

## **1. Introduction**

Kent County Council (KCC) is committed to allocating pitches on its Traveller Sites to Gypsies, Roma and Travellers in most need.

KCC is not a registered housing authority under the Housing Act 1985. Therefore, KCC has no statutory obligation to house applicants – that duty in Kent sits with the District and Borough Councils. KCC reserves the right to reject any applicant who fails to meet the criteria as set out by this procedure.

## **2. Aims of the Policy**

- To provide pitches on KCC owned sites for eligible Gypsies & Travellers
- 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 recognise the diversity of the Gypsy Roma Traveller communities
- To make best use of pitches for permanent use
- To ensure that pitches are allocated fairly and transparently and based on priority need.

## **3. 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 2018
- Housing Act 2004
- Human Rights Act 1998
- Housing and Regeneration Act 2008
- Equality Act 2010

## **4. Scope of the Policy**

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

## **5. Data Protection and Information Sharing**

All information provided as part of the application process will be treated as confidential and stored securely in accordance with the Data Protection Act 2018.

Information will not be given to third parties without 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.

## **6. 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 fair access to all.

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.

## **7. Eligibility for Applying for a Pitch**

To apply for a pitch on any of KCC's Gypsy and Traveller sites, you must:

- Be from a Gypsy, Roma or Traveller background<sup>1</sup>, and
- Be aged eighteen or over, and
- 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, or
- Meet the criteria because of exceptional circumstances and special needs regardless of their previous address, or
- Be an existing licence holder on one of KCC's owned sites, wishing to transfer to another KCC owned site.

To be eligible for a pitch, an applicant must have legal right to remain in the UK.

## **8. Exclusions for Applying for a Pitch**

There will be 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:

### **8.1 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.

### **8.2 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.

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<sup>1</sup> 'Persons of nomadic habit of life whatever their race or origin, including such 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, but excluding members of an organised group of travelling show people or circus people travelling together as such.' (Planning Policy for Travellers Sites (March 2012))

### 8.3 Unacceptable Behaviour

The applicant, or any person intending to live with the applicant, has been guilty of unacceptable behaviour within the past 3 years, as per information and advice from the Police, a KCC service or another enforcement partner, 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 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.

### 8.4 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 owned site who wish to transfer to another KCC site.

### 8.5 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.

## 9. 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 at [website](#), or you can request a paper copy by calling the KCC GRT Resident Service on 03000 421567.

An officer from the GRT Resident 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.

Should you require any help or support with applying for a pitch, you can contact:

- KCC GRT Resident Service on 03000 421567 and we will be able to assist with completing the forms and explaining the evidence required, and provide free of charge advice and information about the right to make an application, or
- Friends, Families and Travellers provide a national helpline on 01273 234 777, which provides support with applying for a pitch, or
- Your local Citizens Advice Bureau on 0800 144 8848

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.

### 9.1 Application Form Submission

Completed application forms must be submitted to the KCC GRT Resident Service, either online, by email to [gypsy.traveller@kent.gov.uk](mailto:gypsy.traveller@kent.gov.uk) or by post to:

KCC GRT Resident Service.  
Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX

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

### 9.2 Identity and Supporting Evidence

Supporting documents **must** be provided with the application form for **you as the applicant, and any person intending to live with you**. These documents are used to ensure that all decisions are made based on information and fact.

These must be original copies and must include:

- Proof of Identity – this could be a birth certificate, driving license, or passport, or any other paperwork listed as acceptable in the [Government's guide for right to rent checks](#)

Other documents that should be provided depending on your circumstances can include:

- Proof of current/last address – this can be a utility bill, bank statement, council tax bill dated within last 3 months (if applicable)
- Proof of family – this can be birth certificates, child benefit information, income support details, or council tax letter to show family
- Evidence of receipt of any benefits – this can be housing benefit/universal credit/tax credit/child benefit
- Details of school for children and special education needs
- Access to other local services – this can be a letter or email from another local service (for example, social services)
- Evidence of eviction/homelessness – this can be a letter or email showing you have been evicted
- Evidence of safety concerns – this can be details of incidents, crime reference numbers, or similar
- Evidence of carer arrangements – this can be a letter from a medical professional or community health worker, or showing you are in receipt of carers allowance
- Information about medical conditions – this can be a doctor's letters, medical records, hospital letter
- Information about criminal records – this can be details of previous incidents, or letters from Police

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

If you are unable to provide any of these supporting documents, please contact the KCC GRT Resident Service on 03000 421567 for further advice and support with providing documents.

### **9.3 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.

### **9.4 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, you will be notified that the application has been accepted.

If there are any missing documents or information, you will be contacted and told 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, you will be notified that your application has been accepted. If there are still missing documents or information, you 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.

### **9.5 Assessment of Applications**

All valid applications will be reviewed by the KCC GRT Resident 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 1 at the end of this policy.

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.

### **9.6 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.

### **9.7 Interview**

The three applications with the highest score will be invited in to meet with the KCC GRT Resident Service, to discuss their application in more detail, to provide original copies of supporting documents and to verify the information provided. To ensure fairness and consistency, all interviews will follow the same format and the same questions will be asked.

The interview will also provide the opportunity for the applicant to ask any questions to the KCC GRT Resident 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. Records of all interviews and scores will be kept.

## **9.8 References and Verification Checks**

Following the interview, appropriate steps will be taken to verify the information provided by you and background checks completed 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 2018.

## **9.9 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, you must tell KCC as soon as possible and your application will be reviewed considering these changes.

It is up to you to keep in touch with us, by telephone, letter or email. If you fail to keep your contact details up to date you may miss out on a pitch offer or be removed from the waiting list.

## **9.10 Visit to Site/Pitch**

As part of the application process, the top scoring 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.

## **10. 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. You will be told of this decision.

## **11. Offer of Pitch**



The offer of a pitch will be made verbally and confirmed in writing, and the successful applicant will be asked 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 offer of a pitch is accepted, a date to meet at a KCC office will be arranged. This meeting will allow KCC GRT Resident Service to explain the responsibilities of each party in the Pitch Licence Agreement and will allow the successful applicant to ask any questions they may have. At this meeting, two copies of the pitch licence agreement will be signed and one copy will be kept by KCC and one will be given to the successful 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 offer of the pitch is refused, 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, and records will be updated accordingly.

## **12. 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 before moving on to the pitch.

In accordance with the Mobile Homes Act 1983, a written statement of the terms applicable to the Pitch Licence Agreement will also be supplied at least 28 days before the agreement is entered into, unless the successful applicant agrees 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.

## **13. 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 access to the pitch will not be given 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).

## **14. Moving on to site**

On the date that is agreed for moving on to site, the new resident will be met on site by a member of the KCC GRT Resident Service within 24 hours of this date to handover any keys and complete the pitch inventory. The resident will be issued with a Residents Handbook providing key information about their pitch and the site.

## **15. Communication**

KCC aims to provide regular updates throughout the allocation process where contact details are provided, and where a postal or email address is provided, written updates may be provided.



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.

#### **16. Re-Siting Mobile Home**

KCC may ask a Pitch Licence holder on a KCC owned site to re-site their mobile home on another pitch forming part of the same site or on a pitch on another KCC owned 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.

#### **17. 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.

#### **18. 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 KCC GRT Resident Service.

**Appendix 1 – Points Allocation System**

Points are awarded based on evidence provided with application only – proof must be provided in all circumstances.

<b>Points Rating Criteria</b>	<b>Points</b>
<b><u>Local Connections</u></b>	
Applicant(s) have lived in Kent for at least 12 months, or have close family who have lived in Kent for at least the last three consecutive years	20 per application form
<b><u>Problems with Existing Accommodation</u></b>	
Currently homeless	40
Unauthorised encampment/development without useable facilities	30
Living on an overcrowded plot	10
Living on an unauthorised private site	10
On unauthorised encampment/development with facilities	10
Current accommodation not culturally suitable	10
Living in temporary accommodation and cannot stay long term	10
<b><u>Poor or Absent facilities</u></b>	
Lack of water supply	20
No Toilet	20
No Bathing or Showering facilities	20
<b><u>Security of Tenure</u></b>	
Given notice to quit through no fault of their own	25
Applicant at Risk of Eviction (through no fault of their own)	20
<b><u>Welfare Considerations</u></b>	
Applicant fears for their personal safety. At risk of, or escaping violence, intimidation, harassment (through no fault of their own)	40
Applicant is required to support or care for a relative	30
<b><u>Family Considerations - points awarded per child or relative</u></b>	
Pregnancy	15
Relatives aged over 60	15

Children under 12 months	10
Children 1 -18 Years old	5
<b><u>Educational Considerations – points awarded per child in school</u></b>	
Children 5-11 Years Old	10
Children 12-18 Years Old	10
Children that have a Statement of Special Educational Needs	25
<b><u>Medical Considerations</u></b>	
Severe. Applicant has life limiting illness, which means they cannot complete basic welfare/daily tasks. Applicant has a carer/care plan in place	100
Substantial. Applicant has/ is likely to have significant health problems. Has, or is likely to frequently have an inability to carry out personal care or domestic routines now and in future.	75
Moderate. Applicant has an inability to carry out the majority of personal care/domestic routines, most of the time. May need help from family on occasion.	50
Minor. Applicant has recognised medical condition but it does not limit their daily activities or personal welfare on a daily basis	30
<b><u>Waiting List</u></b>	
Additional 1 point for every <u>complete</u> year on the waiting list	