living in bricks and mortar housing. This we believe is predominantly due to the lack of monitoring undertaken by Councils, many of whom are unaware of the number of Gypsies and Travellers living in their areas.

It is our experience that Council's rely heavily on the local knowledge of Officers to determine the population figures in each area. There is a heavy reliance on PLASC figures that identify Gypsies and Travellers in the education system, in addition to census figures. It is widely acknowledged that Gypsies and Travellers are reluctant to self identify for obvious reasons, and therefore PLASC and census figures are unreliable – these being the main source of identifying people from Travelling Communities that inform local strategies.

Awareness raising needs to be undertaken with Local Authorities in terms of monitoring systems. Each Council in Wales should have systems in place for monitoring the number of Gypsies and Travellers in their area. We do not believe that PLASC, Census and caravan count figures to be sufficient in this regard.

Without accurate records of numbers how can Authorities be expected to meet their statutory duties in relation to Race Relations legislation by facilitating the Gypsy and Traveller way of life if they are not committed enough to ascertain what the numbers are in their areas?

WG should develop new prescriptive guidance to address anomalies in GTAA's relating to the unreliability of figures currently held by Councils; the fact that Gypsies and Travellers living in bricks and mortar housing are often overlooked and not included in monitoring figures by Local Authorities. This should also be raised with Local Authorities in terms of identifying Gypsies and Travellers.

In relation to developing the above, it should be a pre requisite that WG work directly with Gypsies and Travellers in developing any framework in addition to working in partnership bodies and specialist organisations who have a long history of working with Gypsies and Travellers in order to best design any framework and develop a series of questions for use in future GTAA's.

Cardiff Gypsy and Traveller Project would welcome the opportunity to work in partnership with WG and Gypsy and Traveller community representatives in developing a new framework for undertaking Gypsy Traveller Accommodation Needs Assessments.

We strongly recommend that WG revise the Accommodation Needs Assessment and Physical Conditions Survey undertaken by Pat Niner and the University of Birmingham in 2006, and commission another new Assessment. There have been many changes in terms of guidance and legislation since the report was published.

Grant funding has been made available to refurbish and develop new sites, however, as a result of design guidance the size of some sites has decreased in order to conform to fire regulations, in some cases Councils have had to close pitches in order to meet safety regulations by expanding plots. Not all of these closed pitches have been replenished – this can be evidenced by current and historical caravan count data.

The figures provided by Niner in 2006 do not accurately reflect the population figures, and the physical conditions survey is out of date. This, in consideration to the anomalies in GTAA's the approximate number of Gypsies and Travellers in Wales and the condition of sites is unknown. We strongly recommend this be addressed at the earliest possible opportunity, certainly prior to provisions in this Bill becoming statute.

## **90 Duties in relation to housing strategies**

A number of Authorities allege to have no Gypsies and Travellers in their area (or that numbers are very few), and use unreliable, unrepresentative Bi Annual Caravan Count, PLASC and Census data as a basis of proof.

It is unrealistic to claim there are no/few Gypsies and Travellers in any particular area at any one time, and therefore no need for any provision. Many Gypsies and Travellers are resident in bricks and mortar due to the lack of site provision (please see comments above in relation to bricks and mortar, reluctance of self identification and lack of monitoring systems). Local Authorities should re-assess and make

adequate provision in their strategy documents, save giving lip service where lack of monitoring procedures exist in terms of identifying Gypsies and Travellers, and claiming non populace of Gypsies and Travellers in their areas.

## **91 Interpretation**

We agree with the definition of Gypsies and Travellers as stated above.

We believe that the rights of all Travellers should be upheld, and that all Travellers have the right to suitable accommodation.

However, we ask in relation to developing new sites by using public money how priority for developing new sites will be determined?

There are statutory duties in Race Relations legislation towards Romany Gypsies and Irish Travellers. These duties do not extend towards New Travellers, whose lifestyle has traditionally been regarded as an elective choice (although evidence of third generations of New Travellers exists).

Will priority for using public funds to develop sites be given to ethnic Gypsies and Travellers, defined under the Race Relations (Amendment) Act 2000 to whom government bodies have a statutory duty to facilitate their way of life?

## **92 Power to amend definition of Gypsies and Travellers**

The current definition used in the Bill is the most inclusive definition of Gypsies and Travellers. We recommend this definition remain.

Cardiff Gypsy and Traveller project welcomes and supports many of the proposals of this Bill.

Hopefully the same will increase the provision of accommodation for Gypsies and Travellers and promote equality of opportunity and social justice for the most disenfranchised communities in Wales.

We do ask whether the Bill in its current form has been Equality Impact Assessed in terms of its affect on Gypsies and Travellers, and if so we would be grateful to receive a copy of said Assessment.

In the meantime should you wish to discuss any aspect of our response we would welcome the opportunity to enter in to dialogue and expand on any of the points or actions raised.

Yours faithfully

**Bethan Wyn Jones**  
**Liaison Officer (Accommodation)**