

Southampton City Council Gypsy & Travellers Site Allocation Policy



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Gypsy and Travellers Site Allocations Policy			
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Lead officer	Paul Juan - Service Director, Adults, Housing & Communities	Review date	

Purpose

1. This policy sets out Southampton City Council's (the council) approach to allocating pitches at the council's Kanes Hill site, located in Botley Road, Thornhill. It sets out how the council determines priorities and the procedure for allocating pitches. The policy takes account of relevant legislation and Government guidance and relevant council strategies and policies. The policy will be reviewed regularly to reflect any Government or local policy changes.
2. There is a high demand from Gypsies and Travellers for permanent sites in Southampton. The purpose of the Gypsy and Travellers Site Allocations Policy is to define a consistent framework, which can be used to allocate the limited number of vacancies that are available. It should be noted that, even where applicants are accepted onto the Pitch Waiting List, there is no guarantee that an offer of a pitch will be made.
3. Pitches will only be offered to Gypsies and Travellers or those deemed to live a nomadic lifestyle as defined under the Equality Act 2010 (EA 2010). Gypsy and Travellers is used as a generic term to denote the whole population of those groups, families and individuals who subscribe to Gypsy and Traveller culture and/or lifestyle. The term encompasses ethnic Gypsies and Travellers and those who fall within the legal definition of a 'Gypsy' (s24 of the Caravan Sites and Control of Development Act 1960 as amended by s80 of the Criminal Justice and Public order Act 1994).
4. The council aims to:
 - Provide both eligible and qualifying applicants with a pitch
 - Ensure pitches are allocated fairly and efficiently, taking into account the applicant's individual needs;
 - Make best use of all the available pitches.
5. Throughout this policy, the council has had due regard to its Public Sector Equality Duty (PSED) under the EA 2010 and with the Human Rights Act 1998. This means in particular that the council will process applications fairly, avoiding discrimination on the grounds of ethnicity, disability, religion, gender, sexual orientation, marital status or age.
6. Gypsies and Travellers are ethnic minorities recognised by law. They have a right to a nomadic life style, to equal access to services such as education, health and accommodation and to protection from discrimination and harassment.
7. This policy has been drawn up with particular reference to the councils main Allocation Policy 2019 and where possible is consistent with it.

Scope

8. Part 6 of the Housing Act 1996, as amended, requires Southampton City Council to make housing allocations in accordance with an Allocations Policy. The council allocates pitches when it selects a person to be an occupier of a pitch held by the authority or another organisation.
9. This policy applies to all Gypsy and Travellers applying for allocation of pitches at the Kaneshill Gypsy and Traveller Site, and the Pitch Waiting List. Gypsy and Travellers may also apply for traditional council housing via the council's main Allocation Policy 2019.
10. This policy does not include lettings of temporary accommodation, or applications in respect of homelessness. Information is provided on the council website, setting out the arrangements for applying for assistance for people who are homeless.

Legislative Context

11. In drawing up this policy the relevant legislation and codes of guidance have been considered, in particular:
 - The 1996 Housing Act (Part VI) as amended by the Localism Act 2011 requires the council to have an Allocations Policy for determining priorities and for defining the procedures to be followed in allocating social housing. This also extends to allocating pitches at the Kaneshill site.
 - The Housing Act 1996, as amended by the Homelessness Act 2002 and the Housing Act 2004, require that the council ensures that priority for social housing goes to those in greatest need. This includes homeless people, those who need to move on welfare, hardship or medical grounds, or people living in unsatisfactory housing ('reasonable preference' categories).
 - Allocation of Housing and Homelessness (eligibility) (England) Regulations 2006 (as amended) sets out which classes of persons from abroad are eligible or ineligible for allocation of accommodation.
 - Regulations made by the Secretary of State sets out person who may be eligible despite being a person from abroad subject to immigration control.
 - Localism Act 2011 (as amended) enable councils to determine which applicants do or do not qualify for social housing, to reflect local circumstances.
 - Allocation of housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967, and takes into account the Allocation of Accommodation; Guidance for Councils, issued in June 2012, updated guidance December 2013 and Right to Move statutory guidance issued in March 2015.
 - The Housing and Planning Act 2016.
 - The Homelessness Reduction Act 2017.
 - The Homes (Fitness for Human Habitation) Act 2018.
 - The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006' (Statutory Instrument: 2006 No. 3190).
 - The Equality Act 2010.
 - Human Rights Act 1998.

Policy Detail

Eligibility and qualifying for the Pitch Waiting List

12. In order to join the Pitch Waiting List applicants must be both eligible and qualifying and meet the requirements for either “reasonable” or “additional” preference as laid out in the Housing Act 1996 as amended by the Localism Act 2011.
13. Southampton City Council will act in compliance with national legislation regarding eligibility for housing accommodation. An applicant may be ineligible for an allocation of a pitch under S160ZA (2) or (4) of the Housing Act 1996.
14. In addition to being “eligible”, applicants must also “qualify” through meeting the council policy requirements. The council requires that applicants are:
 - Gypsies and Travellers
 - 18 years of age or older, and;
 - Not owners of residential property in the UK or abroad;
 - In housing need; and
 - Able to manage a pitch and suitable to be a tenant (see below).
 - Eligibility does not depend on the applicant living within the council boundary.

Unsuitability to be a tenant

15. An applicant may not qualify for the Pitch Waiting List if the council considers that individual to be unable to properly manage a pitch. This may be because that individual needs a more supported environment than the council can provide, or that individual or a member of your family are considered to be unsuitable to be a tenant. In making this, and any other decision, the council will take into account all of the relevant factors and make a decision on a case by case basis.
16. The council may reach the view that an individual are unsuitable to be a tenant through considering factors such as previous management of a pitch either on the council's site at Kanes Hill or elsewhere, housing debts owed or a history of non-payment of rent, a history of arrestable offences committed in the vicinity of the applicant's current or previous home or involvement in anti-social behaviour. In making this decision the council will offer advice and steps to improve chances of becoming a tenant in the future.
17. In determining suitability, the council will take account of the applicant's level of housing need balanced with the type of and/ or seriousness of the behaviour which may make them unsuitable to be a tenant. This includes any changes in circumstances or behavior since the relevant events occurred together with consideration as to how likely the issues identified are likely to recur.

Housing need

18. There is no statutory definition of ‘housing need’. The point's scheme set out in the Southampton City Council housing Allocations Policy sets out the categories of people who the council must ensure receive reasonable preference. Applicants who do not fall into a reasonable preference category will be considered to have no housing need.

19. Applicants must remain in housing need throughout the time spent waiting on the Pitch Waiting List.
20. The council uses a 'point's scheme' to prioritise applicants on the Pitch Waiting List. The scheme awards points to reflect applicants' circumstances and the degree and/or urgency of applicants' housing need. In addition, applicants will be awarded one point per month waiting time.

How the council makes decisions

21. The council makes decisions about housing applications by considering four key questions whenever an application for housing is received:
 - a. Is the applicant "eligible" because they meet statutory criteria?
 - b. Does the applicant "qualify" under the councils Gypsy and Travellers Allocations Policy? (see point 20)
 - c. What size and type of pitch (mostly based on the size of the caravan, but can include other factors such as caravan condition and facilities, and requirements for multiple pitches) does the applicant need?
 - d. What degree of priority is required relative to other applicants?

Type of pitch required

22. The council has to make best use of the resources available in order to be able to house the maximum number of people from the Pitch Waiting List. This means that the council have rules about the type of pitch that applicants can apply for. In deciding on the type of pitch, and degree of priority required, the council has to consider the type of pitch available and the high demand for that pitch.
23. If an individual is accepted onto the Pitch Waiting List, the council will assess their needs to decide what sort of pitch they can apply for. The council will notify the applicant of its decision once the assessment has been completed and if eligible they will be able to register for the particular type of pitch only.

Size of pitch required

24. The site comprises a mixture of single and double plots. Single plots can accommodate either two touring caravans or one mobile home of 5.5 metres wide X27 meters long.
25. Double plots can accommodate either four touring caravans or 2 mobile home 5.5 metres wide x 27 metres long and one touring caravan.

Points Scheme

26. In framing this policy, the council have had regard to the Communities and Local Government Allocation of Accommodation: Guidance for Local Housing Authorities in England document published in 2012, as amended. This sets out the requirements in respect of reasonable preference and additional preference as follows:
27. "In framing their allocation scheme to determine allocation priorities, housing authorities must ensure that reasonable preference is given to the following categories of people (s.166A (3))":

- (a) People who are homeless within the meaning of part seven of the Housing Act 1996 (including those who are intentionally homeless and not in priority need);
- (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65 (two) or 68 (two) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3);
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) People who need to move on medical or welfare grounds, including grounds relating to a disability; and
- (e) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

28. In addition, the council is required to consider giving additional preference to:

- Those who need to move urgently because of a life-threatening illness or sudden disability;
- Families in severe overcrowding which poses a serious health hazard; and
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious antisocial behaviour or domestic violence.

29. The council manages priority between applicants by using a 'points' scheme. The council award most points to applicants who meet the various criteria listed in the legislation meaning applicants in the worst housing conditions will receive more points than other applicants.

30. The council also recognises the amount of time that people have waited for an offer of housing and will add one point per month for each month applicants have been on the Pitch Waiting List.

31. For applicants in housing need (reasonable preference) the following points are awarded in addition to one point per month waiting time.

Applicants identified as having a housing need (reasonable preference).	90
Applicants living in more than one unsatisfactory housing category as identified by legislation of the defined unsatisfactory housing conditions (see Allocations Policy)	10
Applicants who have lived within the Southampton boundary for a continuous period of 12 months or applicants who have family members who have been resident for more than 3 years	10
Applicants at risk of eviction through no fault of their own (e.g. site closure, redevelopment, etc.)	20
Applicants with an assessed medical/ welfare need to move, this includes grounds related to disability.	30
Applicant households with a second household member with an assessed medical /welfare need to move.	5

<p><u>Short term points for Urgent Medical/Welfare Need to Move</u></p> <p>A very small proportion of applicants are assessed as having an urgent need to move because of disability, medical or welfare grounds.</p> <p>These points will normally be awarded for four months. If, at the end of the four months, the move has not been completed then the additional points will usually be removed.</p>	<p>100</p>
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Change in applicant's circumstances and keeping us up-to-date

32. The council must make sure that it does not offer pitches which do not match the needs of an applicant's household. Therefore, it is important that the council is kept up-to-date with details of applicant's housing situation. This is done by contacting applicants at regular intervals during the time they are waiting on the Pitch Waiting List to check that their circumstances have remained the same. Applicants must supply all the information to the council within 30 days of the request being made, whether in writing, by telephone or in person. Applicants who do not supply the information within this time will be removed from the Pitch Waiting List.
33. Where an applicant's circumstances have changed (for example they have bought a property, moved home or their family size has increased or decreased) they must also notify the council within one month so that their application can be reassessed. Again, not doing this will result in the applicant's application being removed from the Pitch Waiting List.
34. The 2017 Homelessness Reduction Act strengthens a duty in law on the part of the local authority to prevent homelessness. Applicants who are likely to become homeless, should immediately contact the council for advice and assistance.

How to apply

35. In order to apply for a pitch, applicants will need to join the Pitch Waiting List. This is wholly managed by the Thornhill Housing Office and requires applicants to complete the appropriate form which is available directly from the Thornhill Housing Office. We will offer you support in copying the appropriate and relevant information, such as your full address history for the last five years and whether you or anyone else in the application has ever been a council or Housing Association tenant before.
36. In addition, applicants must provide proof of identity and circumstances, this may include National Insurance Number, address, household composition, responsibility for children et cetera. The council also reserves the right to request any other additional information required to make sure that any application for re-housing is accurate and is dealt with properly.
37. Applicants must provide all information within 30 days of submitting their application to the council. If they fail to do this the application may be cancelled. Applicants must also, from time to time, provide information to the council to confirm their current circumstances. Applicants who fail to do this within the set period may be removed from the Pitch Waiting List.
38. Any applicant who has difficulty applying for a pitch with the online form, and/ or require this in another format, should email the Thornhill Housing Office at housing.serviceseast@southampton.gov.uk, or alternatively, contact a member of staff on 023 8042 0520.

Who can be included in an application for a Pitch?

39. The council requires that anybody included in an application for a pitch at Kanes Hill Site, who is eligible to access public funds and services, has a long-term commitment to the household and will live in that household once a pitch is allocated. This requirement applies to all members of the household including parents, siblings, partners and children and all members of the application must have lived in the household for a minimum of 12 months at the point of application.
40. The council will usually require those people included in the application to have a 'need' to live together. For example, as dependents to the household, for cultural or religious reasons or where there are caring requirements that cannot be met outside the household. The 'need' to live together may vary from household to household and will be considered on a case by case basis taking into account all individual the households circumstances.

Children included in the application must genuinely live in the household as their only or principal home (applicants unsure whether or not to include children on their application must seek advice from the council). Where care of children is shared, the council will allow them to be listed in only one re-housing application.

41. There are only a few limited exceptions to these requirements. These are children newly born into the household and children leaving care or being fostered. Special arrangements (below) apply in the case of applicants who are foster carers.
42. Applications which include children who have previously been rehoused by the council in the care of someone else will be refused unless the it is satisfied that it is necessary for them to live in the new household and that they meet the requirements of long term commitment to the household as set out above.
43. If the council considers that children have been included on the application in order to gain greater priority or access a larger or different type of housing the application may be treated as fraudulent and appropriate measures taken.

Debts to the council or other social landlords

44. Applicants and any other members of the household included in the application who owe money in respect of housing debts to the council or another social housing provider will not usually be made an offer of a pitch, however, each case will be made on its own merits. 'Housing debts' include:
- Current rent/ pitch fee;
 - Rent/pitch fee from a former tenancy/site licence;
 - Heating and service charges;
 - Charges for support services;
 - Maintenance repair charges; and
 - 'Mesne profits' (charges for the use and occupation of a property where there is no tenancy e.g. where a person has been left in occupation).

45. Where the debt remains unpaid but cannot be subject to further enforcement action because of a relevant court order, the council will decide whether this has an impact on the applicant's suitability to be a tenant.

Preventing Fraud

46. The council takes its responsibility to make proper use of public resources very seriously. Applications for the Pitch Waiting List are investigated to ensure assessments and decisions are accurate. The council will require proof of information you have provided in your application, such as Council Tax and Universal Credit details. The council is required to participate with other Local Authorities as part of the National Fraud Initiative and also verify information by office interviews, home visits, statements from previous social landlords, and verification of documents.
47. Where the council considers an application for the Pitch Waiting List to be fraudulent, it may take action in line with any of its enforcement policies, whilst adhering to relevant legislation. The council will consider each matter on a case by case basis.
48. If an applicant moves out of, or alters, suitable accommodation so that is unsuitable for their needs, the council will investigate to find out why this has been done. If it is satisfied that this was done in order to improve the applicant's position on the Pitch Waiting List, the council will continue to treat the application as if the move has not taken place.
49. The council will also carry out investigations where it believes that incorrect information has been provided in order to improve an applicant's rehousing prospects. Where this is the case the council may amend or cancel an application.

Risk to applicant or other residents

50. When deciding whether to accept an application, or to make an offer of a pitch, the council will take into account any known risk factors. This will include the risk to other residents and to the applicant. The issues which will be taken into account include those which might render the applicant vulnerable if re-housed and those which may affect other residents (for example, a known history of violent or anti-social behavior). If the council considers the risk to be too great then it may decide not to accept the applicant onto the Pitch Waiting List or may not make an offer of a pitch.
51. In considering these factors the council recognises the role that settled accommodation can play in enabling offenders to become rehabilitated. However, the council also exercises a duty as landlord to other residents of the site and therefore it is necessary to balance the needs of individual applicants against the needs of the wider resident population.
52. In reaching a decision on these matters the council will consider all the relevant factors including seeking the view of Health, Police, National Probation Service and other relevant statutory agencies. Examples of issues which will be taken into account include:
- The applicant's degree of housing need;
 - The nature of the applicant's behaviour/convictions/bail or licence conditions;
 - Any mitigating circumstances that applied at the time or to current circumstances;

Right to review decisions

53. Applicants will be notified in writing if they are not eligible or do not qualify for the Pitch Waiting List or in person by the Housing Officer.
54. Applicants have a right to request a review of any decision and a right to request a review of the facts of the case which were taken into account in making the decision. Details of how to do this will be given in the letter sent to them notifying them of the decision. The review will be carried out by an officer who has not been involved in the case and is more senior than the original decision maker.
55. If the applicant, who the council has previously determined as not being treated as a qualifying person (and they believe that they should be treated as qualifying) wishes to apply again for allocation, then they may do so. However, unless they can demonstrate a change in their circumstances the original decision will remain.

Data protection legislation

56. Information will be held and destroyed in accordance with Data Protection legislation and used only for the purpose of assessing housing applications, or for exercising other duties compatible with the council's status as a strategic authority.

Exceptions to policy

57. Occasionally, there will be exceptional cases which will arise which cannot be dealt with within the normal policy criteria. Service Director: Adults Housing & Communities has delegated authority to make an exception to policy, to give additional priority or to take other action necessary in these cases.
58. It is not intended that this delegated authority be used other than in very exceptional circumstances as this would undermine the authority's ability to be equitable in its treatment of applications for a Pitch at the Kaneshill Site.
59. The council will take into account all relevant considerations when making this decision including:
- The applicant's degree of housing need;
 - Significant events in the applicant's tenancy history; and
 - The current position in respect of the applicant's ability to manage a pitch successfully.

Further Information

60. Further information about housing options as well as information about benefits and managing debt is available on the [council's website](#).