

GYPSY AND TRAVELLER SITE ALLOCATION POLICY – DRAFT

1.0 Introduction

- 1.1 This policy sets out how the Council allocates available pitches on the sites under its management and ownership. The policy is based on a banding system, in line with the Council's Housing Allocation Policy, designed to meet accommodation needs of Gypsies and Travellers and as such it gives priority to those in the greatest need when pitches become available. The Council aims to provide appropriate accommodation and support services to the Gypsy and Traveller communities. Central to this is a commitment to respect the culture and traditions of the communities, whilst providing effective management of the sites.
- 1.2 The aim of this policy is to ensure that the allocation of pitches on Council sites is made in a fair and transparent manner and that those in the greatest need are given priority assistance in securing accommodation.
- 1.3 Cheshire West and Chester Borough Council owns and manages two permanent residential caravan sites for Gypsies and Travellers. The Council's sites are specifically designed to help meet the needs of the local Gypsy and Traveller communities.
- Winsford: Slater's Way has 18 pitches. There are a variety of sized pitches:
 - two larger pitches
 - thirteen medium sized pitches
 - three smaller pitches
 - Ellesmere Port: Kalewood Road has 12 pitches for rent. There are two sizes of pitches:
 - eleven medium sized pitches
 - one smaller pitch
- 1.4 The Council recognises that it may not have enough pitches to meet the requests from everyone who may apply and this allocations policy will give priority to those in the greatest need.
- 1.5 The Council appreciates and understands that the Gypsy and Traveller communities are diverse and that many Gypsies and Travellers choose to live within family groups where they can enjoy the benefits of their extended family support, which is an essential part of their culture. The Council is committed to supporting the Gypsy and Traveller communities and therefore preference will be given to those families or individuals with a local connection.

- 1.6 Applicants will be required to complete and submit a pitch application form which is available from the Council's Gypsy and Traveller team. If the applicant requires help filling out the form, the Gypsy and Traveller Team will be happy to help. The Council will use the information provided on this form to assess the eligibility of applicants for entry onto the register and therefore their eligibility to be considered for a pitch on either site.
- 1.7 On receipt of the application form, the Council may request further information and supporting evidence so the applicant's eligibility and needs can be confirmed. The Council will verify the information provided which may include:
- Inviting the applicant for an interview
 - Visiting the applicant's present accommodation
 - Contacting various agencies
- 1.8 An application will remain inactive until the Council receives all the relevant information it requires to complete a full assessment of the application. This means the Council cannot allocate a pitch to applicants during this period.
- 1.9 The Council may take legal action against applicants who withhold or provide false information regarding their application and may disqualify applications supported by false information. Where an applicant has been given a pitch as a result of providing false information, the Council may take court action to obtain possession of the pitch.
- 1.10 As part of the allocation process, the Council will consider the merits of each individual application together with the needs and requirements of other applicants. This will be done by considering the total number of applicants, the time on the register, their local connection and any other information considered relevant and available to the Council.

2.0 Eligibility

- 2.1 In order to be eligible to register on the waiting list and considered for a pitch on either site, applicants must:
- Be aged 16 or over (it is very rare for anyone under 18 years of age to be offered a tenancy)
 - Be from a Gypsy or Traveller background.
 - Have a local connection to the area.
 - Not have any serious criminal convictions. Please see Appendix 1 for further details
 - Not be intentionally homeless.
 - Not have been excluded from any accommodation in the past.
 - Not have rent arrears or other housing related debts with previous landlords.
 - Be in need of accommodation as outlined in the priority need Bands below.
- 2.2 Applicants who are considered to have adequate lawful accommodation currently will not normally be considered for the allocation of a pitch on either site. Those living in bricks and mortar housing, who have a preference for living in a caravan, may apply but will be placed in Band D and will not normally be offered a pitch above those without any lawful accommodation.

2.3 Consideration will be given to accommodating persons who are currently in lawful accommodation in exceptional circumstances; these may include:

- An element of risk for the applicant in their existing accommodation
- The applicant having an urgent and overriding medical/health need or a need for the applicant to reside on either site, in order to care for an existing site resident.

3.0 Local Connection

3.1 A local connection is defined as:

- Applicants working in the local authority area and have a full time contract.
- Applicants who are normally resident in the local authority area (6 months out of 12 months OR 3 of the past 5 years*).
- Applicants have family members who are resident in the local authority area (family members are defined as parents, children, brothers and sisters who have been resident in the local authority area for a period of 5 years or longer*).
- Applicants who are existing permanent residents in the Borough, who have lived in the area for more than 12 months and are in need of separate or alternative accommodation.
- Proof of residence could be demonstrated by any one of the following:
 - Electoral register
 - Council Tax/Housing benefit letter
 - Income Support/Child Benefit/Working Tax Credit award letter
 - VAT or Income Tax documents
 - School attendance documents

NB. Letters from GPs or hospitals confirming that an applicant is or has been under their care for a relevant period are not ordinarily sufficient proof in their own right because experience shows that patients often keep the same doctor when they change address.

4.0 Equality

4.1 The Council managed sites are specifically designed to meet the needs of the Gypsy and Traveller community. Therefore to apply for a pitch, applicants must be a Gypsy or Traveller as defined in the Housing Act 2004 or any subsequent legal definition. The housing needs of others are addressed through the Trust Homechoice Allocations Policy.

4.2 With the exception of the pre-condition set out in paragraph 4.1, the Council will not discriminate against anyone applying for a pitch on the grounds of:

- Ethnicity or national origin
- Sex
- Marital status
- Disability
- Age
- Religion or belief
- Sexual orientation

5.0 Application

- 5.1 Applicants who wish to apply for a pitch need to contact the Gypsy and Traveller Team:
- Gypsy and Traveller Team
Civic Way, Ellesmere Port, CH65 0BE
Phone: 0151 356 6537
- 5.2 Every applicant must make a formal application through completion of the application form, although enquiries are welcome either by telephone or in person. The Gypsy and Traveller team can offer support in completing the application form where necessary.
- 5.3 Applicants will be invited to meet with the Gypsy and Traveller Liaison Officer (GTLO) to verify the information disclosed on the application and to undertake an assessment of housing and support needs where necessary. This will enable the Council to consider any support mechanisms required prior to the tenancy starting.
- 5.4 Applicants must provide details of previous addresses for the past 5 years. The Council may make contact with your previous landlords. Applicants must provide the names and addresses of two referees, preferably from recent landlords. Applicants may be refused if they do not provide a referee or if the references received give serious grounds for concern.
- 5.5 Where an applicant has previously only lived with their parents/relatives, they will be required to provide the name of at least one, but preferably two, unrelated people, who would be willing to act as referees.
- 5.5.1 When the applicant applies for a pitch, they are required to sign a declaration to confirm that:
- The information provided is true and accurate
They will inform the Council of any changes in circumstance
They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct
The consent to the release of any relevant information

6.0 Allocations

- 6.1 Once an applicant's application has been accepted, they will be placed on the waiting list in one of the four priority bands. Our priority bands are: A, B, C and D. Band A reflects the highest priority. A full list of the bands and the circumstances for being in a band are detailed below.
- 6.2 This section details the banding scheme which determines the priority given to an applicant. Priority for vacancies will be given to applicants in the highest band. If there is more than one applicant in the highest band at the time of a vacancy, consideration will be given to the respective personal circumstances of the applicant and regard will be had to which application was accepted first.
- 6.3 If circumstances change which results in an applicant moving to a higher priority band, the band date applies from the date the application is given the higher priority, not the original date of the application.
- 6.4 If circumstances change which results in an applicant moving to a lower priority band, the date for the lower band will be treated as either; the date the application first went into the band, or the date the application first went to the lower band whichever is earlier.

- 6.5 An applicant will be placed in the highest band that any member of that household qualifies for. There is no additional recognition of multiple needs within a household.

BAND A – URGENT

Priority will be given to an applicant who is currently or will soon be without alternative lawful accommodation. This classification includes persons assessed as being homeless, in priority need and not intentionally homeless in accordance with the criteria contained in the Housing Act 1996 Part VII (as amended). Therefore, priority will be given to the following applicants:

- Those living on sites situated within the Borough of Cheshire West and Chester without the benefit of a permanent planning permission.
- Those with no accommodation that they have a legal right to occupy.
- Those with accommodation but cannot gain entry to it.
- Those living in a moveable structure but have nowhere legally to place it.
- Those with accommodation but it is not reasonable for them to continue to occupy it.

AND A LOCAL CONNECTION

BAND B – HIGH PRIORITY

- Those with a medical need which would be addressed through council accommodation.
- Those with a social need (e.g. fleeing violence/harassment)
- Young Care Leavers.

AND A LOCAL CONNECTION

BAND C – MEDIUM PRIORITY

- Homeless without priority.
- Have a high medical or social need.
- Lack of facilities in current provision.

AND A LOCAL CONNECTION

BAND D – LOW PRIORITY

Applicants from outside the local area and those with no housing need will automatically be placed in this band

7.0 Exclusions

7.1 **The Council wishes to** ensure that its sites are well managed and that the communities within sites can have peaceful enjoyment of their homes. To ensure this, the Council will not allocate pitches to the following persons, unless there are exceptional circumstances;

- Applicants who own property within the locality that they can be reasonably expected to occupy.
- Applicants who have carried out malicious damage to property and/or unpaid rechargeable repairs.

- Applicants who have been violent to or threatened staff or agents of the Council, previous landlords or the Police.
- Applicants owing money to the Council, previous landlords, or with a poor payment record on previous sites, or with unsettled accounts with other local authorities relating to both site and non-site related issues.
- Applicant (or persons within the household) with a history of anti-social/unacceptable behaviour that would have led (or previously led) the Council to obtain a possession order against them if they had been a Council tenant (this includes households who have not held a Council tenancy, but whose behaviour was such that they had been a Council tenant, the Council would have obtained a possession order against them).
- Perpetrators of anti-social/criminal/unacceptable behaviour.

7.2 Anti-social/criminal/unacceptable behaviour, for the purpose of this policy include but are not restricted to:

- Convictions for violent/serious offences
- Convictions for drug use/drug dealing
- Anti-social/threatening behaviour towards neighbours and the local community
- Moving onto sites without advance permission
- Breach of Tenancy Agreement

7.3 Exclusions from the waiting list will be for an initial period of one year from application, unless there are very special circumstances. Applicants can then re-apply if they can satisfy the Council that their circumstances have changed (e.g. debts have been cleared; track record of behaviour has demonstrably improved).

7.4 Any applicant facing exclusion will receive a letter from the Council setting out the reasons for exclusion and offering the right to appeal. Additionally the applicant will be contacted to have the reasons explained fully by the Gypsy/Traveller Liaison Officer.

7.5 Decisions about managing risk will involve information sharing between partner agencies, including: the Police, Community Safety Teams, Probation Services, Social Services, Health Professionals and other relevant bodies.

7.6 Applicants have the right to appeal against this decision within 21 days of being notified.

8.0 Appeals

8.1 Applicants have the right to request a review of decisions made in the allocations process.

This includes decisions on:

- eligibility
- banding
- medical or welfare priority
- suitability of offers
- operation of the policy

Applicants who want to request a review of a decision must do so within 21 days of the decision being made. The decision letter will inform the applicant of how to request a review. Applicants will need to set out in writing why they think the decision is wrong, providing any additional supporting information. Applicants who find this difficult can ask for support to do this.

The review of the decision will be made by a different officer to the one who made the original decision; they will have had no involvement with the original decision and will be senior to the person who made the original decision. The Reviewing Officer will consider all the evidence and decide whether to overturn or support the original decision. The applicant will be informed of the outcome of the review in writing, within 21 days of receipt of the request for a review. The letter will include the reasons for the decision and the facts taken into account.

8.2 **Right to a further review**

Applicants who are unhappy with the outcome of a review can request a further review. This must be done within 21 days of receiving the letter setting out the outcome from the first review. Applicants should consider whether they feel the first reviewing officer did not take all the facts into account, or if there is new information which was not made available at first review.

Reviews will be undertaken by a different and more senior officer at the Council. They may offer a face-to-face meeting to discuss the issues and why the customer is unhappy. They will notify the applicant of the outcome of the further review as soon as possible and no later than 56 days from receipt of the letter requesting a further review.

If the applicant is still unhappy with the decision they can seek advice from a Citizens' Advice Bureau, solicitor, law centre, housing or other advice centre. They should do this as soon as possible, as they may lose any further rights if there is a delay.

Data Protection Act 1998

The Data Protection Act 1998 sets out rules for processing personal information and applies to paper and electronic records. The Partnership will operate at all times within the Data Protection Act.

Freedom of Information Act 2000

The Freedom of Information Act 2000 promotes openness and accountability within public bodies. The Council is required to comply with the Freedom of Information Act.

2.3 Customers guilty of unacceptable behaviour

It is our policy to exclude from the register for a period of time customers (including members of the household) who are guilty of unacceptable behaviour; that is behaviour which causes a nuisance or annoyance to other people. This can include noise nuisance, anti-social behaviour, drug dealing, violence or threats towards other members of the community, staff and elected Members of Partnership organisations. It may also include domestic abuse, racial abuse or harassment, this list is not exhaustive. The length of time of the exclusion is intended to give the customer time to evidence that they have changed their behaviour, and that offering them a tenancy will not create problems for the neighbours and the community in which they will live. We will not include time spent in prison when considering whether or not there is evidence of a change in behaviour.

There is no requirement for the customer or member of the household to have been convicted of such behaviour, but we will only exclude people where there is sufficient evidence for us to conclude on the balance of probability that such behaviour has taken place, and that if it were repeated in the context of a social housing tenancy/pitch agreement under the Mobile Homes Act 1983, it would be likely to create problems for neighbours and the community. Where we have reason to believe that someone has been guilty of unacceptable behaviour we may ask the police or other agencies to corroborate this.

The Council does not operate a blanket policy in relation to any category of anti-social behaviour, each case will be considered on its individual circumstances. Any decision to exclude will always be made by a senior officer from within the Council and will be closely monitored. The length of exclusion will depend on the severity, duration and number of incidents of unacceptable behaviour. Less serious offences may result in exclusion for up to twelve months, the most serious offences or multiple offences may result in exclusion for up to 3 years. Customers who are excluded on these grounds will be informed of this in writing and given a right of appeal over both the exclusion and the length of time.

More information is given in Appendix 3:

Appendix 3 – additional information for customers with a history of anti-social behaviour

The main policy sets out our overall approach to customers with a history of anti-social behaviour. The emphasis is on giving customers the opportunity to evidence that they have changed their behaviour, balanced by the need to protect existing tenants and their communities.

When considering whether to exclude someone for a period of time for anti-social behaviour we will not operate a blanket policy, but treat each case on its merits and look at the individual circumstances.

In looking at anti-social behaviour we will consider all offences and incidents in the past three years. Where a customer has spent some or all of the three year period in prison we will not include that time and will look at the appropriate length of time prior to going into prison. So for example someone who has been out of prison for 18 months; we would look at that period of time and also the 18 months before they went into prison. This is because the period of exclusion is intended to give the customer time to evidence that they have changed their behaviour, and that offering them a tenancy will not create problems for the neighbours and the community in which they will live.

In order to ensure equitable treatment of customers, we will apply the following guidelines as appropriate:

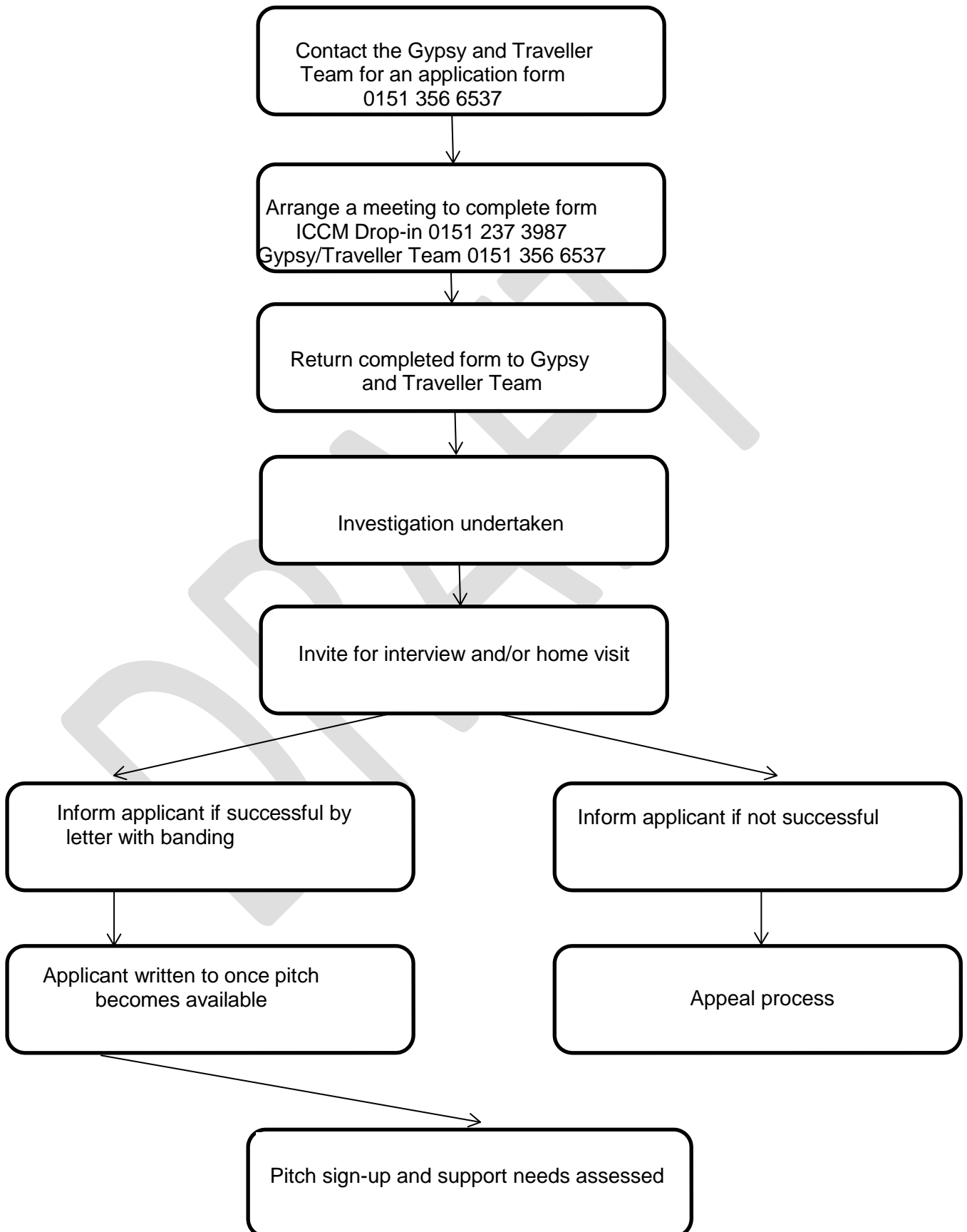
Length of exclusion	Type of offence
Twelve months	Anti-social behaviour which has resulted in action whether by the landlord, police or other body. Frequent noise nuisance e.g. at least 3 occasions over a 3 year period. Conviction for burglary or theft or similar offence on one occasion only Verbal, domestic or racial abuse
Two years	Anti-social behaviour which has resulted in conviction, or which would have enabled the landlord to gain possession of the property had the customer been living in social housing at the time. Conviction for drug dealing of a Class A substance, or dealing of any classification of drug that is deemed substantial enough for exclusion. Conviction for burglary, theft or similar involving more than one occasion Single incident of domestic or racial abuse involving violence. Conviction for violent behaviour
Three years	Conviction for violent behaviour on more than 2 occasions More than one incident of domestic or racial abuse involving violence. Harassment resulting in police enforcement such as a restraining order or non-molestation order Customers defined by the police as prolific offenders, or who have committed more than 3 offences within a locality of dwellings e.g. burglary, theft

Where an offence took place between 1 and 3 years ago and there has been no further anti-social behaviour, a lesser period of exclusion may be applied.

Customers who fail to declare previous anti-social behaviour on their application will be deemed to have withheld relevant information and the application may be treated as fraudulent. This could result in the customer being excluded from the register for a three year period, in addition to the period of exclusion relating to the behaviour itself. Any decision on the length of time to exclude for failure to declare will be proportional to the anti-social behaviour that took place.

Appendix 2

Process for Allocation of Pitches on Cheshire West and Chester Sites



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