

Sevenoaks District
Gypsy and Traveller Allocation Policy
Romani Way, Hever Road
Edenbridge TN8 5NQ

1 Introduction

Sevenoaks District Council has one Gypsy and Traveller site situated at Romani Way, Edenbridge which consists of 16 pitches.

The Sevenoaks District Council's Gypsy & Traveller Allocation Policy is linked to a range of Council policies, schemes and strategies including the Sevenoaks District Housing Register Allocation Policy (SDHRAP) 2022.

This Gypsy and Traveller Allocation Policy sets out the principles, procedures and decision making for pitch allocation at Romani Way.

The demand for pitches in the Sevenoaks District is often greater than the number available. This Allocation Policy describes how the local authority will prioritise applicants to ensure that households with a recognised need are able to register and sets out who is and who is not eligible to join the waiting list, how this assessment will be made and how decisions for the allocation of pitches will be made.

2 Aims and Approach

The Council has a duty to take account of housing need whilst ensuring effective management of the Romani Way site is not prejudiced.

This policy aims to make sure that pitches are allocated in a fair and transparent manner to households who are eligible and fall within the definition of gypsy and travellers as defined below, because they are homeless, vulnerable and have priority need, and to those who may have great difficulty in securing pitches on privately owned traveller sites with planning consent.

Allocation to pitches will be made to those households who fall within the following definition:-

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their families or dependants educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism and/or caravan dwelling'.

Romani Way is specifically designed to meet the needs of the local gypsy and traveller community and we aim to support and enable a balanced community that is safe, and sustainable.

3 Eligibility

The following people/households are eligible to make an application to be considered for inclusion on the Council's Gypsy and Traveller register:

- Are from a Gypsy and Traveller background (see definition above)
- Be aged 18 or over
- Be currently living in the Sevenoaks District and have been resident for a continuous period of three years at the point of application. This does not include households placed in temporary accommodation under the homelessness legislation or Children Act 1989
- Be currently employed in the District, and your place of work is within the District and you have been working within the District continuously for the last three years at the point of application
- Be self-employed, where documentary evidence shows at least 50% of your work is within the District, and this has been the case continuously for the last three years at the point of application
- Be an applicant for whom we have accepted the main housing duty under the homelessness legislation (s193 Housing Act 1996)
- Members of the gypsy and traveller community who are transitory will have their application assessed on priority need
- People who apply as qualifying persons and meet the criteria because of exceptional circumstances or special needs, regardless of their previous address.

The following exemptions to the above eligibility criteria may apply:

- Applicants who have previously lived in the District
- Applicants who have close family connections i.e. children, parents, grandparents or siblings only where those connections continue to exist.

The following households are not eligible for inclusion on the Council's Gypsy and Traveller register:

- Those people or persons who do not meet the definition of Gypsy and Traveller as described above.
- Any person applying for a pitch in their own right who is under 18 years old unless they have a trustee and are deemed as having a priority need. Any person who is ineligible under the law because they are subject to immigration controls or who is ineligible for housing assistance.
- Any known and proven perpetrators of anti-social behaviour.

Existing family groupings will be considered when allocating pitches to new pitch occupiers to minimise potential conflict, both within the Romani Way site and with residents living nearby.

4 Procedure

Making an Application

Applicant(s) who meet the eligibility criteria can be considered for inclusion on the Gypsy and Traveller register. Everyone who wants to be considered must carry out the application process set out below:-

- Follow instructions on how to apply for housing on the online application form
- Provide original documents to verify your identify and current housing circumstances
- Provide information to prove that the eligibility and qualification rules can be met
- Complete any supplementary forms that we may send or answer further questions that we ask you.

Council officers in the Accommodation Team can assist with completing applications if required.

Verification checks will be carried out by the Council's Accommodation Team.

Applicants cannot be placed on the Gypsy and Traveller register prior to verification or without receipt of all information requested.

Joint applicants will need to meet the eligibility qualification and information provision for both parties.

This process ensures that all applicants are assessed in a transparent and consistent manner, that we have all the information needed about the applicant(s) household and current circumstances.

5 Who can be included on an application

The policy allows the following household members to be included in a household application:

- Main applicant
- Applicant's spouse, civil partner or unmarried partner in a genuine and long-standing relationship
- Children under the age of 18 whose main residence is with the applicant(s) and who is financially dependant on them. Where the applicant is not the parent, proof of guardianship will be required
- Adult children who have lived with the applicant(s) throughout their adult lives
- An adult relative that is dependant on the applicant(s) where there is evidence of a formal care arrangement e.g. receipt of carer's allowance
- Full-time carer for any person on the application

6 Exclusion from the Register

Certain people/households may be excluded from the register. The decision that a person/household is excluded may occur at the time of application or, if accepted on to the register, at anytime during the life of the application.

Applicants may not be eligible for inclusion on the Gypsy and Traveller register if there is evidence of recent behaviour, by an applicant or a member of their household, likely to affect the management of Romani Way and/or adversely impact the Romani Way community

Examples of exclusions could be where an applicant, or a member of the household, has:

- Unspent convictions for violent or other serious offence (s).
- Unspent convictions for drug use or drug dealing.
- Used threatening language or behaviour to any officer of the Council or anyone attending the site on behalf of the Council.
- Been subject to an injunction over violent behaviour in the past three years.
- Behaved in an anti-social manner towards neighbours.
- Supplied false or misleading information when making a Gypsy and Traveller register application.
- Deliberately worsened their housing situation without reasonable cause.
- Moved on to Romani Way in advance and without permission.
- The applicant or a member of their household has property in Kent which they can reasonably be expected to occupy.

The decision to exclude an applicant will be made by the Housing Register Panel. They will take into account any supporting information from the applicant, a current or previous landlord(s), the Police and Probation or any other relevant professional body.

Where an applicant or any member of their household knowingly gives false or misleading information, or withholds information that has been reasonably requested, the Council will be entitled not to proceed any further with the application and a fresh application from the same applicant and/or any members of their household will not be accepted within 6 months.

7 Priority Banding

In line with the Council's SDHRAP, this policy contains a number of priority bands which ensure that the Council meets its policy aims and commitments. This means that some applications have more priority than others.

Eligibility for a pitch at Romani Way is based on priority order according to housing and support needs. The banding system provided at Appendix A ranks the level or urgency of a need for a pitch, from Band A (most urgent need) to Band D (reduced priority).

Following verification and assessment, each applicant(s) will be placed in a band dependant upon housing need. Applicant(s) will be notified of priority banding.

8 Register your interest in a pitch at Romani Way

Contact the Council's Accommodation Team by emailing housing.register@sevenoaks.gov.uk or telephoning 01732 227000 for an application form.

9 Offers

The Accommodation Team Leader will identify the applicant(s) in the highest priority band who have been waiting the longest within that band. They will consider if there are any other circumstances that need to be taken into account to ensure the safe and secure running of Romani Way so that existing residents can have quiet enjoyment of their home and the site.

A shortlist of 3 applicants will be made.

A panel consisting of representatives from the Council and an advocate for the Romani Way residents will consider the shortlist and make an offer of a pitch to the successful applicant.

Note: In the event that two or more applicants are deemed to have equal need, priority will be given to the applicant(s) who have been on the register for the longest time. If an applicant(s) goes up a band as a result of a change in circumstances, the original date of registration will be retained.

10 Site Rules/Licence Conditions

All successful applicants will be offered a pitch agreement (both applicants where the pitch agreement is jointly held) regulated by the Mobile Homes Act (MHA) 1983. The pitch agreement sets out the rules governing good conduct of site, advises that any breach of the pitch agreement is likely to result in formal action being taken to remove the pitch occupier responsible from the site. The rules of the site are set out in the pitch agreement and are made up of implied terms used in the MHA and express terms which are sites specific. Once agreement is concluded under the

procedures in the MHA, each applicant or joint applicant will be issued with a copy of their pitch agreement.

11 Review of decisions

Decisions made by the Council under the SDHRAP

Applicants can request a review of a decision made by the Council under the SDHRAP. The most common types of review concern the following:

- A decision that an applicant is ineligible on the grounds of unacceptable behaviour, serious enough to make them or a member of their household an unsuitable licensee
- A decision that an applicant should not be given reasonable preference
- Whether all the relevant facts about an applicant's case have been taken into account
- A decision on ineligibility because of immigration status under s.160A (3) or s.160A (5) of the Housing Act 1996 (as amended by the Homelessness Act 2002)

A letter will be sent to each applicant advising them of the decision. An applicant can appeal a decision either verbally or in writing before 21 days.

All decision letters will advise the applicant about the right to request a review of the decision, including details of where they can obtain independent advice such as via Shelter, Citizens Advice Bureaux or solicitors. If an applicant has problems requesting the review in writing, they will be given the opportunity to make their request verbally.

The Council will carry out the review based upon the facts provided. A senior officer who was not involved in the original decision will carry out the review. The review will be acknowledged within 3 working days and a response will be made within 10 working days, although where further enquiries are required such as from a GP, Social Worker or Housing Officers, additional time may be required. The applicant will be notified of the final decision as soon as is practicable.

Where an applicant is not satisfied with the review decision, they can apply to the High Court for a judicial review on a point of law.

If the applicant feels the Council has not acted within its stated policies or within the legislation, they have the right to direct their complaint in accordance with the Council's Corporate Complaints Procedure and then onto the Local Government Ombudsman.

12 Requesting a review of the reasonableness of an offer

A reasonable offer at present relates to an offer of a pitch on the Romani Road site. This is the only site that Sevenoaks District Council currently manages.

a) Non-Homeless applicant

If an applicant feels that an offer was not 'reasonable', they can request a review as above. If the review decision is that the offer was not reasonable, then the applicant's points will revert to the level they were prior to the offer refusal.

b) Homeless applicant

If the applicant has been accepted by Sevenoaks District Council under homelessness legislation, the review process will be slightly different. When refusing an offer, the reasons for refusal must be put in writing to the Head of Housing who will forward this to the Accommodation Team Leader. A review will then be arranged with the Council's solicitor and the relevant Team Leader/Manager.

Under the homelessness legislation, there would be an opportunity for the applicant to apply to the Council for a review of a decision to discharge duty.

13 Access to Information/Sharing Information

Applicants have the right to request general information to enable them to assess how their application will be treated under the policy.

Applicants have the right to see the information about their application that the Council holds on their files.

When applicants sign their application form, the Council will seek their consent to share information with other agencies such as Housing Associations, Social Services Departments, Police Authorities, Health Authorities, Education Services and other sections within Sevenoaks District Council. Information is shared on a "need to know" basis only in order to:

- Determine an applicant's priority
- Assess any potential risks to the applicant and or others who may be affected by the Council's actions in allocating the pitch
- Ensure suitable accommodation is provided for applicants

If an applicant is not eligible for the register, does not renew their application for a pitch or asks to be removed from the register, their application form will be kept for 5 years

Under s171, Housing Act 1996 (false statements and withholding information), the Council will take action to prosecute an applicant and will consider possession proceedings where an applicant has given false information in obtaining a pitch

licence. The circumstances that an offence could have been committed would include:

- Any false information given on an application form for a pitch or withholding relevant information
- Any false information given in response to subsequent review letters or other updating mechanisms or withholding relevant information
- Any false information given or submitted by applicants during the proceedings of a review or withholding relevant information

14 Policy Statement

The Council will:

Ensure that the Council's policies on equalities and customer care are met and promote the health and safety and quiet enjoyment of pitches by all its site residents and ensure that the operation of this policy assists in meeting that outcome.

Ensure that pitches are allocated on the basis of priority need and the sustainability of Romani Way.

Comply with the Data Protection legislation and its seven principles.

Provide an efficient and helpful service which is responsive and sensitive to the needs of the Gypsy and Traveller community.

Acknowledge that Gypsy and Travellers belong to recognised ethnic groups and are protected groups under the Equality Act 2010, but "Gypsy and Traveller" includes a wider range of people as provided for in the definitions above.

Only offer a pitch to a main or sole pitch occupier who is eligible to apply in accordance with the criteria set out above.

Treat any adult applicant to be part of an existing household, or be it a joint pitch occupier in the same way as any other applicant for a new pitch. The same application details must be gathered, and checks must be carried out, before any agreement is made that they can join the household.

15 Grievances/Complaints

Any grievances or complaints can be handled using the Council's Complaints Procedure.

16 Equal Opportunities

Sevenoaks District Council will ensure that policies and procedures in allocating pitches at the Romani Way site do not discriminate directly or indirectly on grounds of sexuality, ethnicity, age, gender, religion or religious belief or disability.

To monitor the effectiveness of this allocations scheme, records are kept of the ethnic origin of all those applying for pitches and those who are offered pitches. The

results are analysed and action is taken to ensure the service provided is fair, open and transparent service to all service users.

To ensure complete transparency, fairness and equality of opportunity, applicants who are staff of Sevenoaks District Council or Members of the Council, or related to, partner of, or living with, staff or Members of the Council, must disclose this at point of application. Failure to disclose this information may result in the application being suspended or cancelled as determined by the Chief Officer – People and Places.

17 Policy Review

This policy will remain in place and in operation for 5 years from the date of adoption.

Sevenoaks District Council's Housing Service is responsible for this policy and will review its operation every 12 months and follow any changes to the relevant legislation or regulations.

It may sometimes be necessary to make minor amendments, which do not represent a major change of policy. Authority to introduce such minor amendments is delegated to the Chief Officer – People and Places, in consultation with the Portfolio Holder for Housing and Health.

We will seek to inform all applicants of any changes to this scheme by publicising details on the Council's website and on Kent Homechoice (Choice Based Lettings).