



Final version Date June 2014

Published by Northumberland County
Council

NORTHUMBERLAND

Northumberland County Council

Gypsy and Traveller Pitch Allocation Policy

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Part I General information

1 Introduction

Gypsies and Travellers have been part of the community in Northumberland for hundreds of years.

Northumberland County Council is committed to meeting the needs of Gypsies and Travellers in the county and ensuring that services are delivered fairly, consistently and in a way that is accessible to and meets the needs of the Gypsy and Traveller community.

This policy sets out how the council will allocate pitches at its sites at Hartford Bridge in Bedlington and Lyneburn in Lynemouth.

Applicants who also wish to apply for other types of social housing will be subject to the specific content of the Common Allocation Policy.

2 Legislative framework

This policy has regard to the provisions of:

- The Housing Act (1996) as amended by the Homelessness Act (2002) (and further refined by the Housing Act 2004) and the associated statutory codes of guidance
- Mobile Homes Act 1983
- National Planning Policy Framework
- Planning policy for traveller sites
- Human Rights Act 1998
- Equality Act 2010
- Race Relations Act 1976 and Race Relations (Amendment) Act 2000

The policy is part of the Common Allocation Policy which sets out how Northumberland County Council and its partners allocate other forms of social housing. Every effort has been made to closely align this policy to the Common Allocation Policy to ensure parity across all sectors of society.

3 Equality statement

Northumberland County Council is committed to the principle that all customers have the right to equality and fairness in the way they are treated and in the services that they receive.

This lettings policy will not discriminate, directly or indirectly, on grounds of race, colour, ethnicity, religion, nationality, gender, marital status, sexual orientation, age, HIV status or disability.

4 Scheme objectives

The key aims of this policy are to:

- Ensure that the allocation of pitches at Hartford Bridge and Lyneburn is clear, fair and consistent.
- Ensure that pitches are allocated on the basis of priority need and sustainability.
- Create a single point of access to pitches at Northumberland County Council Gypsy and Traveller sites as well as to other forms of social housing, including accredited private sector properties and low cost home ownership options in Northumberland.
- Acknowledge that Gypsy and Traveller families are a recognised ethnic minority group under Race Relations legislation and to provide a service that is sensitive to their specific cultural and traditional beliefs.

We will deliver these aims by:

- Operating a banding scheme where applicants are placed in one of four bands according to their level of need
- Providing support and advice for customers when they need it
- Promoting equality of opportunity regardless of sex, race, age, disability, sexuality, colour, nationality or ethnicity

5 General application

This policy sets out Northumberland County Councils process of allocating their Gypsy and Traveller pitches. This policy ensures all applicants are treated fairly.

The information provided on each application will be considered case by case. Further information may be requested from the applicant by a council officer.

The policy allows for any provision to be considered and waived in exceptional circumstances and at the discretion of a Senior Officer who has responsibility for managing the Gypsy and Traveller Service.

This policy will be used for those requesting an allocation of a pitch on a Gypsy and Traveller site owned by Northumberland County Council. Applicants wishing to apply for bricks and mortar rented accommodation will be assessed using the Common Allocation Policy.

6 Our commitment to cohesive communities

Northumberland's sites are specifically designed to meet the need of the local Gypsy and Traveller community. Therefore applicants must be a Gypsy or a Traveller, either by ethnic group or by the legal definition as being 'a person of a nomadic habit of life, whatever their race or origin'.

A key aim is to support and enable communities that are balanced, safe, inclusive and sustainable, whilst encouraging community cohesion. The

council will operate the policy in a way that supports the long term needs of each site.

As a result, and in order to remain culturally sensitive to the needs of existing site residents, there may be circumstances in which additional factors must be taken into account to ensure the compatibility of an applicant with the current residents. Factors may include, but are not limited to religious practices, kinship and lifestyle.

7 Advice, assistance and support

The Gypsy and Traveller Liaison Officer, Site Wardens and Officers of Northumberland Homefinder can provide advice and support on issues relating to this allocation process. This may include making applications or expressing interest for pitches or other forms of accommodation offered through Northumberland Homefinder.

Officers will not unduly influence an applicant's choice of accommodation when providing advice or support.

8 Notification of decisions and right to a statutory review of a decision

Northumberland County Council will allow a review of any decision made under this policy.

Applicants will be provided with one right of review which must be made within 21 days of receiving notification of the original decision.

A review will be considered by a panel made up of the Gypsy and Traveller Liaison Officer and at least one officer who was not involved in the original decision and who is more senior than the original decision maker.

Where the applicant remains dissatisfied with the decision of the review panel it can be challenged through the council's complaints procedure.

Should this process then be exhausted and the applicant remains unhappy with the outcome then the applicant may also complain to the Local Government Ombudsman who will need to find maladministration (that due process or policy was not followed).

The applicant may seek a judicial review where they will need to demonstrate that the Council or its partners acted unreasonably or irrationally or did not follow correct legal process. Proceedings must be launched promptly and in any event within 3 months of notification of the decision. Applicants should be advised to seek independent legal advice before pursuing this option.

Part II Making an application

9 Who can apply?

Anyone wishing to be considered for a pitch at Hartford Bridge and/or Lyneburn must complete an application form. All applications will be considered, including those from current residents of the sites or existing council or other housing provider tenants.

The waiting list is open to any Gypsy or Traveller aged 18 or over, unless they are specifically ineligible. Registration does not bind the Council to accepting the application or offering the applicant a particular pitch or site.

10 Applicants who may not be eligible to join the waiting list

To ensure that sites remain well managed and that residents can have peaceful enjoyment of their homes, it may be necessary to decline an application. Each application will be assessed on its own merits but generally speaking applications will not usually be accepted from applicants who:

- Are under 18
- Are subject to immigration control
- Are from abroad as defined by the Secretary of State
- Are or have been guilty of unacceptable behaviour

See [Appendix 1](#) for further details about ineligible persons and examples of unacceptable behaviour.

Applicants who are guilty of unacceptable behaviour may have their application accepted but with reduced or no preference if the behaviour is not serious enough to justify a decision to treat the applicant as ineligible.

10.1 Ineligible applicants who wish to re-apply to join the waiting list

If considered ineligible, applicants will at the time of the decision being made, be advised of the reasons for the decision and, where applicable, will be advised of the requirements that need to be demonstrated before they can re-apply or ask for the decision to be retracted.

The applicant will also be provided with an indicator of when a new application would be reconsidered. As there are no set time periods for ineligibility, this will be a guide on the individual circumstances to be considered. Applicants must demonstrate that their previous behaviour has improved and there are no further incidents of unacceptable behaviour, or that their circumstances have sufficiently changed as to warrant a “fresh” application. The applicant will be required to support this by supplying appropriate evidence.

11 Verification and references

At the point of application applicants will be required to provide proof of ID, such as a birth certificate, passport, NHS Card, driving licence or other suitable material and a reference from a former landlord. Where there is no former landlord reference available, the applicant should nominate someone outside of their own family from whom a reference can be sought. Examples might include an employer or key worker, a Traveller Liaison Officer, officer from the Traveller Education Service of Northumberland County Council or of another council or a Site Warden of a previous address where the applicant legally resided but was not the tenant.

In order to assess eligibility for the waiting list and accommodation need we may seek references from existing or previous landlords or information from relevant agencies such as Police, Probation, Social Services, Education and Health Authorities.

12 Changes in circumstances

An applicant is required to advise of any changes in personal circumstances that affect their application or eligibility to remain on the waiting list. Such changes may affect the priority band in which the applicant is placed.

The applicant's new circumstances will be re-assessed and the applicant placed into a priority band reflecting current accommodation need that may remain the same, or shift to a higher or lower band.

Changes of circumstances that are identified at the point of offer may prompt a reassessment of the application for the waiting list.

13 Giving false information or deliberately withholding information

Appropriate action may be taken against any applicant who knowingly provides false information or instigates a false statement from another person acting at the applicant's request. This could include closing the application, reducing priority or taking action to recover possession of the pitch allocated.

Part III Assessing accommodation need

14 Priority bands

Each application will be assessed on the basis of accommodation need and will be placed into one of four bands:

- Priority Band P if there is an urgent and severe accommodation need
- Band 1 if there is a high accommodation need
- Band 2 if there is a medium accommodation need
- Band 3 if there is no accommodation need

15 Band P - Urgent and severe accommodation need

Applicants with an urgent and severe accommodation need will usually be awarded Band P.

Applicants awarded Band P must consider any reasonable offer (e.g. of appropriate size and in an appropriate location). Band P applicants who refuse a reasonable offer and are unable to offer a reasonable explanation as to why they have done so, may have their priority status withdrawn and their application re-assessed.

16 Band P - Homeless households owed a full duty

Applicants who have a caravan or trailer, or access to a caravan or trailer, but no permanent and place to locate it may be considered to be homeless. Where this is the case a homelessness application must be made to Northumberland County Council's Homelessness team who will undertake a full assessment in accordance with the Homelessness Act (2002).

If the Band P award is because the applicant is homeless and in priority need and there are no suitable pitches available or if pitches are refused, the council may seek to discharge their duty through the offer of bricks and mortar type accommodation. Full regard will be made to the Homelessness Act (2002) and Northumberland County Council's Common Allocation Policy.

17 Local connection

This policy will prioritise applicants who have a local connection to the county of Northumberland above those who do not. Where the council has a statutory duty the re-house local connection criteria may not be required.

An applicant with no local connection will not be assessed as being higher than Band 2.

Applicants defined as having a local connection to Northumberland will meet one or more of the following categories:

- The applicant or a person who might reasonably be expected to reside with the applicant is normally resident in Northumberland and has lived there for 6 out of the past 12 months or 3 out of the past 5 years.
- The applicant previously lived in Northumberland and lived there for 5 years or longer.
- The applicant or a person who might reasonably be expected to reside with the applicant is at present employed in Northumberland and the employment is not of a casual nature. Applicants will only be considered to have a local connection in these circumstances, if it is unreasonable to expect them to commute to their place of work from their existing home.
- The applicant or a person who might reasonably be expected to reside with the applicant has close family connection to Northumberland who has lived in Northumberland for 6 out of the past 12 months or 3 out of the past 5 years.
- There are special circumstances which the authority may consider to establish a local connection with Northumberland. This may be particularly relevant where the applicant has been in prison or hospital and his or her circumstances do not conform to the criteria above. Where, for example, an applicant seeks to return to Northumberland where he or she was brought up or lived for a considerable length of time in the past, there may be grounds for considering that the applicant has a local connection with Northumberland because of special circumstances. Northumberland County Council will need to exercise its discretion when considering whether special circumstances apply.

18 Priority band definitions

Categories within the priorities bands are defined in the sections below.

Band P

- **P1 Homeless households who are owed a full housing duty**
Households who, further to a homelessness assessment, are owed a full housing duty under the Housing Act 1996 section 193(2) (in priority need and unintentionally homeless) or 195(2) (in priority need and unintentionally threatened with homelessness) (or under section 65(2) or 68(2) of the Housing Act 1985).
- **P.4 Medical, welfare or hardship grounds**
For one of the following reasons:
 - There is a severe long-term limiting illness, whether physical or mental, or permanent and substantial disability where an urgent and immediate move is necessary because current living arrangements present an immediate or substantial risk to life and adaptation is not practical or existing adaptations are no longer effective.
 - Witnesses of crime who are on witness protection and immediate or urgent re-housing is confirmed by the National Witness Mobility Scheme.

- The applicant is in hospital or residential care, awaiting discharge to a suitable home and the current home or living arrangements are unsafe or discharge is prevented by their housing situation.
 - There is a strong likelihood of a child being accommodated by the local authority if an allocation is not made and this is confirmed by a social care professional.
 - There is a strong likelihood of admission to residential care of an applicant or member of his household if an allocation is not made.
 - A Children Act (2004) referral that requires an urgent and immediate move.
 - Applicants with a diagnosed mental health condition and the applicant is living in conditions which are contributing to a critical deterioration in their mental health and there is a serious risk of committing suicide or harm to themselves or other people in their present accommodation.
- **P.5 Statutory overcrowding**
The household is currently living in bricks and mortar accommodation and are statutorily overcrowded as per the definition in the Common Allocation Policy.

Band 1

- **B1.1 Homeless not in priority need**
Households, who, further to a homelessness assessment, are homeless as defined under Part VII of the Housing Act 1996, but are not owed a full statutory duty to secure accommodation by the Council, but does not include those who are intentionally homeless. This includes households that are unintentionally homeless but not in priority need and are occupying accommodation secured under section 192(3) of the Housing Act 1996.
- **B1.2 Preventing homelessness**
Preventing homelessness where homelessness, further to a homelessness assessment, has been assessed as being inevitable and not intentional.
- **B1.3 High medical/welfare need**
The applicant, member of the household or a person for whom the applicant provides care has a serious long term limiting illness or permanent and substantial disability where their quality of life or health or welfare is seriously affected by the accommodation occupied or by their current living arrangements but an immediate need to move not indicated. Examples include but are not limited to:
 - Someone who cannot reasonably access the essential facilities in their current home or because of their current living arrangements.
 - There are serious concerns about safety, for example through risk of falling due to difficulties with access and mobility in the home.
 - The current home or living arrangements do not reasonably allow essential health treatment to be carried out e.g. renal dialysis.

- Applicants with a diagnosed mental health condition who are living in conditions which are contributing to a deterioration in their mental health where an allocation would prevent deterioration, relapse or exacerbation in their mental health.
 - Households with children who need to access specialist education facilities.
- **B1.4 Serious overcrowding**
The household requires 2 or more than the permitted number of caravans or trailers on their current pitch in order to accommodate household members.

For applicants currently living in bricks and mortar accommodation the Common Allocation Policy overcrowding calculation will apply and applicants will be 2 or more bedrooms short to qualify for this award.
 - **B1.5 Unsanitary conditions or lacking facilities**
The applicant's permanent pitch does not provide mains water, electricity supply, drainage, or sanitation. For applicants applying from bricks and mortar accommodation, the Common Allocation Policy will apply.

Band 2

B2.1 People who are intentionally homeless

Applicants who are homeless or threatened with homelessness as defined under Part VII of the Housing Act 1996, are not owed a duty to secure accommodation by the Council and who are determined to be intentionally homeless. This includes households that are intentionally homeless, in priority need, and are occupying accommodation secured under section 190(2) of the Housing Act 1996.

B2.2 Medium medical or welfare grounds

The applicant or a member of the household has a medical or welfare need (as defined in Band 1 Medical/Welfare) that could be eased or improved by an allocation but the severity is not so great as to merit placement in Band 1.

Short term or minor conditions will not be regarded as need for the purposes of this priority band.

B2.3 Overcrowding

The household requires 1 more than the permitted number of caravans or trailers on their current pitch in order to accommodate household members.

For applicants currently living in bricks and mortar accommodation the Common Allocation Policy overcrowding calculation will apply and applicants will be 1 bedroom short to qualify for this award.

B2.4 Access to school

The household requires a permanent stable location to enable children to attend a confirmed place at school.

B2.5 Insecure accommodation

The applicant is occupying temporary insecure accommodation in non-secure tenancies or on licence agreements (and do not have title to an owner occupied home or a secure or assured tenancy or licence on a permanent pitch).

Band 3

B3 Households who are adequately housed or have no accommodation need

Applications will be placed in Band 3 if they do not meet any of the criteria for Priority Band P, Band 1, and Band 2.

19 Applicants who have deliberately worsened their living conditions

The lettings policy is intended to make sure that those in most accommodation need are allocated a pitch more quickly than those in no accommodation need. Its intention is not to reward those applicants who deliberately worsen their circumstances to get a higher priority band.

Applicants who have deliberately worsened their living conditions within the last 12 months, without good reason and who as a consequence, increase their chances of an allocation may have their priority reduced.

If the applicant can demonstrate 'good reason' the restriction will be removed.

20 Suitable accommodation/reasonable offers

An offer will be regarded as suitable where:

- The pitch is affordable having regard to the financial resources available to the applicant and the cost of the pitch as determined under Homelessness (Suitability of accommodation) Order 1996.
- The pitch is of an appropriate size and type to meet the reasonable requirements of the household and satisfies the need for special features to meet any limiting illness or disability that exist within the household.
- Its location does not deny reasonable access to receive support due to vulnerability or disability or a specialist medical or health facility where a member of the household has a severe long-term limiting illness or permanent or substantial disability where their quality of life or health would otherwise be severely affected.
- Its location does not deny reasonable access to a specialist educational establishment for a member of the household who has particular special educational needs which would otherwise result in a severe deterioration in that person's well-being.

- Its location is not in close proximity to a perpetrator who has threatened or caused violence or domestic violence to a household member whose life or safety would otherwise be threatened.
- Its location is not in close proximity to a perpetrator who has caused intimidation or harassment to a household (e.g. due to race, nationality, sexuality, gender, religion or belief, age or disability).
- Its location takes account of access to employment and educational requirements of the household in addition to family support networks; and established links to schools; doctors; social workers and other key services and support essential to the well-being of the household.

Part IV Allocations

21 Shortlisting and selection

When a pitch becomes available at any site managed by Northumberland County Council the waiting list will be reviewed by an allocation panel to determine a short list and select an applicant. This panel will comprise a minimum of two officers, normally the GRT Site Manager and a Homefinder officer.

All applicants who have expressed an interest for the site where the vacancy is will be short listed in order of:

- Their priority band (P being the highest band and 3 the lowest)
- Registration date

Shortlist position does not guarantee an offer and on occasion other factors may need to be taken into consideration that may influence selection (see [Section 6](#)).

22 Verification of circumstances on offer

When an applicant has been shortlisted or selected for a pitch their circumstances will be verified to ensure that they are the same as they were at the point of application. Original copies of proof of ID will be verified by an officer of the council prior to any offer being made. An offer may be withdrawn if original documents that verify the applicant's identification cannot be produced.

Any additional reference checks will be made at this point. This could include former or current landlords or may involve a visit to the current home.

An offer of a pitch may be withdrawn if there is a reason to believe that the applicant's circumstances are different to those initially declared on their application. In this instance the application will need to be subject to a further assessment in line with the requirements of the policy.

23 Time allowed for accepting an offer

It is the applicant's responsibility to ensure that up-to-date contact details are provided. Every reasonable effort will be made to contact the successful applicant, however, if this is not possible within **1 week** then the pitch may be offered to the next eligible applicant.

Once an offer is made, applicants will be allowed **48 hours** to make a decision about accepting the pitch. If there are justified reasons a longer decision time may be agreed. All individual and household circumstances will be taken into account when making this decision.

24 Making direct offers without advertising – Direct letting

Under certain circumstances, it may be necessary to make a direct allocation of a pitch to an applicant. Those circumstances are:

- Where required in order to discharge of homeless duty
- Where there is exceptional circumstances where urgent and immediate housing is required
- Where an emergency plan has been activated

Direct lets must be approved by a panel comprising the Manager of the GRT Service, the GRT Liaison Officer and another senior officer from Homefinder or Housing Options.

If an applicant refuses the council's direct offer of suitable accommodation, the council has the right to consider whether a further direct offer of accommodation will be given.

Appendix 1

1 Persons subject to immigration control

A person subject to immigration control is defined as a person who under the Immigration Act 1971 requires leave to enter or remain in the UK. A person subject to immigration control will be ineligible unless they are:

- already a secure or introductory tenant or an assured tenant of accommodation allocated by a local authority or
- falls within one of the following classes, as prescribed by regulations made by the Secretary of State:
 - a person granted refugee status in the UK or humanitarian protection (granted from 6 October 2006)
 - a person with exceptional leave to remain, humanitarian protection (granted prior to 6 October 2006), or discretionary leave and who is not subject to a 'no recourse to public funds' condition, or
 - a person with unconditional leave to remain in the UK (settled status) as long as s/he is habitually resident in the Common Travel Area, other than a person who has been given leave on the basis of a sponsorship undertaking and who has been resident in the UK for less than five years (unless the sponsor has died).

For applications made before 20 April 2006 only, persons who are nationals of a state that was a signatory of the European Convention on Social and Medical Assistance (ECSMA) or of the European Social Charter, provided they are habitually resident in the Common Travel Area and lawfully in the UK (Class D) will be eligible. Of the signatories of ECSMA and/or CESC only Turkey, Croatia and Macedonia are not member states of the EEA. The Common Travel Area consists of the UK, the Republic of Ireland, the Channel Islands and the Isle of Man.

Asylum seekers are not eligible persons for allocations because they are subject to immigration control and are therefore not eligible persons unless they fall within the exceptions specified in the regulations.

2 Other persons from abroad

A person who is not subject to immigration control - principally British citizens and certain European Union (EU)/European Economic Area (EEA) nationals - must be habitually resident in the Common Travel Area in order to be eligible for an allocation of accommodation - unless they are exempt from the habitual residence test.

The following people not subject to immigration control are exempt from the habitual residence test:

- EEA nationals who are classed as workers or self-employed persons
- the family members of EEA nationals who are classed as workers or self-employed persons
- EEA nationals who have a right to reside permanently in the UK. These are:
 - those who have legally resided for a continuous period five years in the UK
 - workers or self-employed persons who have retired or are permanently incapacitated
 - the family members of the above two categories
- a person who is in the UK because s/he was deported, expelled or compulsorily removed from another country to the UK
- a person who left Montserrat after the 1st November 1995 as a result of the volcanic eruption
- a person who left Lebanon on or after 12th July 2006 because of the armed conflict there
- British people who were residents of Zimbabwe and who accepted an offer of assistance from the UK Government to settle them in the UK, and who arrive in the UK on or after 28 February 2009 but before 18 March 2011 (The offer of resettlement was only made to people aged 70 years and over, and to younger people who are not able to look after themselves due to health and social care needs)

3 Applicants not eligible due to unacceptable behaviour

Examples of unacceptable behaviour which could result in an applicant being deemed ineligible may include:

- Rent arrears or any other debt owed to Northumberland County Council or any other Local Authority, site related or not
- Failure to adhere to an agreed payment plan to address rent arrears or housing debt to the council or any other former landlord
- Being guilty of behaviour that caused or is likely to cause nuisance or annoyance to anyone living in, visiting or carrying out a lawful activity in the area
- Been convicted for using the premises or allowing them to be used for illegal or immoral purposes
- Been convicted of an arrestable offence committed in the locality.
- Nuisance or annoyance to neighbours or illegal or immoral use of the property
- Perpetrating domestic violence resulting in the victim leaving the home and being unable to return
- Allowing the condition of the pitch to deteriorate
- Obtaining a pitch by giving false information or omitting to provide information that is reasonably requested
- Paying money to illegally obtain a pitch