

# Agenda



## Cabinet Member for Regeneration & Housing

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Date: Monday, 18 June 2018

Time: Not Required

Venue: Not Required

To: Councillors J Mudd

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### Item

### Wards Affected

1 Gypsy Traveller Site Allocations Policy (Pages 3 - 10)

Contact: :

E-mail:

Date of Issue: Date Not Specified

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# Report

## Cabinet Member for Regeneration and Housing

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### Part 1

Date: 18 June 2018

**Subject** Gypsy Traveller Site Allocations Policy

**Purpose** To brief the Cabinet Member on proposed changes to the current Gypsy Traveller Site Allocations Policy

**Author** Housing Strategy Manager

**Ward** All

**Summary** It has been identified that the current Gypsy Traveller Site Allocations Policy is in need of amendment in order to ensure it meets its stated purpose of ensuring pitches are allocated to those in the greatest level of need. This report seeks approval for an amended policy to be adopted.

**Proposal** To approve amendments to the current Gypsy Traveller Site Allocations Policy

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate.

This report was prepared after consultation with:

- Strategic Director - Place
- Head of Law and Regulations – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Head of Regeneration, Investment and Housing
- Housing and Assets Manager

**Signed**

## Background

The existing Gypsy Traveller Site Allocations Policy was adopted in 2016 and used to make initial allocations to the Elen Ridge site which is currently under development. It has become apparent that the policy is no longer meeting its intended aim of ensuring that pitches are allocated to those in greatest need.

It is proposed to amend the policy to make it clear that it only applies to applicants who have a demonstrable aversion to bricks and mortar. Applicants without such an aversion will have their applications considered under the overarching Common Allocations Policy for Newport. This would bring the Gypsy Traveller Sites Allocation Policy into line with other allocations schemes such as those for older persons' accommodation.

Gypsies and Irish Travellers living in housing or with a history of living in bricks and mortar would not be precluded from making an application for a pitch. They would, however, be expected to demonstrate that their cultural aversion to this type of accommodation necessitates a move onto a Gypsy Traveller site.

## Financial Summary

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
<b>Costs (Income)</b>					As this is an amendment to an existing policy no financial implications are expected.
<b>Net Costs (Savings)</b>					
<b>Net Impact on Budget</b>					

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Policy does not achieve its stated aims	M	L	Reviewed the existing policy in line with its stated aims.	Scheme manager

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

The Newport Community Well-being Profile makes specific mention of Newport's Gypsy and Traveller population and their distinct needs. The Corporate Plan outlines what the priorities for Newport over the next 5 years and contains a number of objectives. Wellbeing objective 4 refers to building cohesive and safe communities. A stated aim of the Gypsy Traveller Site Allocations policy is to create cohesive communities that are balanced, safe, inclusive and sustainable.

## Options Available and considered

To approved the updated Gypsy Traveller Site Allocations Policy; or

To retain the current policy.

## **Preferred Option and Why**

To approve the updated Gypsy Traveller Site Allocations Policy as it has been identified that the current policy is no longer achieving its intended aims.

## **Comments of Chief Financial Officer**

The proposed change in policy does not seek to increase the numbers of allocations, just to award the pitches using new criteria. There will be no financial impact as a result of these changes.

## **Comments of Monitoring Officer**

The existing Gypsy and Traveller Site Allocations Policy is in need of revision, to ensure that available pitches are allocated on the basis of assessed housing need and that only those eligible applicants with a demonstrable aversion to bricks and mortar will qualify for this type of accommodation. Other qualifying housing applicants with a preference for caravan pitches, as opposed to a demonstrable cultural aversion to bricks and mortar, will be allocated traditional housing under the Common Housing Allocations Policy. The revised Gypsy and Traveller Site Allocations Policy provides a fair and transparent process for ensuring that caravan pitches are allocated to those in the greatest need, whilst meeting the Council's statutory responsibilities towards gypsy and travellers, as a recognised ethnic group, under the Equality Act 2010 and the Human Rights Act 1998.

## **Comments of Head of People and Business Change**

As required the Well-being of Future Generations (Wales) Act 2015 has been considered fully in this report. Both the sustainable development principle and the well-being goals have been covered in the appropriate section.

There are no staffing implications as a result of this report.

## **Comments of Cabinet Member**

Cabinet Member has been briefed on the report.

## **Local issues**

Whilst the residential Gypsy Traveller site is being developed in the Ringland Ward the allocations policy will apply to applicants from all areas of the city.

## **Scrutiny Committees**

N/A

## **Equalities Impact Assessment and the Equalities Act 2010**

The proposed Gypsy Traveller Site Allocations Policy limits applications to people who meet the definition of a Gypsy or Traveller within the Housing (Wales) Act 2014 sec 108 or any subsequent legal definitions. The policy recognises that the number of pitches available are limited and as such they must be allocated to households in the greatest need of them. Gypsies and Irish Travellers are a recognised ethnic minorities and fall within the protected characteristic of race under the Equality Act 2010.

The proposed policy also gives priority to applicants who have a disability or health problem. Instances of disability and ill-health increase with age and both disability and age are protected characteristics.

Additional priority is also given to households that are overcrowded. Families with dependent children are significantly more likely to be overcrowded.

## **Children and Families (Wales) Measure**

Although applications for pitches are only accepted from people over the age of 18 it is anticipated that this policy will make a positive contribution to this measure. The policy aims to ensure pitches are allocated to those in greatest need. The positive impact that safe and secure accommodation can have on child development is well established. The provision of stable accommodation will also assist in lifting families out of poverty.

## **Wellbeing of Future Generations (Wales) Act 2015**

Well-being goals – the proposed Gypsy Sites Allocations Policy meets the goal of **A Wales of Cohesive Communities** as it allows for pitches to be allocated in a fair and transparent way to the households that need them most.

Well-being plan interventions – the proposed policy fits with the **Strong Resilient Communities** intervention. The aim of the policy is to ensure Gypsy and Travellers are able to access safe and secure accommodation that meets their cultural requirements.

Well-being objectives – the policy supports the well-being objective **to build cohesive and safe communities**. It ensures that those most in need of them are able to access pitches on an authorised site. The policy also addresses issues about cohesion on site.

The policy aims to allocate pitches to those that need them most in order that they are able to access sustainable **long term** accommodation. It **prevents** Gypsies and Travellers from having to live in accommodation that is unsuitable whilst having stable accommodation will assist with community **integration**. Once the site is occupied residents will be **involved** in future reviews of this policy so that it is produced in a **collaborative** manner that reflects the needs of both the local authority and residents.

## **Crime and Disorder Act 1998**

The allocation of pitches for long term residential occupation is consistent with the local authority's duties under the Crime and Disorder Act 1998.

## **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

## **Background Papers**

Proposed Gypsy Traveller Site Allocations Policy

Dated: 18 June 2018

## **Gypsy and Traveller Site Allocations Policy – May 2018**

### **1. Background**

- 1.1. This policy sets out how the Council allocates available pitches on the sites under its management and ownership. This policy is in line with Common Allocations Policy for Newport, and is based on a banding system. It is designed to meet the accommodation needs of Gypsies and Travellers, respecting their culture and traditions, whilst providing effective management of the sites.
- 1.2. The Council recognises that many Gypsies and Travellers choose to live within family groups where they can enjoy the benefits of their extended family's support. The Council is committed to supporting this wherever reasonably possible and therefore preference will be given to those families or individuals with a local connection as defined in section 3.3 of this policy.
- 1.3. The aim of this policy is to ensure that the allocation of pitches on sites is made in a fair and transparent way and that those in the greatest need are given priority assistance. The Council acknowledges it may not have enough pitches to meet the requests from everyone who applies. The Council is committed to the creation of cohesive communities that are balanced, safe, inclusive and sustainable. As such the Council will operate a policy that supports this aim whilst meeting the requirements of the Mobile Homes (Wales) Act 2013.
- 1.4. In line with all other forms of affordable housing applications for pitches are made via the Common Housing Register [www.homeoptionsnewport.co.uk](http://www.homeoptionsnewport.co.uk). Applications for pitches are assessed using the criteria within the main Common Allocations Policy along with the additional criteria set out here.

### **2. Who Can Apply Under this Policy?**

- 2.1. Applications for housing are accepted from anyone over the age of 16, and who meets the definition of a Gypsy or Traveller within the Housing (Wales) Act 2014 sec 108 or any subsequent legal definitions. Applicants must also be able to demonstrate an aversion to living in bricks and mortar accommodation.
- 2.2. Individual applicants will be able to submit applications in a range of formats in order to suit their particular preferences, as outlined in the overarching Common Allocations Policy for Newport. The Council acknowledges that higher than average numbers of Gypsies and Travellers have difficulty with reading and writing. The Gwent Gypsy Traveller Service is able to provide support to people who need help in completing applications for pitches.

### **3. The Banding System**

- 3.1. The Council operates a needs based banding system where applicants will be placed into one of four bands broadly based upon the circumstances of the applicant and their

household. The banding system and criteria is based upon a composite assessment of individual need.

<b>Band A</b>	<b>Assessment Criteria</b>
	Applicants who have a demonstrable aversion to bricks and mortar accommodation and who have a caravan, which is their principle home, but nowhere to locate it (for at least six months). Evidence of this will have to be provided and a home visit may be required.

<b>Band B</b>	<b>Assessment Criteria</b>
	Applicants who have a demonstrable aversion to bricks and mortar accommodation and who have substantive social care/health/disability problems that are being seriously affected by their current housing circumstances, that would leave them at risk if they were to remain in occupation

<b>Band C</b>	<b>Assessment Criteria</b>
	<p>Applicants with a demonstrable aversion to bricks and mortar accommodation and:</p> <ul style="list-style-type: none"> <li>• who are living in accommodation that is having a proven adverse impact on their health and wellbeing and it is shown that there is a particular need to move to alternative accommodation to address this; or</li> <li>• Who are at risk of being made homeless within 56 days and whom the Council are assisting under Section 66 of the Housing (Wales) Act 2014. To be awarded this priority, confirmation will be provided by the Council's designated officer and will commence from the date of the housing application being submitted; or</li> <li>• Are currently residing in shared accommodation such as with friends or family which has been assessed by the Council's Environmental Health Team as having a Category 2 (band D-J) overcrowding and space hazard present</li> </ul>

<b>Band D</b>	<b>Assessment Criteria</b>
	<p>Applicants with a demonstrable aversion to living in bricks and mortar accommodation but:</p> <ul style="list-style-type: none"> <li>• Have no local connection to Newport; or</li> </ul>



	<ul style="list-style-type: none"> <li>• are adequately housed; or</li> <li>• own their own home, or a property in which they can be reasonably expected to reside.</li> </ul>
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3.2. Each applicant will be assessed to determine the needs that they have in line with the banding scheme. Applicants with one need from within a band will be allocated 10 points with further points to be allocated in the event of additional needs from within the same band being identified under the assessment. Preference will therefore be provided to applicants who have multiple needs from within each band.

3.3. Applicants who do not have a local connection with Newport will be placed in Band D unless there are urgent housing issues as reflected in Band A or Band B. An applicant will have a local connection if they can provide evidence to show that:

- they have been resident within the Newport for at least 12 out of the last 24 months. Residence must have been of the applicants own choice;
- they have permanent employment within the area; or
- if they have parents, children, step children, adopted children or siblings living in Newport who have been resident within the city for at least 5 years; or
- if they have in the past resided in Newport for a substantial period of time.

3.4. The housing situation within the city is such that the Council and its partners need to ensure that Social Housing within the city is allocated to applicants in the greatest need. As such pitches will only be allocated to applicants who are able to demonstrate an aversion to living in bricks and mortar accommodation. Applicants who are not able to demonstrate this aversion will have their application considered in line with the provisions of the overarching Common Allocations Policy for Newport only.

#### **4. Assessment Criteria**

4.1. Assessments will be conducted in order to ascertain an applicant's suitability for an offer of accommodation to the property that has been applied for with the purpose being to ensure that the applicant is matched to the most suitable type of accommodation for their needs and requirements.

4.2. The Council managed sites are specifically designed to meet the needs of the Gypsy and Traveller community. Therefore to apply for a pitch, applicants must be a Gypsy or Traveller as defined in the Housing (Wales) Act 2014 or any subsequent legal definition and be able to demonstrate an aversion to bricks and mortar accommodation. The housing needs of others are addressed through the main Common Allocations Policy.

4.3. Due to the small nature of Gypsy and Traveller sites and the close proximity of plots, the compatibility of a new licensee with existing licensees is of paramount importance. This close proximity can give rise to very serious problems, for other site residents, for the management of the site and for the local community. Incompatibility can occur for a variety of reasons such as religious practices, ethnicity, life style and personality. It is naïve to expect two families on Gypsy/Traveller sites who are incompatible, to live in close proximity without creating serious problems for themselves, the Council or the surrounding community. The Council will carry out reasonable checks in order to establish if there are likely to be any compatibility issues which may include consulting with partner agencies such as the police.

## **5. Appeal Procedure**

5.1. Applicants will be notified in writing of decisions made surrounding their applications. Any appeal must be submitted within 21 days of receiving the written decision. The review will then be carried out by a senior officer not involved in the original decision. The officer concerned will vary depending on the decision made and reviews will generally be completed within 56 days of receipt of the review request where reasonably practicable to do so.

5.2. Applicants will be advised appropriately where reviews are anticipated to exceed this limit. Reviews submitted outside the timescale may be considered where this is considered reasonable to do so. The list below indicates the main review requests that may be received in order to give some guidance as to who will be responsible for conducting reviews:

- Acceptance onto/removal from the waiting list for a pitch - Scheme Manager
- Level of Priority/Band awarded - Scheme Manager
- Suitability of offer of accommodation (other) – Scheme Manager