

**Wales Race Forum: Police, Crime, Sentencing and Courts Bill - Impact on
Gypsy and Traveller Communities**

15:30 – 16:30, Thursday 21 October

Attendees

Jane Hutt MS	Minister for Social Justice
Trudy Aspinwall	Travelling Ahead
Allison Hulmes	British Association of Social Work Cymru
Isaac Blake	Romani Arts and Cultural Company
Alicia Zalesinka	Tai Pawb
Doctor Sibani Roy	NWAMI
Menaka Kodur	Women Connect First
Mutale Merrill	BAWSO
Riaz Hassan	Swansea and NPT Regional CCC
Sunil Patel	Show Racism The Red Card
Rocio Cifuentes	EYST
Suzanne Duvall	Diverse Cymru
Menai Owen Jones	Ministerial Mentee
Hasminder Aulakh	EYST
Kay Denyer	Race Council Cymru
Abyd Quinn-Aziz	BASW Cymru
Shavanah Taj	TUC Cymru
Tamasree Mukhopadhyay	Kiran
Assia Kayoueche	EYST
Reverend Aled Edwards	Cytun

Welsh Government Officials

Rhian Gibson	Communities Division
Emma Bennett	Head of Equality, Inclusion and Human Rights, WG
Sue Vincent-Jones	Senior Race Equality Plan Manager
Patrick Daly	Race Equality Plan Team Support

Uzo Iwobi	Specialist Policy Advisor
Claire Davey	Higher Statistical Officer

Apologies

Claire Skidmore	Race Equality First
Maria Mesa	Women Connect First
Ayanna Mathurine	Head of Race and Faith Policy, WG
Kate Rose	Senior Manager Race, Faith and Gypsy Roma Traveller Policy, Welsh Government
Nashima Begum	Race & Faith Policy Manager, Welsh Government
Heather Payne	Senior Medical Officer for Maternal & Child Health

Agenda

1.	Welcome and introductions	Minister for Social Justice Jane Hutt MS	15.30 to 15.35
2.	Police, Crime, Sentencing and Courts (PCSC) Bill - Impact on Gypsy and Traveller Communities Update	Rhian Gibson Welsh Government	15.35 to 15.45
3.	The effects of PCSC Bill on Gypsy and Traveller Communities Presentation	Trudy Aspinwall Travelling Ahead	15.45 to 15.55
4.	PCSC Bill Impact on Gypsy and Traveller Communities Perspectives	Isaac Blake Romani Cultural & Arts Company	15.55 To 16.05
5.	Discussion on Police, Crime, Sentencing and Courts Bill and its impact on our Gypsy and Traveller Communities	All	16.05 To 16.25
6.	Closing comments	Minister for Social Justice Jane Hutt MS	16.25 To 16.30

Item 1 – Welcome and introductions

The Minister for Social Justice welcomed attendees and explained the meeting is a stand-alone meeting because of the importance of the Police, Crime, Sentencing and Courts Bill, which was introduced in Parliament, Westminster on 9 March. The Minister explained it is a combination of three Bills: the 'Sentencing Bill', 'Serious Violence Bill' and 'Police Powers and Protections Bill.'

The Minister confirmed that while there are nine provisions within the Bill which fall within Welsh Government's competence, this meeting will focus on the unauthorised encampments clauses.

The Minister confirmed the UK Government's draft statutory guidance, which sets out police powers to tackle unauthorised encampments, is available at <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-Bill-2021-draft-guidance>.

The Minister noted the significant adverse impact these proposals, if passed, will have on our Gypsy and Traveller communities.

The Minister confirmed the Welsh Government's approach to managing unauthorised encampments has focussed on engagement with communities, investment for adequate provision of authorised sites, and enabling local authorities to meet the accommodation needs (residential and transit) of Gypsy and Traveller communities – an area of work which is prioritised in the forthcoming Race Equality Action Plan.

The Minister noted the proposed clauses put forward by the UK Government focus on enforcement and criminalisation, which undermine and jeopardise the semi-nomadic way of life of Gypsy and Traveller communities. The Minister confirmed she has expressed her strong disappointment with the position taken with regards to unauthorised encampments; that the Counsel General has noted there is significant disagreement on the encampments issue; and that colleagues in Equalities continue address these issues with Home Office officials.

Item 2 – Police, Crime, Sentencing and Courts (PCSC) Bill - Impact on Gypsy, Roma, Traveller Community Update

The Minister invited Rhian Gibson from the Race, Faith, and Gypsy, Roma, Traveller Team to give an update on the PCSC Bill, and its impact on the Gypsy and Traveller communities.

Rhian confirmed that officials are looking at the specific guidance on the Bill and that while it's too soon to comment on the detail, officials see the encouragement of partnership between the police, local authorities and others as something we would support.

Rhian noted it is disappointing that while the guidance talks about vehicles, there is no mention of the fact they are also homes.

Rhian explained that Part Four of the Bill will make it a criminal offence to reside, or intend to reside, on land in/or with a vehicle. This will enable police to seize vehicles

and Welsh Government are very concerned with this intention. Rhian noted the Welsh Government recognise that if vehicles were seized, it would lead to members of the Gypsy and Traveller communities losing their homes.

Rhian noted the Welsh Government is aware it is a lack of appropriate and sufficient accommodation, places to station trailers with authorisation, TSPs and negotiated stoppid places which can lead to unauthorised encampments. Rhian explained that whilst the Welsh Government does not condone unauthorised camping, it recognises that short roadside encampments are part of Gypsy and Traveller culture and generally do not result in significant issues.

Rhian confirmed the Bill doesn't deal with, or find ways to deal with, the fact that members of the Gypsy and Traveller communities do not have many places to live in their own traditional, cultural ways. Rhian confirmed this is an area Welsh Government is looking to address in the Race Equality Action Plan.

Rhian confirmed that certain clauses of the Bill make provision in relation to devolved matters, and the Minister laid a Legislative Consent Memorandum on 28 May to cover the clauses in the Bill which relate to devolved matters. The Welsh Government does not support the proposals in the Bill relating to unauthorised encampments and the Minister recommended the Senedd withhold consent, and urged the UK Government to reconsider.

The Bill will be debated in Senedd on 30 November.

Turning to the Race Equality Action Plan (the Plan), which reflects the Welsh Government's approach to unauthorised encampments, Rhian confirmed that officials are working through the consultation responses. Rhian noted that the Plan emphasises that it is important not to just talk about just housing, but to also talk about accommodation and homes, which are key to Gypsy and Traveller mobile homes and sites.

Rhian explained the Plan recognises that safe and culturally appropriate accommodation is needed for people to flourish and the lack of site provision needs to be addressed.

Rhian confirmed the actions in the Plan include a review of funding for sites and provision, including support for private sites.

Rhian explained the aim is to redraft the Sites Guidance to ensure the needs of communities are better reflected and there's parity with other forms of social accommodation.

Rhian confirmed we want to see transit sites in Wales by 2023 and improved training for Welsh local authority housing option teams and other relevant professionals to improve support, creating Gypsy and Traveller champions in each local authority.

Rhian confirmed that over next 3-5 years we will look to pilot additional/new ways of finding permanent site provision and explore the potential of a mobile home rental scheme to improve quality and cost – a meeting with a Registered Social Landlord

with experience of this work has already taken place. We're looking to create a national network of transit provision.

In summary, Rhian explained we want to listen to the views of communities and that face-to-face meetings about their needs will take place.

Item 3 – The effects of PCSC Bill on Gypsy and Traveller Communities Presentation

The Minister, turning to the next item, introduced Trudy Aspinwall of Travelling Ahead - Wales Gypsy and Traveller Advice and Advocacy Service, in order for her to give a presentation on the adverse effects of the Bill.

Trudy explained that she is joined by Allison Hulmes who is part of her group as well as Director of BAWSO Cymru, and Isaac Blake, Director of the Romani Arts and Cultural Company.

Trudy began by sharing a clip from a recent documentary which looks at the Bill, specifically Part 4 of the Bill.

The clip can be accessed at <https://www.drive2survive.org.uk/post/everything-you-need-to-know-about-the-police-bill>.

Trudy noted that Welsh Gypsy and Travellers will be caught by this legislation and that they have been failed by local authorities who have not implemented their legal duties under the Housing Act, which include providing for the needs of nomadic families.

Trudy noted there has not been any progress on transit sites. Not one local authority has made plans or pulled down funding to provide these.

Trudy explained that if this Bill comes in, a family which her project is working with – who have their own land – could be criminalised, could have their house seized and could have their children taken away. All this despite fact their local authority has a duty to provide provision to them.

Item 4 – PCSC Bill Impact on Gypsy and Traveller Communities Perspective

Allison Hulmes, who as well as being Director of BAWSO Cymru is a Welsh Gypsy, explained that the Welsh Romani language, an important part of the community's history, culture and heritage, is only spoken because of the nomadic way in which they live. This Bill puts this lifestyle at risk.

Allison also noted that, as a social worker, she is aware that there are no foster carers who are from Gypsy and Traveller communities. This means that when children from this community are taken in to care, they are be removed from their culture.

Isaac Blake gave the following presentation, explaining that the Romani Arts and Cultural Company will have a response coming out:

- Fines of up to £2500 and three-month prison sentences for unauthorised encampments;
- The seizure of vehicles and trailers at the discretion of police, held until the conclusion of criminal proceedings (which could mean loss of home and 'deliberate homelessness', so no statutory duty upon local authorities to rehouse Gypsies and Travellers who've been convicted of trespass);
- The sale of vehicles and trailers to pay fines;
- The **intent** to commit an offence of trespass is to become a criminal offence; i.e. "residing or **intending to reside on land** without permission of the owner (in the case of public land, the council is 'the owner').

The last clause leaves the police in the position of interpreting the law to decide when a Gypsy or Traveller on the road 'intends' or is liable to commit trespass, and therefore can be arrested (with all that entails). Moreover, the Bill also includes, under Clause 61, the offence of **causing, or intending to cause** "significant damage, disruption or distress". The vagueness of what constitutes "disruption or distress" creates a 'catch-all' offence that is again open to the interpretation of the police on hand, rather than clearly understood grounds for arrest. It is a fact that, in the operation of the law already existing (Criminal Justice and Public Order Act 1994), police and prosecutors will seek the maximum penalty and sentence available to the court; the extension of police powers through the PCSC Bill will further harden these attitudes towards Gypsies and Travellers in arrest and prosecution.

Whilst Roma communities are not directly impacted by the PCSC 2021, Clauses 61 to 63, the relationship between this and other new legislation, such as the Judicial Review and Courts Bill being drafted at present and the mechanism for 'correcting' judgements against the U.K. government that ministers disagree with, especially in immigration cases and appeals, touted by the Justice minister at the Conservative Party annual conference in September, will see large numbers of Roma being refused entry or being deported after having judgements overturned by ministers at appeal or earlier in the immigration process.

Demonstration against any of these bills or their contents, at any future stage, will incur the severe penalties much-discussed in the liberal media. Part 3 of the PCSC Bill places profound restraints and limitations on public protest, again not just in terms of actual offences committed but in terms of **likely** offences that **may be committed**. The response of the police to the vigils organised at the murder of Sarah Everard, by a serving police officer (previously twice reprimanded for indecent exposure in public), was a foreshadowing of things to come, with brutal treatment of women at the vigils, knocking down speakers to the crowd, forcing women to the ground and arresting them for public disorder and nuisance offences, and handcuffing them to street furniture whilst dealing with other detainees.

The new offence of creating noisy disturbance that might be construed as “intimidating” or upsetting to locals and passers-by, even by one person, is another aspect of this draconian approach to freedom of expression.

Romani and Traveller communities are the most disadvantaged and least engaged with minority ethnic groups in the complex ethnic and cultural mosaic of modern European identities, as they occupy a space at the intersection of racial bias, class conflict, ethnic discrimination, cultural appropriation, economic marginalisation and social exclusion that is unique amongst minority ethnic groups.

Item 5 – Discussion on Police, Crime, Sentencing and Courts Bill and its impact on our Gypsy and Traveller Communities

Trudy started by welcoming the community consultations with Gypsy and Traveller communities which took place as part of the Race Equality Action Plan, as well as the Welsh Government’s strong commitment to challenging the PCSC Bill. Gypsy and Traveller’s human rights can be discarded if this Bill is passed. It’s a direct racist attack with the expectation people will not stick up for the Gypsy and Traveller communities.

Trudy noted her disappointment with the report from Legislation Committee to the Senedd. We think the Committee, or someone, needs to look more widely at it, it’s about human rights and the Equality Act. Trudy explained she hopes there are more creative ways the Welsh Government can legally challenge these issues.

Trudy noted the other issue is around police and local authorities. Without getting them on board with a clear plan about how they’ll support nomadic life, we’ll end up with the default position of them just moving people on. Trudy welcomed the Welsh Government leading on bringing together police forces and people for local authorities, noting we need to see joined up thinking which offers support to Gypsies, and Travellers.

Allison, echoing Trudy, explained that part 4 of the Bill is aimed at assimilation and eradication. Allison highlighted a quote from Lord Bourne and Baroness Whitaker: “it’s wrong in law, logically and morally”. Their words can be read in the following article <https://www.politicshome.com/thehouse/article/the-police-Bill-will-trap-people-in-a-cycle-of-eviction-and-criminalisation-it-must-be-changed>.

Allison noted that if we start to look at enforcement action, social workers will be dragged in. From her own experience, Allison noted that some social work practice is racist, discriminatory and based on stereotypes. Social workers’ awareness not being improved with this Bill coming in will be disastrous.

Aled Edwards explained that the Bill is a huge concern to all of us. It’s a denial of human rights and it’s against everything we have set up legislatively. It has a serious impact on the very status of the devolved settlement in these islands.

We committed to a devolved settlement on basis we’re all equal. It is increasingly obvious there is an ongoing effort to restrict capacity for devolved legislatures to act.

Aled explained it is vital we take that concern to the constitutional conversation happening now. Aled encouraged the Welsh Government and other to flow through on what Trudy says: we fully explore what legislative powers we have and strengthen up why we're asking the UK Government not to go ahead with this.

Aled explained it is time to go to the Supreme Court and press the case.

The Minister for Social Justice reassured the group that the Counsel General has come out very strongly in support of the group's position. He's also set up commission which Aled referred to. These are point which need to be raised.

Hasminder Aulakh noted her concern that the intention to commit a crime is not something the police should decide. The fact that even if you aren't charged/found guilty of a crime, the procedure or claiming a seized vehicle back from the police is not straight forward.

Trudy noted her concern about policing intent. One of the things that struck her in the Legislation Committee's report is there is no understanding that it's not that someone **has** caused distress, it's that they're **likely** to. Police, some of whom have bias against Gypsy and Traveller communities, are being asked to act as jury and fortune tellers – no other piece of legislation that does this that we can see.

Item 6 – Closing comments

The Minister for Social Justice thanked everyone for their contributions.

The Minister noted we need to make sure local authorities are abiding by their duties to get sites both permanent and transit sites and that Gypsy and Traveller Accommodation Assessments and reviews of needs are ongoing.

The Minister finished by reassuring the group she will be engaging proactively with the authorities on the Bill.