

# **Gypsy, Roma and Travellers Pitch Allocations Policy**

**This policy only applies to the permanent site located at  
Hillside View, Brierley Lane, Bilston.**

**Effective from 15.11.21**

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## 1. DEFINITIONS

**Letting Policy:** A set of rules on how pitches will be advertised and let.

**Application date:** The date of application is the date of receipt of a completed application form by the Local Service Centre. The completed application form must contain all of the information required together with receipt of all/any documentary proof required. Applicants already registered prior to the inception of this policy will retain their original application date.

**Bands:** The categories of accommodation need which make up the priority system used to differentiate between, and place in order, applicants on the pitch register.

**Pitch Register:** A list of all applicants seeking a pitch under one letting scheme.

**Direct Offer:** Where a pitch is let to an applicant under exceptional circumstances

**Pitch:** A permanent pitch on a protected site rented under a Pitch Agreement under the terms and conditions attached to the Pitch Agreement.

**Priority Date:** The date when the applicant was given additional priority, which is a later date than the date on which the application was originally made (application date).

**Tie-breaker:** The method used to decide between two otherwise equally weighted applications in determining which applicant will be offered a pitch where all else is equal.

## **2. INTRODUCTION**

Sandwell Council is committed to the continued provision of pitches within the authority to enable Gypsy, Roma and Traveller (GRT) families to live in Caravans/Mobile Homes. The Council owns and manages' one permanent site containing sixteen pitches located at Hillside View, Brierley Lane, Bilston, WV14 8TW. In addition, the Council also has a temporary site (with limited electric/water access) that is utilized for the redirection of GRT households that make unauthorised encampments on land within the borough. This policy only applies to the permanent site located at Hillside View.

Vacant pitches at the Hillside View site will be allocated strictly in accordance with this policy. This policy aims to ensure that the allocation of pitches is fair and transparent and that pitches are let on a basis of need by placing applicants in a banding system according to their greatest level of need.

### **2.1. Policy Aims**

The aims of this Council's Gypsy, Roma and Traveller Pitch allocation scheme are:

- To provide a responsive and transparent letting system to make best use of the pitches available for those from the Gypsy, Roma and Traveller Community at the Hillside View facility
- To address the housing needs of the Gypsy, Roma and Traveller community and ensure pitches are allocated fairly to those who are in greatest need.
- To provide a letting system that is easily understood, accessible and responsive to the needs of to the Gypsy, Roma and Traveller community
- To ensure that through the effective allocation of pitches, the Gypsy, Roma and Traveller community are entitled to quiet enjoyment of their mobile home together with the pitch during the continuance of their pitch agreement

### **3. LEGAL CONTEXT**

Gypsy, Roma and Travellers are recognised as ethnic groups under the race protected characteristic, against whom discrimination is unlawful under the Equality Act 2010. As a public sector organisation, the Council complies with the Public Sector Equality Duty (PSED) under the Equality Act to protect individuals from discrimination on the basis of their protected characteristics. These characteristics are: age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. As part of following the PSED, as a local authority the Council must have due regard to:

- Eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act
- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it

This policy will demonstrate our commitment to equality and diversity by:

- Ensuring if possible that there is an element of choice in the allocation of pitches on the site and assessing each application on the basis of individual need.
- Providing appropriate and well-maintained accommodation to Gypsies and Travellers in Sandwell, which respects the culture and traditions of the Gypsy and Traveller communities.
- Providing advice, support or assistance to anyone from the Gypsy and Traveller community who may have difficulty with the allocation process or other site matters due to any protected characteristic that might make it harder for them to access our service.

This policy enables all eligible applicants to access the Hillside View Pitch Allocation Register. It ensures that the Council assesses each applicant for accommodation on the basis of individual need. In addition, our assessment will identify and meet any special requirements.

The Council must, in the exercise of their functions, have due regard to the Human Rights Act 1998 and the Equality Act 2010, being mindful of the need to eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Acts. The Council recognises Gypsies, Roma's and Travellers as ethnic minorities against whom discrimination is unlawful. The Council have considered their needs and provided one permanent site located at Hillside View, Brierley Lane, Bilston. This policy has been introduced to take account of the current legislation and to ensure that applicants wishing to access the site are treated in a fair, transparent and consistent manner.

#### **4. DATA PROTECTION**

The General Data Protection Regulations govern the way the Council and its partners uses personal information in relation to housing services. It covers all personal data that is processed, whether recorded in a manual or computerised form.

- Personal data will be held securely and only those staff authorised will have access to relevant information.
- Information will only be held as long as necessary and in accordance with the appropriate retention policies in place.
- Information will not be disclosed to third parties unless a legal basis is satisfied.
- Applicants have the right to access any information held about themselves unless an exemption applies using the appropriate procedures in place.

It is the responsibility of both staff and clients to ensure that all information that is held within the information systems is accurate and up to date.

The Council will keep the following information about each eligible applicant, however this list is not exhaustive:

- Applicants full name
- The number of other persons who normally live with the applicant as a member of the family or who might reasonably be expected to reside with the applicant
- Address/postcode/telephone contact

- The date registered
- Amendments to the entry
- Title, sex, date of birth of all household members, maiden/previous names
- Correspondence address, if any
- Tenure, including name and address of landlord
- The type of accommodation currently living in, including number of bedrooms, and other details used to assess need and reasonable preference
- Employment status
- Previous addresses
- National Insurance Numbers
- Any medical and welfare needs/need for tenancy support
- Details that affect immigration status and habitual residence
- Relationships to elected members/members of staff of the Council/Site Warden
- Ethnic origin
- Statements consenting to checks being carried out, and a declaration understanding the consequences of withholding information or providing false information
- Information about serious sexual and violent offences that may present a risk to the public and to staff
- Information about any serious history of anti-social and neighbour nuisance behaviour
- Information about housing related debt(s) from past and existing tenancy
- Information about the specific nature of the present tenure
- Any additional information provided by the applicant in support of the application

## **5. APPLICATION PROCESS FOR APPLYING FOR A PITCH**

### **5.1 The Pitch Allocation Register**

Anyone wishing to be considered for a pitch must complete a Pitch Allocation Register application form. All applications will be considered, including those from current residents of the site or existing council or other housing provider tenants or owner/occupiers. The date of

application will be the date of receipt of a completed application form that includes all documentary proof required.

Applicants must declare at the time of completing their pitch application form, if they are a close relative of a councillor or employee of the Council. They must also declare if they are employed in such a position themselves.

Applicants who occupy a pitch at another site will need to provide a Gas Safety Certificate applicable to their caravan before being placed on the Pitch Allocation Register.

## **5.2 How to apply and who to contact**

Applications to the Gypsy, Roma and Traveller Pitch Allocation Scheme can be made by submission of a fully completed Pitch Application Form via the following methods:

- Postal application form
- In a Local Housing Service Centre
- A home visit (where appropriate)

Advice and assistance is available to any applicants when applying to the Pitch Allocation Scheme. For example, assistance can be provided where an applicant is unable to read or write.

### **Contact Details**

Neighbourhood Officer for Hillside View  
Tipton Local Centre,  
High Street,  
Tipton, DY4 9JB

Tel: 0121 368 1166

Email: [tipton\\_local@sandwell.gov.uk](mailto:tipton_local@sandwell.gov.uk)



### 5.3 Who is eligible to join the pitch register?

People who qualify for inclusion on the pitch register must be Gypsies, Roma or Travellers consistent with the following definition<sup>1</sup>:

- (a) persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including:
  - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
  - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such).

Any applicant or member of their household will not qualify to join the register if the Council are satisfied that the applicant, or a member of their household requesting to be housed:

- Is not a member of the Gypsy, Roma and Traveller Community.
- Has been guilty of unacceptable behaviour and the behaviour is serious enough to make him/her or a joint applicant unsuitable to be a tenant at the time the application is considered. This applies when any of the following statements apply (this list is not exhaustive):
  - Has been convicted of a drug related offence within the previous six months
  - Has been convicted of a criminal offence involving violence which may be considered a threat to the local community
  - Has any other conviction, which, in the opinion of the Council renders the person a threat to the community
  - Has been convicted of a sex related offence which may be considered a threat to the local community
  - Is the perpetrator of violence, domestic violence, racial violence or harassment.

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<sup>1</sup> Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006

- Has been abusive to, attacked or threatened a Local Authority or other sector related member of staff
- Has a record of significant rent arrears (of at least eight weeks rent, whether paying part or full rent) to local authorities or other landlords
- Has a history of anti-social behaviour or is subject to an anti-social behaviour order.
- Has previously been evicted on any of the grounds considered in Schedule 2 to the Housing Act 1985 or any statutory amendment or re-enactment of the same
- Has unsatisfactory tenancy reports
- Has knowingly given a false statement or given false or misleading information during the process of applying to be on the pitch register
- Has unlawfully pitched on either a permanent site or an unauthorised site and where refusal to leave has resulted in enforcement action

Until the applicant can demonstrate an improvement in behaviour another application will not be considered if they are disqualified from the scheme. In addition, the following groups are not allowed to be included on the housing register:

- Those subject to immigration control, unless they have refugee status or those who have exceptional or indefinite leave to remain or where the subject of a sponsorship undertaking, have been in the UK over five years and the sponsor is no longer living;
- Anyone not habitually resident in the common travel area;
- EU nationals required to leave the UK by the government.

Normally, only persons aged eighteen years or over will be offered a pitch to let. However, consideration will be given to applicants who are either sixteen or seventeen years of age and where the said household:

- Is statutorily homeless
- have one or more children
- would have their welfare seriously jeopardised if accommodation was not made available

- is a looked after child who is fully supported by the Council's Children's Services

It will normally be necessary to secure a rent guarantor in the above circumstances

Applicants may be removed from the Pitch Register for the following reasons:

- At the applicant's request
- If the applicant is no longer contactable.
- If an applicant no longer/has never been eligible for accommodation – if new information comes to light which indicates that the applicant no longer or has never been eligible for accommodation.

#### **5.4 Verification of information**

Measures will be taken to ensure only those applicants from the Gypsy Roma Traveller (GRT) community would be considered onto the pitch allocations waiting list. The GRT Officer may carry out enquiries to determine such links to the Gypsy Roma Traveller community. The officer will exercise discretion around these enquiries and the final decision will remain with the Council once the enquiries have been completed.

Verification of an applicant's circumstances will be required at application stage and offer stage and will include the following information:

- National Insurance Number and two forms of identification such as driving licence, passport or birth certificate.
- Provision of a full accommodation history for the last 6 years, which will be checked for any housing or pitch related debt (for example rent arrears), unacceptable behaviour, eviction etc;
- References/statements may be sought from former landlords as deemed necessary to demonstrate suitability to be an occupier; Where an applicant is unable to provide a reference, for example a young person applying for a pitch for the first time, they must provide a nominated person whom a reference can be obtained from
- Proof of number of people in the family household;

- Evidence of an applicant's immigration status (for those not normally resident in the UK or who have come to this country from abroad).

If the applicant or anyone included in the application either knowingly or recklessly makes a statement which is false or knowingly withholds information which the Local Authority reasonably requires in connection with an application for a pitch licence the Council will seek possession of a pitch which has been granted as a result of a false statement by the tenant or anyone acting on the tenant's instigation. The Council may seek its costs in taking this action.

### **5.5 Right to review**

If the Council decides that the applicant is not eligible, or does not qualify to join the register, the applicant will be notified of the decision and the ground for making the decision. The applicant will also be advised of their right to review. Details of this process are included in Section 9 of this policy.

## **6. HOUSING NEED AND PRIORITY**

Based on their housing need, applicants will be placed into one of the housing need priority bands as per the current Housing Allocations Policy.

### **6.1 Change of circumstances**

The applicant is required to advise the Council of any change in household circumstances that may affect the band placement, type of pitch required, or need for additional advice or support on housing options. This could include:

- Change of address;
- A member of the household no longer wishing to be included on the application;
- Additional member(s) of the household;
- Relationship breakdown;

- A new physical or mental health condition or sensory and learning disability that affects housing need;
- Worsening or improvement of an existing physical or mental health condition or disability that affects housing need;
- A change to an applicant's financial circumstances.

This information must be provided in writing, which could be on a change of circumstances form, by visiting a Local Service centre office direct, by letter or by email.

Where a change of circumstances means a change in a Band, the following rule will apply:

- If the applicant is given higher priority and moves up the banding system, the registration date will be amended to the date that the Council was notified of this change. If the application goes down in priority, the original application date will remain.

An offer of a pitch may be withdrawn if it is found that an applicant's circumstances have changed and would have resulted in a reduction of priority within the banding scheme, or disqualification.

## **7. PITCH ALLOCATION AND OFFER PROCESS**

### **7.1 Lettings**

Gypsy, Roma and Traveller communities are a diverse group and due to ethnic and cultural factors, compatibility considerations may need to be applied when allocating pitches particularly in view of the settled compact nature of the Hillside View site. Therefore, the suitability of a new tenant and their compatibility with existing tenants is very important for the sustainability of the site in terms of both management and its wider community.

Unsuitability can occur for a variety of reasons such as religious practices, kinship and lifestyle. The Council reserves the right to reject applicants on the grounds of high a probability of conflict with other residents. Where issues of unsuitability appear to make an allocation unwise, the Council may offer the pitch to the next highest waiting list applicant. The Council's decision is final.

A pitch offer will only be valid for fourteen days from the date of the offer letter. Any offer is strictly conditional on the applicants presenting a valid Gas Safety Certificate applicable to the caravan to be placed on the pitch.

## **7.2 Pitch type and size**

A permanent pitch on a protected site is rented under a Pitch Licence to a single or joint applicant and, where applicable, their family members over the age of sixteen. Each pitch consists of a base area on which to place one caravan/mobile home with a designated space to park up to two additional vehicles. A brick amenity block providing kitchen, bath/shower and toilet facilities and an electrical hook up and water supply is provided. All pitches are classed as double pitches on the site.

## **7.3 Advertising vacant pitches**

Void pitches will not be advertised unless the waiting list has been exhausted. At this point they will be advertised amongst the Gypsy, Roma and Traveller Community, promoted as is reasonably practicable within the travelling community. The Council may also choose to advertise vacant pitches on the Councils Website.

## **7.4 Shortlisting and Tiebreakers**

Normally, any void pitch will be offered to the existing community first, on condition that any household taking up this offer agrees to vacate their existing pitch. Following this process, normally the household in the highest banding will be offered the vacant pitch first and so forth. In the event that two or more households are in the same priority band, the oldest registration date will determine who is offered the pitch first.

## **7.5 Making an offer**

The successful applicant will be contacted and given details of the offer. At this point, the applicant's circumstances will be verified in accordance with this policy to ensure that there has been no material change in circumstances. If it is found that there has been a change which would have resulted in a move to a lower band (or disqualification from the scheme), the offer may be withdrawn and the application reviewed.

Unacceptable behaviour, including behaviour under investigation that could lead to possible eviction from the applicant's current pitch, may

also lead to an offer being withdrawn. This unacceptable behaviour should be considered in line with the definitions set out in Section 5 of this policy.

A pitch offer will only be valid for fourteen days from the date of the offer letter. Any offer is strictly conditional on the applicants presenting a valid Gas Safety Certificate applicable to the caravan to be placed on the pitch

## **7.6 Direct offers**

In certain exceptional circumstances, a pitch may be let directly to an applicant. Examples of when this will occur include:

- homeless cases in accordance with this policy and the Housing Allocations Policy;
- the letting of a significantly adapted pitch;
- a pitch that has previously been difficult to let, to avoid further void costs.
- any other cases where the need is specialist or particularly urgent;

## **7.7 Refusal of offers**

A suitable offer is an offer of a pitch that meets the applicants' assessed need within the framework of this policy. The Council on making the offer of a pitch will consider if the refusal is reasonable.

If a homeless applicant refuses a suitable offer of a pitch, any duty on the part of the Council will be removed and their priority will be lost. For homeless applicants, it will be the Housing Solutions Service that will determine whether a refused pitch was suitable. The applicant will be re-assessed and placed into the appropriate Band. The applicant will have a right of review against this decision.

## **7.8 Withdrawal of offers**

The Council has the right to withdraw an offer of a pitch where new information is supplied or there is a change of circumstances that would mean the applicant would no longer be eligible or qualify under this policy.

The Council also has the right to withdraw an offer of a pitch when applying the following:

- on risk or management grounds, for example where a perpetrator of domestic violence, hate crime or other offences would be re-located close to previous victims
- on affordability grounds, where it is clear that the sustainability of the pitch agreement would be at risk based on the household's income
- where an applicant's housing details differ from those held by the Council
- where the applicant has gained an advantage by providing false information or by withholding false information.
- Where the applicant exhibits behaviours that would disqualify him/her from holding a pitch agreement with the Council.
- where the applicant is considered by the Council not to be tenant ready and therefore unable to maintain or sustain the pitch agreement

## **8. NOTIFICATION AND APPEALS PROCESS**

### **8.1 Notification**

Every applicant has the right to ask for information, which will enable them to assess how their application is likely to be treated. On applying for a pitch each applicant will be notified that their application will be assessed in line with this policy. If they are eligible and qualify to join the GRT pitch register they will receive notification in writing and be advised which band they will be placed into. Every applicant also has the right to information about the availability of pitches which will meet their needs and the likely waiting time for a suitable pitch to become available.

### **8.2 Review Process**

Applicants are entitled to a review in the following circumstances:

- If it is decided that a person is ineligible or disqualified to join the register due to their unacceptable behaviour;
- Where applicants have been removed from the register other than at their own request;



- Where applicants feel they have been unfairly treated in the letting process. This could include an appeal against an offer of a pitch, or against the band awarded.

In all cases the applicant will be given twenty-eight days to request a review from the date of the relevant notification letter. In cases of non-receipt by the applicant, the notification is also deemed as having been delivered if it is made available at the offices for a reasonable period for collection in accordance with Section 160ZA of the Housing Act 1996.

Whilst the appeal is on-going, the applicant will retain their assessed status until the outcome of the appeal. No pitch will be held, pending the outcome of an appeal.

### **8.3 Updating applications**

The GRT officer will write to each applicant in Bands One to Four, twelve months after registration and every twelve months thereafter, to ensure that details on their current circumstances are up to date, and that the applicant still wishes to participate in the scheme. The communication will identify whether:

- The applicant still wishes to, and is still eligible and qualifies to apply for a pitch;
- There has been any change of circumstances such as where they are accommodated or in household members. The letter will give twenty-eight days from receipt to supply the information required, and will state that applications will be cancelled if applicants:
  - Fail to respond in the specified period;
  - No longer wish to apply for a pitch.

### **8.4 Removal from the pitch register**

Applicants will be removed from the register and cannot apply for a minimum period of twelve months if any of the following occur:

- They request to be removed;
- They accept an offer of a suitable pitch on the Hillside View site;

- They fail to reply to a request for further information or to confirm that they are still interested in re-housing within twenty-eight days of the request being made;
- They illegally occupy a permanent pitch owned by the Council without express permission and where legal action to remove them has commenced
- They or a member of the household to be rehoused within the application becomes ineligible or disqualified in accordance with this policy;
- It is found that false information has been given on the application form or in any supporting information;
- They refuse or do not respond to three suitable offers of a pitch in any twelve-month rolling period;

A decision as to whether an applicant is removed from the register will be made based only on the known facts. Before deciding to remove an applicant from the register, other than at their own request or on accepting an offer of a pitch, the Council must advise the applicant in writing why it is considering removing them. The applicant may continue to apply for pitches advertised throughout this process, though an offer of a pitch will be subject to the outcome of the appeal.

When a decision is made to remove an applicant from the register, the Council must advise the applicant in writing as to why they have been removed and of the Rights to Appeal. Where removal from the register is upheld following an appeal, information on when an applicant may re-apply to the pitch register must also be provided.

## **9. MONITORING AND REVIEW**

The Council will monitor the scheme to assess:

- Whether the scheme is meeting its aims and objectives;
- Whether changes need to be made;
- Whether the policy complies with the duty to give reasonable preference;
- Whether the scheme is satisfying equality and diversity issues.

The Director and the Cabinet Member for Quality Homes and Thriving Neighbourhoods have delegated authority to make minor alterations to this policy

## **Copies of the policy**

This policy is available for inspection by members of the public.