

**CYNGOR SIR *POWYS* COUNTY COUNCIL**

Housing Services

Gypsy and Traveller Allocation Policy

## **CONTENTS**

- 1) Part 1 Introduction
- 2) Part 2 Assessment
- 3) Part 3 Unacceptable Behaviour
- 4) Part 4 Criteria
- 5) Part 5 Banding
- 6) Part 6 Formal Offers
- 7) Part 7 Reviews
- 8) Part 8 Equalities
- 9) Part 9 Reviewing decisions, complaints and compliments
- 10) Part 10 Review of policy

## **Part 1 Introduction**

- 1.1 The aim of the policy is to ensure that allocations are made according to the needs of applicants and in such a way as to ensure the effective management of sites.
- 1.2 The Council will take a balanced and professional view on all factors outlined in the application in order to create and maintain a stable situation on the sites. Consequently due account will be taken of the need to ensure that families on the list will be compatible with other existing family groups so as not to destabilise the harmony of life for existing occupants.

## **Part 2 Assessment**

- 2.1 According to s.108 of the Housing Wales Act 2014, a gypsy/traveller is:

“Persons of a nomadic habit of life, whatever their race or origin, including:

- Persons who, on grounds only of their own or their family’s or dependants’ educational or health needs or old age, have ceased to travel temporarily or permanently, and
- Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
- All other persons with a cultural tradition of nomadism or of living in a mobile home.”

- 2.2 Enquiries regarding accommodation for gypsies and travellers should be made to the Housing Service where applications will initially be dealt with by First Contact Officers.

Irrespective of eligibility, everybody who makes contact will be interviewed in order to gain an understanding of their circumstances and be in a position to offer the most appropriate advice and assistance.

In order to be accepted onto the Scheme all applicants **MUST** be:

- Ready to move
- In housing need

Applicants should make their choice of site accommodation as wide as possible in order to increase the chances of being allocated a plot. However, the applicant should not indicate sites that they are not interested in, as this would inhibit an offer to another family.

It is a criminal offence which may be punishable by a fine, for anyone to knowingly or recklessly give false information or to knowingly withhold information that is reasonably requested. If an applicant is granted a tenancy based on a false statement, the tenancy may be terminated and prosecution may be considered.

### **Part 3 Unacceptable behaviour**

- 3.1 An applicant will be expected to declare any past or current behavioural issues which may have an impact on any future tenancy from the outset, take responsibility for such behaviour and be willing to engage with partner organisations or a third party to achieve a suitable course of action. Where necessary a “Housing Plan” will be agreed to help ensure the applicant is able to maintain a successful tenancy in the future.

Applicants, or members of their household, who have been guilty of unacceptable behaviour serious enough to render them unsuitable to be a tenant may be deemed “not ready to move” and therefore not accepted onto the waiting list.

### **Part 4 Criteria**

#### **4.1 Housing Need**

It is the aim to allocate gypsy and traveller plots to those in need. The housing need criteria on which applicants are considered are a reflection of those used in the Council’s Common Allocation Scheme for social housing as referred to in legislation and Welsh Government guidance.

- 4.2 For an applicant to be accepted onto the Gypsy and Travellers Allocation Scheme they must meet one of the reasonable preference categories, as set out in s.167(2) of the 1996 Housing Act:
- (i) People who are homeless within the meaning of Part 7 of the 1996 Act.;
  - (ii) People who are owed a duty by any local authority under section 190(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any local authority under section 192(3).;

- (iii) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (iv) People who need to move on medical or welfare grounds, and
- (v) People who need to move to a particular locality in the area of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

Note: Past housing history, will be taken into account when assessing a person's housing need.

Proof of circumstance and supporting evidence may be required.

#### **4.3 Ready to Move**

Only those ready to move will be accepted onto the scheme. Ready to move takes into consideration:

- Affordability
- Budgeting
- Behaviour
- Tenancy Management skills

Please note: Transfer applicants are not given any additional preference - as with other applicants they must be ready to move and in housing need.

### **Part 5 Banding**

Priority will be given to applicants who fall into the following bands. Within each band priority is given to those on the list the longest. In the event of the application date being the same, priority will be given to the application with the lowest application number. If the application is re-banded in a higher band, the date of re-banding will become the new application date.

Proof of circumstance and supporting evidence may be required.

#### **1. Emergency Band**

Priority will be given to those who have a housing need and are ready to move, as defined above, and require an urgent move. Family and local connection may be taken into consideration.

Senior staff will need to agree, based on evidence, when emergency / urgent moves are required.

## **2. Family Connection Band**

Priority is next given to those who have a housing need and are ready to move, as defined above, but who also have a family connection to a household on an existing plot on the site they wish to be housed.

## **3. Local Connection Band**

Priority is next given to those who have a housing need and are ready to move, as defined above, but who also have a local connection to the area / town / village of their choice. An applicant may have a connection with more than one community.

## **4. Housing Need Band**

Priority is then given to those who have a housing need and are ready to move, as identified above, but have no family or local connection to the area of their choice.

If the applicant subsequently qualifies for family or local connection, it is the responsibility of the individual to notify Powys County Council of their change in circumstance so that their application can be re-banded.

## **Part 6      Formal Offers**

Applicants may receive two offers of accommodation; however refusal of the second offer will result in the application being reviewed. If no reasonable explanation is given for the refusal, the application will be removed from the Scheme.

Applicants removed from the Scheme can reapply but their housing need will be re-assessed and, if eligible, they will be accepted onto the Scheme as at that date.

## **Part 7      Reviews**

7.1      Reviews of applicants' circumstances will be carried out on a rolling basis at least every 6 months

7.2      Applicants have the right to request a review of a decision regarding their:

- Eligibility
- Any facts on which have been relied upon

7.3      Requests for review should be made in writing, with assistance where required, within 28 days of notification of the decision.

Applicants' circumstances at the time of the review will be considered, particularly if they have changed from when the decision was first made.

A member of Powys County Council's Management Team will consider the review, unless they were involved in the original decision. In this event another Manager will consider the review. Applicants will be informed of the outcome of the review within 14 days of the hearing or receipt of the written statements.

If the applicant remains dissatisfied with the review decision they may apply for a judicial review

## **Part 8        Equalities**

### **Introduction**

- 8.1    The Council is committed to giving an equitable service to all.

### **Procedures and Practices**

- 8.2    The Council's staff and contractors will operate in such a way to ensure that their procedures and practices are sensitive to the needs of individual residents. They will ensure that they do not discriminate in any way.
- 8.3    Enforcement and application of this policy will from time to time need to be tailored to meet the needs of individuals. All cases will be considered on an individual basis.

### **Information**

- 8.4    The Council will in all reasonable circumstances make information available in a variety of information formats, including **for example**:
- braille
  - large print
  - audio tape
- 8.5    Where specialist services are required to ensure that information is accessible to the tenant or member of their family, the Council will provide these specialist services where reasonable.

## **PART 9      Reviewing Decisions, Complaints and Compliments**

### **Introduction**

- 9.1    The Council is committed to improving service delivery and putting right any mistakes.

### **Review**

- 9.2    Anyone that is affected by a decision of the Council's Housing Service is entitled to ask for an independent review from a manager or team leader that was not involved in the making the decision.

### **Complaints and Compliments**

- 9.3    The Council welcomes all feedback from customers because it helps to improve services.
- 9.4    When the Council receives a complaint, the Corporate Complaints Procedures will be followed.
- 9.5    The Council will aim to clarify any issues about which someone is not sure.
- 9.6    Where possible, the Council will put right any mistakes it may have made.
- 9.7    Where the Council gets something wrong, it will apologise and where appropriate try to put things right.
- 9.8    The Council will aim to learn from mistakes and good practice and use the information gained to improve services.

## **PART 10     Review of Policy**

- 10.1   This policy will be reviewed by the Council every three years unless there are circumstances that require a review, for example a change in legislation or regulation.
- 10.2   Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within 3 months of the legislation or regulation coming into effect.