



City of Doncaster Council

# Gypsy and Travellers Allocations Policy

August 2023

DK



City of  
Doncaster  
Council

<b>Policy Changes</b>	<b>Description</b>	<b>Section</b>
Change 1	Eligibility to join waiting list	3
Change 2	Non-qualifying	4.1
Change 3	Maximum pitch occupancy	7.4
Change 4	Permission for additional caravans/occupancy	7.4
Change 5	Information sharing / GDPR	2.4
Change 6	Comprehensive banding priorities	6.0
Change 7	Inclusion of exceptional circumstances	6.6
Change 8	Fair local connection criteria	4.2
Change 9	Resident consultation about new allocations	6.2
Change 10	6-month suspension penalty	4.3

# Contents

---

## **1 Glossary of Terms**

## **2 Introduction**

- 2.1 Policy Aims and Objectives
  - 2.2 Legal Framework
  - 2.3 Related Strategies
  - 2.4 Sharing Information and Confidentiality
- 

## **3 Eligibility**

- 3.1 Who is not eligible?
- 

## **4 Qualification**

- 4.1 Who does not qualify?
  - 4.2 Local Connection
  - 4.3 Suspension
- 

## **5 Managing Applications**

- 5.1 How to apply
  - 5.2 What checks are made on applicants and what documents are needed?
  - 5.3 What happens if false information is provided or where relevant information is withheld?
  - 5.4 Change in circumstances
  - 5.5 Review of the Register
- 

## **6 The Bands**

- 6.1 How does the banding scheme work?
  - 6.2 Platinum Band
  - 6.3 Gold Band
  - 6.4 Silver Band
  - 6.5 Bronze Band
  - 6.6 Consideration of exceptional circumstances
- 

## **7 Allocation of Pitches**

- 7.1 How will an offer be made?
  - 7.2 Compatibility
  - 7.3 Signing for a tenancy
  - 7.4 Maximum Pitch Occupancy
  - 7.5 Type of tenancy that will be offered
  - 7.6 Joint Tenancies
  - 7.7 Offers to Employees/Elected Members/Board Members
- 

## **8 Right of Review**

- 8.1 Reasons for Review
- 8.2 The Review Process

# 1 Glossary of Terms

## **Anti-Social Behaviour**

Behaviour or conduct causing or likely to cause nuisance, annoyance, harassment, alarm or distress to another person.

## **Applicant**

A person who applies to be placed on the waiting list for a pitch allocation.

## **Bands**

The system for setting out the different priorities of housing need.

## **Disabled**

Persons who have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities as set out in the Equality Act 2010.

## **Eligibility**

Assessment of whether an applicant has a right to a pitch allocation in accordance with relevant legislation.

## **Gypsy and Traveller**

The travelling community is a term used to describe people with a nomadic lifestyle.

The travelling community includes:

- Romany Gypsies
- Irish Travellers
- Scottish Gypsies and Travellers
- Welsh Gypsies and Travellers
- New Travellers or New Age Travellers
- bargees and other people living in boats
- fairground and circus families, known as travelling showmen

## **Housing Need**

Applicants are assessed as having a housing need if the accommodation they currently occupy is unsuitable and where applicants are unable to resolve their circumstances. This can be as a result of ill health, overcrowding, lacking facilities or

the applicant is otherwise deemed to be in a reasonable preference group as defined in housing law.

### **Housing Related Debt**

Monies owed to a landlord, such as a Local Authority, Housing Association, Arm's Length Management Company or for temporary housing accommodation provided under homeless duties, hostels or supported housing projects, in respect of current or former tenancies. It can also include other debts such as re-chargeable repairs, court cost, support charges and prevention fund monies (e.g., bonds, rent in advance). Debts written off as part of bankruptcy or which are statute barred will be disregarded. DEBT means TRUE debt and does not include arrears where the housing provider is in receipt of regular housing benefit payment or direct debit / standing order which clear the rent account. Housing related debt does not include council tax debts.

### **Local Connection**

Connection to a particular area because of residency in an area through their own choice, employment, family or a main source of support. Local connection to Doncaster for this purpose is defined as

- A minimum 3-year connection including residence/employment and direct family members or have special circumstances that connect them to Doncaster. Direct family members are spouses, civil partners, parents, grandparents, sons, daughters, brothers or sisters

When making this decision we will take into account when applicants are travelling outside of the borough where their main residence continues to be in Doncaster.

### **Pitch**

The space 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 on a council site includes an amenity block with kitchen and bathroom.

### **Qualification**

Assessment of whether an applicant qualifies to join the waiting list under the qualification criteria set by the City of Doncaster Council.

### **Registration Date**

The date a complete application, with all required supporting information, is received. This date will be used to decide who receives an offer of accommodation.

**Site**

A Gypsy and Traveller site is the area where Gypsies and Travellers live. One site may have a number of pitches and be home to a number of families.

**The Settled Community**

Refers to the non-travelling community (e.g., people who live in houses).

DRAFT

## 2 Introduction

This is the City of Doncaster Council's Gypsy and Travellers Pitch Allocations Policy. The policy is operated on behalf of the City of Doncaster Council by its Arm's Length Management Organisation, St Leger Homes of Doncaster (SLHD).

### 2.1 Policy Aims and Objectives

This policy sets out how pitches are allocated in Council owned Gypsy and Traveller sites in Doncaster. The aims and objectives of the policy are to:

- **Give** priority to those most in need of settled accommodation
- Reflect local priorities
- Meet the legal requirements of the 1983 Mobile Homes Act
- Provide appropriate accommodation and support services to Gypsies and Travellers on the sites St Leger Homes of Doncaster manage on behalf of the City of Doncaster Council,
- Respect Gypsy and Traveller culture and traditions
- Ensure effective management of the sites and the protection of existing residents

### 2.2 Legal Framework

Gypsy and Traveller sites are primarily regulated by the Mobile Homes Act 1983, following amendments made to that Act by the Housing and Regeneration Act 2008. Doncaster has ensured the provision of its sites specifically to meet the local Gypsy and Traveller community. Therefore, to apply for a pitch, applicants must be a Gypsy or Traveller either by ethnic group or under the current legal definition. A 'Gypsy' is defined by section 24 of the Caravan Sites and Control Development Act 1960 as "persons of nomadic habit of life, whatever their race or origin...".

In terms of the allocation of plots on sites, the Housing Act 2004 (sections 225 and 226) previously imposed a specific duty on local authorities to carry out an assessment of the accommodation need of Gypsies and Travellers, as part of the periodic review of the housing conditions and need within their area, under section 8 of the Housing Act 1985. With effect from the 12<sup>th</sup> of July 2016, the Housing and Planning Act 2016 repealed those sections of the 2004 Act and made amendments to section 8 of the Housing Act 1985. This replaced the previous duty with a general duty to consider the housing needs of all persons, including those residing in or resorting to their area with respect to the provision of caravan sites.

A 'Caravan' is defined by section 29 of the Caravan Sites and Control of Development Act 1960 as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed,

or being transported on a motor vehicle or trailer) and any motor vehicle or adapted..." and so would include the mobile homes located on the Council's sites.

## **2.3 Related Strategies**

This policy has regard to:

- Doncaster Council's Housing Strategy
- Doncaster Council's Tenancy Strategy
- Doncaster Council's Place Plan

## **2.4 Sharing Information and Confidentiality**

Information provided when anyone makes an application to join the waiting list and any information received in administering and processing an application will be treated as confidential in accordance with any relevant data protection legislation, in line with our privacy notices and those of St Leger Homes of Doncaster who deliver services on behalf of the council.

Information provided may also need to be shared with other 3<sup>rd</sup> party agencies (such as the police, probation service, social services, health authorities, other local authority departments and statutory bodies) to process your application and assess your housing need.

Information may be shared without the applicant's specific consent in the prevention and/or the detection of crime, the prevention and/or detection of fraud, in matters relating to safeguarding of an individual or others and/or any rule of common law and where necessary under the clauses or exemptions of the Data Protection Legislation and other statute and legal obligations.

# **3 Eligibility**

All applicants will be considered. Those who are assessed as not being eligible will be notified in writing. We will give the reasons why and inform applicants that they have the right to a review, as outlined in section 8.

## **3.1 Who is not eligible?**

- Those from abroad who have no right of access to public funds
- Ordinarily those under the age of 18 years old save in exceptional circumstances.

We will not offer a joint tenancy to two or more people where one party is ineligible.



The eligibility of persons, including those from abroad, is determined by the Secretary of State and is subject to change. We will have regard to any changes that occur after the publication of this policy.

Eligibility for an allocation may change over time. Therefore, acceptance onto the register does not guarantee that the applicant will be allocated accommodation. Eligibility will be confirmed again at the point of consideration of making an offer of a pitch and on review of their application. Where an applicant's circumstances change and they are no longer eligible, their application will be removed from the waiting list.

## 4 Qualification

In addition to being eligible, applicants need to then qualify to join the waiting list. Those who are assessed as non-qualifying will be notified in writing. We will give the reasons why and inform the applicant that they have the right to a review, as outlined in section 8.

### 4.1 Who does not qualify?

- Applicants or members of the household who own or have a financial interest in a pitch or property and are in a position to resolve their own housing situation
- Applicants or members of their household who have caused or are likely to cause serious nuisance to neighbours and the wider community
- Applicants or members of their household with a history of unsatisfactory tenancy conduct or behaviour
- Applicants or members of their household with housing related debt equivalent to 8 weeks rent arrears where there are no mitigating circumstances
- Applicants who have occupied a council owned Gypsy and Traveller site without the permission of St Leger Homes
- Applicants who deliberately worsen their circumstances with the intention of being prioritised
- Applicants who provide false information and/or deliberately withhold information

Couples who intend to live together should make a joint application. Qualification for an allocation may change over time (e.g., where there has been a change in the law or circumstances) therefore, acceptance onto the register does not guarantee that the person will be allocated a pitch. Qualification will be confirmed again at the point of consideration of making an offer of a pitch and on review of an application. Where an applicant's circumstances have changed and they no longer qualify, their application will be removed from the waiting list.

Where an applicant has previously been assessed as not qualifying, they can make a new application if they consider that they should now be treated as qualifying, The onus is on the applicant to demonstrate that their circumstances have changed.

## **4.2 Local Connection**

The Council understands that Gypsy and Traveller communities are diverse, and that many Gypsies and Travellers choose to live within small kin-based groups where they can enjoy the benefits of their extended family support which is an essential part of their culture. The Council will give preference to those families or individuals with a local connection to Doncaster.

Applicants must provide evidence that they have a local connection to Doncaster for a minimum of 3 years up to and including the date of their application.

A person has a local connection where:

- They have continuous residence for 6 out of the last 12 months or 3 of the last 5 years in Doncaster through their own choice – this does not include residence in prisons, institutions etc. or where they have been rehoused in temporary accommodation in the area by another Local Authority.
- They are currently employed in Doncaster and have been for the last 3 years.
- They have direct family who live in Doncaster and have done so for the last 3 years. Direct family members are spouses, civil partners, parents, grandparents, sons, daughters, brothers or sisters; or
- They have other special circumstances that connect them to Doncaster.

We will take into account the lifestyle of Gypsy and Travellers in terms of travelling within and outside of the borough where we are satisfied that Doncaster continues to be their main/sole residence.

## **4.3 Suspension**

Some circumstances may result in an application being suspended for up to 12 months. The circumstances this includes can be

- No longer qualifies to remain on them register
- Information received suggesting they no longer qualify to remain on the register requiring additional investigation
- Where an applicant has occupied a pitch on a council owned Gypsy and Traveller site without the landlord's consent their application may be suspended for a minimum of 6 months

# **5 Managing Applications**

## **5.1 How to apply**

Please contact our Gypsy and Traveller Officers in our Estates Management Team. Every applicant must make a formal application and we can provide support in completing this information where necessary.

An application will remain inactive until we receive all the information, we require to complete a full assessment. This means that we cannot allocate a pitch to the applicant during this period. All applicants will be subject to initial enquiries and references.

Applicants will be invited to meet with the Gypsy & Traveller Housing Officers to verify the information disclosed on the application, and to enable us to undertake an assessment of housing and support needs.

Once an application has been accepted, they will be placed on the waiting list and awarded the band which reflects their current circumstances.

## **5.2 What checks are made on applicants and what documents are needed?**

The onus is on the applicant to provide information to confirm their identity, residence and circumstances within 28 days of their original application or change in circumstances. Where the applicant fails to do so, we will not progress their application.

As a minimum requirement, all applicants must provide the following:

- Two forms of identification, one of which shows current address, and one of which confirms National Insurance number
- Photographic ID where available
- Confirmation of local connection
- Proof of Child Benefit/Child Tax Credit for dependent children
- Proof of residence of other household members
- Any evidence or information to support a priority
- Validation of information supplied from the Border and Immigration Agency, if from abroad, such as work permits and documentation
- Landlord references from a current and/or previous landlord where the applicant has been resident at the current address for less than 12 months
- Two referees where they have not held a tenancy of a pitch or accommodation previously

## **5.3 What happens if false information is provided or where relevant information is withheld?**

It is essential to supply the correct information. An applicant seeking to obtain accommodation or enhance their priority by making a false statement, by withholding relevant information, or by failing to tell SLHD Housing Management about any changes in circumstances, may not qualify to join or remain on the register. This applies to all stages of the application process.

## **5.4 Change in circumstances**

It is the applicant's responsibility to notify St Leger Homes Gypsy and Traveller Officers of any change in circumstances that could affect their application. The application will be reassessed based on their current circumstances and will be advised if their banding changes.

## 5.5 Review of the register

When the waiting list is reviewed, all applicants will be contacted and asked if they want to remain on the register.

Examples where applications will be cancelled include

- There is no response within 28 days
- Additional information requested is not provided within the given period
- An applicant requests that their application is cancelled
- Applicant has been rehoused elsewhere
- Applicant has purchased a pitch or property
- Applicant is no longer eligible/no longer qualifies to remain on the register

## 6.0 The Bands

### 6.1 How does the banding scheme work?

The policy is a banding scheme which determines the priority given to an applicant. Priority for vacant pitches will be given to applicants in the highest band first. If there is more than one applicant in the highest band at the time of allocation, preference will be given based on registration date.

### 6.2 Platinum Band

Urgent medical need such as in hospital unable to return to current home, unable to access essential facilities with evidenced medical need
Households who the law considers to be unintentionally homeless and in priority need
Applicants with children who have no settled accommodation including being roadside or moving between family members or friends for at least 6 months (you will need to provide evidence of this)
Urgent social and welfare need. This would include special guardians, holders of a residence order and family and friends who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and has been approved by Children Services. Fleeing violence or harassment including Domestic Abuse.
Applicants giving or receiving essential care and or support where one party is an existing site resident

### 6.3 Gold Band

Applicants who are living on a site or in accommodation that is overcrowded where they have permission from the landlord to occupy
Assessed as threatened with homelessness through no fault of their own
In critical need due to medical / health / welfare reasons due to evidenced medical needs
Lack of access to facilities in current accommodation including disrepair

#### 6.4 Silver Band

Applicants with a Local connection
Substantial need due to medical / health / welfare reasons
Homeless without priority
Intentionally homeless with a priority need who are eligible and qualifying to join the register

#### 6.5 Bronze Band

Applicants from outside the local area will automatically be placed in the Bronze Band unless they are classed as having a Homeless Priority
--

#### 6.6 Consideration of 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

- The need to be close to specialist educational facilities
- The need to be near medical or support facilities

## 7 Allocation of Pitches

### 7.1 How will an offer be made?

An offer of a pitch will be made both verbally and in writing. If an applicant fails to make contact with the Gypsy and Traveller Housing Officers after a period of 5 working days, the Council may withdraw the offer of a pitch and allocate it to the next appropriate applicant.

### 7.2 Compatibility

The compatibility of a new tenant with existing tenants on site is very important to ensure harmony and mutual respect within the community. Incompatibility can occur for a variety of reason such as religious practices, kinship, lifestyle, and personality. It is naïve to expect two families on a Gypsy and Travellers site who are

incompatible to live in close proximity without creating problems for themselves, the Council and the surrounding community.

Any final decision about applicants for re-housing on a site will be taken after full consideration with other households accommodated on the site, to ensure their kinship networks are not disrupted, and their cultural needs are respected. The Council, via the Gypsy & Traveller Housing Officers may be aware of reasons why an applicant would be incompatible for allocation of a pitch on a particular site.

It is important that this information is taken into account at the time of allocation. Where issues of incompatibility would appear to make an allocation unwise, the Gypsy & Traveller Housing Officers would seek authority from the Housing Management Service Manager to offer the pitch to the next highest waiting list applicant. The applicant will be given the reason for refusal and have the right to appeal.

### **7.3 Signing for a tenancy**

Applicants will have no legal right to the pitch until the Council has approved their application and they have entered into a tenancy/licence agreement.

The Gypsy & Traveller Housing Officers will ensure that the new residents sign their tenancy agreement, ensuring they understand their rights and responsibilities set out within it.

### **7.4 Maximum Pitch Occupancies**

Each plot has an amenity block with kitchen and bathroom facilities. Utilities are paid by the pitch holder to the relevant utility provider. Permission is for one touring or one static caravan per pitch. Requests for extra caravans or structures must be in writing and sent to St Leger Homes, permission may be granted depending on need and size of pitch. All decisions will be made in accordance with fire regulations.

### **7.5 Type of tenancy that will be offered**

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

### **7.6 Joint Tenancies**

New tenants are required to take up joint tenancies where appropriate. This includes:

- Married couples
- Applicants living together as a couple
- A person on the waiting list who wants to a joint tenancy with someone who has also made an application

### **7.7 Offers to Employees/Elected Members/Board Members**

In order to ensure that we are treating all applicants fairly, any applicants from employees of the City of Doncaster Council or SLHD, Elected Members or SLHD

Board Members and their relatives, must be disclosed on the application form. These applications will be processed in the normal way, but in order to demonstrate our allocation is both fair and transparent, offers will not be released without the approval of a Head of Service within SLHD or an appropriate designated officer.

## 8 Right of Review

Every application is made in accordance with the requirements set out in this policy document and any review will be considered by the SLHD Housing Management team for the following reasons and within the specified timescales.

### 8.1 Reasons for Review

Applicants are entitled to a review in the following circumstances:

- If it is decided that they are ineligible to join the waiting list. In this case, the applicant will be notified of the decision and the reason for it.
- If it is decided that they do not qualify to join the waiting list. In this case, the applicant will be notified of the decision and the reason for it.
- Where the applicant feels that they have been unfairly treated in the allocation process
- Where applicants disagree with their registration date.
- Where applicants disagree with a removal of their priority.
- Where applicants have been removed from the waiting list other than at their request.

### 8.2 The Review Process

In all review cases, an applicant must make a request within 28 days of the date of the letter informing them of the decision.

A request for review should be made in writing however, we will consider verbal requests in certain circumstances.

We aim to deal with an applicant's review within 28 days of receiving all documentation in support of the review. If we are unable to do so, we will acknowledge the review within that time, advising applicants when they may expect a reply.

Where an applicant asks for a review of the decision, they will receive details inviting them to submit any further written representations or new information with a bearing on the review and a deadline date will be given.

Applicants are not required to provide reasons for challenging the decision however, this may help their case as there may be new information which was not available at the time.

The officer involved in the original decision will not be involved in the review process.

If applicants are still not satisfied with the decision, a complaint can be made in accordance with St Leger Homes complaints procedure.

DRAFT