



## **Gypsy and Traveller Site Allocation Policy**

### **Introduction**

This policy sets out how the Council allocates available pitches on the sites under its management and ownership. The policy is based on an applicant's circumstances and is 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.

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.

The following legislation has been considered:

- The Human Rights Act 1998 (as amended)
- The Equalities Act 2010
- The Housing Act 2004
- The Mobile Homes Act 2013 (revision)
- Rehabilitation of Offenders Act 1974
- Environmental Protection Act 1990, part 4
- The Housing and Regeneration Act 2008
- The Homelessness Act 2002
- Caravan Sites and Control of Development Act 1960
- Race Relations Act 1976 and Race Relations (Amendment) Act 2000
- Housing and Planning Act 2016

South Norfolk Council owns and manages one permanent residential caravan site for Gypsies and Travellers. The Council's site is specifically designed to help meet the needs of the local Gypsy and Traveller communities.

- Roundwell Road, Costessey has 18 pitches

The Council also owns Brooks Green traveller site, but the management of this site is subcontracted to Broadland Housing Association. Broadland Housing Association have their own allocations policy which covers this site.

The Council recognises that it may not have enough pitches to meet the requests from everyone who may apply and this allocation policy will give priority to those in the greatest need.

The Council appreciates and understands that 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.

### **Applying for a Pitch**

To apply for a pitch an application will need to be filled out and submitted along with all supporting documentation as indicated within the application form (appendix 1)

If help is required in completing the pitch application, please contact The Housing Department, South Norfolk Council on 01508 533933

South Norfolk Council reserves the right to seek further supporting evidence as required to support an application.

### **Validation of Application**

Once the completed application and supporting information has been received, the application is validated and checked to ensure all necessary information has been received.

If the application is complete and all necessary information has been provided, the applicant will be notified that the application has been accepted.

If there are any missing documents or information, the applicant will be contacted and told what needs to be provided and by when (normally a date for two weeks is given). At the end of this time, if the application is checked and found to be complete with all necessary supporting evidence provided, the applicant will be notified that the application has been accepted. If there are still missing documents or information, the applicant will be contacted and advised that, on this occasion, the application is rejected as it is incomplete.

Once rejected, any further application for a pitch will require a new application form with supporting documentation. If help is required in completing the pitch application, please contact The Housing Department, South Norfolk Council on 01508 533933

### **Assessment of Applications**

All valid applications will be reviewed by South Norfolk Council officers. All assessments are made using the personal information and circumstances declared only thus making sure all allocations are fair and transparent

The criteria used to assess applications is:

- Existing accommodation
- Security of Tenure
- Welfare considerations

- Local connections
- Familial arrangements
- Education arrangements
- Medical conditions
- Time on waiting list

The points allocation system can be found in Appendix 2 attached.

All scored applications will be entered on to the waiting list and kept for a maximum of 2 years. When a pitch becomes available, the top five highest scoring applications are contacted and asked to provide up to date details if their original application is more than 3 months old. The applicant has two weeks to provide this information. Once the information has been received, scoring is repeated considering any added information provided, and the top three highest scoring applicants are contacted and invited in for interview.

Where no response is received to the request for updated information, the applicant is written to or telephoned and asked to confirm that they still want to be considered for a pitch. The applicant has two weeks to respond, after which time, if no response is received, the applicant will be removed from the Waiting List and the application, and all related documentation will be securely deleted. A record will be kept of names for those application forms which have been deleted.

### **Debtors**

Where applicants have an outstanding housing related arrears (rent, utilities, council tax), no offer of a pitch will be made until the arrears are settled in full, unless there is a housing need that outweighs the arrears.

Where applicants have previously owed money to South Norfolk Council and the account has not been settled in full, they will not be considered for a pitch, unless there is a housing need that outweighs the debt and a acceptable payment arrangement has been in place for a minimum of 6 months.

### **References and Verification Checks**

Appropriate steps will be taken to verify the information provided by the applicant and background checks completed to confirm suitability for a pitch/site. As part of the application, the applicant will have provided consent for us to complete appropriate due diligence and verification checks on the information the applicant has provided to us.

These checks may include but are not limited to:

- References from previous landlords/local authorities/housing associations
- Credit checks/checks with other local authorities to identify any arrears owed to other public sector partners and to confirm the pitch rent is affordable
- Checks with other information systems administered by KCC (including our intelligence and Trading Standards databases)
- Checks with the Department of Work and Pensions to verify the payment of benefits

- Checks with schools
- Check with doctors/hospitals for confirmation of medical conditions
- Checks with local Police

The results of any checks will be confidential, however if an application is refused because of these checks, applicants will be notified and explained the decision in accordance with the Data Protection Act 2018.

### **Eligibility and Qualification**

As a local authority, we must adhere to all legal requirements that affect who we allocate pitches to. We are required to consider an applicant's eligibility at the time of their initial application and again when they have been successful in applying for a pitch. If an applicant is found not eligible at any time during this process, the allocation cannot continue, and a pitch licence cannot be granted.

Under this procedure, an applicant may not be eligible if under 18 (16- and 17 -year -olds may be exempt if already living independently under section 17 of the Children Act 1989) - Allocation of Housing and Homelessness Eligibility) (England) Regulations 2006)

They are subject to controls under immigration or asylum regulations. Certain persons subject to immigration control are not eligible for the allocation of a plot, and therefore not eligible to be accepted onto the waiting list. They are prescribed as being 'persons from abroad' as defined by the Secretary of State or legislation. This includes:

- Over stayers and visitors to the country
- Illegal entrants
- Asylum Seekers
- People in the country on condition that they have no recourse to public funds
- Persons from abroad who fail the habitually residence test
- Persons from abroad who are in breach of the European Community Right of Residence
- Persons from abroad who have been subject of a sponsorship agreement for less than 5 years and who sponsors are still alive

In addition to eligibility applicants must meet the criteria outlined within the rest of this policy in order to qualify and apply for a pitch.

To apply for a pitch, the applicant must be:

- At least 18 years old (see the above exception to this).
- From a Gypsy and Roma, or Traveller background which means persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such." (Planning Policy for Travellers Sites (March 2012)

In addition, the following qualifications and exclusions will also be taken into account:

#### **a. Identity**

We are required by law to check the identity of all people who want to rent a pitch from us.

On the application form we ask the applicant to provide paperwork that confirms identity and current address, such as passport, driving license, proof of national insurance number, or utility bill. If the applicant is moving to the UK from abroad, they will need to provide a copy of their visa.

The applicant must also provide documents that prove all adults living in the property have the right to rent in the UK. This could be a passport, national identity card, immigration status document or other paperwork listed as acceptable in the [Governments list for right to rent checks.](#)

#### **b. Pitch and Home Ownership**

Applicants must not own the freehold or leasehold to any pitch or property within the UK and/or internationally. This does not apply to supported housing applicants aged 60 or over. However, if a supported housing applicant has sufficient means (including financial interest in a property) to purchase a pitch or suitable accommodation for their needs in the Norfolk area they may not qualify for an allocation.

If exceptional circumstances preclude this from happening, they may still be eligible for a pitch. Such applications will be assessed on a case-by-case basis and will be considered as an exception to procedure by the Council's Gypsy, Roma Traveller Site Tenancy Manager.

#### **c. Financial Means**

Applicants will not qualify if they have the financial means to meet their own pitch need. We define this as the applicant and/or their partner having more than £60,000 gross income or assets (excluding their mobile home and/or touring caravan) or savings that exceed £16,000 (except where a lump sum has been paid to a current or former member of the armed forces as compensation for an injury or illness caused directly by their service and/or a war pension).

#### **d. Anti-Social Behaviour**

Applicants will not qualify where there is evidence that legal or other serious action has been taken against any member of the household due to anti-social behaviour (ASB) within the 5 years immediately preceding the date of application, or that there are grounds for high probability of conflict with other residents.

Applicants with any of the below legal orders may not be considered to qualify and will be unable to apply to the waiting list for a period of up to 5 years or more (see below):

- Acceptable Behaviour Contract (2 years)
- Community Protection Notice (2 years)
- Legal Undertakings (3 years)
- Anti-Social Behaviour Injunction (3 years)
- Premise Closure Order (5 years)
- Criminal Behaviour Order (5 years)

Following this period, the applicant will be required to provide appropriate evidence that they have been able to maintain consistent positive behaviours during this period.

In addition, applicants will also not qualify if they or any members of their household:

- Have been evicted on the grounds of Anti-Social Behaviour (ASB) in the 5 years immediately preceding the application.
- Have held a demoted tenancy due to ASB in the 5 years immediately preceding the application.
- Are a person known to be or have been involved with serious ASB within the 5 years immediately preceding the application, as per the advice of the police or a local authority ASB team.
- Are a person known to be or have been involved with any persistent and/or serious contravention of site rules at a previous site within the last five years.
- Has moved onto one or more of our sites without advance permission.

#### **e. Rent Arrears**

Applicants will not qualify where there is evidence that they or a member of the household has pitch or accommodation-related arrears owed to a local authority (including council tax), a housing association or a private rented sector landlord, unless two years of regular repayments have been made and these repayments have been shown to substantially remove the arrears debt (e.g. by more than 60 percent). This includes both current and former arrears. Applicants will also not qualify if they or any member of their household:

- Have been evicted on the grounds of rent arrears from a council or housing association in the five years immediately preceding the application.

- There is an existing notice or a possession order on their pitch or property.

Exceptions may be made in certain circumstances, e.g. a current tenant downsizing to make rent payments more manageable, which will be considered at the discretion of the Tenancy Manager.

When exceptions are made, and an applicant with arrears is permitted to move, any debt owed to the council will still be required to be paid.

#### **f. Animals**

No animals are permitted on the Site except for traditional household pets including and limited to dogs, cats and caged birds. If the applicant wishes to have more than two dogs on the Pitch, the applicant must first seek written permission. Horses and other livestock are strictly prohibited. Due to avian flu risks, chickens and other free roaming birds are not permitted.

#### **g. False, Misleading or Withheld Information**

Applicants will not qualify if they have deliberately provided fraudulent information by:

- Giving false information.
- Not disclosing all information required.
- Not informing the Council of any important changes to their situation.

If an applicant is found to have provided any false or misleading information or they have withheld information that is relevant to their pitch application, their current and any future applications will be suspended.

#### **Decision Not to Offer a Pitch**

At all times, South Norfolk Council reserves the right not to allocate to a vacant pitch on a site, regardless of allocation of points, if in the opinion of the council it is in the best interest of the site and its management. The applicant will be told of this decision.

#### **Offer of a Pitch**

The offer of a pitch will be made verbally and confirmed in writing, and the successful applicant will be asked to accept or refuse the pitch within a week of receiving the letter. If no response is received within the week, then the pitch will be offered to the next highest scoring applicant.

If the offer of a pitch is accepted, a date to meet at a South Norfolk Council officer will be arranged. This meeting will allow South Norfolk Council officers to explain the responsibilities of each party in the Pitch Licence Agreement and will allow the successful applicant to ask any questions they may have. At this meeting, two copies of the pitch licence agreement will be signed and one copy will be kept by South Norfolk Council and one will be given to the successful applicant, and arrangements will be made to pay the deposit and move onto site. As appropriate, forms to arrange for direct payment of rent will be signed at this time.

If the offer of the pitch is refused, the pitch will be offered to the next highest scoring/appropriate applicant. The applicant refusing the pitch will advise whether they want to be considered for other pitches or if they are withdrawing their application, and records will be updated accordingly.

### **Pitch Licence Agreement**

The Pitch Licence Agreement is regulated by the Mobile Homes Act 1983, and it sets out the rules governing good conduct of sites, the payments that must be made and advises of breaches and how these will be handled. It also provides the permission for residents, trailers/mobile homes, other buildings, and animals allowed on pitches. The Pitch Licence Agreement must be signed and agreed before moving on to the pitch.

In accordance with the Mobile Homes Act 1983, a written statement of the terms applicable to the Pitch Licence Agreement will also be supplied at least 28 days before the agreement is entered into, unless the successful applicant agrees in writing to a shorter period.

Once a Pitch Licence Agreement is in place, any breaches to it will result in appropriate action being taken against the Licensee. Breaches can include non-payment of rent or utilities, criminal activity, and anti-social behaviour.

### **Deposit**

The Council will seek a deposit at the commencement of the licence. The licence holder will be required to pay a deposit of £300, which will be kept in a deposit account, in addition to one (1) month's rent in advance of occupation of the pitch. This must be paid within two weeks of accepting the pitch and access to the pitch will not be given until these monies have been paid. If this is not paid in this time, the pitch offer will be withdrawn, and the pitch will be offered to the next suitable applicant (repeating previous steps as necessary).

### **Moving on to site**

On the date that is agreed for moving on to site, the new resident will be met on site by an officer of South Norfolk Council within 24 hours of this date to handover any keys and complete the pitch inventory. The resident will be provided with key information about their pitch and the site.

## **Communication**

South Norfolk Council aims to provide regular updates throughout the allocation process where contact details are provided, and where a postal or email address is provided, written updates may be provided.

If we have already been made aware of limitations in the understanding of written communications we will endeavour to ensure that all such communications have been fully understood.

As part of the Pitch Licence Agreement, residents are required to update the Council with all relevant changes in circumstances, including but not limited to new residents, children turning eighteen, new children and criminal records.

## **Re-Siting Mobile Home**

South Norfolk Council may ask a Pitch Licence holder on a Council owned site to re-site their mobile home on another pitch forming part of the same site in accordance with Chapter 4 of Schedule 1 to the Mobile Homes Act 1983, or the parties may mutually agree to a move to another pitch on the same site.

This does not count as an allocation for the purpose of this policy.

## **Statutory Succession**

In certain circumstances, there may be a statutory right of succession to a pitch agreement under section 3 of the Mobile Homes Act 1983.

This does not count as an allocation for the purpose of this policy.

## **Reassessment of Non- Qualification**

Applicants who have failed to qualify will need to provide the evidence if their circumstances have changed to initiate a reassessment. If the reassessment is successful they may join the waiting list for a pitch.

## **Appeals**

Applicants have the right to request a review of decisions made in the allocations process. This includes decisions on:

- eligibility
- scoring of application
- 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.

If the applicant is still unhappy with the decision they can seek advice from a Citizens' Advice Bureau, solicitor, law centre 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**

When an application for a pitch is made, South Norfolk Council will only seek information that they require to assess the application, and the applicant's needs. Information supplied may be shared amongst relevant officers, landlords and support agencies. South Norfolk Council will ensure the personal information of all applicants (prospective, existing and archived) is:

- Processed within the scope of all data protection legislation, including the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018 (DPA)
- Stored lawfully.
- Processed in a fair and transparent manner.
- Collected for a specific, explicit and legitimate purpose.
- Kept up to date and not held any longer than necessary (in-line with the Council's Data Retention Policy).
- Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.

An applicant's permission to share their personal information is a qualification condition of being accepted onto a pitch. The Council's Privacy Notice can be located via our online portal at: [www.southnorfolkandbroadlandhomeoptions.org.uk](http://www.southnorfolkandbroadlandhomeoptions.org.uk) and is available on request.

We share this information without the applicant's specific consent if it is reasonable and necessary to do so to fulfil our public tasks or if it is otherwise in the substantial public interest to do so. The law imposes safeguards to protect the applicants privacy in these circumstances.

Finally we may also share the applicant's information across different departments of the Council, where it is necessary for our public tasks or functions to do so.

### **Equalities, Access and Monitoring**

South Norfolk Council is committed to ensuring that our allocations scheme is non-discriminatory, particularly taking into account any vulnerability or other specific needs, and the needs of different groups protected by the Equality Act 2010, the Human Rights Act 1998; and for Children, Section 11 of the Children Act.

To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on specific groups and to evidence the need for amendments, as required.

Under the Equality Act 2010 and section 149 of the Public Sector Equality Duty, Councils are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as their housing allocations scheme. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### **Force Majeure**

The Council will not be liable for any delay in performing its obligations under this policy if the delay is caused by a force majeure, provided that reasonable action and notification to applicants is taken by the Council. More fully, this means, circumstances beyond the reasonable control of the Council, including (without limitation) strikes, lock outs, acts of God, the act or omission of any governmental or other competent authority, war or national emergency.

### **Complaints**

Any grievances or complaints can be handled using South Norfolk Council's formal complaints procedure. A copy of this can be found at [south-norfolk-council-complaints-policy \(southnorfolkandbroadland.gov.uk\)](https://south-norfolk-council-complaints-policy(southnorfolkandbroadland.gov.uk)) or a paper copy can be obtained from South Norfolk Council offices.

**Review**

This policy will be reviewed if there are significant changes required in the light of best practice and any changes to legislation and Government guidance.