

1. Aims of the Policy

- To provide access for eligible Gypsies & Travellers to pitches on KCC owned sites
- To provide a safe environment for Gypsy and Traveller communities to live and thrive in Kent by allocating pitches on a fair and consistent basis
- To promote integration and diversity of the Gypsy and Traveller community
- To make best use of pitches for permanent use
- To ensure that caravan pitches are allocated fairly and transparently and based on priority need.

2. Legislative Framework

This policy has regard to the provisions of:

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Mobile Homes Act 1983
- Data Protection Act 1998
- Housing Act 2004
- Human Rights Act 1998
- Housing and Regeneration Act 2008
- Equality Act 2010

3. Scope of the Policy

This Allocations policy sets out KCC's arrangements for allocating pitches on any of KCC's permanent Gypsy and Traveller sites. This policy covers new applications for pitches, adding licence holders to existing pitch licence agreements and existing residents requesting transfers between KCC sites.

4. Data Protection and Information Sharing

All information provided as part of your application for a pitch will be treated as confidential and stored securely in accordance with the Data Protection Act 1998.

Information will not be given to third parties unless the applicant has given consent; unless there is a requirement in law to do so.

All personal information provided will be processed in accordance with the Gypsy & Traveller Service Applications Privacy Notice.

5. Equality and Diversity

The Equality Act 2010 protects people from discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Romany Gypsies, Irish Travellers and Scottish Travellers are recognised as ethnic groups for the purpose of the Equality Act 2010.

As a public sector organisation, the Council follows the Public Sector Equality Duty under the Equality Act 2010. In the exercise of its functions, the Council has due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council recognises the diverse needs of our communities and is committed to promoting equality of opportunity and integration of the Gypsy and Traveller community.

The Council aims to provide a safe environment for Gypsy and Traveller communities to live and thrive in Kent by allocating pitches on a fair and consistent basis.

6. Qualifying Criteria and Eligibility for Applying for a Pitch

The qualifying criteria for applying for a pitch on KCC's Gypsy and Traveller sites are:

- Gypsies and Travellers aged eighteen or over who have lived in Kent for at least 12 months, or who have close family (grandparents, parents, children, or siblings) who have lived in Kent for at least the last three consecutive years
- Gypsies and Travellers who apply as qualifying persons and meet the criteria because of exceptional circumstances and special needs regardless of their previous address
- Existing licence holders of KCC's Gypsy and Traveller site who wish to transfer to another site

To be eligible for a pitch, an applicant must also fall within one of the following categories:

- British Nationals (British Nationals who are habitually resident in the common travel area)
- EEA Nationals (any person who is a national of any of the countries in the European Economic Area; and is habitually resident in the common travel area or is a worker; or has right to reside in the UK)
- Persons subject to immigration control who have been granted:
 - a) Refugee status
 - b) Exceptional leave to remain (provided there is no condition that they shall not be charged on public funds)
 - c) Indefinite leave to remain, provided they are habitually resident in the common travel area and their leave to remain was not granted in the previous 5 years, based on a sponsorship given in relation to maintenance and accommodation (unless the sponsor has died)
 - d) Persons subject to immigration control who are a national of a country that has ratified the European Convention on Social or Medical Assistance (ECSMA) or the European Social Charter (ESC) – provided they are habitually resident in the Common Travel Area and are lawfully present in the UK.

7. Exclusions for Applying for a Pitch

There are a number of applicants who are not eligible for a pitch on KCC's Gypsy and Traveller sites. **If an applicant, or any person intending to live with the applicant** on site falls into any of the following categories, the applicant will not be accepted for any of the following reasons:

7.1 Statutory Exclusions

Any person who is ineligible under the law because they are subject to immigration control unless they fall within a class prescribed by regulations made by the Secretary of State.

7.2 Anti-Social Behaviour

The applicant, or any person intending to live with the applicant, has been evicted or the cause of an eviction from a local authority Gypsy or Traveller site or been the subject/cause of a Possession Order or Injunction due to antisocial behaviour within the past 5 years.

7.3 Unacceptable Behaviour

The applicant, or any person intending to live with the applicant, has been guilty of unacceptable behaviour within the past 3 years, which the Council is of the opinion makes them unsuitable to be a resident on a KCC Gypsy and Traveller Site. Such behaviour may include, but is not limited to:

- Convictions for violent or other serious offences
- Convictions for drug use or drug dealing
- Used threatening language or behaviour to any officer of a Council, its contractors or any other associated person or partner agency
- Behaved in an anti-social manner towards neighbours (including being responsible for fly tipping/unlicensed scrap dealing)
- Supplied false or misleading information when making an application for a pitch
- Deliberately worsened their housing situation through anti-social behaviour cause
- Moved onto any of our sites without permission in advance
- Set up an unauthorised encampment on KCC land (including highways) within the last 3 years and behaved criminally/anti-socially whilst doing so
- Failure to pay rent, utility bills or any other payments associated with accommodation
- Sanctions issued by previous landlords for significant poor conduct on sites/serious breaching licence agreements
- Committed benefit fraud against public sector organisations i.e., council tax, Department of Work and Pensions

7.4 Other Accommodation

The applicant and/or their partner own a residential property or is the tenant of a Local Authority or a registered social landlord, or a registered holder of a pitch on any other local caravan site.

This does not include existing residents on a KCC Gypsy and Traveller site who wish to transfer to another KCC site.

7.5 Other Considerations

A key aim for KCC is to support and enable communities that are balanced, safe, inclusive, and sustainable, whilst encouraging community cohesion and preventing any conflicts on site and/or with settled residents living near a site. The council will operate the policy in a way that supports the long term needs of each site.

As a result, additional factors will be considered when reviewing applications to ensure the compatibility of an applicant with current residents. Factors may include, but are not limited to religious practices, kinship, lifestyle, and existing groupings on sites. Any and all consideration will be based on fact, evidence and reliable intelligence.

Size of pitch (single or double) will be considered when allocating pitches to new and existing licensees to ensure that the best use of pitches is followed. For example, a single resident may not be considered for a double sized pitch if the next highest scorer is a large family.

8. Applications Process

The Council's application form must be completed for all new applicants and existing licensees wishing to apply for a pitch – this can be the paper or digital version. All applications made on the Council's form will be considered. The application form can be found in Appendix 1.

Care should be taken when filling out this application form, and all information provided must be true and correct. Where false or misleading information is provided **at any time** during the allocation process, the application will be refused/stopped and may be subject to criminal investigation for offences under the Fraud Act 2006.

An officer from KCC's Gypsy and Traveller Service can help applicants complete the form if required. The Council will provide free of charge advice and information about the right to make an application.

8.1 Application Form Submission

Completed application forms must be submitted to the Gypsy and Traveller Service, either online, by email to gypsy.traveller@kent.gov.uk or by post to:

Gypsy and Traveller Service.
Invicta House
County Hall
Maidstone
Kent ME14 1XX

It is the applicant's responsibility to ensure they keep KCC updated of any changes in their contact details or any changes in their circumstances (including but not limited to children, education arrangements, medical conditions, criminal convictions).

8.2 Supporting Evidence

Several supporting documents **must** be provided with the application form for the **applicant, and any person intending to live with the applicant**. These must be original copies and may include:

- Proof of Identity – birth certificate, driving license, or passport
- Proof of current/last address – utility bill, bank statement, council tax bill dated within last 3 months
- Proof of family – birth certificates, child benefit information, income support details, or council tax letter
- Proof of financial status
- Special educational needs for children
- Details of school for children
- Evidence of eviction/homelessness
- Evidence of safety concerns
- Evidence of carer arrangements
- Information about medical conditions – doctor's letters, medical records, hospital letter
- Information about criminal records

KCC reserves the right to seek further supporting evidence as required to support an application.

8.3 Joint Applicants and Other Pitch Residents

Couples who intend to live together must make a joint application. All applicants must be eligible as per this policy.

Details must be provided for all persons intending to live on the pitch (including those under 18) so that they can be added to the pitch application licence if successful. Any persons not detailed in the application form, and subsequently not included on the Pitch Licence Agreement, will be treated as unauthorised residents.

8.4 Validation of Application

Once the completed application and supporting information has been received, the application is validated and checked to ensure all necessary information has been received.

If the application is complete and all necessary information has been provided, the applicant will be notified that the application has been accepted.

If there are any missing documents or information, applicants will be contacted and advised what needs to be provided and by when (normally a date for two weeks is given). At the end of this time, if the application is checked and found to be complete with all necessary supporting evidence provided, the applicant will be notified that the application has been accepted. If there are still missing documents or information, the applicant will be contacted and advised that, on this occasion, the application is rejected as it is incomplete.

Once rejected, any further application for a pitch will require a new application form with supporting documentation.

8.5 Assessment of Applications

All valid applications will be reviewed by the KCC Gypsy and Traveller Service. All assessments are made using the personal information and circumstances declared only – no opinions or assumptions will be made.

The criteria used to assess applications is:

- Existing accommodation
- Security of Tenure
- Welfare considerations
- Local connections
- Familial arrangements
- Education arrangements
- Medical conditions
- Time on waiting list

The points allocation system can be found in Appendix 2.

All scored applications will be entered on to the Waiting List. When a pitch becomes available, the top five highest scoring applications are contacted and asked to provide up to date details if their original application is more than 3 months old. The applicant has two weeks to provide this information. Once the information has been received, scoring is

repeated considering any added information provided, and the top three highest scoring applicants are contacted and invited in for interview.

Where no response is received to the request for updated information, the applicant is written to/emailed and asked to confirm that they still want to be considered for a pitch. The applicant has two weeks to respond, after which time, if no response is received, the applicant will be removed from the Waiting List and the application, and all related documentation will be securely deleted. A record will be kept of names for those application forms which have been deleted.

8.6 Debtors

Where applicants have an outstanding housing related arrears (rent, utilities, council tax), no offer of a pitch will be made until the arrears is settled in full, unless there is a housing need that outweighs the arrears.

Where applicants have previously owed money to KCC and the account has not been settled in full, they will not be considered for a pitch, unless there is a housing need that outweighs the debt.

8.7 Interview

The three applications with the highest score will be invited in to meet with the KCC Gypsy and Traveller Service, to discuss their application in more detail, to provide original copies of supporting documents and to verify the information provided.

The interview will also provide the opportunity for the applicant to ask any questions to the KCC Gypsy and Traveller Service, and for discussions about the pitch licence requirements to begin.

The scoring form will be reviewed based on the interview, and this may mean that scores increase or decrease depending on what further information is verified and disclosed. Where two applicants have the same score following interview, there will be a decision made based on housing need.

8.8 References and Verification Checks

Following the interview, appropriate steps will be taken to verify the information provided and to conduct necessary due diligence checks to confirm suitability for a pitch/site. As part of your application, you have provided your consent for us to complete appropriate due diligence and verification checks on the information you have provided to us.

These checks may include but are not limited to:

- References from previous landlords/local authorities/housing associations
- Credit checks/checks with other local authorities to identify any arrears owed to other public sector partners and to confirm the pitch rent is affordable
- Checks with other information systems administered by KCC (including our intelligence and Trading Standards databases)
- Checks with the Department of Work and Pensions to verify the payment of benefits
- Checks with schools
- Check with doctors/hospitals for confirmation of medical conditions
- Checks with local Police

The results of any checks will be confidential, however if an application is refused because of these checks, applicants will be notified and explained the decision in accordance with the Data Protection Act 1998.

8.9 Updating the Application Form

If at any time during the application process, there are any changes to your circumstances or the information provided on the application form, these must be notified to KCC at the earliest opportunity and your application will be reviewed considering these changes.

8.10 Visit to Site/Pitch

As part of the application process, the most suited applicants will be invited to visit the site and pitch they are applying for before agreeing to the terms and conditions set out in the Pitch Licence Agreement.

9. Decision Not to Offer Pitch

At all times, KCC reserves the right not to allocate to a vacant pitch on a site, regardless of allocation of points, if in the opinion of the council it is in the best interest of the site and its management.

10. Offer of Pitch

The offer of a pitch will be made verbally and confirmed in writing. The applicant is required to accept or refuse the pitch within a week of receiving the letter. If no response is received within the week, then the pitch will be offered to the next highest scoring applicant.

If the applicant accepts the pitch, a date to meet at a KCC office will be arranged. This meeting will allow KCC Gypsy and Traveller Service to explain the Pitch Licence Agreement to the applicant and will allow the applicant to ask any questions. Once the applicant is happy, they will sign two copies of the pitch licence agreement (one copy will be retained by KCC and one will be given to the applicant), and arrangements will be made to pay the deposit and move onto site. As appropriate, forms to arrange for direct payment of rent will be signed at this time.

If the applicant chooses to refuse the pitch, the pitch will be offered to the next highest scoring/appropriate applicant. The applicant refusing the pitch will advise whether they want to be considered for other pitches or if they are withdrawing their application.

11. Pitch Licence Agreement

The pitch licence agreement is regulated by the Mobile Homes Act 1983, and it sets out the rules governing good conduct of sites, the payments that must be made and advises of breaches and how these will be handled. It also provides the permission for residents, trailers/mobile homes, other buildings, and animals allowed on pitches. The pitch licence agreement must be signed and agreed by applicants.

In accordance with the Mobile Homes Act 1983, a written statement of the terms applicable to the pitch licence agreement will be supplied to the applicant at least 28 days before the agreement is entered into, unless the applicant consents in writing to a shorter period.

Once a pitch licence agreement is in place, any breaches to it will result in appropriate action being taken against you. Breaches can include non-payment of rent or utilities, criminal activity, and anti-social behaviour.

12. Deposit

The Council will seek a deposit at the commencement of the licence. The licence holder will be required to pay two weeks rent in advance of occupation of the pitch. This must be paid within two weeks of accepting the pitch and the keys to the pitch will not be issued until these monies have been paid. If this is not paid in this time, the pitch offer will be withdrawn, and the pitch will be offered to the next suitable applicant (repeating previous steps as necessary).

13. Moving on to site

On the date that is agreed for moving on to site, the new resident will be met on site within 24 hours of this date to handover keys and complete the pitch inventory. The resident will be issued with a Residents Handbook.

14. Communication

The Council aims to provide regular updates throughout the allocation process where contact details are provided. Written notification is dependent upon the applicant providing a contact address.

As part of the pitch licence agreement, residents are required to update the Council with all relevant changes in circumstances, including but not limited to new residents, children turning eighteen, new children and criminal records.

15. Re-Siting Mobile Home

The Council may be entitled to require a licence holder of a KCC Gypsy and Traveller Site to re-site their mobile home on another pitch forming part of the same site or on a pitch on another KCC site in accordance with Chapter 4 of Schedule 1 to the Mobile Homes Act 1983, or the parties may mutually agree to a move to another pitch on the same site or another KCC site.

This does not count as an allocation for the purpose of this policy.

16. Statutory Succession

In certain circumstances, there may be a statutory right of succession to a pitch agreement under section 3 of the Mobile Homes Act 1983.

This does not count as an allocation for the purpose of this policy.

17. Appeals/complaints

Any grievances or complaints can be handled using KCC's formal complaints procedure. A copy of this can be found at [Complaints and compliments - Kent County Council](#) or paper copy can be obtained from the Gypsy and Traveller Service.

Appendix 2 – Application form

Appendix 3 – Points Allocation System