



# Pitch allocation policy for Gypsy and Traveller sites

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## Section one - Introduction

### 1.1 Scope of the policy

We have three Gypsies and Travellers sites, these are in:

- Clifton (23 pitches)
- James Street (20 pitches)
- Osbaldwick (18 pitches)

This policy sets out the way in which vacant pitches will be allocated and was approved by committee in May 2014.

Each plot has an amenity space with kitchen and bathroom. Utilities are paid by the pitch holder to the relevant organisations.

Permission is for one tourer and one static caravan per pitch. Requests for extra caravans must be in writing and sent to City of York Council, permission may be granted depending on need and size of pitch (fire regulations will apply)

### 1.2 Objectives of the policy

The objectives of the policy are to:

- To meet the legal requirements of the Mobile Homes Act 1983.
- Make sure that those assessed as being in most need are prioritised;
- Be fair, efficient and consistent in the allocation of pitches; and
- Ensure equality of opportunity in the allocation of pitches.

### 1.3 Meeting our obligations

City of York Council will ensure that the policy is compatible with existing legislation, including: (this list is not exhaustive but not final)

- Human Rights Act 1998
- Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime and Disorder Act 1998
- Equality Act 2010

### 1.4 Information sharing, confidentiality and Data Protection

All information received relating to a Traveller Site application will be treated as confidential in accordance with the Data Protection Act 1998.

Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest or to prevent crime.

### **1.5 Equal opportunities**

City of York Council tries to ensure it's policies and practices are non discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination on the grounds of gender, colour, race, religion, nationality, ethnic origin, disability, age, HIV status, sexual orientation or marital status. The scheme aims to be accessible, responsive and sensitive to the diverse needs of individuals.

### **1.6 Service Standards**

A summary of our service standards are set out below.

We will:

- Process your application within ten working days of receipt of all necessary information and provide you with an acknowledgement that you have been registered.
- Acknowledge any letter or email within 10 working days.
- Show identification if we visit your home and arrange visits that are convenient to you.
- Be polite and respectful at all times.

### **1.7 Monitoring and review of the policy**

We will monitor applications and allocations to support the achievement of our policy objectives and to ensure that applications are processed fairly and consistently.

The policy will be reviewed in line with our Policy Review Schedule or changes to any relevant legislation or national or local policies.

## **Section two - Applying for a pitch**

### **2.1 Who qualifies to apply**

Some applicants who apply including current tenants who wish to transfer may not qualify to join the register and these include persons:

- ⇒ Under 18
- ⇒ With anti-social behaviour issues which have caused or are likely to cause serious nuisance to neighbours.
- ⇒ Rent arrears
- ⇒ With no local connection to York
- ⇒ Who own their own home (fixed property) or reside with a household member who is a home owner.
- ⇒ Who have deliberately worsened their circumstances with the intent of increasing priority.
- ⇒ Provided false information and/or deliberately withhold information.
- ⇒ from abroad who have no right of access to public funds.

## Annex 1

The following applications may not qualify for the Travellers Waiting List because of unacceptable behaviour: Where the behaviour of the person concerned or the behaviour of a member of his/her household could have entitled another housing provider to a possession order under section 84 of the Housing Act 1985 (c.86) on any ground mentioned in Part 1 of Schedule 2 to that Act including the private sector. (This includes nuisance and rent arrears in all tenancies including the private sector.)

### **No Local Connection**

Applicants will need to meet one of the following criteria:

- Currently live within the City of York Council boundary and have done so for at least 6 out of the last 12 months or 3 out of last 5 years.
- Have permanent employment in the local area within reasonable daily commuting distance.
- Have a close family member residing on one of City of York Councils sites who you have a meaningful relationship with ie mother, father, adult son, brother, daughter, sister (Habitual Residency Test)

You will be asked to provide evidence of the above.

### **Joint Applications**

Couples who intend to live together must make a joint application. All applicants must be eligible as per this policy.

### **Existing tenants and their households**

Tenants will not normally be allowed to move if:

- They owe rent to their landlord or any other housing related debts.
- They are currently in breach of other tenancy conditions and their landlord has initiated formal action in respect of these breaches.
- Their property has been adapted to their needs (unless the adaptation is no longer required or the property they wish to move to also includes all the adaptations they require)

### **2.2 Disclosure of Allegiance**

All applicants must disclose if they or a close relative work for City of York Council, any Housing Associations or other Social Landlords; or are related to any City of York Council Members.

### **2.3 Pets and other animals**

Please note horses are not allowed on the sites and only 2 dogs per pitch, so you will be required to comply with this if your application is successful. Poultry and other birds/animals may be permitted at discretion of City of York Council by putting a request in writing.

## 2.4 Fresh Applications

Applicants who have been:

- Previously deemed not to be eligible
- Have been assessed as non qualifying
- or have had an application cancelled from the register

May make a fresh application, if they consider they should now be treated as eligible or qualifying.

It will be the responsibility of the applicant to show that his/her circumstances have changed or that the relevant period of exclusion has elapsed (see section 3 for break down)

## 2.5 How to Apply

Application forms are available from City of York Council website to download.

Complete and return to Housing Registrations, West Offices, Station Rise, York, YO1 6GA. If you have any queries with completing the form, please contact Ordnance Lane (see section six for useful contacts)

## 2.6 Verifying Information

During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances. This will include:

- 2 x copies of identification for the main applicant and joint applicants
- (one of which must include confirmation of the National Insurance Number and proof of current address)
- Where appropriate (persons from abroad proof of work permits/documentation)
- Proof of child benefit or child tax credits/residency of child and principle home of the child where appropriate.

Additional information and documentation must be provided if requested.

The application must be complete and applicants will be required to send copies of the above to the Housing Registrations Department within 28 days of date of request or at point of application.

This may be supplemented by the following:

- Seeking references from former landlords or other persons
- Obtaining supporting information from other organisations
- Carrying out a home visit

Failure to respond to a request for information as part of the initial verification process within 28 days will generally lead to cancellation of the application. Further verification may be required during the application/allocation process. Applicants will be advised of shorter timescales to provide additional information/documentation at point of offer. It is the responsibility of the applicant to provide the information/documentation. If they do not, the application will not proceed.

## **2.7 Confirming registration**

Applicants will receive confirmation that their application has been registered together with:

Their registration date and application reference number

The band they have been awarded

The position on the register at that point. *Please be aware this may change over time.*

## **Section three - Changing/Cancelling Applications**

### **3.1 Change in circumstances**

It is the responsibility of the applicant to notify Housing Registrations Department of any change in circumstances that could affect their application. The application will be reassessed on the basis of their changed circumstances and placed in the band that reflects their current housing need.

If an application is moved to a higher band as a result of changed circumstances then the priority band date will be the date that the change was notified.

If the band remains the same, the date of priority band will also remain the same.

### **3.2 Keeping the register up to date**

The waiting list is reviewed annually, all applicants will be contacted and asked if they want to remain on the register. Failure to respond within 28 days, will result in the application being cancelled.

### **3.3 Cancelling applications**

Applications may be cancelled in the following circumstances:

- A failure to provide verification information in the given time period
- A request has been made by the applicant to cancel the application (this must be in writing)
- No reply to the renewal letter
- Applicant has been rehoused elsewhere
- Applicant has purchased or become owner/shared owner of a property
- Lost contact with applicant as they have moved address
- A sole applicant has died
- Applicant or a household member does not qualify to join the waiting list on the grounds of their serious unacceptable behaviour (including rent arrears)
- When it is clear and evidenced that an applicant has provided false information (the applicant must be notified of their right to appeal—see section 3.6) or deliberately withheld information.
- An applicant has been found to have deliberately worsened their circumstances
- Verification—if it is identified that an applicant is no longer eligible to be on the waiting list, the application will be cancelled immediately.
- An applicant no longer has a local connection

### **3.4 Giving false information/deliberately withholding information**

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information which is relevant to their application.

Anyone found guilty of such an offence may be fined up to £5000 and could lose the property if they have been housed as a result of providing false information or deliberately withholding information.

Applicants who are found to have made a fraudulent claim will have their application cancelled and will not qualify to apply to join the waiting list for a minimum period of 12 months.

This decision will be subject to review and the applicant will be informed in writing of the decision and their right to request a review of that decision in writing.

Applicants can make a fresh application after this time period has expired. The new application will be assessed on current information. Banding date will be from the date of the new assessment.

City of York Council may take action against any professional organisation that knowingly or recklessly either provides false information or deliberately withholds information on behalf of an applicant they are presenting.

### **3.5 Deliberately worsening of circumstances**

Every application will be assessed individually and any applicants who are found to have deliberately worsened their circumstances will have their application cancelled.

Applicants can seek a review of this decision.

Applicants will not qualify to apply to join the waiting list for a minimum of 12 months.

Applicants can make a fresh application after this time period has expired (unless allowed to do so earlier by having their application successfully reviewed)

Banding date will be from the date of the new assessment.

### 3.6 Right of Review

Applicants have the right to request a review against decisions made in the allocations process. These include;

- Those not eligible to join the waiting list.
- Those who are not a qualifying person under Housing Act 1996 including anti-social behaviour
- A decision to cancel an application
- A decision to withdraw priority banding
- A decision in respect of any information which is being taken into account in considering whether to make an offer of accommodation.

#### Stage 1

This review will be carried out by an officer of City of York Council senior to that of the processing/decision making officer, who will have had no previous involvement in the original decision.

The request for a stage 1 review should be submitted to the relevant team/manager within 21 days of the date of the original decision letter. The reviewing officer will advise the applicant, in writing, of the stage 1 decision.

Applicants have the right to a second (stage 2) review if they remain dissatisfied. Applicants who require a stage 2 review should advise the reviewing officer, in writing, within 21 days of the stage 1 decision letter.

Additionally applicants have 14 days from the date of their request for a stage 2 review to submit any information on relevant developments since the original decision they wish to be considered.

#### Stage 2

This review will be carried out by an officer of City of York Council senior to that of the Stage 1. The officer will make a decision within 56 days of the date of the applicant's written request. However the officer reserves the right to extend the decision time. In the event more time is required the applicant will be advised in writing and provided with a reason for the time extension.

A stage 2 review is a paper review but at the officers discretion this can include a conversation or meeting with the applicant.

## Section Four - Assessing Applications and Offers

### 4.1 Assessing your band

Depending upon your circumstances you will be placed in one of the priority groups listed on the following page.

*Overcrowding is defined as when there are more vans on a pitch than is permitted. You must have permission to be staying on the pitch from the landlord.*

**Priority group A**

• You have a caravan or access to a caravan, which is your principal home, but have had nowhere to locate it for at least six months. *You may need to provide evidence of this and a home visit will be required to verify this. You will also need to provide a contact address.*

**Priority group B**

- You are living on a council pitch with permission from the landlord which is overcrowded.
- You are living on a private pitch with permission from the landlord which is overcrowded.
- You are living in a house with permission from the landlord which is overcrowded.

**Priority group C**

- You are living on a council owned pitch with permission from the landlord which is not overcrowded.
- You are living in a house with permission from the landlord that is not overcrowded.
- You are living on a private pitch with permission from the landlord that is not overcrowded.

**Priority group D**

- You have a caravan or access but nowhere to locate it and have lived like this for less than six months
- You have no local connection but are overcrowded

**Priority group E**

- You have no local connection and are adequately housed either in a house or on another site.

## 4.2 Exceptional circumstances

We may, in exceptional circumstances, take other needs into account when prioritising applicants;

An assessment of need will be made based on the information included on the application and any other supporting information. Written evidence from a professional is required in these cases.

Factors we may consider in exceptional circumstances include for example:

<i>Factors</i>	<i>Example</i>
Medical or support	The need to be close to medical or support facilities
Social	The need to give or receive care and support to or from
Specialist Education	The need to be close to specialist education facilities.

## 4.3 Allocations between the priority groups

When a pitch becomes vacant consideration will in the first instance be given to applications in priority group A. If there is no one in priority group A applicants in priority group B will be considered.

If there is no one in either priority groups A or B consideration will be given to applicants in priority group C then D and lastly E.

Allocations within each group will usually be based upon date of application (with the exception of proven exceptional circumstances). The applicant with the earliest date of application will be eligible to receive the offer of the pitch.

## 4.4 Before we make an offer

Before we make an offer of a pitch we reserve the right to take account of the needs of the wider community and the impact that the allocation could have on the site and the size of the pitch to be allocated.

## 4.5 Offers

If an applicant refuses an offer they can remain on the waiting list. If they refuse a second offer the application start date will change to the date of the refusal of the second offer.

## 4.6 Agreement Type

You will be signed up to a traveller site pitch agreement, which is a licence not a secure tenancy. There is no right to buy applicable.

## Section Five - Period of Exclusion

The City of York Council recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants in housing need, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits.

### **Statutory and regulatory guidance**

The Code of Guidance (Allocation of Accommodation June 2012) and Localism Act 2011 explains that Local Authorities may wish to adopt criteria which would not qualify individuals who satisfy the reasonable preference criteria eg antisocial behaviour. CYC has retained the principles of the previous 'unacceptable behaviour test.'

### **Assessing qualification**

City of York Council will consider an application to join the register where a history of unacceptable behaviour is proved, if the applicant is attempting to modify that behaviour with the help of a recognised support agency and that agency will continue the support if/when the applicant is housed.

City of York Council will ensure that the process for assessing qualification is both fair and effective in the management of the traveller housing stock. In reaching a decision on whether or not an applicant does not qualify on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.

### **Grounds for lifting non qualifying status**

The basic principle for lifting the non qualifying status will be evidenced material change in the applicant's circumstances. For example:

- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour.
- The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme.
- The relevant conviction has become spent.
- The applicant is addressing their arrears and debts for a minimum of 13 weeks. An affordability assessment may be required.

A fresh application will need to be made by the applicant where they have previously been non qualifying and feel that their behaviour should no longer be held against them as a result of changed circumstances.

## Annex 1

<i>Exclusion reasons and circumstances where an exclusion will apply</i>	<i>Rules and period of exclusion</i>
<p>1 Anti-social behaviour</p> <ul style="list-style-type: none"> <li>• By an applicant or a member of their household</li> </ul> <p>The list below provides examples of the types of behaviour that we consider to be anti-social. It should be noted that the list is not exhaustive:</p> <ul style="list-style-type: none"> <li>• Annoyance, harassment, violent or intimidating behaviour towards staff members, neighbours or their visitors;</li> <li>• Criminal convictions related to the occupancy of a site for example: drug dealing, prostitution, fire raising;</li> <li>• Extensive damage caused to a landlords property;</li> <li>• Any behaviour which has resulted in an Anti-Social Behaviour Order being granted;</li> <li>• Any behaviour which has resulted in the grant of an eviction;</li> <li>• An established and sustained pattern of conduct considered anti-social;</li> <li>• Or any other behaviour that we consider to be anti-social.</li> <li>• Allowing access to horses to neighbouring land.</li> <li>• Animal neglect/cruelty</li> <li>• Assault</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum of two years</li> </ul> <p>Where potential anti-social behaviour has been identified .</p> <p>Where a previous pitch holder/tenant has been evicted for proven criminal activity, you will not be able to apply to the waiting list for a minimum of 2 years.</p> <p>Where an offer of a pitch has been made to the applicant, the offer may be withdrawn pending the outcome of the investigation.</p>

<p>2 Debt owed to City of York Council or another local authority</p> <p>Exclusion will be applied where the applicant or partner has any debt related to a previous site occupancy or former tenancy.</p> <p>Exceptions to this would be where:</p> <ul style="list-style-type: none"> <li>• The debt has been paid off in full;</li> <li>• An agreement has been made to pay the debt off and this has been maintained for at least 13 weeks and is continuing;</li> </ul>	<p>Following proof of full payment of the debt or where an arrangement to pay off the debt has been maintained for 13 weeks and continues to be maintained, a fresh application can be made.</p>
<p>3 Breach of occupancy condition(s)</p> <p>Exclusion will be applied where the applicant or partner is currently resident on a council owned site or in a council tenancy and has breached their occupancy conditions.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• Unsatisfactory condition of pitch, utility unit, common areas, disposal of rubbish, wilful damage, vandalism, control of pets.</li> </ul>	<p>Exclusion can be lifted if the council is satisfied that the condition of the pitch etc has improved to a satisfactory level and remains there. A fresh application will need to be made.</p>
<p>4 False or misleading information</p> <p>Exclusion will be applied where the applicant is suspected to have deliberately sought to distort information in order to gain advantage over other applicants.</p>	<ul style="list-style-type: none"> <li>• Minimum of 12 months</li> </ul> <p>Applications will be excluded until outcome of investigation. If proved, the application will be cancelled and you will not qualify to apply to join the waiting list for a minimum period of 12 months. A fresh application will need to be made.</p>

<p><b>5 Squatting and/or unauthorised applicant on an City of York Council Traveller Site</b></p> <p>If you are found to be squatting or are an unauthorised applicant on a site or individual pitch, you will be excluded for a minimum of 12 months.</p> <p>If you vacate the pitch voluntarily, the suspension will not be extended beyond the initial twelve months unless City of York Council has to take court action to remove you.</p> <p>If City of York Council has to take legal action to remove you, you will incur costs which you will need to pay.</p>	<ul style="list-style-type: none"> <li>• Minimum of twelve months From the date that you vacate the plot voluntarily.</li> <li>• Minimum of two years following eviction</li> </ul> <p>If it is necessary for City of York Council to obtain a possession order and remove you from the pitch, you will not qualify to apply to join the waiting list for a minimum period of 2 years.</p>
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### Section Six - Useful Contacts

Traveller Support Workers  
 Temporary Accommodation Offices  
 Ordnance Lane  
 Fulford Road  
 York  
 YO10 4DY  
 (01904) 553180

Citizens Advice Bureau  
 West Offices  
 Station Rise  
 York  
 YO1 6GA  
 0844 411 1444

Housing Registrations Team  
 City of York Council  
 West Offices  
 Station Rise  
 York  
 YO1 6GA  
 (01904) 554044

York Travellers Trust  
 20 Falsgrave Crescent  
 York  
 YO30 7AZ  
 (01904) 630526

Housing Options Team  
 City of York Council  
 West Offices  
 Station Rise  
 York  
 YO1 6GA  
 (01904) 554500