

## **Draft Brent Pitch Allocation Policy**

### **1. Purpose and Legal Framework**

This policy sets out how Brent Council will allocate permanent and transit pitches on Gypsy and Traveller sites in a fair, transparent, and consistent way. It is designed to ensure equal access to site accommodation for Gypsy and Traveller communities and is fully aligned with the Council's main housing allocations scheme.

In developing and implementing this policy, the Council has given due regard to its responsibilities under the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. This includes:

- Eliminating unlawful discrimination, harassment, and victimisation (Section 149(1)(a));
- Advancing equality of opportunity between people who share a protected characteristic and those who do not (Section 149(1)(b));
- Fostering good relations between people from different backgrounds (Section 149(1)(c)).

This policy also complies with the following legislation and guidance:  
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.

### **2. Eligibility and Qualification**

To qualify for a pitch allocation under this policy, applicants must meet the following criteria:

- Be aged 18 or over.
- Meet the legal immigration and habitual residence requirements in line with the Council's main Allocations Scheme
- Meet the definition of Gypsy or Traveller as established in the Planning Policy for Traveller Sites (PPTS, 2015):

"Persons of nomadic habit of life, whatever their race or origin, including those who have ceased to travel temporarily or permanently due to education, health, or old age."

or

- meet the criteria because of exceptional circumstances and special needs regardless of your previous address

or

- be an existing licence holder on one of Brent's owned sites, wishing to transfer to another Brent owned site.
- Provide evidence to support their status, such as:
  - History of travelling for work or cultural reasons.
  - Ownership or use of caravans or vehicles associated with travelling lifestyle.
  - Confirmation from community groups or support agencies.
  - Not be subject to serious antisocial behaviour that would make them unsuitable for site residency or management.
  - Demonstrate that they do not have alternative secure accommodation suitable for their household's needs.

Applications will be assessed on a case by case basis, with additional consideration given to household health, welfare, and educational needs.

There are groups of applicants that the Council will not allow to join the waiting list. When a decision is made to exclude or remove a household from the list then this decision will be notified in writing indicating their right to request a review of the decision.

## **2.1 People Aged Under 18**

In normal circumstances the Council will not accept waiting list applications from single people, or households, in which there is no-one aged 18 or over. The only exceptions will be as a result of a Court Order.

## **2.2 Immigration Control**

The Council is required to exclude or remove from the waiting list anyone subject to immigration control under the Asylum and Immigration Act 1996. These include asylum seekers, people who have been refused leave to remain in this country and those with no recourse to public funds. Details of the rules are very complex and change from time to time, please ask the Traveller Service if more information is required on the current rules.

## **2.3 UNSATISFACTORY BEHAVIOUR**

An applicant may be excluded or removed from the waiting list on the basis of unsatisfactory behaviour such that the Council could reasonably conclude that the applicant may be an unsuitable tenant. Equally, the law also allows the Council to exclude current tenants access to social housing, where their behaviour has been unacceptable as to provide grounds for an outright court order for possession.

Examples of unacceptable behaviour include **rent arrears** and **anti-social behaviour**.

### **2.3.1 Rent Arrears**

Where existing pitch holders are in arrears of rent sufficient to merit action (e.g. notice to be served) then no offer of a pitch will be valid until/unless an arrangement is made and kept to clear the debt. Any arrangement made must usually be kept for at least 6 months. The waiting list application will be dealt with in the usual way, but any offers will be "suspended" until the relevant caseworker confirms that arrears have been cleared or an arrangement to clear the debt made with the landlord has been kept as agreed. Arrears that have accrued

solely due to the failure to process will not be taken into account for the purposes of eligibility for the waiting list. However, where the delay is the result of a failure to claim or provide the required information in a timely manner, then the subsequent arrears will be taken into account. This exception will require authorisation from the caseworker or equivalent officer/manager.

### **2.3.2 Anti-Social Behaviour**

Where an applicant is deemed to have instigated or participated in anti-social behaviour then they may be excluded from the waiting list. The following is a list of behaviour likely to be deemed to constitute anti-social behaviour. It is not necessary for legal or police action to have been taken against an individual for activities to be considered anti-social. Each applicant is held accountable for the behaviour of all their household members and visitors. The list is not exhaustive and other forms of conduct may also constitute as anti-social behaviour:

- Vandalism and damage to property
- Acts of violence (including domestic violence)
- Drug dealing
- Harassment, including on grounds of race, religion, sexuality, gender, age or disability • Intimidation
- Excessive noise including playing of loud music
- Burglary and theft

The decision to exclude will be taken by the Travellers Officer or equivalent post holder. An application will be reconsidered after one year where there have been no further reported incidents of anti-social behaviour.

### **3. Banding Structure (A–C)**

Band A- Urgent need	<ul style="list-style-type: none"> <li>• Homeless (statutory duty owed)</li> <li>• Severe medical or welfare need</li> <li>• Threatened with eviction from a pitch or unauthorised site</li> <li>• Overcrowding or site conditions pose serious risk to health</li> <li>• Management Transfer</li> </ul>
Band B – High Need	<ul style="list-style-type: none"> <li>• Overcrowded on pitch or unsuitable pitch</li> <li>• Moderate health/welfare issues</li> <li>• Lacking secure accommodation</li> <li>• Living on unauthorised encampment without welfare concerns</li> </ul>
Band C – General Need	<ul style="list-style-type: none"> <li>• No fixed pitch but no immediate vulnerability</li> <li>• Seeking move for family growth,</li> </ul>

	employment, or education reasons • Other applications that meet basic eligibility but no urgent needs
--	--

#### **4. Working Priority (Backdating Rule)**

Applicants who are either:

- In employment, or
- Unable to work due to disability will have their priority date backdated by 5 years, in line with the Council's main Allocations Scheme. Verification will include:
  - Wage slips, employment contracts. (Permanent contract: working continuously for 9 out of the previous 12 months. Temporary work / Self-employed; applicants will only qualify if the worker has been employed continuously for 2 years)
  - Disability-related benefits (e.g., PIP, ESA)

#### **5. Application Form and Supporting Documents**

Applicants must complete the official Gypsy and Traveller Pitch Allocation Application Form, which requests information including:

- Personal and household details
- Travelling history
- Current accommodation circumstances
- Health and welfare considerations
- Employment status (to assess backdating eligibility)

Applicants should provide all relevant supporting documents such as ID, medical reports, evidence of employment or disability benefits, and any other documentation requested to verify eligibility.

Failure to provide sufficient information or documents may delay or prevent progress of the application.

#### **6. Assessment of Application**

All valid applications will be reviewed by the Social Housing Assessments and Lettings Team. All assessments are made using the personal information and circumstances declared only - no opinions or assumptions will be made.

All applications awarded a priority band will be entered on to the waiting list. When a pitch becomes available, they will be advertised for a set period of time and applicants may express interest by bidding through Locata.

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 Brent Council as soon as possible and your application will be reviewed considering these changes.

It is your duty to keep your caseworker informed, 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.

## **7.Verification Checks**

Following the acceptance of your application, appropriate steps will be taken to verify the information provided by you and background checks completed to confirm suitability for a pitch or 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 or housing associations
- credit checks or 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 Brent Council.
- checks with the Department of Work and Pensions to verify the payment of benefits
- checks with schools
- check with doctors or 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.

## **8. Management of Allocations and Offers**

Allocations will be made in line with banding priority and suitability of available pitches. 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.

- Offers will be made in writing, including details of the pitch and terms of occupation.
- Applicants are expected to respond within 48 hours.
- Refusal of a reasonable offer without good cause may result in suspension or removal from the register.
- Allocations will be coordinated with site management teams to ensure appropriate placement and support.

### **8.1 Transfers AND Exchanges**

The Social Housing Assessments and Lettings Team Leader reserves the right to use a vacant pitch to resolve a demonstrable management need to transfer an existing resident (for example where a large pitch becomes vacant, this could be used to relieve overcrowding on another pitch by transferring an existing resident) as long as the resulting vacancy also meets the needs of the new applicant at the top of the waiting list.

- Existing site residents with a license can exchange pitches either on the same site or different sites. Both license holders must agree to the exchange and it is **MUST** be authorised by site management.

- Existing site residents living in a bungalow or a pitch can exchange with each other.

The resident living in the bungalow would have to surrender their tenancy and the incoming bungalow occupier would sign a fresh tenancy agreement. The outgoing pitch licensee would terminate his/her license, and the incoming licensee would sign a fresh agreement. As with mutual exchanges within the general rented stock, the Social Housing Assessments and Lettings Team Leader reserves the right not to authorise exchanges where there are existing breaches of license conditions or where there is reason to think that the result of a proposed exchange is likely to make the safe and effective management of the site more difficult to achieve.

In which case the Team Leader will provide reasons for a refusal to agree an exchange in writing to both residents concerned, who may appeal in writing if they are not satisfied with the explanation provided. This appeal will be considered by Brent Council's Reviews Team in line with the criteria set out in the 'Reviews' section below.

## **9. Equality and Diversity**

The Council is committed to ensuring that this policy is applied fairly and without discrimination on grounds of race, ethnicity, gender, disability, sexual orientation, religion, or any other protected characteristic.

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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 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 Brent by allocating pitches on a fair and consistent basis.

## **10. Requesting a Review**

When a decision is made to exclude or remove a household from the waiting list then this decision will be notified in writing indicating the right to request a review. Any request for a review should be made in writing within 21 days of the decision letter. If a request for review is out of time then the Reviews and Appeals Manager determining the review may agree to undertake the review if he/she considers there is good cause for the lateness of the request. The review will be conducted by the Reviews and Appeals Manager of Brent Council as an independent authority. The result of the review will be notified to the applicant in writing

within 56 days of receipt of the review request or receipt of requested evidence, whichever is the later.

## **11. Confidentiality and Data Protection**

- All personal information provided in applications will be handled in accordance with the Data Protection Act 2018 and UK GDPR.
- Information will only be used for the purposes of assessing eligibility, allocating pitches, and managing tenancies.
- Data may be shared with other council departments or partner agencies only where necessary and with appropriate safeguards.

## **12 . Policy Review**

- This policy will be reviewed every 3 years or sooner if changes in legislation or local circumstances require it.
- Stakeholders, including Gypsy and Traveller representatives, will be consulted during the review process.