

# Kent County Council

## Gypsy and Traveller Pitch Allocation and Site Management Policy – Draft for consultation



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## 1. Introduction

1.1. Kent County Council (KCC) owns and manages eight public Gypsy and Traveller permanent sites in Kent and manages a further two sites on behalf of Maidstone Borough Council. KCC's Gypsy and Traveller Service (GTS) provides a safe environment for residents and their families by delivering:

- Effective site management – reactive and proactive site maintenance, pitch fee and utility payment management and support, issue resolution
- Advice and guidance about community support services – providing practical local information to residents, directing them to appropriate assistance, liaising with partner agencies
- Appropriate enforcement – management of unauthorised encampments on the sites, debt recovery, licence agreement breaches

This policy has therefore been developed to ensure that the services delivered are fair, consistent and accessible, and meet the needs of the Gypsy and Traveller community. The key features will cover:

**Allocation of pitches:** The policy explains how the county council will support the prioritisation of applicants to ensure that those with a recognised need are given access to register. It sets out in detail the application and eligibility process, how accommodation need is assessed, and how pitches are allocated on KCC owned and managed Gypsy and Traveller sites through a process modelled on social housing allocation.

**Site Management:** KCC is committed to providing fit for purpose accommodation that supports improving health and social outcomes for the Gypsy and Traveller community. The site management element within this policy supports residents' welfare, includes how pitch fee payments are made, how repairs and maintenance are undertaken, and how to make compliments, comments and complaints.

1.2. Scope of the policy: This policy describes the activities and responsibilities involved in the allocation and management of pitches at all eight KCC-owned sites and any other sites managed by KCC agreed with the associated District or Borough Council. The policy does not cover processes for other types of social housing and accommodation as they are subject to the relevant local District or Borough Council allocation policies and are outside of KCC's remit.

1.3. In setting out the criteria that KCC uses to allocate pitches on its sites, this policy complies with KCC's Equality and Human Rights Policy. This is to make certain that those who are most in need of help and support are prioritised according to clear and publicly available criteria.

## 2. Aims and objectives of the policy

2.1. Through the Pitch Allocation and Site Management Policy, KCC aims to implement an equitable process for offering pitches to the Gypsy and Traveller community. As such the Council is committed to:

- Eliminating unlawful discrimination and harassment and promoting equality of opportunity and fairness.
- Complying with the requirements of all relevant legislation.

- Working in partnership and consultation with the Gypsy and Traveller and local communities to promote understanding and mutual respect, considering the needs and expectations of all communities.
- Allocating KCC pitches fairly and consistently through a transparent, clear and accountable process that ensures the allocation of pitches is based on priority need.
- Ensuring sites are managed effectively and efficiently, protecting the interests of all residents.
- Continuing to work in partnership with other statutory and voluntary agencies to meet the accommodation and welfare needs of the Gypsy and Traveller community

2.2. We will deliver the above commitments by:

- Operating a banding scheme for pitch allocation where applicants are assessed and placed in one of four bands according to their level of need.
- Introducing an 'asset management approach', through which we will assess site facilities comprehensively to develop a maintenance and investment plan for each site
- Providing support, advice and signposting to pitch applicants and residents when needed.

### **3. Equality and Diversity**

3.1 Romany Gypsies and Irish 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, we follow 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 & civil partnerships; pregnancy & maternity; race; religion or belief; sex; and sexual orientation. As part of following the PSED, as a local authority we 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

3.2 The GTS will demonstrate our commitment to equality and diversity by:

- Ensuring that there is an element of choice in the allocation of pitches where possible and assessing each application on the basis of individual need.
- Providing appropriate and well-maintained accommodation to Gypsies and Travellers in Kent, 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.

- Making all pitch allocations and undertaking site management in a clear, fair and transparent manner which complies with KCC's Equalities and Human Rights Policy
- 3.3. There are 131 KCC-owned pitches available in Kent. Although KCC is outside the scope of the Housing Act and local District Council allocation schemes regarding social housing, we have adopted the same principles for eligibility and assessment for pitch allocation, and for site management in order to promote equal access to social housing. Using a banding scheme to assess housing need, verifying applications through reference checks, and updating our charging policy will bring our procedures into line with social housing practices in order to provide parity for Gypsy and Traveller applicants and residents with social housing tenants.

## 4. Background

### 4.1. Legislative framework and national context:

Our Gypsy and Traveller sites are governed by the Mobile Homes Act 1983 (as amended) and the Housing Act 2004. This policy also has due regard to the Acts listed below:

- The Equalities Act 2010
- The Housing and Regeneration Act 2008
- Clean Neighbourhoods and Environment Act 2005
- The Homelessness Act 2002
- Human Rights Act 1998 (as amended)
- The Rehabilitation of Offenders Act 1974
- Caravan Sites and Control of Development Act 1960
- Race Relations Act 1976 and Race Relations (Amendment) Act 2000

The KCC also recognises the definitions of Gypsy and Travellers as defined by relevant legislation:

- **Caravan Site and Control of Development Act 1960:** A person of a nomadic habit of life, whatever their race and origin
- **Housing Act 2004, section 225:** Persons with a cultural tradition of nomadism or of living in a caravan and all other persons of a nomadic habit of life whatever their race or origin, including: a) such persons who, on grounds only of their own or their family's dependants' educational or health needs or old age, have ceased to travel temporarily or permanently; b) and members of an organised group of travelling show people or circus people (whether or not travelling together as such).
- **Race Relations Act 1989 superseded by the Equality Act 2010:** Distinct ethnic groups usually visibly identified with caravans, but mobility not being their defining characteristic. Comprising many groups, each with their own lifestyle, culture and traditions.

Part 6 of the Housing Act 2004 sets out guidance to ensure the allocation of accommodation for Gypsy and Travellers is in line with social housing for the settled community. Therefore, every effort has been made to closely align this policy to social housing policies of District and Borough Councils in Kent to ensure parity of the Gypsy and Traveller community with other residents of social housing.

To achieve the aims and objectives of the Pitch Allocation and Site Management Policy, KCC actively follows central Government guidance however guidance has been limited since the Homes and Communities Agency was disbanded in 2014. The Gypsy and Traveller Site Management Good Practice Guide, 2009 was withdrawn by Government and replaced by the Planning Policy for Traveller Sites, 2015. However, the new Planning Policy does not present guidance for site building standards, this has led to the Good Practice Guide being used to steer the KCC Gypsy and Traveller Asset Management Strategy and Plan.

In addition, the 'Local Authorities and Gypsy and Travellers: a guide to responsibilities and powers, 2007' has been circulated recently as guidance by the Ministry of Housing, Communities and Local Government.

## 4.2. Local context:

The Office for National Statistics figures suggest that there are 54,962<sup>1</sup> Gypsy and Travellers in the UK and that 13,858 live in the South East. Kent has an estimated 4,522 living within the county. This could include individuals living on private or local authority owned sites, in 'bricks and mortar' housing, unauthorised developments or travellers in the literal sense. Kent County Council has approximately 343 residents<sup>2</sup> living on the eight sites owned and run by KCC.

The district councils have a statutory duty to provide accommodation for the Gypsy and Traveller community through the Gypsy and Traveller Accommodation Assessment (GTAA) to which KCC contributes in a discretionary manner by providing 131 pitches. The Gypsy and Traveller pitch allocation and site management policy supports the priorities set out in KCC's Equalities and Human Rights Policy and Objectives recognising the diverse needs of Kent's community, promoting equality of opportunity and diversity paying due regard to the protected characteristics of service users.

This policy also contributes to achieving the following outcomes in [KCC's 2015-2020 Strategic Statement, 'Increasing opportunities, Improving Outcomes'](#):

- Strategic Outcome 1: Children and young people in Kent get the best start in life
  - Supporting outcome: Kent's communities are resilient and provide strong and safe environments to successfully raise children and young people
- Strategic Outcome 2: Kent communities feel the benefits of economic growth by being in-work, health and enjoying a good quality of life.
  - Supporting outcome: Kent residents enjoy a good quality of life, and more people benefit from greater social, cultural and sporting opportunities
- Strategic Outcome 3: Older and vulnerable residents are safe and supported with choices to live independently
  - Supporting outcome: More people receive quality care at home avoiding unnecessary admissions to hospital and care homes
  - Older and vulnerable residents feel socially included

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<sup>1</sup> Office for National Statistics: Census 2011, CT0769 Metadata – Ethnic group: Gypsy, Traveller, Roma, Gypsy/Romany

<sup>2</sup> Gypsy and Traveller Service Census 2016.

## PART 1 - PITCH ALLOCATION APPLICATION PROCESS

### 5. Overview of the Application Criteria and Process

- 5.1. This policy ensures all applicants are treated fairly, and that applications are considered on a case by case basis from the information provided. Anyone aged 18 or over wishing to be considered for a pitch must register; however, registration does not bind KCC to accepting registration or offering a pitch. Priority for pitches will be given to those with the greatest housing need, detailed in section 7.
- 5.2. Applicants can complete an initial application form to establish if they qualify for the Accommodation Register. If they are assessed as qualifying, they can complete the full Accommodation Register application form to have any priority needs assessed. Priority Needs are defined at 7.1 below and Appendix 1.
- 5.3. If an applicant to the Accommodation Register has been successful, confirmation of priority banding and priority date (date of allocation to a priority band) will be sent by email or other method if specified by the applicant. This notification will include:
  - the band in which the applicant has been placed
  - the type of pitch the applicant is eligible for
  - details on how to apply (bid) for a pitch
  - a request to inform of any change of circumstances
  - details of the KCC appeals procedure
- 5.4. If an applicant is ineligible or does not qualify to join the Accommodation Register, notification of the decision and grounds for this will be given in writing. This is detailed in Part 2, section 14 Refusals.
- 5.5. The vacant pitches are advertised to those on the Accommodation Register as soon as they become available. When applicants have successfully joined the Accommodation Register, they can 'bid' for their choice of pitch should they qualify for the pitch criteria. 'Bidding' in this context is not a financial term but is undertaken by the applicant to show interest in a pitch; this provides greater flexibility and transparency to the allocation process. Some pitches may have specific criteria that may favour an applicant according to the lettings plan, for example a pitch may be more suited to a disabled person if adaptations to the pitch have previously been made.
- 5.6. The successful applicant will be the person in the highest band, with the highest accommodation need and with the earliest priority date (the date the applicant was allocated to a priority band). Once an offer for a pitch is made by KCC and accepted by the applicant, confirmation details are sent, and a Site Licence Agreement signed. Incorrect or false information may result in the offer being withdrawn and the banding reassessed.
- 5.7. All registered applicants will be required to reapply annually, to ensure all details recorded are accurate. If any considerable changes are made, banding reassessment may be necessary, as detailed in section 22.
- 5.8. Information concerning eligible and qualifying applicants including household members is kept by KCC on the Accommodation Register securely in line with the requirements of the General Data Protection Regulation (GDPR).

## 6. Eligibility and qualification

6.1. Applicants eligible for a pitch must apply to the Accommodation Register and indicate that they are a member of the Gypsy and Traveller community as per the definition<sup>3</sup> in section 4.1 and are interested in a pitch provided by KCC. The Gypsy and Traveller Service will ask on application if the applicant is a Gypsy or Traveller to enable registration. The nomination for a pitch or pitch allocation will be based on the applicant's level of priority as assessed against the lettings criteria, detailed in section 7.

6.2. Eligibility criteria – Applications will be accepted from Gypsies and Travellers who meet all three criteria below:

- Those looking to live within Kent on KCC managed sites
- Those who are not subject to immigration control within the meaning of Asylum and Immigration Act 1996, unless they are an exempt group as decided by the Government.
- Those who are living in the UK

It may be necessary to decline an application for the accommodation register should the applicant:<sup>4</sup>

- Be under the age of 18 (16 and 17-year olds may be exempt if already living independently under section 17 of the Children Act 1989)
- Has not met the criteria defined for Gypsy and Travellers<sup>5</sup>
- Be an owner-occupier or part own a property elsewhere or have access to alternative accommodation
- Not habitually residing in the Common Travel Area (a travel zone that comprises the islands of Great Britain, Ireland, the Isle of Man and the Channel Islands, unless exempt from the habitual residence test or has rights of residence under European Union Law)
- Be or have been guilty of anti-social behaviour (ASB) and /or has a conviction for ASB or are subject to an anti-social behaviour contract (ASC) and may be excluded for a period of three years unless they become unintentionally homeless.
- Be perpetrators of Hate Crime / Domestic Abuse as identified by any agency such as the Police, health or social care agencies, or the multi-agency risk assessment conference (MARAC).
- Have rent/pitch fee arrears or other rechargeable debts until they have made 12 successive monthly repayments as part of an agreed payment plan or have paid their outstanding balance in full
- Have no local connection as per local plans detailed in section 8 of this policy
- Have made themselves intentionally homeless under the Part 7 of the Housing Act 1996 and may be excluded for a period of three years unless they become unintentionally homeless.

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<sup>3</sup> Caravan Site and Control of Development Act 1960: A person of a nomadic habit of life, whatever their race and origin. Housing Act 2004, section 225.

<sup>4</sup> In accordance with the Allocation of Housing and Homelessness (Eligibility)(England)Regulations 2006.

<sup>5</sup> Caravan Site and Control of Development Act 1960: A person of a nomadic habit of life, whatever their race and origin. Housing Act 2004, section 225.

- 6.3. Exclusions and Subsequent Applications:** Applicants may be excluded from the register if they do not qualify at registration or are subsequently not eligible to apply for a pitch. If so, the applicant will receive confirmation of this in writing (within 28 calendar days). The applicant will be provided with appropriate advice, assistance and a guide date for reconsideration where appropriate. Any applicant has a right to make an appeal, as described in Part 2, section 16.
- 6.4. Applicants who have been excluded from the Register due to ineligibility may make a fresh application should either: a) a 12-month period pass or b) a change of circumstance occur altering the qualifying status. It will be for the applicant to provide up-to-date evidence concerning the change in circumstances, demonstrating either the fulfilment of any previous requirement or that the cause for their exclusion no longer applies, in order to make a new application for registration.
- 6.5. Verification and references:** When applying to the Accommodation Register applicants will be required to provide proof of identification, current housing status, medical information where applicable and a reference from their most recent former landlord. Where there is no former landlord reference available, the applicant should nominate someone outside of their own family and from a professional background/occupation to provide a reference, for example a key worker, another council, or GTS site officer.
- 6.6. To assess eligibility and allocate the appropriate band to the application, KCC will need to seek references or information from relevant external agencies. As a minimum we will be seeking references from the Police (for example, to check for criminal records), Local Authority (to check for council tax arrears) and previous landlords (for example, to check for rent or pitch fee arrears). We may also seek information, for example from Health, education authorities, Social Services, or Probation. We will seek references and any additional information with permission from the applicant. If permission is not given by the applicant, then KCC will be unable to complete the verification process or progress the application. This verification process is in line with social housing providers' allocation processes according to section 167 (2a) of the Housing Act 1996.
- 6.7. An applicant may have deliberately worsened their circumstances in order to qualify for additional priority on the Accommodation Register. For example: an applicant may have given up suitable accommodation to move into overcrowded accommodation. If it is determined that the applicant has deliberately worsened their circumstances, down-banding may be applied, meaning that the housing need could be re-assessed, registration cancelled or the priority banding reduced.

## 7. Priority Banding and Housing Needs

- 7.1. Applicants who are eligible and qualify to join the Accommodation Register will be assessed for accommodation need and placed in one of the following priority bands taking into consideration those applicants who fall into one or more of the reasonable preference categories<sup>6</sup> for their household for example:
- Band A if there is an urgent and severe accommodation need
  - Band B if there is a high accommodation need

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<sup>6</sup> In accordance with section 166A(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011).

- Band C if there is a medium accommodation need
- Band D if there is a low accommodation need

Further information on the Priority Bands can be found in Appendix 1.

- 7.2. In accordance with the Housing Act 1996 the council is required to determine relative priority and that 'reasonable preference' for allocation is made for applicants in the following circumstances as set out in the Housing Act 1996 (as amended):
- People who are occupying unsanitary or overcrowded accommodation or otherwise living in unsatisfactory conditions.
  - People who need to move on medical or welfare grounds, including grounds relating to disability
  - People who need to move to a particular locality and where failure to meet that need would cause hardship (to themselves or others)
  - People who are homeless (Part 7 under the 1996 Housing Act or owed a duty under section 190(2), 193 (2) or (195 (2) of the 1996 Act or 65, (2) or 68 (2) of the Housing Act 1985 or section 192 (3), while also meeting Gypsy and Traveller eligibility criteria.
- 7.3. In order to determine priority between applicants who have met the 'reasonable preference' conditions, the Council may consider additional factors such as available financial resources, local familial/social connection or welfare needs.
- 7.4. Other 'reasonable preferences' for allocation from the Gypsy and Traveller Community may be made to meet local priorities set out in the local lettings plan as detailed in section 9.
- 7.5. Should an applicant be assessed to have more than one accommodation need for their household, the applicant will be registered for the band most appropriate to their greatest need. Banding is allocated on the applicant's highest need, not the accumulation of needs.
- 7.6. Within each band, the person who has been on the Register for a longer period of time has the higher priority. This is identified by assigning each applicant a 'priority date': this is the date on which they were allocated to a band.
- 7.7. The issuing of Emergency Priority Banding and access to emergency accommodation are not included within the scope of this policy, because this is the duty of a district or borough council. Should the district/borough council issue an Emergency Priority Band for an applicant due to exceptional circumstances and an 'urgent' move is required to ensure the applicant's safety and welfare, the district/borough council will be responsible for accommodating the applicant.

## 8. Local connection

- 8.1. This policy may prioritise applicants who have a local connection. Local connection may differ by district or borough council area and will be defined within the district or borough council housing guidelines. However, given the culture of the gypsy and traveller community, the GTS will consider local connection on a narrower definition of circumstances.
- 8.2. Local connection is where the applicant:
- a) has close family members residing currently in the district or borough (local area)

- b) a serving member of the Regular Forces or a former member within a period of time as set by the district or borough council where the site is located
- c) or is currently residing outside the district or borough (local area) but has a special reason to reside in the local area, for example fleeing violence, providing care or support

## 9. Local lettings policies

9.1. KCC may also need to prioritise an applicant based on the priorities identified in the District Council's local lettings policy or plan. For example, they may specify criteria such as age or disability due to the fabric or social balance of the site. This may come from planning conditions that District or Borough Councils have stipulated, for example through 'rural exception sites'.

## PART 2 - ALLOCATION

### 10. Advertising the pitches

- 10.1. Vacant pitches will be advertised on the KCC website. Alternative communication methods will be used for potential applicants where appropriate, such as telephone or written contact.
- 10.2. The advertisements will give details about the pitch available, information on who will be eligible to 'bid' for the pitch (see 11.1), and where appropriate, specific criteria that has been placed on the pitch. This could include criteria to accommodate factors such as age, disability, medical requirements, or household size and requirements (including pets), or in accordance with the local lettings plan, as explained in section 9 above.
- 10.3. Those applicants who are unable to access the website to keep up to date with vacancies will be offered the opportunity to participate in an 'auto bidding' process whereby the applicant states preference and matching properties are bid for automatically or if preferred signposted to a service appropriate to them to ensure that they are aware of the relevant properties available. Information about the website and alternative access methods will be available from the GTS staff, District and Borough Councils and libraries. In addition, it may be appropriate for GTS to regularly update applicants through site visits, phone, texts or emails, depending on applicants' communication preferences.

### 11. Expressing interest in an advertised pitch: 'Bidding'

- 11.1. 'Bidding' in this context is not a financial term but describes the process undertaken by the applicant to show interest in a pitch. This approach provides greater flexibility and transparency to the allocation process.
- 11.2. Those on the Accommodation Register may 'bid' for a pitch by completing an expression of interest. A variety of methods can be used to express interest including online, automated bidding (predetermined preferences made on the applicant's behalf automatically), by telephone, or in person. Should an applicant require additional support to bid for a pitch, the GTS will provide appropriate arrangements.
- 11.3. As mentioned in 10.2, the advertisement for the pitch may have specific criteria for bidding, such as the size of a pitch. For example, a single pitch may only be suitable for a limited number within a household and therefore KCC may not accept bids from those with larger households who do not meet the criteria.

11.4.If an applicant has an outstanding offer for a pitch in place they will not be permitted to 'bid' for any other pitches, because having been made an offer is deemed to have met their particular housing need. However, if the applicant felt the pitch was not suitable for their needs, they would have to refuse it (see section 14) before bidding for other pitches.

11.5.Should an eligible applicant apply for a pitch that is subsequently not ready for occupation and is not likely to be ready to move into for some time, the applicant will be given the option to 'bid' for any other suitable pitches.

## **12. Assessment and selection of 'bids'**

12.1.Once the bidding period for the pitch has closed, all bids are put into priority order and ranked according to priority bands. Each band is then ordered by priority date (the date the applicant was allocated to a priority band), producing a shortlist. The applicant at the top of the list is then contacted to ensure all information given is correct, verification checks are satisfied where appropriate, and that the property is affordable. Subject to all criteria being met the pitch is offered to the highest priority applicant.

12.2.Where a pitch has already been adapted to accommodate residents with specialist medical needs, KCC may make best use of the pitch stock and offer the property based on the applicant's medical needs. This will be highlighted in the pitch advertisement (as mentioned in 10.2).

12.3.During selection, additional references may be sought (see 6.5). Should offering the pitch to the highest priority applicant put others or themselves at risk, KCC may offer the pitch to the next applicant on the shortlist. Such a decision would be clearly documented and available where appropriate.

## **13. Offers of a pitch**

13.1.When offering a pitch to an applicant, the relevant site details will be explained in full in writing and a verbal summary given; reasonable adjustments will be made for those who may not have English as a first language. The site details will include:

- pitch fees
- the amount of pitch fees expected in advance
- Site Licence Agreements to be agreed and signed.

13.2.If an offer is refused by the applicant or if it has not been possible to contact the successful applicant within seven calendar days of the offer, it will be offered to the next applicant on the shortlist until the pitch has been successfully let. This is unless the applicant has notified the GTS that they will be unavailable during that seven-day period.

## **14. Refusals**

14.1.If an applicant is unsuccessful in securing a pitch, notification will be given with the reasons to the individual applicant both verbally, and confirmation in writing within seven calendar days of the decision.

14.2.Applicants who are unsuccessful in acquiring a pitch may request a review of the decision by making an appeal to the GTS. Further detail is provided in section 16 Appeals.

14.3.If an applicant refuses an offer of accommodation, the pitch will be offered to the next eligible applicant. Applicants who refuse three offers of accommodation over the registration year may have their registration cancelled and considered ineligible for a 12-month period Records will be maintained on the number of refusals per applicant and the reason why the applicant decided to refuse the offer of accommodation. This may exclude those with exceptional circumstances such as medical reasons. If the applicant feels that the offer made is unsuitable for their needs, they can request a review to assess suitability and if successful will not be counted as a refusal.

14.4.If an applicant has been previously excluded from the registered list for refusing multiple pitch offers and their exclusion period has expired, they may choose to reapply, and will be awarded a new priority date (the date on which an applicant is allocated to one of the priority bands) if successful.

## 15. Site Licence agreement

15.1.All new residents must sign the Site Licence Agreement and pay two weeks' pitch fees in advance before they move onto the site. A member of the GTS team will explain the terms of the Site Licence Agreement to the new resident, and where relevant will explain key information, for example from the Mobile Homes Act, KCC Further Expressed Terms and KCC Good Neighbouring Terms. Residents will also receive a Plain English resident's handbook that explains this information in full, to ensure the new resident and their household understand their responsibilities. This handbook, together with a copy of the signed Site Licence Agreement will be kept by the resident.

15.2.An applicant will not be permitted to occupy a pitch without first signing the Site Licence Agreement and paying the specified pitch fees' amount in advance.

15.3.Residents are only permitted to have pets if specified and agreed within the Site Licence Agreement for their pitch.

## 16. Appeals

16.1. The Housing Act 1996 requires that due regard is demonstrated in any decision-making process. All applicants have a right to make an appeal if they are unhappy with any decision made regarding their application and have the right to information about decisions which are taken in respect of their application. Every applicant is entitled to appeal any decision made regarding a banding or the allocation of a pitch if they feel they are dissatisfied with the outcome.

16.2. An appeal should be made in writing by the individual or through an advocate on their behalf. The appeal should be submitted to the KCC Gypsy and Traveller Service either by email to [gypsy.traveller@kent.gov.uk](mailto:gypsy.traveller@kent.gov.uk) or by post to:

Gypsy and Traveller Service, First Floor, Invicta House, County Hall, Maidstone, ME14 1XX.

16.3.The appeal should be made within 21 calendar days of the decision and should include information the applicant believes has not been considered or new information which further supports the original application.

16.4. A response will be sent within 10 days of receiving an appeal and may include a request for further information. The appeal will be dealt with by a senior member of

staff in the GTS, or where this is not appropriate a senior member of staff from outside the GTS, who has not been involved with the original decision and the outcome of the review will be sent within four weeks of the request.

- 16.5. An applicant can appoint an advocate/representative, and if appointed and confirmed to the council, the GTS will deal directly with that advocate.

## **PART 3 - SITE MANAGEMENT**

### **17. Introduction to the pitch and site**

- 17.1 Once an applicant has accepted a pitch and the licence agreement has been signed, the site manager will explain to the new resident about the pitch boundaries, highlight the recorded condition of the pitch and explain what is expected of the licence holder. In addition, the site manager will offer a site familiarisation session.

### **18. Collection of pitch fees**

- 18.1. Pitch fees will be reviewed, set annually and sent to residents in writing 28 days in advance of any change to the weekly pitch fee amount.
- 18.2. After paying the initial two weeks in advance as part of signing the Site Licence Agreement, pitch fees are then to be paid weekly in advance in order that a two-week credit balance is maintained. All residents should make the site manager aware of any change in circumstance that may affect their ability to pay.
- 18.3. The Site Manager will keep abreast of residents' pitch fee payments by reviewing the accounts monthly and highlighting any discrepancies where necessary. Early intervention solutions can be offered to affected residents to prevent arrears accumulating, for example payment plans and signposting to appropriate support agencies. Should specific needs, risks and circumstances be identified, this offer of early appropriate professional support and guidance aims to minimise arrears and provide achievable outcomes for all parties.
- 18.4. If pitch fee amounts remain outstanding and are not addressed in a payment plan or other solutions, then enforcement action will be pursued (see section 23).

### **19. Service charge**

- 19.1. A fixed service charge will be applied per week for the communal services that are provided. This will be reviewed each financial year and a service charge schedule will be issued in writing to the resident together with any increases to pitch fees. The service charge contributes towards the yearly cost of services and repairs, such as grass cutting to the communal areas on the site and may be covered by housing benefit. Additional information about the service charge is provided in the accompanying Fee Setting and Charging Policy.

### **20. Site maintenance**

- 20.1. Site maintenance is the responsibility of KCC. GTS employs external maintenance contractors to carry out any works. The Gypsy and Traveller Site Manager will log any maintenance required on site and allocate the maintenance work according to the priority of the job. For non-emergencies, the repair or maintenance will be

undertaken in normal office hours, Monday - Friday 9am - 5pm. Any works deemed necessary due to neglect or misuse will be recharged to the resident.

- 20.2. The Gypsy and Traveller Site Manager will be available to carry out weekly or fortnightly maintenance checks on all sites, depending on the size of the site. These checks will look for maintenance work to be undertaken and examine work completed. During these site visits required works can be requested by residents. All issues will be logged and prioritised within an individual site's Asset Management and Maintenance Plan.
- 20.3. Each resident has the Gypsy and Traveller Services telephone number to report repairs during normal office hours. Emergencies can be reported to the Out of Hours service between 5 – 11pm weekdays, 9am - 9pm weekends. There is no bank holiday service.
- 20.4. During out of hours, the site manager will assess the issue and commission works where necessary. Outside of those times (11pm – 9am weekday, 9pm - 9am weekends) and on bank holidays the resident will need to ring KCC's Contact Centre. The GTS will respond on the next working day, or where appropriate the Emergency Services will be called.

## **21. Residents' welfare and supporting the community**

- 21.1. KCC are committed to finding ways to meet the needs of the Gypsy and Traveller community, keeping traditions and culture at the forefront whilst delivering services, maintaining good relations with other communities, and enabling access to health and education services. KCC will ensure individuals are treated fairly in a transparent manner enabling KCC to deliver a service that reflects the needs of the community.
- 21.2. The Gypsy and Traveller community in Kent should be given every assistance to access KCC services. KCC provides a telephone line on each site for those who wish to contact the GTS, to help those who may require extra support. Individuals are able to nominate a person to act on their behalf should they so wish.
- 21.3. GTS staff will engage with the residents on a regular basis to discuss site changes and to talk about their needs. This will ensure KCC is providing an effective service that is driven by our residents to enable independence and choice. This includes identifying specific areas to work on with the community, such as addressing access needs for older people in order to help reduce social isolation.
- 21.4. Working in partnership with statutory and voluntary agencies, the GTS is able to either directly support or redirect residents or applicants to relevant public and voluntary services, such as public health initiatives or Citizens Advice Bureau, if additional advice or support is needed.

## **22. Change in circumstances**

### For Applicants

- 22.1. Applicants on the Accommodation Register must inform KCC of any new circumstance, as their banding may need to be reassessed and the applicant placed into a different priority band to reflect their current accommodation need. Any changes to circumstances at the point of offering a pitch may prompt a reassessment of the applicant's band.

22.2. Contact will be made annually with those on the Accommodation Register to ask for any changes to circumstances and whether the applicant wishes to remain on the Register for another year. This contact may be made by site officers through visits, phone, texts or emails, depending on applicants' communication preferences. Applicants may be removed from the Register should they:

- request to be removed from the Register
- accept an offered pitch
- not respond to the annual review
- have moved without notification

Applicants will be given 21 days to respond before being removed from the Register.

### For Residents

22.3. All site residents are required to advise their Site Manager of any changes to personal circumstances, such as the birth of a child, a new member of their household, a change to financial situation, etc, that may affect or inform their Site Licence Agreement, or make changes to it.

22.4. An annual Site Licence Agreement audit will be carried out whereby Site Managers will ask each pitch licence holder to confirm the relevant licence details are up to date, ensuring all details held are accurate.

## **23. Enforcement**

23.1. If a breach of licence has occurred through the identification of an issue (for example, arrears in pitch fee payments), the appropriate enforcement action will be taken in accordance with the GTS Enforcement Procedure (see appendix 2), proceeding to eviction which, where necessary, will be pursued through the relevant court process.

23.2. Debt collection: Those accounts in arrears are in breach of the pitch licence and will therefore receive a breach letter. If the resident contacts the site manager or the GTS within 28 days and repays the debt or arranges a payment plan the breach is rectified and is no longer pursued. However, if contact has not been made, a notice of licence termination will be sent and KCC will seek to gain a court order and issue eviction proceedings. If the resident has not made payment, and the court has issued a possession order the resident will be evicted.

23.3. If court proceedings have led to an eviction notice, and the resident has not vacated within 28 days KCC will look to obtain a court order authorising lawful eviction. Once the order has been received KCC will instruct a bailiff to clear the site as set out within the GTS Enforcement Procedure (see appendix 2).

## **24. False information**

24.1. Any applicant or resident giving false information, deliberately withholding information or instigating a false statement from another person acting on the applicant's or resident's request will result in appropriate action being taken against the applicant or resident. The outcome of this could range from recovering possession of the allocated pitch, informing relevant authorities, reducing priority banding or removing the applicant from the Accommodation Register.

## 25. Compliments, comments and complaints

Comments or complaints concerning any aspect of a KCC Gypsy and Traveller site should be presented to EITHER the Site Manager in person OR by emailing [gypsy.traveller@kent.gov.uk](mailto:gypsy.traveller@kent.gov.uk) OR writing to: Gypsy and Traveller Service, First Floor, Invicta House, County Hall, Maidstone, ME14 1XQ, OR via the KCC website [www.kent.gov.uk/complaints](http://www.kent.gov.uk/complaints), or by telephone on 03000 414141.

- 25.1.If the problem cannot be resolved straight away, you can expect to receive an acknowledgement to your complaint within three working days of receipt, and normally a full reply within 20 working days. If your complaint raises complex issues which cannot be answered within 20 working days, we will keep you informed of progress at four-weekly intervals until we are able to respond fully to your complaint.
- 25.2.If you are not satisfied by the response you receive in relation to your comment or complaint then you are invited to contact the Corporate Director for Growth, Environment and Transport by emailing them (the GTS service will confirm the Corporate Director's name and email address at time of second stage complaint) or in writing to: Corporate Director, Growth, Environment and Transport, Room 1.62, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.
- 25.3.If you are still not satisfied after these steps have been taken, you have the right to take your complaint to the Local Government Ombudsmen. The Local Government Ombudsman is an independent and impartial person, appointed by central government to investigate complaints of maladministration by local authorities. You can make your complaint by writing to the Ombudsman at: The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH, or via their website at [www.lgo.org.uk](http://www.lgo.org.uk) or by calling the advice line on 0300 061 0614 .

## Part 4 - SUPPORTING POLICY INFORMATION

### 26. Data Protection and information sharing

- 26.1.Any personal data held in relation to applicants will be held consistently with the General Data Protection Regulation (GDPR) through the Data Protection Act 2018, and only shared with other agencies with consent from the applicant, as detailed within the Pitch Allocation Application Privacy Notice (see Appendix 3).
- 26.2.Where disclosure has been requested and consent given by the pitch application for KCC to collect or use information provided by a partner or agency or to share information with a partner or agency only authorised staff within KCC, partners or agencies will be permitted to access this personal information.

### 27. Monitoring and reviewing the policy

- 27.1.This policy and its implementation will be reviewed regularly, and in line with legislation to ensure it is meeting its stated aims, meeting its equality and diversity obligations, to assess its effectiveness and continuing applicability to residents and applicants, and will respond to any changes in relevant legislation. Any minor changes will be approved by KCC's Director of Environment, Planning and

Enforcement, and more substantial policy changes will be reviewed and approved through KCC's Key Decision process.

27.2. We want to make sure that we are allocating pitches in a timely fashion to the appropriate applicants, in a process that is efficient and easy to navigate. To help us do this we will be monitoring the following:

- Monitoring of pitch allocations including location of applicants, number of pitches allocated and length of time for pitches to be allocated
- The protected characteristics of pitch applicants and residents, where consent is given
- The accommodation register including banding and priority.
- The number of applicants to the register and the number of successful and unsuccessful bids for pitches; reasons for unsuccessful bids
- The progress of the asset management plan
- The number of pitch allocation refusals and reasons for refusal
- The number and nature of site licence agreement breaches by residents, and number addressed
- The number and nature of complaints, comments and compliments, and actions taken

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## APPENDICES

### Appendix 1

Priority Banding may differ from district/borough to district/borough. Applications will be assessed and banded by **the local district or borough council**, below are the twelve District and Boroughs' Priority Banding Definitions.

As detailed at section 7.7 of this Policy, the issuing of Emergency Priority Banding and access to emergency accommodation are not included within the scope of this policy, because this is the duty of a district or borough council. Should the district/borough council issue an Emergency Priority Band for an applicant due to exceptional circumstances and an 'urgent' move is required to ensure the applicant's safety and welfare, the district/borough council will be responsible for accommodating the applicant.

#### Band A

- Households where one or more members are wheelchair depend in the home and do not currently occupy a wheelchair accessible/adapted home.
- Those with an urgent need to move as their accommodation is unsuitable for their medical or disability needs and they are unable to be discharged home from hospital or other in-patient setting.  
Conditions at the property have been assessed as presenting an immediate threat of serious injury or are life threatening.

#### Band B

- Overcrowding – applicants needing at least one more bedroom than their current home.
- Homeless applicants where the council has accepted a duty to secure accommodation under part VII of the Housing Act 1996.
- Households where one or more members are awarded a high priority on medical, disability or welfare grounds.
- Those living in the borough in a home with significant adaptations to meet disability needs that are no longer required.

#### Band C

- Homeless applicants where the council do not owe a duty to secure accommodation, such as:
  - Non-priority homeless households; or
  - Households assessed as having become homeless intentionally; or
  - Those who are of no fixed abode, including those staying or 'sofa surfing' with relatives or friends, or living in a garage, shed, outbuilding, car or tent.
- Private sector tenants who are threatened with homelessness because they have been served with a valid notice to quit their tenancy (usually at least 2 months).

- Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice to vacate their tenancy (usually at least 3 months).
- Applicants assessed as needing sheltered accommodation who are not currently residing in sheltered accommodation.
- Applicants awarded priority on property condition grounds.
- Households where one or more members are awarded a low priority on medical, disability or welfare grounds.

## Band D

- Applicants who are not overcrowded but are sharing kitchen and / or bathroom facilities with others who are not part of their household.
- Applicants living in non-traditional housing (for example houseboat, caravan or commercial premises) who lack any kitchen and/or bathroom facilities.

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## Appendix 2

### DEBT ENFORCEMENT PROCEDURE

#### 1. Collection of Debts

What is a debt? For the purposes of this procedural document, it is a sum of money that is owed or due. For example; water consumption and usage, rental pitch fee and recharges for goods or maintenance services provided. Should a resident fall into debt the following procedure will be followed:

- a) All residents with accounts in arrears will be allocated to the lead site manager managing the site.
- b) All residents with accounts in arrears will be contacted at the earliest opportunity to address issues of debt recovery. The lead site manager responsible will complete a face to face visit with any resident who has not paid 28 days after the invoice due date.
- c) The site manager will coordinate an effective and timely debt recovery plan with the resident, supporting a proactive approach to debt payment.
- d) A resident in debt will be supported to adopt a phased repayment plan that will pay the arrears in full within the maximum time limit of two years ensuring that any repayments are affordable.
- e) The Council must act reasonably when chasing payment of an outstanding debt.
- f) If an agreement to repay the debt has been entered into then no further action will be taken unless the person defaults on the arrangement.
- g) If a further 28 days has elapsed and no payment plan has been agreed, then the Council can issue a licence breach letter 'ONE' however will favour the setting up of a debt recovery plan.
- h) If breaches in letter 'ONE' have not been rectified within the time period, then a further breach letter ('TWO') is served. A 28-day period is given to the resident to pay in full. If this is not rectified a debt claim will be made.

#### 2. Court Action

- When all other reasonable avenues have been exhausted, the Council will, unless there are very good reasons not to, proceed to the County Court in order to recover the debt owed.

#### 3. Court Action – Eviction Process

- Where all debt recovery action has been exhausted, without recovering the debt, and the Mobile Homes Act breach process has been pursued, then, eviction will proceed, subject to welfare inquiries.

## Appendix 3

# Gypsy and Traveller Service – Application for a Pitch -Privacy Notice

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

## Who we are

Kent County Council (KCC) collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws.

KCC Gypsy and Traveller Service provides a safe environment for Gypsy and Traveller communities to live and thrive in Kent. In doing so, KCC have in place an application process, supported by an allocation policy which ensures that pitches are allocated fairly and where there is most need.

## Personal information we collect and use

Information collected by us

During processing your application for a pitch on a KCC owned Gypsy and Traveller site, we collect the following personal information when you provide it to us:

- Name
- Current address
- Date of birth
- Contact details (Telephone number/email address)
- Immigration control status
- Names and dates of birth for all family members residing with you
- Existence of any benefits claimed and supporting evidence
- Existence of any medical conditions and supporting evidence (special category data)
- Existence of any criminal convictions

We recognise that personal information concerning criminal convictions and offences is not special category personal data but is a very sensitive type of personal information which can only be shared in narrow circumstances.

## How we use your personal information

We use your personal information to assess your application and carry out a range of checks that you consent to as part of the application process, in accordance with

the KCC policy and any relevant updates due to changes in legislation, which is available on the KCC website.

Once we have assessed you will be able to 'bid' for a KCC pitch as per the KCC Gypsy and Traveller Pitch Allocation and Site Management Policy.

If you are successful in your application for a pitch license agreement, registration details will be used as the basis for your pitch license agreement. At the initial application stage, you are asked to confirm if any criminal convictions exist and consent to further checks being carried out. Before you are offered a pitch, checks will be carried out with Kent Police and your personal information will be used to facilitate these checks. Information about this process can be found in the KCC Gypsy and Traveller Pitch Allocation and Site Management Policy.

## **How long your personal data will be kept**

Your details will be held on the register for a period of a year. You are responsible for updating the KCC Gypsy and Traveller Service with any changes to your circumstances or personal details, so we can update our records accordingly. If your circumstances change and you no longer need or wish to remain on the register you must inform us, so we can permanently remove your details from the register, files and database systems.

If you are successful in your application for a pitch agreement with KCC, your registration information including all personal details will be used as the basis for your pitch licence agreement and will be stored securely by the KCC Gypsy and Traveller team for the duration of your pitch licence agreement and for 3 years after the end date in accordance with the Council's data retention policy. After this time, all documents and information will be securely destroyed.

If you are unsuccessful in your application for a pitch, in most cases your application will be informed and able to 'bid' for further suitable accommodation. However, if the results of the mandatory checks show that you are not suitable for a pitch. In this case, you will be written to explaining this.

## **Reasons we can collect and use your personal information**

The lawful basis on which we collect and use your personal data is that 'processing is necessary for carrying out a public task in the public interest' as a local authority, under statutory guidance and following the National Planning Framework KCC are encouraged to provide sites for travellers. Additionally, the processing of your personal data at the registration stage is 'necessary for the performance of a contract', which in this case, is the pitch licence agreement.

## GLOSSARY

Accommodation Register	The list of eligible applicants who are waiting to apply for a vacant pitch
Asset management	The approach KCC takes to look after its property, sites and land.
Banding/bands	See Priority banding
Bidding	The process in which applicants apply and express a preference for vacant pitches
GDPR	General Data Protection Regulation
GTS	Gypsy and Traveller Service
KCC	Kent County Council
Local lettings plan/policy	An agreed plan for the allocation of social housing or accommodation by the local District or Borough Council
Priority banding/bands	The categories used to prioritise applicants according to their accommodation needs
Priority date	The date on which an applicant is allocated to one of the priority bands
PSED	Public Sector Equality Duty
Reasonable preference	A legal requirement to give additional priority to applicants who meet specific criteria as set out in the Housing Act 1996
Rural exception site	Small sites permitted specifically to accommodate traveller sites, if there is a lack of affordable land to meet local travellers' needs.
Site Licence Agreement	The agreement between the KCC GTS and the applicant which sets out the terms and rules for occupying a pitch.