

**SEFTON METROPOLITAN BOROUGH COUNCIL**  
**GYPSY AND TRAVELLER SERVICE ALLOCATIONS POLICY FOR**  
**RED ROSE PARK**

**Part 1 General Information**

**1. Introduction**

The policy sets out how Sefton Council allocates available pitches on Red Rose Park, the site for Gypsies and Travellers in Sefton. The Policy is based on a banding system designed to meet housing need and as such gives priority to those in the greatest need when pitches becomes available.

**2. Aims of the Policy**

Sefton Council wishes to ensure that allocations of pitches on its site are made in a fair and transparent manner and that those in the greatest housing need as are assisted in securing accommodation. The Council also wishes to ensure the effective management of its site and the protection of existing residents.

Although preference is given to those families /individuals with a local connection, people from outside of Sefton can apply to join the waiting list. The policy will be supported by a procedure that will be administered and managed by the appropriate Council Officer, assisted by Gypsy/Traveller Site Manager.

**3. Legislative framework**

This policy has regard to the provisions of :

-The Housing Act (1996) as amended by the Homelessness Act (2002) 9 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

#### **4. Equality Statement**

Sefton 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.

#### **5 .Scheme Objectives**

The key aims of this policy are to:

-Ensure that the Allocation of pitches at Red Rose Park is clear fair and consistent.

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

-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 three 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.

#### **6. General Application**

This policy sets out Sefton Council's process of allocating their Gypsy and Traveller pitches, and 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 Sefton Council. Applicants wishing to apply for bricks and mortar social rented accommodation will need to apply to join the Housing Register through Property Pool Plus.

## **7. Our Commitment to Cohesive Communities**

Sefton Council's site is 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. '

Our 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 longer term needs of the site.

As a result , and in order to remain culturally sensitive to the needs of the 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.

## **8. Advice Assistance and Support**

The Gypsy and Traveller Housing Support Officer, Site Warden and relevant officers/services of Sefton MBC (Housing Options Team) can provide advice and support on issues relating to this allocation process.

## **9. Notification of decisions and rights to a statutory review of a decision**

Sefton MBC 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 Housing Support Officer and at least one more 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 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**

### **10. Who can apply**

Anyone wishing to be considered for a pitch at Red Rose Park must complete an application form. All applications will be considered, including those from current residents of the site 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.

## **11 . 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.

### **11.1 Ineligible applicants who wish to reapply 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 reapply 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.

## **12. 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 Sefton 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.

### **13. 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.

### **14. Giving false information or deliberating 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.

### **15. Data Protection**

The Council cannot give members of the public information relating to who has made an application or which band a person is in. However, the applicant can ask for details of their own banding.

The Data Protection Act 1998 governs how organisations can use the personal information they hold, including how they collect, store, share or dispose of it.

The Council may get information about the application from third parties or provide them with information, in order to:-

- Prevent or detect crime
- check the accuracy of information supplied
- protect public funds as required by law
- obtain information for prioritisation

Third Parties include Government Departments or agencies, Local Authorities and Law Enforcement Agencies.

Section 166(4) of the Housing Act 1996 prohibits authorities from divulging to other members of the public that a person is an applicant for social housing unless they have the applicant’s consent.

**NEEDS ASSESSMENT POINTS CALCULATION TABLE**

<b>FACTOR</b>	<b>POINTS</b>	<b>EXAMPLES AND COMMENTS</b>
<b>LOCATION</b>	-25	Applicants with no local connection to Sefton Council
	-35	Applicants with no local connection to any District in Merseyside
	10	Applicants residing on “roadside” or on sites with no planning consent in Sefton Council for less than 1 months (must be verified)
	5	Applicants residing on “roadside” or on sites with no planning consent in Merseyside for less than 1 month.
	15	Applicants residing on the “roadside” or on sites with no planning consent in Sefton for 1 – 6 months (must be verified)
	7	Applicants residing on a roadside or on sites with no planning consent in Merseyside for 1 – 6 months (must be verified)
	20	Applicants residing on the “roadside” or on sites with no planning consent in Sefton for 6 – 12 months (must be

		verified)
	10	Applicants residing on the “roadside” or on sites with no planning consent in Merseyside for 6 – 12 months (must be verified)
	25	Applicants residing on a roadside or on sites with no planning consent in Sefton for more than 12 months (must be verified)
	12	Applicants residing on a roadside or on sites with no planning consent in Merseyside for more than 12 months (must be verified)
	-10	Applicants residing on sites in Sefton with planning consent.
	-15	Applicants residing on sites in Merseyside with planning consent.
	-10	Applicants in permanent housing in Sefton
	-15	Applicants in permanent housing in Merseyside.
<b>FAMILY</b>	5	Pregnancy confirmed by doctor, community nurse or health visitor
	10	Children between the ages of 10 – 18 or a family member between the ages of 65 to 75
	15	Children under the age of 10 years
	20	Family member between the ages of 75 to 80 years
	25	Family member over the age of 80



		years
<b>COMPAIBILITY</b>	-25 or Reject	High probability of conflict with other residents (May be grounds to reject application)
	-15	Doubts about compatibility and likelihood of conflict
	-5	Relatives on site but known reasons for potential conflict
	15	Relatives on site and no known reasons for potential conflict.
	25	Close relative (mother, father, brother, sister, son, daughter) on site and no known reasons for potential conflict)
<b>MEDICAL</b>	5	Knowledge of health issues but no referral from doctor, community nurse or health visitor
	10	Referral from doctor, community nurse or health visitor relating to temporary health issues that require care on site.
	15	Referral from doctor, community nurse or health visitor relating to permanent health issues that require care on site.
	20	Referral from doctor, community nurse or health visitor relating to health issues that will require hospital visits for a period up to 12 months.
	25	Referral from doctor, community nurse or health visitor relating to health issues that will require hospital visits for a period beyond 12 months.
<b>SOCIAL/SUPPORT</b>	5	Knowledge of social/support needs but no referral from social work or other relevant support worker

	10	Referral from social worker or other relevant support worker relating to support on site being beneficial to resolving social/support issues.
	15	Referral from social worker or other relevant support worker relating to support on site being essential to resolving social/support issues.
	20	Referral from social worker or other relevant support worker relating to short term social/support need requiring a base for a period anticipated to be up to 12 months
	25	Referral from social worker or other relevant support worker relating to short term social/support need requiring a permanent base.
<b>EMPLOYMENT</b>	5	Offer of employment in Sefton
	2	Offer of employment in Merseyside
	10	Existing temporary employment in Sefton (minimum of 6 months)
	5	Existing temporary employment in Merseyside (minimum of 6 months)
	20	Existing permanent employment in Sefton
	10	Existing permanent employment in Merseyside
<b>EDUCATION</b>	10 per child	Children 1 – 18 years old attending school
	15 per child	Children 1 – 18 years old in regular school/work

	10	1 or more adults enrolled on local adult education course for literacy/numeracy/vocational/academic qualification (e.g. NVQ or GCSE)
<b>REFERENCES</b>	REJECT	Failure to provide any references or poor references relating to anti-social behaviour and/or licence fee arrears
	-25	No references with valid reasons
	5	Minimum of 2 character references from non-landlords
	10	1 fair reference from landlord
	15	2 fair reference from landlord
	20	1 good reference from landlord
	25	2 fair reference from landlord

The application is then placed into priority bands A-C depending on the points awarded.

The bandings are as follows:-

Band A – 120 points or more : An urgent need for accommodation

Band B – 70 points to 119 points : An identified housing need

Band C – Less than 70 points : Low accommodation need

*Applicants who are Armed Forces and Reserve Forces personnel or members of their household, will be given additional preference and automatically placed in Band A. (See Appendix 1 for further details)*

*Serving or former members of the Armed Forces and Reserve Forces, have no medical need and are due to be discharged within 3 months or who have served in the armed forces or reserve forces and been discharged within the past 12 months will automatically be placed in Band B (see Appendix 1 for more details)*

*Existing social housing tenants who need to move into the area to take up a job offer or move closer to work under the Government's Right to Move initiative, where applicants would otherwise be deemed to suffer hardship will automatically be placed in Band B (see Appendix 1 for more details)*

### **Part III – Allocations.**

#### **16. Shortlisting and Selection**

When a pitch becomes available at any site managed by Sefton Metropolitan Borough 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 Housing Standards Manager and the Gypsy and Traveller 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 (A being the highest band and C 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).

#### **17. 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.

### **18. 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 **1 week** 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.

### **19. 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 are 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 G&T Service, the G&T Liaison Officer and another senior officer.

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**

### **Band A**

Applicants who are Armed Forces and Reserve Forces personnel or members of their household, and fall within one or more of the criteria below will be given additional preference and by having their effective application date enhanced by 3 months

The applicant

- Is serving in the regular forces and is suffering from a serious injury illness or disability which is attributable (wholly or partly) to their service;
- Formerly served in the regular forces;
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service;
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness, or disability which is attributable (wholly or partly) to their service.

### **Band B**

Serving or former members of the Armed Forces and Reserve Forces, have no medical need and are due be discharged within 3 months or

who have served in the armed forces or reserve forces and been discharged within the past 12 months;

### **Social housing tenants who need to move into the area to take up a job offer**

Existing social housing tenants who need to move into the area to take up a job offer or move closer to work under the Governments Right to Move initiative, where applicants would otherwise be deemed to suffer hardship.

The requirement to establish a local connection does not apply to any of the above Armed Forces applicants, or those who need to take up a job offer.

### **1. Persons subject to Immigration Control**

- Anyone who is not a Gypsy and Traveller ethnicity
- Any persons who is ineligible under the law because they are subject to immigration controls
- Any person from abroad who is ineligible for housing assistance or excluded by other relevant legislation.

### **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 or 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 Sefton 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



- 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.