

Provision of sites for Gypsy, Roma and Travellers

August 2022



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Provision of sites for Gypsy, Roma and Travellers

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About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddHousing

Current Committee membership:



**Committee Chair:
John Griffiths MS**
Welsh Labour



Mabon ap Gwynfor MS
Plaid Cymru



Jayne Bryant MS
Welsh Labour



Joel James MS
Welsh Conservatives



Sam Rowlands MS
Welsh Conservatives



Carolyn Thomas MS
Welsh Labour

The following Member was also a member of the Committee during this inquiry.



Alun Davies MS
Welsh Labour

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Chair's foreword

Wales has an opportunity to put right long-standing discrimination and disadvantage by providing sufficient culturally-appropriate sites for Gypsy, Roma and Travellers. It already has a clear legislative and policy framework that places duties upon local authorities to ensure that sites are provided where the need exists, but delivery is often found wanting. The framework has been in place for nearly a decade, but we've seen very little progress in terms of developing new culturally-appropriate sites.

We've also recently seen the introduction of the UK Government's Police, Crime, Sentencing and Courts Act 2022 which makes unauthorised encampments a criminal offence. This could have a disproportionate impact on the Gypsy, Roma and Traveller communities given the lack of authorised sites in Wales.

With this in mind, we set out to look at the effectiveness of the current framework; the challenges for local authorities and the Welsh Government in providing sufficient and suitable accommodation for Gypsy, Roma and Traveller communities; and the implications of the new Act.

During the course of our inquiry, we heard of cases where people had been waiting for over 20 years for a pitch on a local authority site. Some families have sought to meet their own needs by purchasing land to develop their own private sites, but often face a costly battle with very little support to navigate the planning system.

We saw for ourselves that local authority sites are often in unsuitable locations – far from facilities and next to busy roads and industrial areas. There is also a significant lack of transitory provision in Wales, with only two transit pitches available according to current data. This falls far short of meeting the needs of Gypsy, Roma and Travellers and limits their ability to lead a nomadic lifestyle.

We fully appreciate the pressures and challenges facing local authorities in trying to find suitable sites that meet the need. However, for there to be people living on overcrowded sites that are in desperate need of repair, and without the appropriate facilities for children or the elderly is, in our view, unacceptable. It is also concerning that engagement with the Gypsy, Roma and Traveller communities about the maintenance and refurbishment of sites, and the development of new ones, is too often tokenistic. We are, after all, talking about people's homes and lives, and their voices should be at the heart of discussions and decisions about accommodation provision.

It is clear that engagement with, and understanding of the cultural needs of Gypsy, Roma and Traveller communities is lacking among those making the decisions. There seems to be little accountability for failure to deliver on statutory duties, or serious attempts at joined-up working between local authorities. These are some of the issues that must be tackled if we are to see improvements in the availability and suitability of sites in Wales. Unless the Welsh Government works with local authorities to ensure the effective delivery of the framework, changing attitudes within local government and the wider community in the process, we are unlikely to see real or meaningful change.

I would like to thank all those who contributed to our work in this area, and look forward to scrutinising progress in the years to come.

John Griffiths MS

Chair, Local Government and Housing Committee

Recommendations

- Recommendation 1.** The Welsh Government should set out how it intends to support local authorities in the provision of sites that are appropriate for the Gypsy, Roma and Traveller communities, including how it will work with local authorities and communities to mitigate the challenges of finding suitable land for Gypsy, Roma and Traveller site accommodation.Page 24
- Recommendation 2.** The Welsh Government should set out how it intends to support Corporate Joint Committees and individual local authorities to develop a network of transitory provision, and how it will monitor and ensure progress.Page 24
- Recommendation 3.** The Welsh Government should provide an update on arrangements for an independent and trusted advice service for the Gypsy, Roma and Traveller communities, including funding, resource and skills requirement.Page 24
- Recommendation 4.** The Welsh Government should work with local authorities to ensure that they have the necessary resources to fulfil their duties under the Housing Act.Page 31
- Recommendation 5.** The Welsh Government must ensure that the Housing Act is effective in providing suitable sites for Gypsies, Roma and Travellers. It should therefore set out how it intends to tighten its monitoring of the implementation of the Act.Page 31
- Recommendation 6.** The Welsh Government should provide further information about how and when it will use its powers to ensure that local authorities deliver on their duties under the Housing Act.Page 31
- Recommendation 7.** The Welsh Government should set out its plans, including timescales, for evaluating the effectiveness of the Anti-racist Wales Action Plan in helping to provide sites for Gypsies, Roma and Travellers.Page 31
- Recommendation 8.** The Welsh Government should provide an update on the timescales for the actions in the Anti-racist Wales Action Plan which are already underway.Page 31
- Recommendation 9.** In reviewing the sites guidance, the Welsh Government should explain how it intends to engage with the Gypsy, Roma and Traveller communities to ensure that design and location needs of communities are better reflected in the guidance.Page 31
- Recommendation 10.** The Welsh Government should conduct a review of all guidance relating to the provision of sites for Gypsy, Roma and Travellers.Page 31

Recommendation 11. The Welsh Government should provide further details on the learning and development support that will be provided to local authority elected members on Gypsy and Traveller communities' culture, needs and strengths. This should include details on: who will receive the training; timescales; how it will be resourced and delivered; and whether it will be a statutory requirement to undertake the training. Page 37

Recommendation 12. The Welsh Government should set out how it intends to evaluate the impact of the training for local authority elected members on Gypsy and Traveller communities' culture, needs and strengths. Page 37

Recommendation 13. The Welsh Government should include community councillors in the commitment in the Anti-racist Wales Action Plan to provide training for local authority elected members on Gypsy and Traveller communities' culture, needs and strengths. Page 37

Recommendation 14. The Welsh Government should set out what steps, other than those in the Anti-racist Action Plan, it will take to improve knowledge and understanding of the culture, needs and strengths of Gypsy, Roma and Traveller communities among the wider community. Page 37

Recommendation 15. The Welsh Government should review whether the existing Gypsy and Traveller Accommodation Assessments process is the most appropriate and effective way of assessing the accommodation needs of Gypsies, Roma and Travellers. Page 43

Recommendation 16. The Welsh Government should work with local authorities to review how engagement and consultation with the Gypsy, Roma and Traveller communities during the accommodation assessment process can be improved, including the extent to which the measures and actions within the Anti-racist Action Plan have made a difference. Page 43

Recommendation 17. The Welsh Government should clarify what process is in place to monitor the Gypsy and Traveller Accommodation Assessments on an all Wales basis in order to gain an understanding of accommodation needs at a national as well as a local level. Page 43

Recommendation 18. The Welsh Government should conduct a broader review of how the funding for the development of sites relates to the requirements in terms of the standards of sites. Page 47

Recommendation 19. The Welsh Government should explore all possible options for funding Gypsy, Roma and Traveller accommodation, including whether the criteria for the Capital Sites Grant should be broadened to allow local authorities to purchase land for the development of new sites and how funding could be used to support the development of private sites. Page 47

Recommendation 20. The Welsh Government should provide an update on the work undertaken to provide transit pitches across Wales before the Senedd’s summer recess in 2023. Page 52

Recommendation 21. The Welsh Government should set out how it intends to work with the police and partner organisations to communicate to the Gypsy, Roma and Traveller communities any anticipated changes to plans for enforcing the Police, Crime, Sentencing and Courts Act 2022 in Wales. Page 52

1. Introduction

Background

1. At our meeting on 9 March 2022, we considered a letter¹ from Travelling Ahead raising concerns about the lack of progress in delivering Gypsy and Traveller sites in Wales. The Housing (Wales) Act 2014 (“the Housing Act”) places a duty on local authorities to assess the need for the provision of sites for mobile homes in their area, and where that need is identified, a local authority must exercise its powers under the Mobile Homes (Wales) Act 2013 (“the Mobile Homes Act”) to provide those sites.

2. The statutory framework to promote the planning and development of sites for Gypsy, Roma and Traveller communities has been in place for almost a decade. However, its effectiveness in ensuring sufficient culturally-appropriate Gypsy and Traveller sites across Wales is unclear. In addition, the UK Government’s Police, Crime, Sentencing and Courts Act received Royal Assent on 28 April 2022. It provides the police with powers to seize vehicles on unauthorised encampments.

3. We agreed at our meeting on 23 March to undertake this timely inquiry into the provision of sites for Gypsy, Roma and Travellers. This report includes the recommendations and conclusions of our work.

Terms of reference

4. The terms of reference for the inquiry were:

- Whether the current Welsh Government framework is ensuring sufficient culturally-appropriate Gypsy and Traveller residential and transit sites across Wales.
- 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.
- The extent which local authorities’ Gypsies and Traveller Accommodation Assessments are being implemented, monitored and reviewed to ensure they meet the accommodation needs of the traveller community.

¹ LGH Committee, Paper 15, 9 March 2022

- To explore the potential challenges for local authorities and the Welsh Government in providing suitable and sufficient accommodation sites for traveller communities.
- To explore what the implications will be of the provisions in the UK Government's Police, Crime, Sentencing and Courts Act 2022.

Evidence gathering

- 5.** We gathered evidence in writing and by holding oral evidence sessions with stakeholders.
- 6.** The Senedd's Citizen Engagement Team also arranged a series of engagement activities with members of the Gypsy, Roma and Traveller communities across Wales, including sites visits, roundtable discussions and a one-to-one telephone interview. A summary of engagement can be found on our website.
- 7.** We heard from Jane Hutt MS, Minister for Social Justice ("the Minister") on 22 June 2022.
- 8.** We are grateful to everyone who took part in the inquiry.
- 9.** Details of all evidence gathered can be found in the annex to this report.

2. Provision of sites

10. The general picture painted throughout this inquiry was one of very limited progress by local authorities in providing residential and transit sites which meet the needs of Gypsies, Roma and Travellers in Wales. We also heard that many families have sought to meet their own needs by purchasing land to develop their own private sites, but are struggling to gain planning permission.

Local authority sites

11. The Housing Act places a duty on local authorities to assess the accommodation needs of Gypsies and Travellers for the provision of sites on which mobile homes may be stationed. The assessment of accommodation needs must be submitted and approved by the Welsh Ministers under section 102(3). If the approved assessment identifies a need for sites, the local authority must exercise its powers under section 56 of the Mobile Homes Act "...so far as may be necessary to meet those needs."

12. We heard that pitches "very rarely" become available on a local authority sites.² According to Gypsies and Travellers Wales, there are individuals who have been on the waiting list for a local authority plot for over 20 years. They explained that when a pitch becomes available:

*"we suddenly see a huge increase in the work that we have, the number of phone calls coming into our offices from individuals who are effectively homeless, living on their friends' and families' plots in conditions that are overcrowded, who then want to enter the homelessness system officially and be in hostels because that's the only way that they will be able to lift themselves to the place where they'll be able to access that pitch that's becoming available. But, of course, there's a huge number of people who need and want to do this each time a pitch becomes available, and that could be every 18 months to two years. Sometimes it's been more than two years between pitches becoming available."*³

13. Despite the demand for local authority pitches, a common theme in the evidence received was the unsuitable location of Gypsy, Roma and Traveller sites, which are often in close proximity to A Roads, pollution and have no connection with the natural environment. They are

² RoP [para 15], 18 May 2022

³ RoP [para 15], 18 May 2022

also often on the outskirts of communities, in industrial areas, “where the air quality and the proximity to the wider community, schools, shops and facilities is not adequate.”⁴

14. Martin Gallagher, Irish Traveller and academic, told us:

*“The provided accommodation that’s given by the council is just a big yard of concrete and it’s really far and away from the relationship that we have with nature and wanting to be outdoors in a healthy environment...”*⁵

15. He went on to describe the site that he used to live on:

*“The site I lived on had no safe passageway to any local services, any shops and stuff like that. We had to cross the A494. Back then it was a 70 mph dual carriageway with four lanes. We had to cross that as kids. And the only other way was under a bridge that would be flooded quite often. So [...] our safety, the rights of residents to live healthily, are being sacrificed for the interests of political people..”*⁶

16. We heard that one of the reasons for the unsuitable location of these sites is local opposition to the development of sites near them. As a result, sites are “developed on undesirable land next to motorways, next to waste-management systems”.⁷ Professor Jo Richardson, De Montfort University, agreed with this, noting:

“Only in the most desperate of circumstances would you want to be located in some of those areas. And it is because it’s the patch of land that had the least hostility, that could be developed, rather than somewhere that was going to make a decent home.”

17. BASW Cymru quoted an investigative journalist who called the siting of Gypsy, Roma and Traveller sites at present “environmental racism”. They told us that “we have to use all of the levers that we have in Wales to change that. And don’t repeat what we already have”. One solution to this is to “listen to the community [...] about what is right and appropriate for them.”⁸

18. The importance of engagement and consultation with residents was also highlighted by Professor Jo Richardson. For example, adding pitches to existing sites was described as “exacerbating a current problem”.⁹ Several members of the Gypsy, Roma and Traveller

⁴ RoP [para 63], 18 May 2022

⁵ RoP [para 53], 18 May 2022

⁶ RoP [para 54], 18 May 2022

⁷ RoP [para 54], 18 May 2022

⁸ RoP [para 49], 9 June 2022

⁹ RoP [para 51], 9 June 2022

communities told us that they would prefer to live on smaller sites, whether local authority or private sites. This was echoed by Carmarthenshire County Council in written evidence:

"Our experience of provision on both private and local authority sites is that smaller sites tend to work better, both for the settled community and the Gypsies / Travellers themselves."¹⁰

19. A number of stakeholders highlighted the duties on local authorities in the Well-being of Future Generations (Wales) Act 2015. Written evidence from the Children's Commissioner notes that local authorities must consider the Wellbeing Goals in relation to promoting health, equality and cohesive communities. However, Traveller children and support workers have raised concerns with her office "regarding the accessibility of sites and lack of access to services such as play facilities, or safe walkways."¹¹

20. Some of the site provision that we saw and heard about was in need of significant maintenance and repair. Some participants described their site, and the access to it, as dangerous, with others explaining that their site was not fit for purpose and detrimental to the health and wellbeing of residents. We heard varied and numerous anecdotal accounts of disrepair. This not only included the deterioration of existing shared facilities which had not been refurbished in decades, but the complete lack of facilities such as a play area for children. Others reported issues with uneven plots, lack of footpaths, blocked drains, rat infestations and mouldy bathrooms.

21. Many contributors explained that when maintenance issues are reported to the local authority, or those responsible for site management, any measures proposed to address those issues take a long time to action. One participant explained that during a meeting with her local authority, she was informed that the local authority is not obligated to carry out maintenance on sites in the same amount of time they would to local authority owned houses. She also described the level of work as "the worst possible building standard you can think of." This mirrored experiences shared by many other contributors across the programme of engagement.

22. Professor Jo Richardson told us that there is a:

"real need for councils and housing associations to invest properly in the sites they already have, not only for satisfaction and economic efficiency for residents, but because a well-managed site is more likely to have people

¹⁰ [GRT.09 Carmarthenshire County Council](#)

¹¹ [GRT.02 Children's Commissioner for Wales](#)

saying, 'We are happy to have new sites being delivered; we can see that they're well managed, well run; residents are happy; it looks nice; it's part of the community.'"¹²

23. The Minister acknowledged that it is "totally unacceptable" to have sites "beside busy roads and inappropriately not located near schools".¹³ However she believes that strengthening the existing statutory legislation and guidance through the Welsh Government's new Anti-racist Action Plan will improve the situation in local authorities, by supporting elected members to understand the needs of Gypsy, Roma and Travellers. The Action Plan was published on 7 June 2022 and outlines that by 2030, the voices of traveller communities will have been heard and acted on.¹⁴

24. The Minister also told us that local authorities need to take responsibility for refurbishing sites and providing extra facilities such as play areas.¹⁵

25. In addition, we heard of the high costs facing residents on local authority sites, now exacerbated by the cost of living crisis. Some site residents explained that they had to pay the same commercial electricity rates as the businesses located in the industrial estates next to the sites. Merthyr Tydfil County Borough Council stated :

*"we see more and more families living on benefit income due to the cost to live on LA sites. As an example, for a rented plot and mobile home combined as a dual cost is £720 a month. This equates to more than living in bricks and mortar within the borough. On top of these high costs, Gypsy/Travellers are forced to pay commercial rate utilities and are not able to access domestic rates. Due to living on LA sites, families on benefits are expected to only leave their homes for a maximum of 2 weeks otherwise their benefits will cease, this also contradicts the culture traditions of travelling and living a nomadic lifestyle."*¹⁶

26. BASW Cymru told us that many Gypsies and Travellers were not eligible for winter fuel payments because they use gas bottles.¹⁷ The sites we visited did not have mains gas, therefore residents relied on expensive gas bottles.

¹² RoP [para 44], 9 June 2022

¹³ RoP [para 34], 22 June 2022

¹⁴ Welsh Government, [Anti-racist Wales Action Plan](#), 7 June 2022

¹⁵ RoP [para 47], 22 June 2022

¹⁶ [GRT.08 Merthyr Tydfil County Borough Council](#)

¹⁷ RoP [para 40], 9 June 2022

27. The Minister told us that the Welsh Government has recently approved a partnership with the Fuel Bank Foundation, “which is not just vouchers for pre-payment meters but also for off-grid, including access to Calor gas and oil.” She went on to highlight the importance of ensuring that Gypsy, Roma and Traveller people have access to advice and know what benefits are available, but stressed that it is “the responsibility of the local authority, to ensure that they have got access to that advice and that they’re getting all the grants that they should be entitled to.”¹⁸

28. The WLGA noted some of the challenges for local authorities in finding sites, particularly in “trying to identify sites that can meet all of the relevant standards”¹⁹. One such standard is that a site “should be suitable for a bricks-and-mortar development”. With significant pressure on finding land for housing, the WLGA notes that:

“if the site is suitable for bricks-and-mortar, then the price will go up to reflect that and there will be pressure to develop for residential purposes. So, this adds to the problem of trying to find suitable sites.”²⁰

29. In written evidence, the Royal Town Planning Institute notes that it is aware that many local planning authorities experience difficulties with proposals for sites, particularly at the allocation stage, and that estate agents and landowners are “not willing to engage, unlike with residential sites”, and calls for any good practice to be “shared to inform future improvements to the process”.²¹ Carmarthenshire County Council also notes a distinct lack of private landowners coming forward with sites and engaging in the process.²²

30. Garden Court Chambers suggested that the use of compulsory purchase powers could be a way to meet the need for more sites.²³ Cardiff Council also said that the “use of all available land should be considered.”²⁴

31. The Minister told us that the “whole public estate in Wales”, as well as privately owned land, should be available for local authorities to consider as potential site locations:

“if there’s land that we own, or indeed other public bodies, often health and local authorities, then the local authority has got every right and opportunity to look at that land.”²⁵

¹⁸ RoP [para 110], 22 June 2022

¹⁹ RoP [para 308], 9 June 2022

²⁰ RoP [para 308], 9 June 2022

²¹ [GRT 01 Royal Town Planning Institute Cymru](#)

²² [GRT 09 Carmarthenshire County Council](#)

²³ [GRT 03 Garden Court Chambers](#)

²⁴ [GRT 10 Cardiff Council](#)

²⁵ RoP [para 63], 22 June 2022

32. Garden Court Chambers also made the following proposals as to how finding sites may be advanced:

"Sifting should be done on a more structured basis such is the importance of the considerations at stake including the public interest in reducing the need for road side encampments.

This may be then followed by further sifting by way of a comparative evaluation of all potential remaining locations; against the extent of need and how acute it is, rather than each location being eliminated in isolation of the wider picture.

Input from third parties into searching for suitable land, for example from the police where appropriate should also be on a structured basis.

Consideration of temporary permissions or long term tolerated sites that could be made permanent should be included in the search which may also be for a temporary period for example in advance of town extension areas.

All large scale housing development may be required to include space for a small family Travellers' site to encourage diversity and make it the norm.

The amount of land required to meet the land use requirements of Gypsies and Travellers in Wales is tiny in relation to the size of Wales. The amount spent on enforcement costs, year in year out, should be reviewed and the figure spent may then be used to justify use of compulsory purchase powers.

There needs to be more incentive to find the necessary land. There could be more teeth. The Welsh Government may consider it appropriate to impose financial penalties – commensurate with enforcement costs that would otherwise be avoided - on those authorities who fail to comply with the duty."²⁶

Transit sites

33. The lack of transit sites in Wales is an issue that was consistently highlighted in the evidence received. There is a specific duty on the Welsh Government to assess the needs of

²⁶ GRT.03.Garden.Court.Chambers

nomadic Travellers and provide transit sites. However, according to data from StatsWales, there are only two transit pitches in Wales,²⁷ which the WLGA described as “not enough”.²⁸

34. In written evidence, Bettina Hayles, a member of the New Traveller community, said that the lack of transit sites impacts directly on employment for Gypsies, Roma and Travellers:

*“travelling from one place to another is essential for many of the types of employment undertaken by GRT cultures – farm work and crop picking, making and selling of one’s own work and working at events such as festivals and fairs.”*²⁹

35. We also heard of issues around discrimination and systemic racism in relation to access for Gypsy, Roma and Traveller families to holiday and residential caravan sites.³⁰ Martin Gallagher referred to Gwynedd and the “ratio of over 266 holiday caravan camps to one Gypsy, Roma and Traveller site.” He said that as an Irish Traveller, he would be refused entry “because of who we are”:

*“it’s widely known that GRT people wouldn’t even entertain going to these sites because they know that they’re going to get knocked back and refused. So, it’s disheartening seeing that disparity between the priority of the tourism economy and a person’s well-being and welfare and residential rights.”*³¹

36. Merthyr Tydfil County Borough Council notes in its written evidence that the main issues in terms of providing transit sites are “staff, finding sufficient land and managing the sites, not only this but the timely and costly application processes for funding”. Transit sites should be looked at on a regional basis, but, according to the council “the lack of specialised staff and no regular Gypsy Traveller Accommodation Forum since before the pandemic has caused a lack of urgency.”³²

37. This was echoed by Travelling Ahead:

“No local authorities have got together to successfully map, speak to Gypsies and Travellers, and plan transit sites. So, in a sense, of course it makes sense to have that regional approach rather than specific provision or planning for

²⁷ Welsh Government, [Gypsy and Traveller caravan count](#), January 2022

²⁸ RoP [para 283], 9 June 2022

²⁹ [GRT 13 Bettina Hayles](#)

³⁰ RoP [para 21], 18 May 2022

³¹ RoP [para 25], 18 May 2022

³² GRT 08 Merthyr Tydfil County Borough Council

provision within individual local authorities. But the issue is it doesn't really matter where you place responsibility, it's not happening."³³

38. Gypsies and Travellers Wales told us that the problem occurs due to the regional groups looking at transit needs operating in "isolation":

*"The key stakeholders—the Gypsy and Traveller community, the travelling community, the organisations that work with those communities—are not part of those meetings and those discussions."*³⁴

39. The Chief Constable of North Wales Police stated that there is a need to find "localities" for the Gypsy, Roma and Traveller communities to reside as they transit through. If those "localities" are not available, then "we will get unauthorised encampments, and we will then get local authorities, policing and landlords looking to move people on, and that does not feel right".³⁵

40. The WLGA took a slightly different take on the provision of transit sites, noting that there's a decision for local authorities as to whether to provide effectively managed unauthorised encampments "rather than invest in a transit site that then may not get regular use".³⁶ This was caveated as it would depend on the quality of data on transit needs.

41. We heard that one of the reasons why Gypsy, Roma and Travellers have no recourse other than unauthorised encampments is because the extent of common land is now much reduced. Bettina Hayles called for "the reopening and unblocking of these places" as a "solution for short and medium term stopping places and sites".³⁷

42. According to Travelling Ahead, Scotland has looked at mapping those traditional stopping places and looking at making them accessible again. Travelling Ahead welcomed this initiative, stating:

"...not only does it value the traditional travelling patterns and stopping places, but it also brings back into the fore the cultural and rich landscape of travelling life. Because it's not all about people wanting to live on big local authority sites; people don't really want to live like that, that's not how people lived traditionally, but that's been the—. That's been what's on offer. But that

³³ RoP [para 93], 18 May 2022

³⁴ RoP [para 95], 18 May 2022

³⁵ RoP [para 144], 9 June 2022

³⁶ RoP [298], 9 June 2022

³⁷ [GRT.13 Bettina Hayles](#)

isn't actually how people want to live when they're travelling, or even when they're not travelling."³⁸

43. Rhiannon Craft, a research student at Cardiff University, said in written evidence that "authorised sites can reduce the number of unauthorised encampments, reducing costs and tensions". She also highlighted how "temporary roadside locations can also be successfully negotiated."³⁹

44. According to evidence gathered by Gypsies and Travellers Wales and Travelling Ahead via a focus group, transit sites do not always meet the needs of members of the Gypsy, Roma and Traveller communities. For example, "if people travelling through an area on their way to a show just need one night to stop and have access to some basic facilities, a transit site would not be appropriate." There were calls for a mix of stopping places and transit sites.

*"I think designated stopping places would be better with a mix of transit sites. Stopping places are more flexible and you can call ahead for facilities and would maybe just need to be seasonal. We are happy to pay for facilities!"*⁴⁰

45. A key action in the Welsh Government's Anti-racist Wales Action Plan is to:

*"Create a national network of transit provision to facilitate travelling life, with consideration for negotiated stopping, as appropriate."*⁴¹

46. The Welsh Government has committed to ensuring five pitches in both north and south Wales. The Minister told us that there are opportunities for regional working on this.⁴²

47. The newly formed Corporate Joint Committees (CJCs) are responsible for bringing forward a Strategic Development Plan (SDP) for the CJC area. The aim being to deal more effectively with regional cross-boundary issues such as housing and transport, and provide a strategic approach to planning at a greater scale than individual local development plans (LDPs).

48. In written evidence, the Royal Town Planning Institute said that the SDPs provide an opportunity for greater "joined up planning of transit sites and other cross-boundary issues".⁴³

³⁸ RoP [para 43], 18 May 2022

³⁹ [GRT.12.Rhiannon.Craft](#)

⁴⁰ [Focus.group.notes.provides.by.Gypsies.and.Travellers.Wales.and.Travelling.Ahead.29.May.2022](#)

⁴¹ Welsh Government, [Anti-racist Wales Action Plan](#), 7 June 2022

⁴² RoP [para 39], 22 June 2022

⁴³ [GRT.01.Royal.Town.Planning.Institute.Cymru](#)

49. However the WLGA told us that challenges remain in reviewing and coordinating transit sites on a regional basis, since the allocation of sites “remains at the LDP level” and that:

“The differing periods of review within a region means that the provision of transit accommodation is difficult if one authority is not due to review their plan for many years.”⁴⁴

Private sites

50. The evidence received suggests that too much emphasis has been placed on local authority sites, at the expense of providing support for families to develop their own, smaller private sites.

51. Merthyr Tydfil County Borough Council acknowledged the need for local authorities to identify land for Gypsies and Travellers “to acquire their own land responsibly so that they can appropriately live on adequate greenspaces.” According to the council, land which is not fit for purpose is often “sold off cheaply” which in turn causes anxiety for families wishing to own their own site.⁴⁵

52. One contributor told us that issues around acquiring suitable land are often rooted in discrimination. As an example, he explained that estate agents will pretend that no suitable land is available when a Gypsy family makes enquiries.

53. Written evidence from Carmarthenshire County Council states that they have seen an increase in private applications for Gypsy and Traveller pitches, “a high proportion of which have been successful”. According to the council:

“The success of private applications means that there is a growing understanding that resolving the need for additional pitches is about partnership between the Council and Gypsy and Traveller communities, with all partners contributing to the development and management of new pitches.”⁴⁶

54. Travelling Ahead also told us that “over the last six or seven years, more pitches have been made by families getting planning permission than have ever been made by local authorities”.

⁴⁴ [GRT.11.Welsh.Local.Government.Association](#)

⁴⁵ [GRT.08.Merthyr.Tydfil.County.Borough.Council](#)

⁴⁶ [GRT.09.Carmarthenshire.County.Council](#)

The suggestion is that small family sites in rural areas may have more likelihood of being successful because land is more readily available compared to urban areas.⁴⁷

55. However, during our engagement events and site visits, we heard that families struggle to receive planning permission and often spend their savings on appealing these decisions. Contributors shared the reasons given by local authorities to justify the refusal of planning permission. These included potential flooding issues on an access road which could prevent access for emergency services, and risks associated with the speed limit on main roads near site entrances. They also explained that planning consent, had on occasion been met with hostility from some residents in the local area.

56. Gypsies and Travellers Wales said that a number of their clients are looking for more support in understanding the planning system and purchasing appropriate land for development. They told us that many of the families that they work with have spent tens of thousands of pounds trying to secure planning permission for a site. We received the following evidence from a member of the Gypsy, Roma and Traveller community:

"It's not anywhere near a fair system. Our communities need support from planning officers and specialists who can help us. The terminology is too much. It needs to be simpler so that people who have low literacy can understand it. The applications need to be simpler. There always seem to be an excuse for not granting site. It's such a long winded process and going to appeal is waste of money and time but our communities don't get the right advice so it just drags on and on."⁴⁸

57. The WLGA told us that it's important that communities and families work closely with local authorities in developing plans for sites. They say that local authorities are providing advice to Gypsy, Roma and Traveller families around the purchasing of land before the planning process, noting that "expectations need to be managed to ensure that inappropriate land isn't purchased that isn't really going to be suitable for planning or development."⁴⁹

58. However, in written evidence, they raised the challenges of ensuring meaningful engagement at the point of greatest influence. This, they note, "will require new expertise and additional resources that is not currently available at a national and local level".⁵⁰ The Royal

⁴⁷ RoP [para 20], 18 May 2022

⁴⁸ [Focus group notes provided by Gypsies and Travellers Wales and Travelling Ahead, 29 May 2022](#)

⁴⁹ RoP [para 267], 9 June 2022

⁵⁰ [GRT 11 Welsh Local Government Association](#)

Town Planning Institute echoed similar concerns, noting a “shortage of professional agents with specialist knowledge”.⁵¹

59. As part of its Anti-racist Wales Action Plan, the Welsh Government has committed to commissioning a three-year pilot programme to provide independent, trusted advice to people seeking to develop private sites. The Minister told us:

“We need a service provider who can assist with this. [...] We need to ensure that our advisory services are co-ordinated on this, so it will require more resource. But, also, we can look at the impacts of that once we’ve developed it, in terms of an impact framework, looking at the number of contracts, support offered and the results of this.”⁵²

60. She also stated that local authorities need to be “proactive and positive, not defensive, and reducing barriers.”⁵³

61. However, as the WLGA pointed out, local authority planning departments have been “denuded over the last decade”, skills and expertise has been lost, particularly in terms of engagement and facilitation with the Gypsy, Roma and Traveller communities.⁵⁴ Despite this, the WLGA welcomed the Welsh Government’s commitment:

“There are issues around expertise, capacity and resources, and I think it’s welcome that the race equality action plan is committed to not only investing and commissioning external partners to provide that support and facilitation, but also investing in training within local authorities.”⁵⁵

Our view

62. Wales has the opportunity to lead in creating culturally appropriate Gypsy, Roma and Traveller sites. However, we heard that local authority sites are situated in inappropriate areas, in areas of least hostility – at the side of dangerous roads; far away from services and amenities; with no facilities for children or the elderly. There is an urgent need to work with the communities to gain an understanding of what is right and appropriate for them.

63. We welcome the commitments in the Welsh Government’s Anti-racist Wales Action Plan, but we are unconvinced that these commitments alone will improve the situation. Many people

⁵¹ GRT 01 Royal Town Planning Institute Cymru

⁵² RoP [para 45], 22 June 2022

⁵³ RoP [para 51], 22 June 2022

⁵⁴ RoP [para 347], 9 June 2022

⁵⁵ RoP [para 349], 9 June 2022

are living on sites which are in desperate need of maintenance or refurbishment, and residents want to see those improvements now. There is a need for local authorities to prioritise the maintenance of sites and ensure that any refurbishment work is undertaken in consultation with those living on them.

64. We are concerned that the site criteria for local authorities is problematic as they are required to identify sites that meet all the relevant standards. One of those is that the land is suitable for bricks and mortar development, which is a challenge in itself due to the high demand for land for housing developments. We therefore recommend that the Welsh Government works with local authorities on ways to mitigate the challenges in finding suitable land for Gypsy, Roma and Traveller sites.

65. We are concerned at the lack of transitory provision in Wales and the impact that this has on Gypsy, Roma and Traveller culture and their traditional nomadic life. We welcome the Welsh Government's commitment to create a national network of stopping places, with five pitches in north Wales and five in south Wales. However we question whether this will be sufficient to meet demand.

66. We also see the benefit of a regional approach to developing appropriate transitory provision in Wales. We would be grateful if the Minister could set out how she will encourage and facilitate greater collaboration between local authorities, via the newly formed Corporate Joint Committees, to achieve its commitment to create a national network of transit provision.

67. We welcome the Welsh Government's commitment to establishing an independent and trusted advice service for the Gypsy, Roma and Traveller communities seeking planning permission. However, we believe that clarity around funding, resource and skills requirement is needed.

Recommendation 1. The Welsh Government should set out how it intends to support local authorities in the provision of sites that are appropriate for the Gypsy, Roma and Traveller communities, including how it will work with local authorities and communities to mitigate the challenges of finding suitable land for Gypsy, Roma and Traveller site accommodation.

Recommendation 2. The Welsh Government should set out how it intends to support Corporate Joint Committees and individual local authorities to develop a network of transitory provision, and how it will monitor and ensure progress.

Recommendation 3. The Welsh Government should provide an update on arrangements for an independent and trusted advice service for the Gypsy, Roma and Traveller communities, including funding, resource and skills requirement.

3. Framework for provision of local authority sites

68. The legislation and statutory guidance relating to the provision of sites was generally viewed in a positive light by stakeholders. Travelling Ahead for example described it as strong and principled,⁵⁶ and Gypsies and Travellers Wales said that the Welsh Government has a reputation “in at least trying to instil legislation and policies that are positive.”⁵⁷

69. However, most of the evidence we received highlighted frustration over the implementation and delivery of the framework, and as a result, a shortage of suitable accommodation for Gypsies, Roma and Travellers.

70. We heard that Gypsy, Roma and Traveller families question whether the duty to provide sites is “worth the paper that it’s written on” because they are not seeing the results of the implementation of that duty.⁵⁸ Race Alliance Wales told us that “Wales could have really led the way” in providing residential and transit sites, but instead members of these communities feel “that the Welsh Government has failed them”.⁵⁹

71. Travelling Ahead provided us with a glimpse of the situation:

“I think it was back in 2010 that there was an estimate by Welsh Government that there was a shortfall of at least 100 pitches across Wales. The estimates remain the same. So, in terms of Gypsy and Traveller communities who want to live in culturally appropriate accommodation, the picture is characterised by many, many families living, potentially, on sites doubling up with family members because there hasn't been enough site provision, with long waiting lists, and people living in bricks and mortar, in housing, who have had to leave living on sites or leave travelling and move into houses and who would really wish to return to a more culturally nomadic way of life, living in small family groups with family on sites and in other situations, but are just really unable to do so.”⁶⁰

72. According to Martin Gallagher:

⁵⁶ RoP [para 136], 18 May 2022

⁵⁷ RoP [para 116], 18 May 2022

⁵⁸ RoP [para 15], 18 May 2022

⁵⁹ RoP [para 45], 9 June 2022

⁶⁰ RoP [para 11], 18 May 2022

“Wales [...] leads with the policy and with the diversity and with equality and the emphasis on culture and tradition, but at a local level, it feels like the memo’s been missed. I don’t want to slander it, but it feels like that local level hasn’t caught up yet, and it’s rotting the structure of what Welsh Government want to do, and until that’s addressed, until that accountability is taken seriously, none of this will improve.”⁶¹

Accountability

73. We received evidence to suggest that “there does not seem to be a consistent and proactive approach” to enacting the legislation and guidance by local authorities.⁶² According to Martin Gallagher, not one local authority has successfully done what the framework sets out to do.⁶³

74. The Children’s Commissioner stated “that the lack of progress by local authorities demonstrates a need for further accountability and for local authorities to be monitored on their progress.”⁶⁴

75. Gypsies and Travellers Wales agreed, stating that the biggest failure of the legislation is that “local authorities are not being held to account, where they’re not meeting the needs and meeting the duties as set out”.⁶⁵ Professor Jo Richardson emphasised that:

“... you’ve got the framework for delivery but [...] there’s not that loop at the end that’s being looked at, so there’s no sanction [...] What’s the result of that? The most marginalised in our communities seem to suffer [...] So, there needs to be some way of local authorities, housing providers holding themselves to account and knowing that there is that check and balance so that there is that move through legislation, through policy, into practice, and some kind of follow-up from that.”⁶⁶

76. BASW Cymru told us that the “Welsh Government has failed to place accountability on those local authorities, who have a statutory duty to provide for that assessed need.”⁶⁷ Travelling

⁶¹ RoP [para 69], 18 May 2022

⁶² [GRT 02 Children’s Commissioner for Wales](#)

⁶³ RoP [para 25], 18 May 2022

⁶⁴ [GRT 02 Children’s Commissioner for Wales](#)

⁶⁵ RoP [para 51], 18 May 2022

⁶⁶ RoP [para 20], 18 May 2022

⁶⁷ RoP [para 16], 9 June 2022

Ahead also highlighted the need for the Welsh Government to show that “it matters that these things haven’t happened.”⁶⁸

77. The Police and Crime Commissioner for Dyfed-Powys also felt that greater accountability of local authority delivery was needed, rather than an expectation of police involvement:

“It is more in relation to the implementation of the current legislation that’s in place that perhaps needs a little bit more scrutiny. The holding to account of local authorities in relation to having available sites would be one thing, perhaps, that could be suggested.”⁶⁹

78. Written evidence submitted by Tai Pawb stated that “there is no monitoring to ensure that guidelines are properly and consistently implemented across Wales.” They called for a clearer duty on local authorities to formalise and monitor arrangements.⁷⁰

79. Garden Court Chambers suggested introducing “tougher powers for the Welsh Ministers, including financial penalties” to deal with the breach of duty under section 103 of the Housing Act. They also suggested making the extent of compliance or breach of section 103 by the local authority in which the site is located, a statutorily relevant consideration to enforcement decisions or relevant planning decisions concerning sites.⁷¹

80. The Minister described the legislative and policy framework as “robust”⁷² and that since the 2014 Act, the Welsh Government has funded local authorities to build 63 new pitches and refurbish many more.⁷³ With regard to enforcement, she said that the Welsh Government has the necessary levers through the legislation and the statutory guidance to hold local authorities to account. She stated:

“We haven’t used those powers yet, but I’m ready to use them, particularly [...] as we’ve now got an even bigger push in terms of the anti-racist action plan. But also, local development plans are another route in terms of a lever, because when they’re adopted, there is an annual monitoring report [...] and you can monitor Gypsy and Traveller sites delivery. But it is actually back to the local authorities.”⁷⁴

⁶⁸ RoP [para 136], 18 May 2022

⁶⁹ RoP [para 148], 9 June 2022

⁷⁰ [GRT.05.Tai.Pawb](#)

⁷¹ [GRT.03.Garden.Court.Chambers](#)

⁷² RoP [para 7], 22 June 2022

⁷³ RoP [par 30], 22 June 2022

⁷⁴ RoP [para 16]. 22 June 2022

81. Despite stating that the Welsh Government is ready to use its powers of direction, the Minister said that they would have to “consider carefully” before doing so because they work “in collaboration, in co-operation with” local authorities. The Minister acknowledged that local authorities have experienced difficulties in finding culturally appropriate sites. She said:

“So, we need to take into account what the issues are, what the barriers are to providing the appropriate accommodation. Clearly, that power of direction is there, and you may find that we will have to use this. We’re just about to [...] look at the latest assessment, and that assessment will show us whether there is a will and, clearly, a commitment to deliver on statutory duties in terms of the Gypsy, Roma and Traveller sites [...]. So, I have no hesitation in saying that we will use those powers of direction if that is deemed to be appropriate. Obviously, we’ll be advised as well whether that is appropriate in terms of use of direction, because it is a very strong power. But also, in a sense, what we want is for local authorities to respond positively and do what they’re supposed to do under the law.”⁷⁵

82. Anglesey County Council noted that “challenges faced by Local Authorities can make it difficult in delivering sites which meet the needs of the Gypsy, Roma or Travelling need and the community as a whole”.⁷⁶ Similarly, Cardiff Council stated in its written evidence that:

“Progress in developing additional accommodation has been impacted by the challenge of finding suitable sites, acquiring the land and gaining planning permission.”⁷⁷

83. They called on the Welsh Government to “take a more active lead”.

84. WLGA suggested that there may be scope to “bring in a bit of flexibility” around some of the requirements for sites, but the main thing to be improved is arrangements relating to delivery of the policy and legislative framework. The WLGA noted:

“...there are capacity issues within local authorities, especially in the planning division, where extra resource there and extra training for those staff in implementing the framework would be helpful.”⁷⁸

⁷⁵ RoP [para 22], 22 June 2022

⁷⁶ [GRT.07.Isle.of.Anglesey.County.Council](#)

⁷⁷ [GRT.10.Cardiff.Council](#)

⁷⁸ RoP [259], 9 June 2022

85. The Minister told us that the Welsh Government is “moving things forward with the Anti-racist Wales Action Plan”.⁷⁹ According to the Minister:

*“we’ve got everything: we’ve got the legislation, we’ve got the guidance, we’ve got powers of direction, and we’ve now got this strengthened way forward, a clear way forward, with the anti-racist action plan.”*⁸⁰

Review of the framework

86. There was little appetite for a full review of the framework, however suggestions were made as to how it could be amended. Garden Court Chambers suggested that:

*“the Welsh Government lay down in statute that in any relevant planning decision a conflict with development plan policy is outweighed by breach of the s103 duty whilst it persists (the relevant time), unless to allow residential use as a Travellers site in that location, would cause unacceptable damage to interests of acknowledged importance that could not be tolerated for the relevant time. Such a provision may incentivise compliance with the s103 duty, particularly if authorities wish to more easily defend their decisions on appeal.”*⁸¹

87. A need for updated guidance was also highlighted as an issue in the evidence received. Travelling Ahead told us that there are “pieces of guidance that are woefully out of date”:

*“They were positive at the time, but they really need updating. So, there is the managing sites guidance, there’s also the designing Gypsy and Traveller sites guidance and there’s also the managing unauthorised encampments guidance, which desperately needs updating now the police Bill has come in...”*⁸²

88. The Welsh Government has committed in its Anti-racist Wales Action Plan to re-draft the sites guidance and review its Managing Unauthorised Camping guidance. The Minister told us that it’s “crucially important” that “design and location needs of communities are better reflected in terms of taking the policy forward”.⁸³

⁷⁹ RoP [para 8], 22 June 2022

⁸⁰ RoP [para 35], 22 June 2022

⁸¹ [GRT.03 Garden Court Chambers](#)

⁸² RoP [para 88], 18 May 2022

⁸³ RoP [para 33], 22 June 2022

89. Written evidence from Tai Pawb notes the Welsh Government’s commitment to a White Paper on a right to adequate housing and rent controls as part of its Programme for Government. They believe that the universal right to adequate housing which composes of culturally adequate housing (including for Gypsy, Roma and Traveller communities) should be incorporated into legislation in Wales. They suggest that doing so would “provide a framework for a more sustainable solution to the provision of appropriate transit and residential sites for Gypsy, Roma and Traveller communities in Wales.”⁸⁴

Our view

90. The Welsh Government has provided a robust legislative and policy framework to support the development of local authority sites for Gypsy, Roma and Traveller communities. However, it is clear there is a need for greater urgency in delivering the aims of that framework, and ensuring provision is available across Wales. Legislation has been in place for nearly a decade, but there seems to be little progress in providing suitable accommodation and sites for some of the most marginalised in our communities.

91. We are concerned that the Welsh Government is failing to take responsibility for its role in ensuring progress in an area it has committed to improve, and appearing to place responsibility for the lack of progress solely on local authorities. The Welsh Government has a duty to monitor progress and hold local authorities to account. We appreciate the challenges facing local authorities in delivering sites which meet the needs of Gypsy, Roma and Traveller communities. We therefore recommend that the Welsh Government works closely with local authorities to ensure they have the necessary resource and direction to fulfil their statutory duties.

92. Effective and robust monitoring arrangements are imperative if we are to ensure sufficient progress in the provision of sites across Wales. We therefore recommend that the Welsh Government tightens its monitoring arrangements and hold local authorities to account if they are not fulfilling their statutory duties.

93. We note that the Welsh Government is ready to use its powers to issue direction to local authorities where failure to comply with duties placed on them is apparent. We will monitor with interest whether the Welsh Ministers use those powers where required. We would appreciate greater clarity on how and when they might be used.

94. We strongly welcome the Welsh Government’s new Anti-racist Wales Action Plan. However, we have reservations about its effectiveness in delivering more sites. We remain convinced that effective monitoring and accountability measures are the key to ensuring

⁸⁴ GRT.05.Tai.Pawb

sufficient sites for Gypsies, Roma and Travellers in Wales, which are appropriate for their needs. However, we will follow developments with interest throughout this Senedd and would be grateful if the Minister could update us on the impact of the Action Plan in delivering more sites in Wales. We also recommend that the Welsh Government updates us on the timescales for the actions in the plan that are already underway.

95. We welcome the Welsh Government's commitment to re-draft the sites guidance to ensure that design and location needs of communities are better reflected. We urge that this is done in consultation, at an early stage, with members of the Gypsy, Roma and Traveller communities. We also recommend that the Welsh Government looks at updating all pieces of statutory and non-statutory guidance.

Recommendation 4. The Welsh Government should work with local authorities to ensure that they have the necessary resources to fulfil their duties under the Housing Act.

Recommendation 5. The Welsh Government must ensure that the Housing Act is effective in providing suitable sites for Gypsies, Roma and Travellers. It should therefore set out how it intends to tighten its monitoring of the implementation of the Act.

Recommendation 6. The Welsh Government should provide further information about how and when it will use its powers to ensure that local authorities deliver on their duties under the Housing Act.

Recommendation 7. The Welsh Government should set out its plans, including timescales, for evaluating the effectiveness of the Anti-racist Wales Action Plan in helping to provide sites for Gypsies, Roma and Travellers.

Recommendation 8. The Welsh Government should provide an update on the timescales for the actions in the Anti-racist Wales Action Plan which are already underway.

Recommendation 9. In reviewing the sites guidance, the Welsh Government should explain how it intends to engage with the Gypsy, Roma and Traveller communities to ensure that design and location needs of communities are better reflected in the guidance.

Recommendation 10. The Welsh Government should conduct a review of all guidance relating to the provision of sites for Gypsy, Roma and Travellers.

4. Political will

96. The lack of political will was a recurring theme throughout our inquiry, particularly around advocacy and championing of accommodation needs and wider issues for the Gypsy, Roma and Traveller communities.

97. BASW Cymru suggested that anti-Gypsyism lies behind the lack of political will:

*"That is the key ingredient to the lack of any progress made in relation to ensuring that there are culturally appropriate, permanent sites and that there are culturally appropriate transit sites in Wales. We have incidences in Wales of councils and of elected members who use discriminatory and hate speech in relation to Gypsies and Travellers when a site is proposed in their locality. This cannot be acceptable. We have [...] the legislation in Wales, we have the policy frameworks in Wales, we have the race equality Wales action plan [...] We want to achieve an anti-racist Wales by 2030. This will never happen until we face up to and we tackle systemic anti-Gypsyism in Wales, let alone the rest of the UK."*⁸⁵

98. Martin Gallagher also described "the racism and institutional discrimination that's going on". He said:

*"I've delivered training to different political parties that are on these planning boards, and they've flat out told me to my face directly that they couldn't support GRT people in any campaigns, because they would lose their voters. The only thing that one person stated that they would do was to put a little notice in their newsletter to balance the narrative. These people have the say on whether a person's private site gets put through, and it's really disparaging."*⁸⁶

99. Travelling Ahead told us that the lack of political will to address Gypsy and Traveller accommodation needs means it is:

*"..being swept under the carpet, and, actually, some of the things that have gone on locally and regionally would not be acceptable if that was about any other group, or any other group of citizens or any other ethnic minority."*⁸⁷

⁸⁵ RoP [para 16], 9 June 2022

⁸⁶ RoP [para 26], 18 May 2022

⁸⁷ RoP [para 136], 18 May 2022

100. This view was echoed by the Children’s Commissioner, who noted that the lack of progress “suggests a lack of political will to provide suitable and sufficient accommodation.”⁸⁸ According to Professor Jo Richardson, “demonstratable political will” and “leadership from the centre” is key to ensuring more sites.⁸⁹

101. The WLGA told us that they were not aware of a lack of political leadership.⁹⁰ However they did highlight the challenges local authorities face in identifying and delivering sites, recognising that:

“there is a need for that challenge of misconceptions, the wrong information, the stereotypes that do lead to discrimination, which do lead to people responding to the proposal of sites in a negative way, rather than seeing it through enhancing and enriching local communities. So, there is certainly not the lack of political will, which I know people do talk about, but there are challenges within delivering this.”⁹¹

102. The Children’s Commissioner believes that more needs to be done “to tackle the prejudice which exists within local authorities and at a community level to prevent discrimination in decision-making processes”. She said that:

“Managing community tensions distracts from local authorities’ duty to address the needs of Gypsy, Roma and Traveller communities and ability to effectively work with community members to identify and develop site locations.”⁹²

103. This view was echoed by Cardiff Council:

“There is a need to address the discriminatory behaviours and prejudice towards the Gypsy, Roma and Traveller community rather than solely focussing on ensuring the community are conducting themselves appropriately. The community can be subject to local hostility, negative media coverage and violence.”⁹³

⁸⁸ [GRT.02 Children's Commissioner for Wales](#)

⁸⁹ RoP [para 13], 9 June 2022

⁹⁰ RoP [para 294], 9 June 2022

⁹¹ RoP [para 296], 9 June 2022

⁹² [GRT.02 Children's Commissioner for Wales](#)

⁹³ [GRT.10 Cardiff Council](#)

104. Bettina Hayles, a member of the New Traveller community, in written evidence suggested that steering groups comprising of Gypsies, Roma and Travellers and the relevant local authority personnel should be established in each local authority.⁹⁴

105. There were calls for more training for elected members, with BASW Cymru noting that councillors “urgently need to undertake training” and that training should be “co-produced with the community, so that we can bridge that misunderstanding gap”.⁹⁵ Merthyr Tydfil County Borough Council also recognised the need for “knowledgeable staff that are recognised and trusted by the communities”.⁹⁶

106. The Welsh Government has committed in its Anti-racist Wales Action Plan to, in the next two years, provide learning and development support to Local Authority Elected Members on Gypsy and Traveller communities’ culture, needs and strengths.

107. The WLGA welcomed this commitment, however they said that it “probably needs to be accelerated over two years”.⁹⁷ They went on to say:

“There’s quite a lot of ambition in the plan, but you’ll all be aware we’ve had local elections just over a month ago, and around 44 per cent of councillors are newly elected, so will need to get up to speed with being a councillor and the challenges that provides, but also the complexities of the planning process, particularly for those members who will be members of planning committees, and also the wider issues around the planning agenda as well. We’re obviously talking about the Gypsy, Roma, Traveller provisions here, so our view is it’s very much welcome that the Welsh Government’s committed to providing this package of training, but perhaps that needs to be introduced sooner than the two-year time frame.”⁹⁸

108. Tai Pawb told us that they “support fully the need for training and education around antiracism and cultural understanding”, however, “it is deeds not words by which these sentiments must be measured.” They consider it essential that the Action Plan is fully funded and that a wide range of stakeholders are involved in its implementation. They also call for a framework “to monitor progress and allow for scrutiny and accountability.”⁹⁹

⁹⁴ [GRT.13 Bettina Hayles](#)

⁹⁵ RoP [para 76], 9 June 2022

⁹⁶ [GRT.08 Merthyr Tydfil County Borough Council](#)

⁹⁷ RoP [para 268], 9 June 2022

⁹⁸ RoP [para 269], 9 June 2022

⁹⁹ [GRT.05 Tai Pawb](#)

109. The evidence received also suggests that “training needs to happen right across Wales”, not just for local council officers.¹⁰⁰

110. This view was echoed by Professor Jo Richardson, who said “it’s not only about local authorities and housing associations speaking more with Gypsy, Roma and Traveller community members—it’s about all of us.” She also said that education is key to changing the narrative played out in the media about Gypsy and Traveller communities, which tends to be “about encampments or a nuisance somewhere, purportedly as a result of a site, or about objecting to providing homes to a group of people”.¹⁰¹

111. Bettina Hayles, a member of the New Traveller community, said:

“we need education and awareness as to understand the rich culture and many positive aspects of GRT and nomadic lifestyles – we need to change the narrative and highlight what needs to be addressed before we can move forwards.”¹⁰²

112. BASW Cymru welcomed the fact that the learning of Black, Asian and Minority Ethnic histories is included in the new Welsh Curriculum:

“That’s going to be really important in ensuring that children don’t leave school with those deeply ingrained stereotypes and biases against Gypsies and Travellers, and ensuring that the community is part of informing the content of that curriculum, again, is vital.”¹⁰³

113. This was echoed by the WLGA:

“...there is a real key issue for schools here as well, around the work that will happen around the anti-racist action plan within schools and being able to celebrate diversity in a much broader way across our society. So, if we can get it right with children, they will grow up with much more open and welcoming views of people with different backgrounds to themselves and just different life experiences.”¹⁰⁴

114. The Police and Crime Commissioner for Dyfed-Powys noted that there is an opportunity for police and crime commissioners to support the police from an operational point of view to

¹⁰⁰ RoP [para 76], 9 June 2022

¹⁰¹ RoP [para 115], 9 June 2022

¹⁰² [GRT 13 Bettina Hayles](#)

¹⁰³ RoP [para 27], 9 June 2022

¹⁰⁴ RoP [para 357], 9 June 2022

ensure that all parties involved, including the wider community understand the issues and the various responsibilities of different agencies under the legislative and policy framework relating to the provision of sites for Gypsies and Travellers.¹⁰⁵

115. The Chief Constable of Gwent Police told us that we need “a shared understanding of what the Gypsy, Roma and Traveller community actually is all about” to try and reduce the prejudice. She said that:

“...the surrounding residential community don't understand the legislation, don't understand clearly the entitlements of the Gypsy, Roma and Traveller community, and the fact then that there aren't sites available in Wales actually causes more division and confusion.

*So, I think we've got a lot of work to do in terms of building relationships and supporting the Gypsy, Roma and Traveller community, and sharing their story with the broader community”.*¹⁰⁶

Our view

116. We welcome the Welsh Government’s commitment to provide learning and development support to local authority elected members on Gypsy and Traveller communities’ culture, needs and strengths through the Anti-racist Wales Action Plan. However, we are concerned that the training will not be provided across Wales, given that the Action Plan seeks to “deliver training in a target number of local authorities” as an output. We would be grateful if the Minister could clarify whether training will be delivered to all local authorities and, if not, the Welsh Government’s reasoning for targeting some local authorities only.

117. It is not wholly apparent from the Action Plan how this programme of work will be funded, the level of resource required, and how it will be delivered within the timeframe with the involvement of a multitude of partners. We are also interested to know whether the training will be optional or a statutory requirement.

118. In addition we have reservations about the impact of such training, and whether anything will actually change as a result. We would therefore ask the Welsh Government to set out how it intends to evaluate its impact and how training can change attitudes, behaviours and any prejudices that may exist within our public institutions towards Gypsies, Roma and Travellers.

¹⁰⁵ RoP [para 151], 9 June 2022

¹⁰⁶ RoP [164-5], 9 June 2022

119. We would also suggest that the Minister considers extending this training to community councillors given their role in engaging with the Gypsy, Roma and Traveller communities and in the planning process. In addition, we would encourage local authority elected members and community councillors to undertake site visits to gain a greater understanding of their culture as well as their accommodation needs.

120. We acknowledge and welcome the fact that learning about the cultural heritage and ethnic diversity of Wales and the wider world is a mandatory element of the new curriculum. We hope going forward that all children will have an opportunity to explore Gypsy, Roma and Traveller history and culture in a positive and supportive way. However, we believe that there is work to do in the wider community, not just in schools and local government, to tackle prejudice and raise awareness of the cultural diversity and needs of Gypsies, Roma and Travellers in Wales.

Recommendation 11. The Welsh Government should provide further details on the learning and development support that will be provided to local authority elected members on Gypsy and Traveller communities' culture, needs and strengths. This should include details on: who will receive the training; timescales; how it will be resourced and delivered; and whether it will be a statutory requirement to undertake the training.

Recommendation 12. The Welsh Government should set out how it intends to evaluate the impact of the training for local authority elected members on Gypsy and Traveller communities' culture, needs and strengths.

Recommendation 13. The Welsh Government should include community councillors in the commitment in the Anti-racist Wales Action Plan to provide training for local authority elected members on Gypsy and Traveller communities' culture, needs and strengths.

Recommendation 14. The Welsh Government should set out what steps, other than those in the Anti-racist Action Plan, it will take to improve knowledge and understanding of the culture, needs and strengths of Gypsy, Roma and Traveller communities among the wider community.

5. Accommodation assessments

121. Part 3 of the Housing Act makes provision for the preparation of Gypsy and Traveller Accommodation Assessments by local authorities in Wales. These are to be reviewed every five years. Due to the impact of coronavirus, the latest review period which would have ended on 24 February 2021 was extended by a year. The Welsh Government is currently reviewing these assessments.

122. The process enables local authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required as part of their local development plans. In addition, the Planning and Compulsory Purchase Act 2004, requires local planning authorities to produce an annual monitoring report (AMR). The AMR is the main mechanism for reviewing the extent to which the objectives set out in the authority's local development plan have been achieved, or not. This includes matters in the plan that relate to Gypsy, Roma and Traveller sites.

123. The evidence received regarding the accommodation assessment process was varied, with stakeholders noting that the process is considered separate to other housing assessments, and therefore places very publicly the needs of Gypsy, Roma and Traveller families. According to Travelling Ahead, the process "immediately triggers hostile opposition and campaigning from other local people against any kind of Gypsy or Traveller sites".¹⁰⁷

124. As the WLGA told us, "there's a range of views from local authorities on the value and effectiveness"¹⁰⁸ of accommodation assessments. In written evidence, Snowdonia National Park Authority said that accommodation assessments are:

*"a key evidence base for local planning authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing their development plans."*¹⁰⁹

125. Merthyr Tydfil County Borough Council stated in written evidence that the process itself is quite costly, requiring the use of consultants at high cost. However, it notes that:

"With the correct liaison staff the process could be made more fluid and collected whilst working closely with residents and family encampments."

¹⁰⁷ RoP [para 75], 18 May 2022

¹⁰⁸ RoP [para 318], 9 June 2022

¹⁰⁹ GRT_06_Snowdonia National Park Authority

Instead of once every 5 years, this assessment could be designed in line with the online caravan count.”¹¹⁰

126. According to the WLGA, the value of the process depends on quality of the data gathered and the willingness of groups to take part:

“Quite often, that will be down to the quality of the relationships at the local level, as to whether or not there’s a sense of trust and willingness to engage and put the information in.”¹¹¹

127. However, the evidence received suggests that consultation and engagement with the Gypsy, Roma and Traveller communities is infrequent, with consultation often late in the process when sites have already been identified. Travelling Ahead told us that their clients have “no faith in the process” and that many refused to participate.¹¹²

128. Snowdonia National Park Authority in its written submission states:

“There is a great challenge to find ways to engage meaningfully with hard to reach groups on issues that routinely matter a great deal to them at a point at which there is greater influence on the potential outcomes in the development plan. It is a challenge that will require additional resources that is not currently available at a national or local level.”¹¹³

129. BASW Cymru are of the view that in relation to the accommodation assessment, and engagement more broadly with the Gypsy, Roma and Traveller communities, there is “listening, but not hearing”.¹¹⁴ BASW Cymru also called for assessments to be undertaken over a longer period of time, as “anything done too quickly is often not robust”,¹¹⁵ and as a result does not ensure the fullest participation and deepest understanding of the needs of the communities.

130. Professor Richardson also thought there was room to improve the process, noting that in order to “get a proper accommodation needs assessment, you need to really engage with Gypsy, Roma and Travellers”.¹¹⁶

131. Travelling Ahead told us that working with the communities to find sites and to understand their needs should be an “ongoing process”. However, they suggested that what

¹¹⁰ [GRT 08 Merthyr Tydfil County Borough Council](#)

¹¹¹ RoP [para 318], 9 June 2022

¹¹² RoP [para 112], 18 May 2022

¹¹³ [GRT 06 Snowdonia National Park Authority](#)

¹¹⁴ RoP [para 58], 9 June 2022

¹¹⁵ RoP [para 70], 9 June 2022

¹¹⁶ RoP [para 67], 9 June 2022

actually happens is that many local authorities “only pay attention” at the point when accommodation assessments need to be submitted.

“...there's a lack of understanding and commitment, or care, about using this process to actually deliver tangible benefits for Gypsy and Traveller communities. [...] whilst it's really important to have robust guidance that local authorities have to follow, what we're seeing is that people are following that but missing out the really core elements that actually make it successful, and therefore it fails.”¹¹⁷

132. They called for “a real shift” in the way that local authorities engage with Gypsy and Traveller communities about their accommodation needs.¹¹⁸

133. BASW Cymru questioned the knowledge base of contractors employed by local authorities to carry out the assessments:

“do they understand deeply the needs of this community? Have they had training in understanding and challenging their own unconscious and conscious bias in relation to the communities that they're undertaking assessments of?”¹¹⁹

134. While the WLGA recognised the importance of including the views and preferences of the Gypsy, Roma and Traveller communities in the assessment process, they highlighted that local authorities have to follow planning law and guidance, which provides that those factors must be balanced with “the availability of land, site sustainability, achievability of planning et cetera.”¹²⁰

135. The Minister told us that the legislation and statutory guidance sets out that local authorities should involve the Gypsy, Roma and Traveller communities in their consideration of site provision and accommodation assessment. She said:

“I think our anti-racist action plan measures and actions will be a real push for local authorities to do this differently, and that at every point we would expect engagement with Gypsy, Roma, Travellers.”¹²¹

136. Snowdonia National Park Authority highlighted the benefits working collaboratively to prepare accommodation assessments:

¹¹⁷ RoP [para 74], 18 May 2022

¹¹⁸ RoP [para 85], 18 May 2022

¹¹⁹ RoP [para 70], 9 June 2022

¹²⁰ RoP [para 276], 9 June 2022

¹²¹ RoP [para 98], 22 June 2022

*"[it] could help to deliver a better understanding of travelling patterns and accommodation needs across local authorities. This could result in a common approach and consistency across the area in identifying need and allocating suitable Gypsy and Traveller sites in development plans. Working across a region may also result in cost savings and improve the data available to assess need."*¹²²

137. Similarly, the WLGA called for a "national overview" in respect of accommodation assessments. They noted that the process is undertaken at a local level and that it is unclear whether there is an "analysis of what that assessment of need is at a national level that then compares against the provision that is available".¹²³

138. This view was echoed by the Chief Constable of Gwent Police who said that the assessments are not for individual authorities only; instead, they should be looked at "collectively, regionally and across Wales in terms of appropriate sites."¹²⁴ She called on the Welsh Government to provide a "steer in terms of that regional approach to needs assessment".¹²⁵

139. Regardless of the need to better engage and coordinate on a regional and national basis, some questioned whether enough is done to evaluate the impact of existing assessments. Tai Pawb noted in its written evidence that:

*"Despite the requirement for five yearly accommodation assessments overall data on how much progress has been made does not appear to have been collected following the introduction of the 2014 duty."*¹²⁶

140. This was echoed by Travelling Ahead who said that the majority of local authorities have not used the latest round of accommodation assessments "to review and reflect whether they've met the previous need."¹²⁷

141. The Welsh Government is currently approving the current round of accommodation assessments, which is, according to the Minister "going to allow us as to see what the barriers are, the blocks are, in terms of identifying those sites."¹²⁸

¹²² GRT 06 Snowdonia National Park Authority

¹²³ RoP [para 283], 9 June 2022

¹²⁴ RoP [para 139], 9 June 2022

¹²⁵ RoP [para 228], 9 June 2022

¹²⁶ [GRT 05 Tai Pawb](#)

¹²⁷ RoP [para 76], 18 May 2022

¹²⁸ RoP [para 8], 22 June 2022

Our view

142. We heard varied evidence about the value and effectiveness of accommodation assessments. We received anecdotal evidence that many local authorities only pay attention to the accommodation needs of Gypsies, Roma and Travellers at the point at which they are expected to put in a report with an assessment. We also heard that the assessments are costly to undertake and that more flexibility should be built in to the system.

143. We therefore recommend that the Welsh Government reviews whether this is the most appropriate and effective way of assessing accommodation needs. We heard calls for an ongoing assessment process, instead of a periodical review every five years. The Welsh Government should consider whether the Gypsy, Roma and Traveller communities might be better served with ongoing assessments of their needs rather than the current five-year review.

144. We are concerned that the current process lacks meaningful consultation and engagement with the Gypsy, Roma and Traveller communities. It is very concerning that they seem to have little faith in the process and often refuse to participate. In order to gain a clear and accurate understanding of accommodation needs, there must be direct engagement with Gypsies, Roma and Travellers.

145. We accept that the legislation and statutory guidance, as the Minister told us, sets out that local authorities should involve the Gypsy, Roma and Traveller communities in their consideration of site provision and accommodation assessments. We also note that the Minister believes that there will be an even greater push for this through the new Anti-racist Wales Action Plan. However we feel that more can be done to ensure meaningful engagement and consultation. We therefore recommend that the Welsh Government works with local authorities to review how engagement and consultation with the Gypsy, Roma and Traveller communities during the accommodation assessment process can be improved.

146. We also recommend that the Welsh Government should evaluate the effectiveness of the measures and actions within the Anti-racist Wales Action Plan in improving consultation and engagement with the Gypsy, Roma and Traveller communities.

147. It is unclear to us to what extent accommodation assessments are looked at collectively, on an all Wales basis. Some Gypsies, Roma and Travellers live a nomadic lifestyle, and this needs to be reflected in the process. Accommodation assessments should not be a matter for individual local authorities only – we need to look at the picture across Wales. We therefore call on the Welsh Government to clarify how it provides a national overview in respect of accommodation assessments.

Recommendation 15. The Welsh Government should review whether the existing Gypsy and Traveller Accommodation Assessments process is the most appropriate and effective way of assessing the accommodation needs of Gypsies, Roma and Travellers.

Recommendation 16. The Welsh Government should work with local authorities to review how engagement and consultation with the Gypsy, Roma and Traveller communities during the accommodation assessment process can be improved, including the extent to which the measures and actions within the Anti-racist Action Plan have made a difference.

Recommendation 17. The Welsh Government should clarify what process is in place to monitor the Gypsy and Traveller Accommodation Assessments on an all Wales basis in order to gain an understanding of accommodation needs at a national as well as a local level.

6. Funding

148. The Welsh Government currently allocates around £3.5million annually to local authorities for the refurbishment of existing Gypsy, Roma and Traveller sites and the development of new ones.

149. It was unclear in the evidence received the extent the Capital Sites Grant is utilised by local authorities. Merthyr Tydfil County Borough Council noted in written evidence that it secured £500,000 in Welsh Government funding in January 2022 to refurbish the 24 amenity blocks at its Glynmill site.¹²⁹ However, we heard and saw during our engagement with members of the Gypsy, Roma and Traveller communities that some local authority sites are in urgent need of maintenance or refurbishment.

150. For example we received the following evidence from a resident on a local authority site:

"My Utility block has no storage, cupboards have been screwed together, there is no room for a cooker, it is damp and paint is falling off the ceiling, the floor floods everyday so I can't store anything in it the council can not find where the leak is, I only live in a caravan, my baby's toys have to [be] stored in there including high chair and bouncer, I have to clean the mildew off them daily. Heater not working but even if it was it is too expensive to run, my floor is uneven so when it floods it floods in pools. I asked the council to fix my bath panel they came with a small piece of wood to just fix the hole, I want to live in a place that is not just quickly fixed, if it was fixed properly in the first place they wouldn't have to do it again. I asked when I moved in if I could have my utility block painted they said that was my job, I also asked if I could have my worktops fixed as they were hanging off the wall, they had been there as long as I known, I was also told that they would not do this."¹³⁰

151. Travelling Ahead suggested that Welsh Government grant funding was generally "underspent".¹³¹

152. Members of the Gypsy, Roma and Traveller communities told us that they are not consulted with on how the grant is spent. For example, one contributor explained that it is often spent on matters which do not need addressing, like the recent resurfacing of a road, which

¹²⁹ [GRT 08 Merthyr Tydfil County Borough Council](#)

¹³⁰ [Correspondence from Travelling Ahead, 27 June 2022](#)

¹³¹ RoP [para 87], 18 May 2022

they felt was unnecessary when other things needed upgrading. Contributors called for meaningful consultation about the refurbishment of sites and the development of new ones.

153. Travelling Ahead explained to us that “Gypsy and Traveller accommodation on sites isn’t funded in the same way or managed or supported in the same way as other social housing”, and that there is “no inspection process” as with social housing.¹³² They said:

“It’s really down to us supporting residents to make complaints to a residential property tribunal or to the local authority about everything, from minor repairs to some of these huge issues around being built next to motorways, needing better air quality, safe routes to school, those sorts of things. So, some way of looking at giving Gypsy and Traveller accommodation some parity and equality with the standards that are expected of any citizen’s accommodation is really important.”¹³³

154. Cardiff Council’s written evidence also says that access for funding to provide accommodation for Gypsies, Roma and Travellers “should be in line with funding for other types of social housing”. It notes that the current capital grant scheme cannot be used for any matters relating to the purchase of land for sites. It also states that there are significant costs in terms of planning, environmental and flooding searches which need to be met before an application can be submitted, and that if a scheme is aborted, the “cost falls to authority”.¹³⁴ This was echoed by the WLGA who called for Welsh Government funding to enable local authorities to recover those costs.¹³⁵

155. Cardiff Council also notes that funding for Gypsy, Roma and Traveller accommodation should be held within the Housing Revenue Account which it states would allow councils greater flexibility. It also states that “preventing the use of social housing grant for Gypsy, Roma, and Traveller accommodation could be perceived as discriminatory”.¹³⁶

156. Travelling Ahead also drew comparisons with the social housing grants and suggested that there are “more creative ways of using that sites grant to support families to directly meet their own need”. They said:

“Like any other community, some people can afford to buy their own house, and some people can’t, but there are other schemes run by housing

¹³² RoP [para 86], 18 May 2022

¹³³ RoP [para 86], 18 May 2022

¹³⁴ [GRT 10 Cardiff Council](#)

¹³⁵ RoP [para 315], 9 June 2022

¹³⁶ [GRT 10 Cardiff Council](#)

associations and so forth for bricks and mortar. But, actually, can we we look at using that grant more successfully as grants or loans or helping lease land direct to families, almost taking local authorities out of it? They might provide some of the support and the assistance.”¹³⁷

157. The Welsh Government in its Anti-racist Wales Action Plan has committed to:

“Reviewing 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.”

158. The Minister told us:

“we’re going to look at, for example, possible capital requirement for mobile home rental pilots. That’s something that, again, has come to our attention as being something that would be welcomed.”¹³⁸

Our view

159. We were disappointed to hear that the Capital Sites grant is not always used or utilised in a way that meets the needs of Gypsies, Roma and Travellers. We strongly believe that there should be meaningful consultation at an early stage with the Gypsy, Roma and Traveller communities about the refurbishment and development of sites. After all, these are people’s homes, and they should be at the centre of any discussions about improvements on sites.

160. We heard calls for funding to provide Gypsy, Roma and Traveller accommodation to be held within the Housing Revenue Account if local authorities choose to do so. This may provide for greater flexibility and shared use of resources as a result. We note the evidence received which suggested that preventing the use of the Social Housing Grant for Gypsy, Roma and Traveller accommodation could be perceived as discriminatory. Recirculating rent from a local authority pitch directly into a ring-fenced housing budget could help ensure more suitable, high quality sites.

161. We welcome the Welsh Government’s commitment to review and pilot additional or new ways of funding permanent provision, and we ask that the Minister considers whether funding for Gypsy, Roma and Traveller accommodation should be held within the Housing Revenue Account as part of the review.

¹³⁷ RoP [para 87], 18 May 2022

¹³⁸ RoP [para 57]. 22 June 2022

162. We also recommend, as part of the review, that the Welsh Government should conduct a broader evaluation of how the funding of and development of sites relate to each other. For example, the Minister may wish to consider whether there should be financial incentives for local authorities to develop sites that meet certain needs and priorities, which may in turn help drive up standards.

163. In its review of the current funding policy, we would encourage the Welsh Government to explore all possible avenues. This includes, for instance, whether the criteria for the Capital Sites grant should be broadened to allow local authorities to purchase land for the development of new Gypsy, Roma and Traveller sites. Support for families looking to develop private sites should also be a priority for the Welsh Government, and we would expect the review of funding policy to include such matters.

Recommendation 18. The Welsh Government should conduct a broader review of how the funding for the development of sites relates to the requirements in terms of the standards of sites.

Recommendation 19. The Welsh Government should explore all possible options for funding Gypsy, Roma and Traveller accommodation, including whether the criteria for the Capital Sites Grant should be broadened to allow local authorities to purchase land for the development of new sites and how funding could be used to support the development of private sites.

7. The Police, Crime, Sentencing and Courts Act

164. A strong theme in the evidence we received was concern about the Police, Crime, Sentencing and Courts Act 2022 (“the Act”). The Act makes trespassing a criminal offence. It also gives the police more powers to tackle unauthorised encampments, allowing the police to seize vehicles where those who have been asked to leave do not do so.

165. Tai Pawb described the Act as representing “one of the most serious threats to civil liberties in recent history”,¹³⁹ and BASW Cymru told us that members of the Gypsy, Roma and Traveller communities are “really frightened”¹⁴⁰.

166. The Children’s Commissioner for Wales raised concerns that in criminalising trespass, it has the potential to “force families in to the criminal and care system, and through the removal of vehicles leave families homeless”.¹⁴¹

167. Prof. Richardson believes the law “criminalises a way of life”, and that “there’s no mitigation of poor-quality, unequal legislation”. She went on to state that:

“The only way to start to think about this in a humane way is to ensure that sufficient sites are available, is to think about common land in a different way.”¹⁴²

168. The availability of sites was highlighted as a problem in trying to mitigate the impacts of the Act. Travelling Ahead told us that:

“Gypsy and Traveller families travelling within or through Wales will have no other option than to encamp on land that doesn’t belong to them. People just see that as a further nail in the coffin of the lack of care and respect for the Gypsy and Traveller nomadic, hundreds-of-years-old traditions.”¹⁴³

169. The Equality and Human Rights Commission also shared such concerns, noting that these new powers could have a “profound effect on Gypsy, Roma and Traveller groups who already face a shortage of authorised sites”.¹⁴⁴ Tai Pawb says the Act shines a light on a longer-term

¹³⁹ [GRT 05 Tai Pawb](#)

¹⁴⁰ RoP [para 98], 9 June 2022

¹⁴¹ [GRT 02 Children’s Commissioner for Wales](#)

¹⁴² RoP [para 105], 9 June 2022

¹⁴³ RoP [para 113], 18 May 2022

¹⁴⁴ [GRT 04 Equality and Human Rights Commission](#)

problem, that the existing framework and policies have “failed to provide the necessary accommodation needs” for Gypsies, Roma and Travellers.¹⁴⁵

170. The Children’s Commissioner also noted that inaction, particularly on transit sites, and the provision in the Act could “exacerbate existing inequalities, further marginalise and criminalise” Gypsies, Roma and Travellers.¹⁴⁶

171. The Chief Constable of Gwent Police told us that, if the powers in the Act are to be utilised, “appropriate sites” are needed so that the Gypsy, Roma and Traveller communities can be directed to those sites. She said:

“if we give a direction for a community to move on, where exactly do we send them? And if we haven't got an appropriate site available, it means that, in essence, we are making that community homeless. So, we do need to balance all of those needs, and we do need for those sites to be available in order for us to use the legislation appropriately.”¹⁴⁷

172. The WLGA suggested that the Welsh Government’s proposals to develop a national network of transit provision in north and south Wales might need to be accelerated now that the Act has come into force.¹⁴⁸

173. However Carmarthenshire County Council in written evidence said that there may not be “any additional problems”:

“Wales should continue to provide additional pitches in response to identified need, and to deal sensitively but firmly with unauthorised encampments. It is the responsibility of local authorities and the police service to continue to respond appropriately, and not to invoke the criminal law when it is not necessary to do so.”¹⁴⁹

174. The Chief Constable of North Wales Police reassured us “that the use of the new powers and the new legislation would really be in the most egregious circumstances”.¹⁵⁰ Similarly, the Chief Constable of Gwent Police said that the powers will only be used as a “last-resort”; instead,

¹⁴⁵ [GRT 05 Tai Pawb](#)

¹⁴⁶ [GRT 02 Children's Commissioner for Wales](#)

¹⁴⁷ RoP [para 133], 9 June 2022

¹⁴⁸ RoP [para 335], 9 June 2022

¹⁴⁹ [GRT 09 Carmarthenshire County Council](#)

¹⁵⁰ RoP [para 207], 9 June 2022

when there are illegal encampments, an “effective multi-agency response” should be adopted. She said:

“we would far rather consult with communities, landlords and of course the Gypsy, Roma and Traveller community, and work through what we can do to move that encampment on to a legal footing.”¹⁵¹

175. This view was echoed by the Police and Crime Commissioner for Dyfed Powys who said that “there will be a limited impact on the practical way” in which illegal encampments are policed:

“the approach will always be that engaging, educating, both the community in the wider sense, as well as those who are on the specific encampment, in relation to the legislation. Because, very often, when these illegal encampments arrive at a location, the community themselves aren't necessarily aware of what the legislative framework around that is. So, that education is really important. And then that dialogue between the community and those who are part of the encampment is really, really important.”¹⁵²

176. Regardless of how the Act will be enforced, some witnesses noted that there has been no communication or engagement by the Welsh Government, local authorities or the police with Gypsies, Roma and Travellers. Martin Gallagher stated that:

“I think it's really important that people know what this policy entails, how it affects their lives and what they can face if the police exercise these new powers on them.”¹⁵³

177. BASW Cymru told us that there could be a “further impact on poverty levels if community members are caught out by this new criminal legislation”, given the fines of up to £2,500.¹⁵⁴ Cardiff Council in written evidence said:

“The sale of vehicles and trailers to pay fines may be seen as disproportionate, given that unauthorised encampments stem from a lack of suitable temporary and permanent accommodation options. This would have

¹⁵¹ RoP [para 204], 9 June 2022

¹⁵² RoP [para 210], 9 June 2022

¹⁵³ RoP [para 118], 18 May 2022

¹⁵⁴ RoP [para 92], 9 June 2022

a huge impact on individuals being able to earn money to provide for their families.”¹⁵⁵

178. The WLGA pointed to the fact that seizing vehicles and homes will only create pressure on other public services such as homeless services.¹⁵⁶

179. The Welsh Government opposed the provisions in the Act relating to unauthorised encampments. In a written statement on 7 June 2022, the Minister described the provisions as undermining and jeopardising the traditional way of life of Gypsies and Travellers. The statement goes on to say:

“The Welsh Government’s approach to managing unauthorised encampments has focussed on engagement with communities and investment for adequate provision of authorised sites and enabling local authorities to meet the accommodation needs (residential and transit) of Gypsy and Traveller communities. This area of work is prioritised again in the Welsh Government’s Anti-Racist Wales Action Plan, which contains a specific goal on better addressing accommodation needs of these communities.”¹⁵⁷

180. The Senedd voted on **18 January** and **1 March** to withhold consent to the provisions in the Bill relating to unauthorised encampments.

181. The Minister told us that the legislation was “unnecessary” and “had the effect of criminalising a community who we value as part of our Welsh life and our diversity”.¹⁵⁸ She also told us that the Welsh Government values the “progressive approach” that the police in Wales are taking towards the Act to mitigate its provisions.¹⁵⁹

182. The Minister’s written evidence states that:

“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.”¹⁶⁰

¹⁵⁵ [GRT 10 Cardiff Council](#)

¹⁵⁶ RoP [para 338], 9 June 2022

¹⁵⁷ Welsh Government, [Written Statement: Police Crime Sentencing and Courts Act](#), 7 June 2022

¹⁵⁸ RoP [para 83], 22 June 2022

¹⁵⁹ RoP [para 75], 2 June 2022

¹⁶⁰ [LGH Committee, Paper 1, 22 June 2022](#)

Our view

183. We are concerned that the Police, Crime, Courts and Sentencing Act could further marginalise the Gypsy, Roma and Traveller communities. We welcome the evidence received by representatives from the police forces and Police and Crime Commissioners that the use of the new powers will only be used as a last resort and that a multi-agency response will continue to be adopted to deal with unauthorised encampments.

184. It was clear from the evidence received that the progressive approach to the enforcement of the Act will also depend on being able to move unauthorised encampments to authorised transit sites or stopping places. We acknowledge the Welsh Government's commitment in its Anti-racist Wales Action Plan to create a national network of transit provision by 2025. However, given that there are currently only two transit pitches in Wales and that the Act is already in force, we recommend that this commitment is accelerated.

185. While we welcome the Welsh Government's approach to enforcement of the Act, we are concerned that the Gypsy, Roma and Traveller communities are unaware of how it will be policed. We heard that people with nomadic ways of life are frightened of the new legislation and how they may be affected. We therefore believe that the Welsh Government should engage with the communities about how the Act will be enforced in Wales to try and alleviate any fears.

186. Some Members of the Committee felt that this Act reinforces the argument that policing should be devolved to Wales, stating that this is an example of legislation that has to be implemented in Wales despite the Senedd withholding consent from parts of it. Two members of the committee, Joel James MS and Sam Rowlands MS, disagreed with this view.

Recommendation 20. The Welsh Government should provide an update on the work undertaken to provide transit pitches across Wales before the Senedd's summer recess in 2023.

Recommendation 21. The Welsh Government should set out how it intends to work with the police and partner organisations to communicate to the Gypsy, Roma and Traveller communities any anticipated changes to plans for enforcing the Police, Crime, Sentencing and Courts Act 2022 in Wales.

Annex A: List of oral evidence sessions

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the Committee's website.

Date	Name and Organisation
18 May 2022	<p>Trudy Aspinwall, Team Manager, Travelling Ahead: Gypsy, Roma and Traveller Advice and Advocacy Service</p> <p>Assia Kayoueche, Communications, Campaigns and Membership Officer, Race Alliance Wales</p> <p>Jasmine Jones, Gypsies and Travellers Wales</p> <p>Martin Gallagher, Gypsy, Roma and Traveller Activist, writer and academic researcher</p>
9 June 2022	<p>Professor Jo Richardson, Associate Dean Research and Innovation / Professor of Housing and Social Research, De Montfort University</p> <p>Allison Hulmes, National Director, Wales, BASW Cymru</p> <p>Chief Constable Carl Foulkes, North Wales Police</p> <p>Chief Constable Pam Kelly, Gwent Police</p> <p>Dafydd Llywelyn, Police and Crime Commissioner, Dyfed-Powys Police</p> <p>Naomi Alleyne, Director, Social Services and Housing, Welsh Local Government Association</p> <p>Tim Peppin, Director of Regeneration and Sustainable Development, Welsh Local Government Association</p> <p>Daniel Hurford, Head of Policy, Welsh Local Government Association</p>
22 June 2022	<p>Jane Hutt MS, Minister for Social Justice</p>

Date	Name and Organisation
	Chrishan Kamalan, Head of Race and Gypsy, Roma and Traveller Policy, Welsh Government James Searle, Head of Crime and Justice Team, Welsh Government

Annex B: List of written evidence

The following people and organisations provided written evidence to the Committee. All consultation responses and additional written information can be viewed on the Committee's website.

Reference	Organisation
GRT 01	Royal Town Planning Institute Cymru
GRT 02	Children's Commissioner for Wales
GRT 03	Garden Court Chambers
GRT 04	Equality and Human Rights Commission
GRT 05	Tai Pawb
GRT 06	Snowdonia National Park Authority
GRT 07	Isle of Anglesey County Council
GRT 08	Merthyr Tydfil County Borough Council
GRT 09	Carmarthenshire County Council
GRT 10	Cardiff Council
GRT 11	Welsh Local Government Association
GRT 12	Rhiannon Craft
GRT 13	Bettina Hayles

Additional Information

Title	Date
Gypsies and Travellers Wales and Travelling Ahead	29 May 2022
Travelling Ahead	27 June 2022