

London Borough of Tower Hamlets Gypsy and Traveller Site Allocation Scheme

(1) The aims of the Allocation Scheme

To comply with the requirement to meet the housing needs of Gypsies and Travellers in the London Borough of Tower Hamlets (See appendix A for definition of Gypsy and Traveller).

To establish a fair, transparent and equitable system for the allocation of pitches on the Council's managed site that is clearly defined and followed.

To ensure that pitches are allocated to both Gypsies and Travellers so as to maintain the presence of both groups on this site.

The establishment of two bands namely: the Gypsy and Traveller Housing Needs Band and the Gypsy and Traveller Housing Option Band; for those who meet the criteria below.

To provide a planned and responsive service that is efficient, effective and appropriate to the needs of Gypsies and Travellers.

To acknowledge that Gypsy and Traveller families are a recognised ethnic group and to ensure that the caravan site provided meets their needs.

To ensure that all relevant Tower Hamlets Council policies including equalities, customer service and social inclusion are met.

To comply with Statutes and Council Policies including Human Rights Act 1998, Equality Act 2010, LBTH Equalities Policy etc.

Appendix B contains explanations of various words and phrases used in this document

(2) Eligibility for inclusion on the Council's register for Gypsy and Traveller pitches

The Gypsy and Traveller register is for those who meet the definition as stated in Section 225 of the Housing Act 2004. See appendix A

Only applicants meeting this definition, or who come within the exceptions set out in Appendices C and D will be eligible to go on this register. Applicants should provide documentary evidence of their qualification whenever possible. They will be required to make a statement confirming the truth of this and of the other information they provide. If misleading information as to eligibility is submitted the application will not receive further consideration until the matter

has been investigated and the Council is satisfied as to the applicant's eligibility.

Joint applications will be considered provided that at least one of the joint applicants meets the eligibility definition. Every joint applicant must meet all other requirements of the policy.

Applicants are required to provide evidence of local connection with the borough. Local connection is defined as having lived continuously in the Borough for a period of no less than three years. However, in this scheme there will be some flexibility:

(a) A recognised Gypsy or Traveller may qualify as having local connections if they have close family members living on the Eleanor Street Gypsy and Traveller Site and previously lived on the site. For example they were born and grew up on the site or have one parent(s) living on the site.

(b) If they worked in the borough in the last three years and can provide evidence to that effect.

All applicants must be at least 18 years of age.

All applicants must have legal capacity to enter into legal contracts.

2.1 Cultural aversion to bricks and mortar

Gypsies and Travellers who qualify as meeting the local connection criteria, and are living in overcrowded brick and mortar housing will be considered for pitch using the same criteria as those living on sites. However, priority will be given to those residing lawfully and with permission of the Council on the site. No priority will be given to occupants brought on the pitch without prior agreement of the council

2.2 Any applicants who have squatted or occupied a pitch after being asked to leave by the Council, and/or caused anti-social behaviour in the last three years may not qualify for band A.

Applicants and their family who have been established as perpetrators of Anti-social behaviour ("ASB") will be precluded from joining the Tower Hamlets Gypsy and Traveller Housing Register for a period of 3 years from eviction, service of NOSP, conviction or similar.

Applicant and/or family member with a history of unacceptable behaviour will adversely affect that application for a period of 3 years - examples of such behaviour include:

- using your home for illegal purposes

- serious breaches of terms and conditions of a site or tenancy agreement.
- history of antisocial behaviour
- failing to pay your rent/water charges
- Occupying pitch illegally.
- threatening behaviour to Council contractors or staff.

Applicants and their family known for persistent ASB on the Eleanor Street site or any other location may not join the register until 3 years after the last report of the ASB formally or informally.

After 3 years, the case can be reviewed and the family may be allowed to join band B or the restriction may be extended for a further period at the Council's discretion.

2.3 Applicants with rent arrears need to show that these have been reducing for 6 or more months.

Homeowners who have their own bricks and mortar accommodation may not apply for a pitch.

Caravan owners who do not have own land to keep caravan may apply.

Qualifying persons with joint income in excess of £85,000 will not be permitted to join the Housing Register, this figure increases annually at the rate of R P I.

Applicants must provide identification for themselves and all other adults who will be residing with them. Acceptable identification include: passport, full birth certificate, letter from H M Revenue and Customs, Letters from benefit offices, Utility bills but not mobile phone bills, national insurance number together with recent photograph of all adults living or intending to live with the applicant.

An applicant who qualifies will then be allocated a banding see below.

(3) Banding

There will be 2 bands and these are listed below:

- Band **A** G&T Housing Needs
- Band **B** G&T Housing Options

Band A G&T Housing Needs

- family with children living with other families/household and causing overcrowding or unsatisfactory housing conditions and no recent ASB .

- family with children living in temporary accommodation arranged by the Council's Housing Needs Service who have connection with the site and no recent ASB, but such applicants will not have priority over overcrowding on the site. In considering an applicant who is in homeless accommodation and does not have a history of ASB, the length of time that the person was in homeless accommodation will be taken into account. In addition, the effect that the family will have on the site will be taken into account. Applicants who are likely to have adverse effect on the site will only qualify for band B.
- family with children and special needs such as need to give or receive care and to access specialist medical treatment together with no ASB issues.
- family who have lived on site and moved away and wish to come back. The Council would not permit a family with known anti-social behaviour which would likely to cause adverse effect on the peace and enjoyment of residents on the site to return.
- exceptional grounds for senior management to approve if after a review, the decision to exclude is deemed either inappropriate or disproportionate

Reasonable preference will be used according to the different categories of need. In cases where the different categories do not separate applicants the length of time an applicant has been in that band may be taken into account.

Band B G&T Housing Options

- Family with adequate accommodation for their family
- Family with children and vulnerable person with a history of ASB including low level ASB on site.
- Family who is homeless and claim to be G and T but provide no statement to claim that they meet the definition.
- single applicant with medical needs and or vulnerable
- single homeless applicant.
- Family who meet the definition of Gypsy and Traveller but have a history of rent / water arrears or a history of low level ASB.
- exceptional grounds for senior management to approve if after a review, the decision to exclude is deemed either inappropriate or disproportionate.

(4) General

Where there is urgent management need to re-locate a qualifying family an appropriate banding will be considered.

No emergency accommodation will be considered due to the shortage of pitches and the numbers on the waiting list.

Applicants residing on the Eleanor Street gypsy and traveller Site who wish to transfer to another pitch will be considered but there will be no automatic right to transfer. Any transfer application must be made in writing and must state reason(s) for the transfer request. Transfer requests to a vacant pitch which has been offered to a new applicant cannot be accepted.

While there is demand from both groups, the site must have a mixture of Gypsy and Traveller families.

The Council is responsible for final decisions at all stages in the allocation process.

(5) Removal from register

Applicants may be removed from the register in the following circumstances:-

The applicant has been allocated a pitch by this Council or another Council

The applicant makes a written request for removal.

The applicant makes a false or misleading statement in connection with their application.

The applicant fails to provide information requested within 28 days or an extended time period if requested and granted.

The applicant's circumstances change so that they may no longer be included on the register.

The applicant refuses an offer of a pitch on the Council's site without reasonable excuse.

The register may be reviewed every 12 months to confirm that applicants wish to remain on the register. Any change in circumstances relevant to being included in the register must be notified to the council.

(6) How we are going to allocate

The allocation will be made firstly from band **A**; when all applicants from band **A** are allocated or have refused a pitch, then applicants from band **B** will be considered.

Those in band A will be considered in the order in section 3.

(7) MAKING AN OFFER

The successful applicant will be informed by phone and letter that a provisional offer has been offered subject to the applicant agreeing to accept the terms and conditions of the site agreement and satisfactory reference if not known. The letter should be signed and returned to the Council within 7 working days. If the offer is not accepted in writing or by telephone within 7 days, the offer may be withdrawn.

When the offer is accepted, the applicant will be sent or given an official agreement giving the implied and expressed terms of the agreement, which when signed by all the parties will form the contract.

Rent/fees become payable on the agreed date stated in the agreement.

(8) Offences related to information given or withheld by applicants

It is an offence to give false information.

Evidence given to support an application that is subsequently found to be inaccurate or misleading may lead to action to repossess the pitch.

Your application form will include a statement of truth.

(9) Decision and reviews

Any decision made under this scheme may be appealed by requesting a review. Applicant or a representative on behalf of the applicant may do so by writing, giving full reasons for the appeal, within 28 days of the decision to:-

The Head of Environmental Protection
London Borough of Tower Hamlets:
Environmental Protection
Mulberry Place (John Onslow Hse)
PO Box 55739
5 Clove Crescent
London E14 2BG

If a review is requested a more senior officer who did not make the decision will carry out the review. .

If the applicant disagrees with the Council's decision following a recommendation by a Health Advisor, the Council may seek the advice of a second Health Advisor.

Applicants will be notified in writing of the outcome of the review together with the reasons for the decision.

After the first review one further appeal may be made to the departmental senior manager, who will conduct a further review and whose decision will be final.

If there is a further review applicants will be notified in writing of the outcome together with the reasons for the decision.

(10) Data Protection

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

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

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

- Prevent or detect crime
- Check the accuracy of information supplied
- Protect public funds as required by law
- Obtain information for prioritisation

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

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

(11) Scheme review

The Council will consult applicants on any significant proposed change in the allocation scheme and the effects of the change. The revised scheme will be made available to them after adoption.

(12) Appendices

Appendix A

Meaning of Gypsies and Travellers for the purposes of Section 225 of the Housing Act 2004. See Statutory Instrument 2006 No. 3190

- (a) The persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including-
 - (i) such persons who, on grounds only of their family's or dependant's education or health needs or old age, have ceased to travel temporarily or permanently; and
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such).

Appendix B – definitions of other words and phrases used in this scheme

Squatting means persons occupying pitch without permission.

Recent ASB means behaviour which has occurred in the last 3 years

Formal ASB means written communication relating to the person behaviour or actions.

Informal ASB means oral communication relating to the person behaviour or actions.

Close family members refers to children and grandchildren only

Appendix C

A person(s) currently living lawfully on the site will be unaffected by the need to meet the requirement of section 225 of the Housing Act 2004.

Appendix D

A resident presently living legally and have a licence or Agreement with the Council on the Eleanor Street / Old Willow close site will not be required to prove that he/she meets the requirements of section 225.

At present the children of Gypsy and Travellers living legally on the site will meet the requirements.