



# City of **Stoke-on-Trent**

## **Gypsy and Traveller Allocations Policy Housing Revenue and Account Services**

**Approved by: Carl Brazier  
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## 1. Policy Aim

To provide a fair, transparent and accountable method of allocating pitches on Council owned Gypsy and Traveller sites in the city.

## 2. Scope

The Allocations Policy includes information regarding how applicants will be prioritised and regarding the selection of an applicant for a pitch offer. The policy demonstrates a commitment to meeting the needs of individuals and the wider Gypsy and Traveller community.

## 3. Key Principles and Service Standards

- To allocate vacant pitches giving priority to those who are in most accommodation need and who have a local connection with Stoke-on-Trent.
- To assist in the maintenance of a cohesive and sustainable site community as part of a wider neighbourhood.
- To ensure that a fair and equitable system of allocation of pitches is clearly established and followed.
- To provide an efficient and helpful service which is responsive and sensitive to the needs of Gypsies and Travellers.
- Acknowledge that Gypsy and Traveller families are a recognised ethnic group and to confirm that suitable sites are provided for their needs.
- To ensure that the Council's policies in respect of Equal Opportunities and Customer Care are met.

## 4. Local Context

Social rented accommodation in Stoke-on-Trent is currently provided for Gypsies and Travellers at the Linehouses Gypsy and Traveller site. This is a Council owned site, located in Goldenhill, Tunstall. It provides 33 permanent pitches and 6 transit pitches along with associated amenity provision, for the Gypsy and Traveller community.

The site is usually fully occupied and the turn-over of pitches is low. Travellers live on the site in their own caravans and each pitch provides an amenity block with kitchen and bathroom facilities.

## 5. Legal and Regulatory Framework

This Policy complies with the following legislation and good practice. This is together with any relevant regulations, subsequent amendments or orders made under that legislation.

- The Gypsy and Traveller Site Management Good Practice Guide 2009 - which sets out suggested good practice for local authority site managers.
- The Mobile Homes Act 1983 - which governs the legal rights and duties of Gypsies and Travellers and local authorities in respect of local authority sites.
- The Housing and Regeneration Act 2008 - which also governs the legal rights and duties of Gypsies and Travellers and local authorities in respect of local authority sites.
- The Housing Act 2004 - this places a duty on local authorities to assess the accommodation needs of Gypsies and Travellers.
- The Human Rights Act 1998 – which prohibits discrimination.
- Race Relations Act 1976 and The Equalities Act 2010 which recognises Romany Gypsies and Irish Travellers as ethnic minorities against whom discrimination is unlawful.

## 6. Equalities Statement

The Council is committed to equality of opportunity and anti-discriminatory practice in service provision and seeks to promote social inclusion. The Council and/or where applicable their managing agent will not discriminate against anyone applying for a pitch on the grounds of:

- Ethnicity or national origin
- Race, colour or nationality,
- Sex and sexual orientation,
- Marital status,
- Disability or age,
- Religion or belief,
- Sexuality and gender reassignment

## 7. Policy Detail

### 7.1 Qualification for Inclusion on the Register

The Council will maintain a register of people (applicants) who qualify to apply for a pitch on a site owned by the city council.

People who qualify for inclusion on the register must be Gypsies and Travellers consistent with the following definition<sup>1</sup>:

*(a) persons with a cultural tradition of nomadism or of living in a caravan; and*

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<sup>1</sup> Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006

*(b) all other persons of a nomadic habit of life, whatever their race or origin, including:*

*(i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and*

*(ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such).*

The following do not qualify for social housing assistance (this means the allocation of pitches on Council owned Gypsy and Traveller sites) and will not be considered for inclusion on the register:

- People who are subject to immigration control.
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being persons from abroad without habitual residence.
- Any person prescribed by the Secretary of State, including:
  - Persons who have rights of residence in the UK as a result of regulation 15A9) and (4A) of the Immigration (European Economic Area) (Amendment) (No. 2) regulations 2012.
  - Persons who have the right derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where rights of residence arise because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

## **7.2 Assessment**

In order to be included on the register, all applicants will be required to complete and submit a pitch application form.

The Council will first of all, on receipt of the pitch application form, determine whether a person meets the policy eligibility criteria and, if so, assess the housing need of all those who wish to apply for a pitch at a Gypsy and Traveller site owned by the Council in Stoke-on-Trent.

The assessment of eligibility and housing needs will be completed by staff from the Council.

The assessment of applications will be undertaken based on individual needs and requirements. This will also include liaison with the council's Environmental Enforcement Officer, responsible for the day to day supervision of the Linehouses site and the appointed site management agents. The Council will seek to ensure that assessments are made based on evidence provided. Where there is a need to undertake further investigation, or verification of information, the application decision will remain undetermined awaiting the outcome of these checks.

Having determined that an applicant is eligible and also qualifies for a pitch the applicant will be placed on the register and allocated a banding as set out in section 6.6. Eligibility and qualification may be re-assessed prior to making an allocation, particularly where a substantial period of time has elapsed since the assessment of

the original application. Written confirmation of the banding decision will be sent to the applicant.

### **7.2.1 Medical Assessment**

Applicants requiring a move based on medical need will be subject to a medical assessment based on the extent that the health condition will be improved by a move to alternative accommodation. Where necessary the council will seek the opinion of a medical expert<sup>2</sup> in determining whether priority will be awarded, and at what level.

### **7.2.2 Confidentiality**

All information held about applicants on the Register is subject to the Data Protection Act 1998. Subject to the provisions of the Data Protection Act 1998 (the Act) the council may transfer that information to relevant third parties in order to carry out their investigations into eligibility for housing purposes. Save for the circumstances below, the council will seek the express consent of applicants before information about their application is shared.

In exceptional circumstances the council has the right to share information about applicants without permission. These circumstances include (but not exclusively):

- Fulfilling requirements set out in the Crime and Disorder Act 1998 (Section 115).
- Where there is a serious threat to staff, partner agencies or contractors.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of the household or a member of staff.

In accordance with the Data Protection Act 1998 applicants are entitled to see information held on their file at any time.

### **7.2.3 Right to Review**

If applicants are dissatisfied with any decision made about their application they have the right to request a review. Specifically applicants have the right to request information about, and review of, decisions regarding:

- The facts of their case which have been taken into account in considering their application.
- Any decision to treat them as ineligible due to unacceptable behaviour.
- Information about the review process and the decisions reached, including the reasons behind all decisions.

Applicants should request a review in writing within 21 days of being notified of the decision. The council will determine the review within 56 days of the request, in line with national guidance. Where a longer time scale is required this will be agreed with the applicant and the reason for the delay explained in full.

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<sup>2</sup> It is likely that this will be a GP or a consultant

Reviews will be carried out by a service manager as delegated by the appropriate service Director. The decision of the city council is final and any challenge of this decision can only be made by way of a judicial review.

The city council also operates a formal Complaints Procedure. Applicants who want to make a complaint or comment about the allocations process can use this procedure. Details are available from any council office or online ([www.stoke.gov.uk](http://www.stoke.gov.uk)).

### 7.3 Local Connection

An applicant may be permitted to go on the register if they meet all of the following criteria:

- Are aged 18 or over.
- Have a proven local connection with Stoke-on-Trent, i.e. ;
  - Has lived in Stoke-on-Trent by choice for 6 out of the last 12 months or 3 out of the last five years, and/or
  - has close<sup>3</sup> family living in Stoke-on-Trent and who have lived in the city for over 5 years, and/or
  - has settled employment (paid or unpaid) or education in Stoke-on-Trent, and/or
  - have special circumstances that give rise to a local connection, for example, need to live in the area to receive specialist health care only available in the area.

The following persons are not required to meet the local connection criteria in order to qualify to join the register:

- Serving or former member of the Armed Forces (considered in line with the definition set out in Appendix two of this policy) who apply within 5 years of the end of service.
- A person who ceases to occupy accommodation provided by the Ministry of Defence following the death of their spouse or civil partners that had served in the regular forces and the death was attributable to that service.
- A serving member or former member of the reserve forces who is suffering serious injury, illness or disability attributable to that service.
- Existing social tenants of Council or Housing Association properties seeking to transfer from another Local Authority district in England who:
  - Have reasonable preference under the 1996 Housing Act because of a need to move to the local authority's district to avoid hardship, and

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<sup>3</sup> This includes parents, adult children and siblings. It can also include step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links in the form of frequent contact, commitment or dependency. Family associations may also extend to unmarried couples, provided that the relationship is sufficiently enduring, and to same sex couples.

- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work, the Council must be satisfied that the applicant has a genuine intention of taking up the offer

The above local connection may not apply to applicants who are applying as a result of the need to leave their current home due to violence or harassment.

The council will retain discretion regarding compliance with the above local connection criteria where it considers that there are exceptional circumstances.

#### **7.4 Owning Property or Land**

Applicants who own property or land anywhere else will not qualify for housing unless there is a legitimate reason why the property or land cannot be occupied as the principal home for the applicant or cannot be sold to meet the housing need.

Consideration will be given to the suitability and condition of any property owned, the value of property or land if it is sold, household income and the market price of accommodation required to meet the housing need.

Applicants may not be accepted as having a housing need if they recently sold a property or land and this action led to a worsening of their housing need.

Applicants living in bricks and mortar housing, who have a preference for living in a caravan can apply but may be placed in Band 3 depending on their personal circumstances and will not normally be offered a pitch above those without any lawful accommodation.

#### **7.5 Unacceptable Behaviour**

The council is committed to safeguarding its tenants, other residents and staff from nuisance, violence and harassment.

The council may determine that an applicant does not qualify to join the register where:-

- It considers, in all the circumstances at the time the application is made, that the previous or current behaviour of an applicant or a member of their household is so serious and unacceptable that the applicant, by reason of the behaviour is unsuitable to be a tenant.

A test of 'suitability' will be applied to every application for accommodation, to assess whether an applicant is qualified to be placed on the register:

1. Has the applicant or a member of their household at any time behaved in a serious and unacceptable manner, whereby the Council considers that such behaviour is enough to make them unsuitable to be a tenant?
2. At the time of the application, does the Council consider in all the circumstances at that time, that the applicant by reason of their behaviour or



the behaviour of a member of their household would still be unsuitable to be a tenant?

3. Was the behaviour serious enough that it would have entitled:
  - a landlord to commence legal proceedings for possession of his/her property and/or,
  - to take action using one of the tools/powers under the Anti-Social Behaviour, Crime and Policing Act 2014
4. Did the behaviour pose a significant risk to the community?

In applying the above test, the present and all relevant circumstances of the applicant will be considered; that is relevant circumstances such as health, dependents or other factors such as the behaviour of a member of the applicant's household who had since left the household, therefore the decision that an applicant does not qualify would not be justified.

The following instances (below) are examples which the council considers could constitute serious and unacceptable behaviour and thus mean that an applicant does not qualify to be placed on the register:-

- Where the applicant has significant (four weeks rent or more) current or former rent arrears and/or outstanding re-charge and compensation payments, unless there are exceptional circumstances and the Council is satisfied that they are keeping to an arrangement made with the landlord to clear the debt.
- Where there is evidence that the applicant or a member of their household has committed serious anti-social behaviour, including (but not limited to) harassment, racial harassment, violence, are the subject of an ASBO, injunction, a Community Protection Notice, a Criminal Behaviour Order, a Closure Order or other legal proceedings due to breach of tenancy conditions or anti-social behaviour.
- Where the applicant has been evicted from a property or a pitch due to a breach of tenancy conditions.
- Where the applicant or a member of their household has been convicted of a serious criminal offence and where in the reasonable opinion of the Council, at the time of the application, it considers by reason of the conviction the applicant (and/or a member of their household) may still pose a threat to other residents in the community (for example, violent crimes, arson or sexually related crimes).
- Where the applicant or a member of their household has been convicted of using a property/pitch or allowing it to be used for immoral or illegal purposes such as drug dealing.
- Where the applicant or a member of their household has been abusive or used threatening behaviour towards members of staff at the Council and/or other agencies;
- Where the applicant or a member of their household has abandoned a previous tenancy
- Where the applicant has provided false information or omitted to provide information on an application form for housing accommodation and which action/omission caused a property to be granted in circumstances whereby had

the provision or omission not taken place then the property/pitch would not have been awarded to the applicant.

The council will consider each case individually based on an assessment of all circumstances including the level of risk posed to the property, staff and the local neighbourhood. Consideration of previous convictions is subject to the rehabilitation of Offenders Act 1974 and the requirements therein.

Where previous unacceptable behaviour applies applicants must be able to demonstrate that they are no longer deemed as unsuitable tenants. Applicants can re-apply when they believe this is the case and the Council will consider a new application.

### 7.6 Criteria for Banding

Banding will be assigned according to the applicant and his/her family circumstances as follows:

<b>Band 1 – Urgent Need</b>
<ul style="list-style-type: none"><li>• <b>Urgent Medical Need</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Social and Welfare – Exceptional Need</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Health and Safety grounds – Exceptional Need</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Living on a roadside encampment with no access to a permanent pitch or residence</b></li></ul>

<b>Band 2 – High Need</b>
<b>All applicants who fail to meet Band 1 criteria but meet one or more of the following:</b>
<ul style="list-style-type: none"><li>• <b>Medical Grounds – given a high priority for medical assessment</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Health and Safety</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Moving for education/employment purposes</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Joining family members for support/care management purposes</b></li></ul>

<b>Band 3 – Low Need</b>
<b>All applicants who fail to meet Band 1 or 2 criteria but meet one or more of the following:</b>
<ul style="list-style-type: none"><li>• <b>Welfare Grounds</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Hardship</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Medical Grounds – given a medium priority for medical assessment</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Joining family members for social reasons (to be nearer to family, etc.)</b></li></ul>

### 7.7 Allocation of a Pitch

The Council will maintain a register of eligible applicants for vacant pitches on a site and will allocate a pitch when a vacancy occurs.

The Council's nominated managing agent will inform the Council's Housing Solutions team when a pitch is imminently becoming available.

If two or more applicants have the same banding then the applicant who has been on the register for the longest period of time at the time of the vacancy occurring will ordinarily be selected. In the event of the application dates being the same the allocation of a pitch will be at the discretion of the Council in liaison with the appointed site management agent.

In determining the assignment of a vacant pitch, the Council reserves the right to take into account additional factors such as the support needs of another occupant of the site or the community cohesion of the site when allocating pitches.

A decision on the allocation of any vacant pitch will be made by the Council in accordance with this policy.

Before an offer is made, the Council's appointed site management agent can ask for any potential offer of a pitch to be withdrawn if they have a justified reason for doing so and can also provide appropriate valid reasons and evidence. Any such reasons and evidence will be carefully considered by the Council who will be the final decision maker in all such matters. Furthermore, a copy [or a summary] of the reasons will be provided to the applicant who will have a right of appeal should a decision be made to withdraw the offer of a pitch.

Applicants being offered a vacant pitch will be contacted by the site management agent to confirm they wish to accept the pitch and make the necessary arrangements to take up residence on the site.

This policy does not apply to existing residents on the site. At the discretion of the Council applications for a transfer to another pitch may be considered when a vacancy arises.

## 7.8 Applications

An application can be made in the following ways:

- In person at the Housing Solutions Service, One Smithfield, Leonard Coates Way, Hanley, ST1 4FA, Stoke-on-Trent
- By telephone on 01782 233696
- Via email at [housing.adviceservices@stoke.gov.uk](mailto:housing.adviceservices@stoke.gov.uk).
- By contacting the council's appointed managing agent at the Linehouses site on 0778 799 2159
- Information on making an application will also be made available at <http://www.stoke.gov.uk/ccm/navigation/housing/housing-options/>

Referrals will also be accepted on behalf of customers from professional bodies and organisations such as the Primary Care Trust, other health providers, Social Services, Education, the Citizens Advice Bureau and other relevant parties.

An application will usually be registered under the head of the household's name. A joint application can be made where a pitch agreement will be shared by two people.

Information on all individuals that are part of the household must be included at the application stage.

Before any offer of a pitch can be made applicants will be required to provide the following:

- 1 proof of identity for each member of the household named on the application (for example; National Insurance number, passport or birth certificate)
- A written landlord reference or contact details of their last landlord/site manager. Where this is not available, for example where an applicant is applying for a pitch for the first time, the applicant will be asked to nominate a contact from whom a reference may be obtained.

In all instances it is the applicant's responsibility to ensure that appropriate proof of identity is provided. It is also the responsibility of the applicant to provide any additional supporting evidence that may be required.

References will need to be up-to-date when an offer of a pitch is made. Applicants who have been on the waiting list for more than one year may be required to re-submit references before they can be considered for a vacant pitch.

Applicants may be visited to check that the information in an application is correct and matches declared circumstances.

Applicants have responsibility for ensuring that their contact details are up to date to ensure that the Council is able to contact them quickly if a vacancy occurs.

## **8. Consultation**

When it was developed and implemented in 2015 this policy was subject to a full and detailed consultation process. A number of organisational stakeholders participated in this consultation through the local Gypsy and Traveller inter-agency group and represented the following:

- Stoke-on-Trent City Council
- Newcastle-under-Lyme Borough Council
- Linehouses Site Manager
- Citizens Advice Bureau
- Health
- Education
- Staffordshire Police
- Children's Services

Households living at the Linehouses site were also consulted about the allocations policy through face-to-face interviews and a questionnaire.

The revisions to the current policy were minor and consultation was undertaken with officers at the council and the resident Linehouses site manager.

## 9. Links to Other Policies

The Gypsy and Traveller Allocations Policy is closely aligned to, and supports the main Allocations Policy.

## 10. Measuring Performance

Information on performance relating to the allocations process will be monitored by the Private Sector Housing Team. Measures relating to the Allocations Policy includes (but is not limited to) the following measures:

- Number of applicants on the waiting list.
- Time from pitch becoming vacant to let date.
- Number of pitches becoming vacant
- Number of un-authorized encampments on council land / public land

## 11. Key Contacts

**For information on the management of Gypsy and Traveller issues in the city, please contact the Environmental Enforcement Officer responsible for Gypsy and Traveller sites.**

- Telephone: 01782 237152 (office hours only)
- Email: [privatesectorhousing@stoke.gov.uk](mailto:privatesectorhousing@stoke.gov.uk)
- Post: Private Sector Housing Team, Floor 2, Civic Centre, Glebe Street, Stoke-on-Trent ST4 1HH.

**For comments in relation to this policy and its development please contact the Housing Enabling and Projects Team:**

- Telephone: 01782 233330 (office hours only)
- Email: [housing.strategy@stoke.gov.uk](mailto:housing.strategy@stoke.gov.uk)
- Post: Housing Enabling Team, Floor 2, Civic Centre, Glebe Street, Stoke-on-Trent ST4 1HH.

## Glossary

**Pitch** – a pitch is an area of land on a Gypsy and traveller site rented to a sole or joint applicant and his/her family under the provision of the Mobile Homes Act 1983. Each pitch at the council's site includes space for a residential caravan, a touring caravan and a utility block with kitchen, toilet and bathroom.

**Managing Agent** – means any Body, Corporation, organisation or individual nominated by the council to manage the site on its behalf.

**Gypsy and Traveller** - as defined in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006

**The settled community** – refers to the non-travelling community – people who live in houses.

**Site-** refers to any mobile home site owned or managed on behalf of Stoke-on-Trent City Council.

## Definitions for Bands

Criteria	Features
<b>Urgent Medical Need</b>	<ul style="list-style-type: none"> <li>Where the applicant or a member of the applicant's household has a life threatening condition which is seriously affected by their current accommodation arrangements.</li> <li>The applicant or a member of the applicant's household is unable to be discharged for hospital as a result of unsuitable accommodation arrangements.</li> <li>Includes all medical conditions, physical disabilities, learning disabilities and mental health conditions.</li> </ul>
<b>Social and Welfare – Exceptional Need</b>	<ul style="list-style-type: none"> <li>Any child who needs to be accommodated under a child protection or corporate parenting provision.</li> <li>Applicants who need to move due to violence or harassment which is verified by the Police and/or other partner agencies. This may include a move which is necessary to protect a witness to criminal acts.</li> </ul>
<b>Health and Safety grounds – Exceptional Need</b>	<ul style="list-style-type: none"> <li>Moving temporarily whilst major works are undertaken or their site is due to be demolished where remaining while works are underway would be considered unreasonable on medical grounds, age or because of the size of the household.</li> </ul>
<b>Medical Grounds</b>	<ul style="list-style-type: none"> <li>Includes all medical conditions, physical disabilities, learning disabilities and mental health conditions.</li> </ul>
<b>Health and Safety</b>	<ul style="list-style-type: none"> <li>Households referred where there are Health and Safety risks with their current pitch provision which cannot be addressed within 6 months.</li> </ul>
<b>Welfare Grounds</b>	<ul style="list-style-type: none"> <li>Those who need to move to access social services facilities and are unable to travel across the city.</li> <li>The applicant or someone in the household is studying at a special needs school in the area.</li> <li>Those who need to move to give or receive care that is substantial and on-going.</li> </ul>
<b>Hardship</b>	<ul style="list-style-type: none"> <li>Those who are experiencing financial hardship as a result of changing circumstances beyond their control.</li> </ul>