

Report

Report to:	Housing and Technical Resources Committee
Date of Meeting:	5 February 2020
Report by:	Executive Director (Housing and Technical Resources)

Subject:	South Lanarkshire Council Gypsy/Traveller Pitch Allocation Policy Review
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request endorsement for the introduction of the revised South Lanarkshire Gypsy/Traveller Pitch Allocation Policy with effect from 1 April 2020

2. Recommendations

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that it be recommended to the Executive Committee that the South Lanarkshire Council Gypsy/Traveller Pitch Allocation Policy, as attached at Appendix 1, be approved and implemented from 1 May 2020.

3. Background

- 3.1. South Lanarkshire Council currently provides 2 sites for Gypsy/Travellers, comprising a total of 27 pitches. These are located at Shawlands Crescent in Larkhall, and Springbank Park in East Kilbride.
- 3.2. The current South Lanarkshire Council Gypsy/Traveller Pitch Allocation Policy was approved by Housing and Technical Resources Committee on 25 November 2009. The policy sets out the way in which vacant pitches are allocated within the two sites and has been recognised as part of the council's overall approach to good site management by the Scottish Housing Regulator.
- 3.3. Following a programme of consultation, the scheduled review of the Gypsy/Traveller Pitch Allocation Policy has now been concluded. The review of the policy has been progressed at the same time as wider engagement with the community in relation to the continuing development and implementation of investment plans within both sites. Nationally there has recently been significant changes to the policy framework, including the joint publication in October; by CoSLA and the Scottish Government of the "Improving the Lives of Gypsy Traveller" Action Plan.
- 3.4. The South Lanarkshire Council Housing Allocation Policy was reviewed during 2018/2019 to reflect the legislative changes introduced through the Housing (Scotland) Act 2014. The revised policy received the endorsement of Housing and Technical Resources Committee in March 2019 and became effective following approval by Executive Committee on 1 May 2019.

- 3.5. To ensure alignment of the South Lanarkshire Council Gypsy/Traveller Pitch Allocation Policy with the revised South Lanarkshire Council Housing Allocation Policy and the recent legislative changes, a review of the policy has now been completed.

4. Consultation and development

- 4.1. Based on the existing policy, a consultative draft was developed. This incorporated the changes required to ensure consistency with the revised Housing Allocation Policy alongside a number of minor updates and revisions.
- 4.2. To support the consultation, a survey was developed which sought views from key stakeholders on the following aspects of the consultative draft:-
- ◆ the objectives of the policy
 - ◆ the clarity of information on applying for a pitch
 - ◆ the priority categories and qualifying criteria
 - ◆ the criteria governing suspension of applications
 - ◆ the option to provide any other comments/feedback
- 4.3. A full consultation on the draft was launched in October 2019. To guide the consultation, and ensure those who would be impacted by the revised policy had the opportunity to have their say, a consultation plan was developed. A summary of this is provided in Appendix 2.
- 4.4. In addition to the consultation activities identified, the consultative draft was also shared with a range of other groups and customers as part of the wider consultation plan. The consultation period closed on 8 December 2019. A total of 48 responses were received from individuals and organisations.
- 4.5. The vast majority of respondents were in agreement with the proposed wording and structure of the consultative draft. Respondents also agreed that the information contained within the policy was clear and easy to understand.
- 4.6. All feedback received from the consultation has been considered and changes incorporated as appropriate into the revised policy, as detailed in Appendix 1.

5. Summary of proposed changes

- 5.1. The revised policy continues to focus on ensuring that those deemed to be most in need will be prioritised for a pitch, balanced with the consideration to ensure continued stability across both sites.
- 5.2. A key change proposed to the new policy is in relation to timescales for the suspension of applications, which has been amended to align with the Housing Allocation Policy, helping to ensure fairness and consistency. Another key change proposed is to expand the number of categories under which priority will be awarded, recognising the wide range of previous housing circumstances and need the applicant may have.
- 5.3. The revised policy is detailed at Appendix 1.

6. Next Steps

- 6.1. Subject to endorsement by Housing and Technical Resources Committee, the revised Gypsy/Traveller Pitch Allocation Policy will be presented to Executive Committee on 26 February 2020 for approval.

- 6.2. Subject to Executive Committee Approval on 26 February 2020, the revised policy will be implemented from 1 April 2020.

7. Employee Implications

- 7.1. There are no employee implications associated with this report.

8. Financial Implications

- 8.1. There are no financial implications associated with this report.

9. Climate Change, Sustainability and Environmental Implications

- 9.1. This report does not introduce a new policy, function or strategy which impacts on the natural environment, climate change or sustainability.

- 9.2. A Strategic Environmental Assessment (SEA) pre-screening determination was completed as part of the review of the South Lanarkshire Council Gypsy/Traveller Pitch Allocation Policy.

10. Other Implications

- 10.1. There are no implications for risk in terms of the information contained in this report.

- 10.2. The content of this report will contribute to the evidence to support the requirements of the Annual Assurance Statement.

11. Equality Impact Assessment and Consultation Arrangements

- 11.1. An Equality Impact Assessment (EQIA) was completed as part of the development of the Pitch Allocation Policy. This identified no negative impact for any of the protected characteristics.
- 11.2. Consultation on the draft South Lanarkshire Gypsy/Traveller Pitch Allocation Policy was completed between 21 October and 8 December 2019. All feedback received from the consultation has been considered and changes incorporated as appropriate into the draft policy, as detailed in Appendix 1.

Daniel Lowe

Executive Director (Housing and Technical Resources)

16 January 2020

Links to Council Values/Ambitions/Objectives

- ◆ Focused on people and their needs
- ◆ Protect vulnerable children, young people and adults
- ◆ Deliver better health and social care outcomes for all
- ◆ Improve the availability, quality and access of housing
- ◆ Work with communities and partners to promote high quality thriving and sustainable communities
- ◆ Support our communities by tackling disadvantage and deprivation and supporting aspiration

Previous References

- ◆ Housing and Technical Resources Committee Report, 'South Lanarkshire Gypsy/Traveller Pitch Allocation Policy', 25 November 2009
- ◆ Housing and Technical Resources Committee Report, 'Housing Allocation Policy Review', 20 March 2019

List of Background Papers

◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Annette Finnan, Head of Housing Services

Ext: 4595 (Phone: 01698 454595)

E-mail: annette.finnan@southlanarkshire.gov.uk

**South Lanarkshire Council
Gypsy/Traveller Pitch Allocation Policy**

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Section 1 - Introduction

1.1 Scope of the policy

South Lanarkshire Council operates two Gypsy/Traveller's sites. These are located in:

- Springbank Park, East Kilbride
- Shawlands Crescent, Larkhall

This policy aims to set out the way in which vacant pitches will be allocated within the two sites.

1.2 Objectives of the policy

The objectives of the policy are to:

- ensure those assessed as being most in need are prioritised;
- be fair, efficient and consistent in the allocation of pitches;
- ensure equality of opportunity in the allocation of pitches;
- make sure the allocation process helps to achieve balanced and sustainable communities; and
- comply with all relevant legislation.

1.3 Access to information

All information supplied by applicants will be held in accordance with the requirements of the General Data Protection Regulations 2018.

Under the General Data Protection Regulations 2018, applicants are entitled to access any information the council hold in respect of their application.

More information on this can be found on the council's website at www.southlanarkshire.gov.uk, or by telephoning the local housing office or visiting the site office.

1.4 Equal opportunities

In relation to the allocation of pitches, this policy is consistent with South Lanarkshire Council's Equal Opportunities Policy.

It aims to ensure that the council acts fairly and lawfully on all occasions. The council will not discriminate against applicants on the grounds of age, disability, gender, gender identity (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation.

An Equalities Impact Assessment (EQIA) has been completed to ensure that the policy is inclusive and does not unfairly disadvantage any particular groups.

If applicants feel that they have been treated unfairly, they have the right through the appeals process, to have their case reviewed. Section 4 provides further details on the appeals process.

Section 2: Applying for a pitch

2.1 Access to the list

Anyone over the age of 16 can add their name to the waiting list for a pitch, provided they are not prevented from doing so by immigration or any other relevant legislation.

Application forms can be obtained by:

- downloading an application form from the council's website or completing it online at www.southlanarkshire.gov.uk
- telephoning the local housing office or visiting the site office

2.2 How applicants are queued

Depending upon the applicant's circumstances, their application will be placed in one of the following categories:

Category	Criteria
Priority Level One	<ul style="list-style-type: none">• The applicant has a caravan or access to a caravan which is their principal home, but has nowhere to locate it
Priority Level Two	<ul style="list-style-type: none">• The applicant is living on a South Lanarkshire Council site which does not provide sufficient space for their family and/or does not meet their medical or support needs
Priority Level Three	<ul style="list-style-type: none">• The applicant is living on a registered social landlord site or on a council site outwith South Lanarkshire, which does not provide sufficient space for their family and/or does not meet their medical or support needs• The applicant is living on a private site• The applicant is living in a house, as their only or principal home which is overcrowded, or does not meet their medical or support needs, and has access to a caravan
Priority Level Four	<ul style="list-style-type: none">• The applicant is living on a council owned site which provides sufficient space for their family and meets their medical or support needs• The applicant is living in a house which meets their housing need, is not overcrowded and has access to a caravan

2.3 Allocations between priority categories

When a pitch becomes vacant, consideration will in the first instance be given to applicants in **priority level one**.

If there is no applicant in priority level one, applicants in **priority level two** will be considered.

If there is no applicant in priority levels one or two, then applicants in **priority level three** will be considered.

If there is no applicant in priority levels one, two or three, consideration will be given to applicants in **priority level four**.

Priority within each of the levels will be given to applicants with the earliest date of application.

2.4 Exceptional circumstances

Where the applicant's needs cannot be effectively met within the categories noted at 2.2 and cannot be prioritised using the process outlined at 2.3, the council may also take other needs into account and will consider how best to meet these.

An assessment of need will be made based on the information included on the application form, alongside any other supporting information.

This may include:

- the need to be close to specialist education provision or medical services;
- the need to live on the site to provide or receive care and support to or from relatives.

This list is not exhaustive and does not guarantee a priority decision. The council will consider all cases on an individual basis and decisions will be made in a fair and transparent manner.

Section 3: Managing Applications

3.1 Offers

Applicants will receive up to two reasonable offers.

The council will consider an offer to be reasonable if it meets the preferences stated on the application form.

Before an offer of a pitch is made, the council reserve the right to take account of the needs of the wider community and the impact that the allocation may have on the site.

3.2 Refusals

Should an applicant refuse an offer of a pitch, contact will be made to discuss their preferences and options in more detail.

3.3 Cancellation of applications

Applications for a pitch will only be cancelled in the following circumstances:-

- the applicant has requested in writing that they be removed from the list;
- the council has been notified of the applicant's death;
- the applicant's need for a pitch has been met by another site provider;
- the applicant has failed to respond to the annual review of their application; or
- the applicant has persistently failed to respond to the council's attempts to contact them.

3.4 Suspensions

In certain circumstances it may be appropriate to suspend an application for a period of time. Where an applicant's application has been suspended, they will not be considered for or receive an offer of a pitch during the period of the suspension. A suspension will not affect the date of application.

The table below details specific reasons and circumstances which will result in an application being suspended, as well as the length of time the suspension will apply for.

Suspension reasons and circumstances where a suspension will apply	Rules and timescale of suspension
<p>Anti-social behaviour - by an applicant or member of their household.</p> <p>The list below provides examples of the types of behaviour considered to be anti-social. It should be noted that the list is not exhaustive:-</p> <ul style="list-style-type: none">• annoyance, harassment, violent or intimidating behaviour towards staff members, neighbours or others• criminal convictions relating to a tenancy e.g. drug dealing, prostitution, fire raising• extensive damage caused to a landlord's property• Anti-Social Behaviour Order granted• Eviction decree granted relating to anti-social behaviour• established and sustained pattern of conduct considered anti-social.	<p>Where the applicant has an existing application for a pitch and anti-social behaviour has been established or under investigation, the application will be suspended.</p> <p>Where an offer of a pitch has been made to the applicant, the offer will be held pending the outcome of any investigation.</p> <p>Where the anti-social behaviour has been established, the application will be suspended and the offer of a pitch withdrawn</p> <p>Suspension timescale – up to 36 months (suspension timescales subject to nature and severity of the anti-social behaviour) Following application of the suspension, the case will be reviewed by the Area Housing Manager to determine whether:</p> <ul style="list-style-type: none">• the applicant can demonstrate their ability to behave in such a way as to not cause harassment, nuisance or annoyance to others.• the household will be able to occupy the site in an acceptable manner.

<p>Tenancy related debt - attributable to the applicant as a tenant of a social rented landlord and accrued within the previous 3 years.</p> <p>Suspension will be applied where the applicant has rent arrears or any other tenancy related debt (for example, rechargeable repairs/service charges). Exceptions to this would be where:</p> <ul style="list-style-type: none"> • the debt has been paid off in full • the level of debt is equivalent to or less than a month's full rent before any benefit adjustments • an agreement with the tenant has been made to pay the debt off and this has been maintained for at least three months and is continuing • the debt is not the responsibility of the applicant as a tenant. 	<p>Suspension timescale – up to 36 months The suspension will be lifted in the following circumstances:-</p> <ul style="list-style-type: none"> • immediately following full payment of the debt; or • where an arrangement to pay off the debt has been maintained for a minimum of three months; or • where the debt has been reduced to less than a month's rent
<p>Breach of occupancy conditions Suspension will be applied where the applicant is currently resident on a council owned site and has breached the terms of their occupancy agreement. For example:</p> <ul style="list-style-type: none"> • unsatisfactory condition of pitch, utility unit, common areas, disposal of rubbish, wilful damage, vandalism, control of pets <ul style="list-style-type: none"> • where alterations/improvements have been carried out on a pitch without the relevant approval from the council 	<p>Suspension timescale – up to 36 months Suspension will be lifted as soon as the council is satisfied that the condition of the pitch, or any other breach of occupancy, has improved to a satisfactory level.</p> <p>The suspension will continue until the landlord is satisfied that the pitch has been brought up to a satisfactory condition and that any rechargeable repairs associated with bringing the pitch up to a satisfactory standard have been paid.</p>
<p>False or misleading information Suspension will be applied where the applicant has deliberately misrepresented information in order to gain advantage over other applicants.</p>	<p>Suspension timescale – up to 36 months Timescales will be set by Area Housing Managers relative to the severity of the fraud.</p>

Section 4: Appeals and Complaints

4.1 Allocation appeals

If the applicant feels that they have been treated unfairly under the terms of this policy, they have the right to appeal.

An applicant can appeal against decisions made regarding the following:

- the priority category their application has been placed within;
- the reasonableness of the offer;
- the reasonableness of the suspension imposed; or
- the removal of their application from the list.

4.2 Appeals process

The council operate a two stage appeals process. More information on this is available on the council's website at www.southlanarkshire.gov.uk or by telephoning the local housing office or visiting the site office.

4.3 Complaints

Applicants dissatisfied with any aspect of the service have the right to make a complaint through the council's comments and complaints scheme. Complaints will be accepted either in writing or verbally and can be registered in two ways:

- through a housing office, where staff will register the complaint; or
- by completing and returning the comments and complaints feedback form

Further information on the comments and complaints scheme can be found on the council's website at www.southlanarkshire.gov.uk, or by telephoning the local housing office or visiting the site office.

If, after making a complaint, an applicant continues to be dissatisfied with the service they have received, a further complaint can be made to the Scottish Public Services Ombudsman (SPSO). The Ombudsman will only consider complaints of injustice or hardship as a result of maladministration or service failure. A complaint can be made online to the SPSO at www.spsso.org.uk/making-a-complaint or by writing to:

The Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS
(FREEPOST SPSO)

4.4 Monitoring and review of the policy

The council will monitor applications and allocations to support the achievement of the policy objectives and to ensure that applications are processed fairly and consistently.

The policy will be reviewed in line with the Housing and Technical Resources Policy Review Schedule or following changes to any relevant legislation, national or local policies.

Appendix 2: Summary of consultation with stakeholders

Stakeholder	Consultation method(s)
Current residents of Shawlands Crescent, Larkhall	<ul style="list-style-type: none"> • Consultation sessions were held at the site when council officers were in attendance to discuss the draft policy and discuss resident's views. • Copies of the draft policy were available from the site office throughout the consultation period and residents were encouraged to provide their views. • The consultation was promoted within the November 2019 site newsletter.
Current residents of Springbank Park, East Kilbride	<ul style="list-style-type: none"> • Consultation sessions were held at the site when council officers were in attendance to discuss the draft policy and discuss resident's views. • Copies of the draft policy were available from the site office throughout the consultation period and residents were encouraged to provide their views.
Gypsy/Traveller Assembly for Youth	<ul style="list-style-type: none"> • Draft policy shared with Scottish Traveller Advocate and Scottish Justice Campaigner, who was asked for views on behalf of Gypsy/Traveller Assembly for Youth.
South Lanarkshire Gypsy/Traveller Network Group	<ul style="list-style-type: none"> • Draft policy was shared and discussed with group members at meeting in November 2019.
West of Scotland Gypsy/Traveller Forum	<ul style="list-style-type: none"> • Draft policy was shared and discussed with group members at special meeting held on 4 December 2019.
General public	<ul style="list-style-type: none"> • The consultation was promoted through the November 2019 edition of Housing News and also on the council's website and social media platforms.
Gypsy/Traveller site provider peer review	<ul style="list-style-type: none"> • Two other Scottish local authorities and one Housing Association who currently provide sites for Gypsy/Travellers were invited to provide their views on the draft policy and asked to compare it with their own.
Scottish Site Managers Association	<ul style="list-style-type: none"> • Draft policy was shared and discussed with association members.