# GYPSY AND TRAVELLER PITCH ALLOCATION POLICY

DRAFT VERSION FOR CONSULTATION

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Haringey LONDON

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# 1 Introduction

This policy describes how Haringey Council will allocate vacant pitches on the permanent Gypsy and Traveller sites that it manages. It sets out the application process, the allocation principles, and the appeals process.

When we use the terms ‘we’, ‘our’, and ‘us’ in this policy we mean Haringey Council.

Any applications made to join the Gypsy and Traveller waiting list do not prevent the same household or person also applying to be on the council’s housing register for bricks and mortar housing – or from making a homeless application. However, we will not permit anyone at the same time formally to reside at or hold a tenancy or license on both a council pitch and bricks and mortar social housing.

This policy will establish a waiting list for pitches based on qualifying criteria set out in Section 4 of this policy with allocations based on the principles outlined in section 5. Section 5 details that we will prioritise applicants according to who has been unable for the longest period of time to live in culturally appropriate accommodation.

Our policy is to allocate pitches to Gypsies and Travellers based on their need for culturally appropriate accommodation rather than urgent housing need. We have a range of separate housing duties and options to support people including Gypsies and Travellers who need accommodation, including our homelessness and housing duties. Therefore, this policy is not designed to meet urgent housing needs.

# 2 Aims of the Policy

The aims of the policy are to:

- Allocate permanent pitches when they become available on Haringey Council owned sites to Haringey Gypsies and Travellers who meet our policy’s qualification rules.
- Allocate pitches taking account of the need for culturally appropriate accommodation rather than urgent housing need.
- Allocate pitches in a sensitive way to promote cohesive, safe and secure sites including by considering the compatibility of households sharing the sites.
- Recognise the diversity of the Gypsy and Traveller communities.
- Ensure that pitches are allocated fairly and transparently.

# 3 Definitions

**A pitch** is a designated area that provides:

- space for a single household
- an additional car parking space
- a small, brick-built building containing a kitchen, shower and bathroom facilities
- waste facilities, such as bin stores.

For the purposes of this policy we define **culturally appropriate accommodation** as accommodation that reasonably enables a Gypsy or Traveller household to maintain its

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cultural identity and traditional way of life, taking account of the particular circumstances of the household. In general, this means access to a suitable pitch or site.

## 4 Qualifying and applying for a pitch

Applicants will only be accepted on to our waiting list if they:

- Are from a Gypsy or Traveller background
- Are aged 18 or over
- Have lived in Haringey for at least the three consecutive years prior to application. This excludes applicants placed in temporary accommodation in Haringey by other boroughs. If applicants have been forced to live outside Haringey for some of the period, evidence of this will be considered.
- Have the legal right to remain in the UK and not be subject to immigration control

or

- are an existing Haringey Council licence holder wishing to transfer to another Haringey Council Gypsy and Traveller site ("a transfer applicant")

All applications for a pitch on our Gypsy and Traveller Sites must be supported by a fully completed Gypsy and Traveller Pitch allocation application form which can be found in XXX.

The full name and date of birth of every person who will be living as part of the household on the pitch must be included in the application (including those under 18); evidence of identity will be required to support any allocation of a pitch.

All applications will be considered by the council.

### Identity and supporting evidence

Supporting documents must be provided along with the application form for the applicant and each person intending to live with them.

These documents will need to evidence that each applicant is from a Gypsy or Traveller background, is aged 18 or over, has lived continuously in Haringey for at least the last three years, and has the legal right to remain in the UK and not be subject to immigration control.

Examples of documents we would accept to evidence time living continuously in Haringey include evidence of addresses, registration with a Haringey GP, or school records in Haringey for at least three years.

Evidence must also be provided to show the age and identity of each household member or prospective household member along with evidence that they are from a Gypsy or Traveller background and have the legal right to remain in the UK and not be subject to immigration control.

In evidencing that an applicant and any household member is from a Gypsy or Traveller background, we will take a flexible approach and accept a range of evidence types including references from recognised Gypsy and Traveller community groups.

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**Applications must also provide evidence of the length of time the household has been living continuously without access to culturally appropriate accommodation.**

Where applicants have dependent children living with them some of the time and at other times with their other parent/guardian at a separate address, we will assess whether the applicant's address is their main home and if they can be included as members of the applicant's household on their application. To do this, we will consider:

- financial support received including Child Benefit, Tax Credits, Disability Benefits (if appropriate) and maintenance from another parent/guardian
- any Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency; supporting evidence from Social Services in respect of fostering, guardianship, or adoption placements
- whether the children currently reside with someone else for all or part of each week.
- other compelling evidence of established parenting and caregiving arrangements

Regardless of the amount of time that an applicant's children actually spend with them, if we decide that their main home is not with the applicant, they will not be included in the application; and they will not be considered when assessing overcrowding.

We will check the information that applicants provide to us. We may need to contact applicants to ask for more information. If possible, we will do this by calling them on the telephone number they have provided.

**We reserve the right to seek further supporting evidence as required to support an application.**

If any supporting documents cannot be provided, please contact the xxxx for further advice and support with providing documents.

If applicants need any help or support with applying for a pitch, they can contact:

- London Gypsies and Travellers' Accommodation Advice Service which takes calls for appointments on Tuesdays, Wednesdays and Thursdays on +44 (0)208 533 2002 and via emails to: info@londongandt.org.uk
- Friends, Families and Travellers provide a national helpline on 01273 23 47 77, which provides support with applying for a pitch, or
- Your local Citizens Advice Bureau on 0800 144 8848.
- Haringey Council on 020 8489 1000

All information provided on the application form must be true and correct. If false or misleading information is provided at any time during the allocation process, the application will be refused or stopped and may be subject to criminal investigation for offences under the Fraud Act 2006.

If at any time during the application process, there are any changes to the applicant's circumstances or the information provided on the application form, they must tell us as soon as possible and their application will be reviewed considering these changes.

Completed application forms must be submitted to the xxx either online, by email or by post to: xxx.

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When we assess applications, we will ask applicants for information to prove to us that they meet our qualification rules. Applicants must provide the information we ask for in order to be placed on the waiting list.

We will inform applicants if an application has been accepted onto or declined from the register.

## Exclusions

We may need to exclude some people from the waiting list and to require evidence in relation to this. The decision that an applicant or their household 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 the applicant's behaviour as an occupant or the behaviour of a member of their household is or has been in the past unacceptable. Examples of such behaviour include but are not limited to:
    - Serious breaches of terms and conditions of licence agreements
    - Using their home for illegal purposes
    - Making a false statement to obtain a licence.
- Impact on Site Management - Applicants who have a previous history of serious anti-social behaviour (ASB) will not be added to our waiting list. Our ASB policy highlights our definition of ASB as conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or conduct capable of causing housing-related nuisance or annoyance to any person.
- Financial History - Applicants with a known history of rent arrears may not be included on our waiting list unless there is evidence that rent arrears have been addressed and regular payments have been made at another site, house or property for a period of not less than six months.
- Where the applicant or their household members own property or otherwise have sufficient financial resources to secure culturally appropriate accommodation without assistance through the Council's allocation scheme. In assessing financial resources, the Council may take account of income, savings, capital assets, land ownership and any other resources reasonably available to the household.

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## Removal from the waiting list

Applicants may request that their name is removed from the waiting list at any time. They will need to submit a new application if they subsequently wish to re-join.

The Council will remove applicants from the waiting list if they: -

- Are no longer eligible
- Fail to confirm their eligibility when offered a pitch

- Fail to confirm their eligibility when requested to do so by the Council during an annual review
- Where they are already onsite, have broken the terms of their license, and in particular, where they have committed anti-social behaviour or have rent arrears with no agreement in place to reduce them

### Transfer of priority on Death of Applicant

If an applicant dies, their priority will be transferred to another member of their family who was part of their original application, so long as they are also eligible to join the waiting list, without the necessity for a new application. Where there is more than one surviving adult on the application, it will be transferred to the oldest member of the family unless all adults agree that another person should take over the application. This person may need to provide evidence to confirm they are eligible and update the application with any new information.

## 5 Allocation and prioritising principles

When a pitch comes free it will be offered:

- to transfer applicants, prioritised by length of time on the waiting list;
- if no transfer applicants accepts the offer to other applicants on the waiting list prioritised only by the length of time they have been in Haringey unable to live in culturally appropriate accommodation.

If the pitch is accepted by the transfer applicant, then the pitch vacated by the transfer applicant will be offered, in the same way.

Pitches will therefore be offered to non transfer applicants on the basis of evidence of the household's length of time living continuously in Haringey without access to accommodation that reasonably enables it to maintain its cultural identity and traditional way of life, taking account of the particular circumstances of the household.

We include the following situations as examples of situations that do not allow a household to have access to culturally appropriate accommodation:

- Living in 'bricks and mortar' accommodation including social housing, privately rented housing, and temporary accommodation
- Being homeless
- Living on pitches or sites that are overcrowded or otherwise inappropriate to the extent that they cannot reasonably accommodate the household's composition or cultural identity and traditional way of life

Urgent housing needs including around homelessness and overcrowding are addressed through our homelessness and other housing duties.

### Re-siting a mobile home

Separately from the provisions of this policy, we may ask a Pitch Licence holder on any of our sites to re-site their mobile home to another pitch forming part of the same site or to a pitch on another of our owned sites in accordance with Chapter 4 of Schedule 1 to the

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Mobile Homes Act 1983. This covers situations where we need to carry out essential repair or emergency works that can only be carried out if the mobile home is moved to the other pitch for that period, and the other pitch is broadly comparable to the occupier's original pitch; or where it is otherwise reasonable to require the move. This does **not** count as an allocation for the purpose of this policy.

## 6 Decisions and Offers

The decision to offer a pitch will be made by a panel consisting of the council's Lettings Team Manager, Head of Tenancy Management, Head of Temporary Accommodation and Gypsy, Roma and Traveller Community Coordinator. The panel will:

- Identify the applicant households living without access to culturally appropriate accommodation for the longest period as outlined in section 5.
- Consider qualifying criteria as set out in section 4 and any other circumstances that are relevant to ensuring the safe and secure running of the site. This includes considering the compatibility of households sharing each site so that residents can have quiet enjoyment of their pitch and the site.
- Consider applications for transfers between residents already on a Haringey Council Gypsy and Traveller Site who wish to transfer to another pitch. Applicants must not have broken the terms of their license, such as by committing anti-social behaviour or having rent arrears with no agreement in place to reduce them.
- Involve a site community member by asking for their advice to guide and support (but not determine) the Panel's decision-making process.
- In exceptional circumstances make an evidence-based recommendation to the Director of Housing for their review and approval.

The size of the pitch (single or double) and the size of the applicant's household will be considered when allocating pitches to ensure the best use of available pitches.

The Panel will aim to create a shortlist of three qualifying and suitable applicants ranked according to the length of time they have been continuously unable to access culturally appropriate accommodation.

Those three households will be contacted in order of priority for an offer to be made. The Panel will authorise the offer to the selected applicant from the waiting list.

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

The Panel will receive training on cultural awareness and the Gypsy and Traveller community to support them with their role.

## 7 Pitch Licence Agreement

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 the payments that must be made.

This includes that the tenant is responsible for the following (this is not an exhaustive list)

- Paying the rent, water rates and other charges connected with the property

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- Personally occupying the property and not assigning the tenancy or allowing any other person into residential occupation or to sleep at the property without our express permission
- Not storing quantities of highly flammable materials or gas on the premises, other than may be reasonably required for domestic use
- Not engaging in ASB, nuisance, harassment or conduct that may cause alarm, distress or inconvenience to other residents. This includes being responsible for the behaviour of members of the household and visitors. Appropriate action will be taken where ASB occurs.

It also confirms that breaches of licence terms are likely to result in formal action being taken to bring the pitch agreement to an end and the resident may lose their pitch. Breaches can include non-payment of rent or utilities, criminal activity and anti-social behaviour. 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 be supplied by us at least 28 days before the agreement is entered into, unless the successful applicant agrees in writing to a shorter period.

### Moving on to site

On the date that is agreed for moving on to site, the new resident will be met on site by a member of our tenancy management team within 24 hours of this date to handover any keys and complete the pitch inventory.

### Communication

We aim to provide regular verbal updates throughout the allocation process where phone numbers are provided. Where a postal or email address is provided, we will also provide written updates.

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

## 8 Appeals and complaints

Applicants who wish to appeal against any decision made by us regarding their application can do so within three months of the decision, to: tenancymanagement@haringey.gov.uk.

Reviews will be undertaken by a relevant officer who was not involved in the original decision and wherever practicable who is senior to the original decision-maker.

The Council will normally complete the review within 28 days of receiving the request for review. Where additional enquiries or evidence are required and it is not reasonably practicable to complete the review within this timescale, the applicant will be notified of the reasons for the delay and the expected date of the review decision.

If the applicant remains dissatisfied following the review, they may pursue the matter through Judicial review.

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## 9 Legislation

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Mobile Homes Act 1983
- Data Protection Act 2018
- Housing Act 2004
- Human Rights Act 1998
- Housing and Regeneration Act 2008
- Equality Act 2010.

## 10 Review of the policy

We will review this policy at least every five years.

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