

GYPSY AND TRAVELLER SITE POLICY

Traveller Pitch Lettings

a. Introduction

This Section explains the Allocation Policy rules that determine the allocation of pitches on Gypsies and Traveller Sites owned by the London Borough of Redbridge.

This section provides the principles for allocating these pitches in a fair and transparent manner, which includes the Council's duty to take account of housing need whilst ensuring that the effective management of a site is not prejudiced.

This section of the housing allocations scheme is solely to regulate letting of pitches and has distinct rules, separate to those laid out in the overall scheme. It can be viewed as a stand-alone document but aims to take a consistent approach in prioritising housing need.

b. Aims and approach

The policy aims to ensure that allocations consider the following factors:

- Housing need based on our assessment of preference or priority in line with the similar principles for the rest of this housing allocations scheme
- Supports the effective management of sites
- Supports and recognises gypsies and travellers as a minority group recognised by equalities legislation and provides services in a way that is sensitive to their specific cultural and traditional beliefs

Allocations to pitches will be made to those who fall within the following definition:

“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))

Our traveller sites are specifically designed to meet the needs of the local gypsy and traveller community. Therefore applicants must be a Roma, gypsy or traveller, either by ethnic group or by legal definition.

We aim 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 sustainability of our sites.

c. Legal Requirements

This policy has been written with regard to the provisions of:

- Mobile Homes Act 1983
- National Planning Policy Framework for traveller sites
- Race Relations Act 1976 (as amended in 2000)

All successful applicants will be offered a pitch agreement regulated by the Mobile Homes Act 1983. This agreement sets out the rules governing good conduct of sites and confirms that breaches of licence terms are likely to result in formal action being taken to bring the pitch agreement to an end and evict the resident from the site. The agreement contains a clear equalities statement which is in line with Redbridge's equalities commitment to provide fair and equal treatment to residents.

Applications are dealt with confidentially and any information disclosure is subject to consent or the Council's commitments under data protection legislation.

Complaints about the operation of this policy will be considered through the Council's Complaints Procedure where they relate to any delays or errors in administration. Information is available on the Council's website. However decisions about eligibility, qualification, priority and allocation will be considered as a review request which will be decided considered by the Reviews Team in Housing Needs.

d. The Housing Register

Redbridge will keep a housing register for gypsy and traveller's sites run by the Council. This register will help to inform the level of housing need for traveller's pitches and inform future provision.

You can apply to join the register if you meet the definition of a gypsy or traveller set out at Section b above and are assessed as eligible and meeting our qualification criteria.

You can apply online on the Council's website or you can complete an Application forms available from the Orchard Housing Offices or Lynton House.

e. Eligibility and qualification

In order to be eligible for the allocation of a pitch you must not be

- subject to immigration control
- Be a person not subject to immigration control but whose only right of residence has been prescribed by the Secretary of State as not resulting in eligibility for an allocation as a result of regulations made by the Secretary of State
- Be a person not subject to immigration control but not habitually resident in the Common Travel Area and not excluded from the requirements of the Habitual Residence Test

You will also need to qualify to join our register. In order to do this you will need to be:

- From a gypsy or traveller background (see definition set out at Section b above)
- Be aged 16 or over;
- meet the residence requirements unless an exemption applies

f. Residence Requirements

Applicant must meet the residence qualification criteria set out below in order to join or remain on the Housing Register, unless an exemption applies.

In order to meet the residence criteria, applicants must have lived continuously in the Borough for the last 5 years. If an applicant moves outside of the Borough, they must notify the Council of their change in circumstances and their application will be re-assessed. If they no longer meet the

residence criteria and no exemption applies their application will be closed. The same will apply if they are made an offer of accommodation and are found not to have continually met the residence criteria and/ or been subject to an exemption.

The following exemptions to the residence criteria will apply:

- have previously lived in the borough, and
- Have strong family connections by virtue of close family ties and those connections continue to exist

When we assess your application we will ask you for information to prove to us that you meet our eligibility and qualification rules. You must provide the information we ask for in order to be placed on the register.

Partners are able to make joint applications. Joint applicants will need to meet the eligibility, qualification and information provision requirements for both parties.

The Policy allows the following household members to be included in your households as part of your application

- Applicant
- The Applicant's spouse, civil partner or unmarried partner in a genuine and durable relationship
- Children under the age of 19 whose main residence is with the applicant or the applicant's spouse, civil partner or partner and that is financially dependent on them. Where the applicant is not the parent of the child, proof of guardianship will also be required.
- who are dependent on applicant or their partner (this includes natural and adopted children)
- Adult children who have lived with applicant(s) throughout their adult lives
- Any adult relative that is dependent on the applicant or the applicant's spouse, civil partner or partner (Evidence of a formal care arrangement will be necessary such as receipt of carer's allowance or social care report)
- Full time carer for any person on the application
- Other persons at the discretion of the Allocations Manager or Area Housing Manager

Where there are exceptional circumstances that warrant the inclusion of a person not entitled to be included on the application according to the above criteria, consideration will be given on a case by case basis. Having lived with the applicant for a long time will not be considered an exceptional reason.

Members of a household can only appear on one application within this scheme

The Council may 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 where this might happen include where their behaviour as an occupant or the behaviour of a member of their household is or has been in the past unacceptable. The following are examples of circumstances and types of behaviour that the Council might regard as unacceptable:

- You have been evicted previously because of serious anti-social behaviour
- Persistent failure to pay rent or other accommodation charges

- Persistent noise nuisance
- Illegal or immoral behaviour
- Threat of or actual violence against neighbours, Council staff, Members, managing agents or contractors
- Obtaining a tenancy/pitch by deception
- Racial or other harassment
- Domestic violence
- Loss of security due to breach of postponed order
- Have been guilty of unauthorised subletting
- Supplied false or misleading information when making a Plot Waiting List application
- Deliberately worsened their housing situation without reasonable cause
- Moved onto a Redbridge sites without permission in advance

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.

It is a criminal offence for anyone to try and obtain a pitch by knowingly and/or recklessly giving a false statement or knowingly withholding information.

Failure to inform the Council of changes your circumstances, or deliberately withholding information relevant to, or misrepresenting his/her living circumstances, may result in criminal prosecution and/or removal from the waiting list.

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, will be removed from the waiting list and be unable to reapply for a period of 12 months.

The Council will seek to revoke any licence that was granted as a result of a false statement and may also attempt to recover any costs incurred.

Applicants have the right to request a review of a decision to remove an application from the waiting list or to not allocate a pitch, for any of the reasons above.

The Head of Housing Needs may decide to agree, in consultation with the Head of Housing Management, in exceptional circumstances to allow an applicant to join the waiting list or to allow an allocation to go ahead where the criteria at sections e and f are triggered.

g. Priority Banding

In line with the main housing allocations scheme, this pitch policy contains a number of priority bands which ensure that the Council meets its policy aims and strategic commitments. This means that some applications have more priority than others.

Eligibility for a pitch on the site(s) is based on priority order according to housing and support need. This banding system ranks the level of urgency of an applicant's need for a pitch.

Only applicants with completed applications and who appear on the current waiting list will be assessed and placed in a band.

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. Band D is the reduced priority band.

Your application will be placed in a band depending on your housing need we have assessed. The level of need within each band is broadly similar. Once we have placed you in a band we prioritise people according to who has been waiting the longest in that band. A new applicant will be placed in the band that reflects their housing need. In all bands new applicants' waiting time will start from the date their application is placed on the register.

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.

If your application goes up a band as a result of a change in your circumstances you will retain your effective date (date of registration) unless your application is moved from a lower band to band A. Given the emergency nature of applications in band A the effective date for these applicants will become the date they were assessed as band A priority. If band A priority is removed and a household drops back to a lower you're your effective date will revert back to their original registration date, prior to the move to band A.

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.

There is no additional recognition of multiple needs within a household as need is assessed based on the highest need within the family. There may be circumstances in which additional factors must be taken into account to ensure compatibility of an applicant with current residents. (See above)

If you disagree with your band should be made using the review process.

Band	Priority description
Band A - Emergency	Decants - People that need to move in order to enable development of their site/pitch or major repair Applicants who are currently homeless within the meaning of Part VII of the Housing Act 1996, as amended and there is no suitable temporary accommodation available (cannot accept bricks and mortar)
Band B - Urgent	Serious harassment Urgent medical needs Currently Overcrowded Accepted Homeless cases in temporary accommodation who as a result of their lifestyle want to move to a pitch as their offer of accommodation in discharge of the homeless duty People in exceptional circumstances approved by the Head of Housing Needs
Band C - Priority	All other homeless households Homeless Prevention Social welfare need Insanitary housing/accommodation in disrepair Need to move to a particular to give or receive support from a pitch resident

Band	Priority description
Band D - Reduced	With a housing need but does not meet the residence qualification Any other eligible applicant

h. Offers

The decision to offer a pitch will be made by a panel of the Allocations Manager, Area Housing Manager and Site Manager.

The Panel will identify the applicant in the highest band who has been waiting the longest within that band. They will then consider the current situation regarding illegal encampments in the Borough and the strength of the applicants connection to the Borough. 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. The Panel will aim to create a shortlist of 3 applicants, who can be ranked for offer and contacted in turn.

The Panel will authorise the offer to the selected applicant from the waiting list who will be contacted about the offer.

Where an offer has been made and refused no further offer will be made and the application will be removed from the list.