

**Proposed Gypsy
and Traveller Sites
Pitch Allocations
Policy 2014**

Leicester City Council



City Mayor

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PART 1 INTRODUCTION

- 1.1 This Allocation Policy explains the rules that determine the allocation of pitches on Gypsies and Traveller Sites owned by Leicester City Council.
- 1.2 This Allocation Policy guides the principles of how these Pitches will be allocated in a fair and transparent manner, taking account of the Council's duty to take account of housing need and in such a way as to ensure that the effective management of sites is not prejudiced.

Policy Aims

The key aims of this policy are to:

- 1.3 The aim of the policy is to ensure that allocation of Pitches on Gypsy and Traveller sites owned by Leicester City Council are made according to the needs of applicants with reasonable preference being given to those with prior connection to Leicester or Leicestershire and in such a way as to ensure that the effective and smooth running of these sites.
- 1.4 Acknowledge that gypsy and traveller families are a recognised minority group under race relations legislation and to provide a service that is sensitive to their specific cultural and traditional beliefs. Therefore, for the purpose of the allocations policy these pitches will be allocated to persons who fall within the definition of:

“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.”

(ODPM circular 01/2006)

The Legal Framework

- 1.5 This policy has regard to the provisions of:
 - Mobile Homes Act 1983
 - National Planning Policy Framework for traveller sites
 - Race Relations Act 1976 (as amended in 2000)
- 1.6 All successful applicants will be offered a pitch agreement (both applicants where the Licence is jointly held) regulated by the Mobile Homes Act 1983.
- 1.7 The pitch agreement sets out the rules governing good conduct of sites, advises that any breach of licence is likely to result in formal action being taken to remove the licensee responsible from the site.
- 1.8 The rules of the site are set out in the licence and are made up of implied terms used in the Mobile Homes Act 1983 and express terms, which are site specific.

Equalities Statement

- 1.9 Leicester City Council is strongly committed to fairness and equal treatment for all.
- 1.10 The Council aims to treat all people equally no matter what their race, ethnic origin, nationality, religion, cultural and social background, refugee status, sex, sexuality, marital status, age, disability (including learning disability) health (including mental health) or HIV status.

Confidentiality Statement

- 1.11 All applications for a pitch on Leicester City Council Gypsy and Traveller Sites will be dealt with in a confidential manner. Information held under the scheme will not be disclosed to any third party, except where:
- The individual who is the subject of such confidential information has consented to disclosure to a third party.
 - Leicester City Council is permitted to disclose the information under data protection Legislation.
 - There is a requirement in law to make such disclosures.

Commitment to Cohesive Communities

- 1.12 Leicester's sites are specifically designed to meet the needs of the local gypsy and traveller community. Therefore applicants must be a gypsy or traveller, either by ethnic group or by legal definition (as set out in 1.4).
- 1.13 A key aim is to support and enable communities that are balanced, safe, inclusive and sustainable, whilst encouraging community cohesion. The Council will operate a policy in a way that supports the long terms of each site.

Complaints

- 1.14 Complaints about the implementation of this policy will be considered under Leicester City Council's Complaints Procedure. Information is available on the Council's website.

PART 2 THE WAITING LIST

- 2.1 Leicester City Council has chosen to maintain a waiting list for the gypsy and travellers sites administered by Leicester City Council to assist in the assessment of housing need and allocation of pitches.
- 2.2 Leicester City Council's Gypsy & Traveller Waiting List is open to all persons as defined in 1.4 above, who are deemed eligible (and as set out in paras 2.6 to 2.10 below).
- 2.3 Application forms are available from the Area Housing Offices or the Office located at the Meynell's Gorse Site and on the Councils website.
- 2.4 The Council has a waiting list to achieve a balance between meeting accommodation needs, managing resources and fostering an acceptable quality of

life on sites in accordance with our allocation procedures and the Mobile Homes Act 1983.

- 2.5 For the purposes of this policy the term 'suspended' will mean that no offers of a pitch will be made to someone who is suspended from the waiting list.

Eligibility to Appear on the Waiting List

- 2.6 In order to be considered for allocation of a pitch on any of LCC's Gypsy and Traveller Sites applicants must be from a gypsy or traveller background (see definition set out in 1.4)
- 2.7 Be aged 18 or over;
- 2.8 All applications must have the correct supporting proofs in order for the application to be deemed as complete.
- 2.9 Applicants who apply with partners are treated as making a joint application and partners are subject to the same tests as applicants
- 2.10 Every person who submits a complete application will have their application considered.
This does not mean that everyone who applies will be accepted onto the gypsy & traveller waiting list.

Persons that can be included on the application form

- 2.11 The Policy permits the following members of a household to be included on the application form:
- Applicant and their partner
 - Children under 18 who are dependent on applicant or their partner *
 - Adult sons and daughters who have lived with applicant (s) throughout their adult lives
 - Where there are exceptional circumstances in the case of adult children or other members of the household who have lived away and now wish to be rehoused as a family unit, consideration will be given to individual cases.

**For the purposes of this policy, a dependent child is defined as being under 18 years and being the natural or adopted child of the applicant or his/her partner, under 18 and subject to a legal residence order or under 18 and in the care of the Local Authority.*

Members of a household can only appear on one application of LCC's Gypsy and Traveller Site Allocations Scheme.

Unacceptable Behaviour

- 2.12 The Council may choose to exclude certain people from the waiting list. The decision that an applicant is excluded for an allocation of a Pitch may occur at the time of joining the waiting list, or at any time during the life of the application.

Examples of exclusions could be where an applicant, or a member of their household, has/ have been:

- in the previous 3 years, convicted of or has had legal action (legal action refers to a conviction, or the serving of an injunction, a notice of intention to seek possession, a court order or the revocation of a licence)
- Perpetrated violence, harassment, racial harassment, threatening behaviour or any other forms of anti-social behaviour (ASB).
- Convicted of violent or other serious offence(s). (Where 'serious' is considered to mean any crime for which a custodial sentence of two years or more was served and/or any violent offence).
- Convicted for drug use or drug dealing.
- Used threatening language or behaviour to any officer of a Council.
- Subject to an injunction over violent behaviour in the past three years.
- Behaved in an antisocial manner towards neighbours.
- Supplied false or misleading information when making a Plot Waiting List application.
- Deliberately worsened their housing situation without reasonable cause.
- Moved onto one or more of our sites without permission in advance.
- Failed to provide any references or provided poor references relating to anti-social behaviour and/or licence fee arrears from previous Licences.

Misrepresentation or Withholding Information

- 2.13 It is a criminal offence for anyone to try and obtain a pitch from Leicester City Council by knowingly and/or recklessly giving a false statement or knowingly withholding information.
- 2.14 Failure by an applicant to inform Leicester City Council of changes to his/her application, or deliberately withholding information relevant to, or misrepresenting his/her living circumstances, may result in criminal prosecution.
- 2.15 An applicant who has deliberately withheld or misrepresented any information which would be relevant to the assessment of his or her living circumstances and priority on the waiting list, maybe suspended from applying for a pitch for a period of 12 months. Their banding priority will also be reduced to Band D and any waiting time accrued will be lost.
- 2.16 Leicester City Council may seek to revoke any licence that was granted as a result of a false statement and may also attempt to recover any costs incurred.
- 2.17 Applicants have the right to request a review of a decision to give less priority for any of the reasons above.

Suspensions from the Waiting List

2.18 The Council will suspend an application if:

- An applicant who is accepted on to the waiting list has rent arrears (accrued with Leicester City or any other social or private landlord) on an existing or previous licence/tenancy until such time as the arrears have been cleared in full.

- Have provided false or misleading information (no offer will be made for a period of one year from the date of notification that information has been deemed to be false or misleading).
 - Violent or aggressive behaviour towards Leicester City Council staff, its contractors or agents, or towards Housing Association staff (no offer will be made for a period of one year from the date of the incident)
- 2.19 In exceptional circumstances the suspension of an application due to rent arrears may be relaxed.
- Such exceptional circumstances will include situations where re-housing to a pitch is of paramount importance or where the needs of Leicester City Council's Housing Services are such that it is appropriate to relax the requirements.
 - The decision to allocate a Pitch to an applicant with rent arrears must be approved by a Head of Service, who has responsibility for managing gypsy and traveller sites within the Housing Division of Leicester City Council
- 2.20 There is a right of appeal for each of the above set of circumstances.

PART 3 THE BANDING SCHEME

- 3.1 In order to ensure that the Council fulfils its policy aims and strategic commitments, this policy is structured so as to ensure that applicants in certain specific types of need for a pitch have a degree of priority over others.
- 3.2 Eligibility for a pitch on the site(s) is based on an order of priority according to housing and support need. This is achieved by operating a banding system based on the level of urgency of their respective need for a pitch.
- 3.3 Only applicants with completed applications and who appear on the current waiting list will be assessed and placed in a band
- 3.4 All households are placed into one of four bands. Those households placed into Band A have the most urgent need for a pitch. Those in Band B have a higher need than those in Band C, and so forth.
- 3.5 Within a band, priority is determined by the date the application was placed in that band, with the person who has been waiting the longest within that band having the highest priority.
- 3.6 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.
- 3.7 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 that band, or the date the application first went to a higher band whichever is earlier.

- 3.8 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.
- 3.9 The banding scheme is outlined in summary form below. Priority is awarded in recognition of an applicant's needs within the allocations scheme and a ranked position relative to other applicants.
- 3.10 Applicants who qualify to appear on the waiting list are awarded priority within the band unless their behaviour or circumstances warrant that their application is suspended.
- 3.11 There may be circumstances in which additional factors must be taken into account to ensure compatibility of an applicant with current residents. (See 1.12 -1.13 above)
- 3.12 Challenges to the assignment of a band should be made using the council complaint system.

Banding Scheme Summary

3.13 Band A

- People whose current living circumstances are having a seriously adverse effect on the physical or mental health of either the applicant or a member of their household.
- Applicant(s) suffering from any form of harassment (see Appendix 1)
- Applicant/child/member of household with a registered disability
- Existing LCC pitch holders in urgent need of relocating to an alternative LCC pitch because they have been directly affected by major refurbishment works to their pitch/site.

3.14 Band B

- Applicant(s) with children of school age enrolled at Leicester/Leicestershire schools.
- Family member of applicant over the age of 65 years
- Health related illness that requires regular attendance at hospital for at least 12 months or more.

3.15 Band C

- Pregnancy confirmed by doctor, community nurse or health visitor
- Applicants with children of a dependant age
- Referral from doctor, community nurse, health visitor or Social worker relating to health/social/support issues that require support/care in the local area.
- Current employment in Leicestershire (minimum of 6 months, must be verified)
- Where existing licensees from any LCC G&T sites are requesting a move to another LCC site to give/receive support from family on another site.
- Applicants who are seeking a pitch in order to give or receive support from a family member on an existing LCC G&T site.

3.16 Band D

- All other applicants that do not meet any of the criteria in bands A-C

4. OFFER OF A PITCH

How applications will be considered

- 4.1 An application must be eligible for and on the on the waiting list and not suspended to be considered for an offer.
- 4.2 The decision to offer a pitch will be made by a panel of officers from Leicester City Council, including the Site Manager and their Manager (or their representative(s)) and a Head of Service from the Housing Division.
- 4.3 The Panel will identify the applicant in the highest band who has been waiting the longest within that band.
- 4.4 The Panel will take into account the current situation on illegal encampments in the City, and the strength of the applicants connection to Leicester or Leicestershire.
- 4.5 The Panel will then consider if there are any other circumstances that need to be taken into account to ensure the safe and secure running of the site so that residents can have quiet enjoyment of their pitch and the site.
- 4.6 The Panel will authorise the offer to the selected applicant from the waiting list.

****Harassment Definition (as applied to the banding scheme)***

'Where a person harasses another because he/she is from another race, is disabled, of a different age, sexual orientation, gender, religion or belief and this violates the other person's dignity or creates an intimidating / hostile / offensive environment for that person.'

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