

Gypsy & Traveller Sites Pitch Allocation Policy

July 2017

Contents

Information sheet	3
Introduction	4
Legislative and policy framework	5
Application process	6
Eligibility.....	6
Initial Application Form	6
Pitch Interest List	6
Assessment Form.....	6
Verification and references	7
Changes in circumstances.....	7
Giving false information or deliberately withholding information	7
Assessment of need.....	8
Allocation process	9
Shortlisting and selection.....	9
Offer of a pitch	9
Right to request a statutory review of a decision	10
Illegal encampments	12
Appendix 1: Ineligible applicants	13
Appendix 2: Gypsy & Traveller Application for Allocation of Pitch Form.....	15
Appendix 3: Gypsy & Traveller Assessment Form	17
Appendix 4: Process for allocation of pitches	25
Appendix 5: Halton Borough Council and Cheshire Constabulary Protocol for unauthorised encampments and transit site	26

Information sheet

Service area	Housing Solutions (Gypsies & Travellers)
Date effective from	TBC
Responsible officer(s)	Principal Manager, Housing Solutions Gypsy & Traveller Liaison Officer
Date of review	July 2017
Status <ul style="list-style-type: none"> • Mandatory (all named staff must adhere to guidance) • Optional (procedures and practice can vary between teams) 	Mandatory
Target audience	Staff involved in the allocation of pitches on Council owned Gypsy & Traveller sites
Date of committee/SMT decision	27 th July 2017
Related document(s)	
Superseded document(s)	Gypsy & Traveller Sites Pitch Allocations Policy, Procedure and Practice June 2012
Equality Impact Assessment (EIA) completed	Complete

Introduction

I am pleased to present Halton Borough Council's Gypsy & Traveller Sites Pitch Allocations Policy.

The Council supports its Gypsy & Traveller community through the provision of three residential caravan sites, which are owned and managed by the Council:

Name of site	Type of site	Location of site	No. of pitches
Riverview	Permanent	Widnes	22
Canal View	Permanent	Runcorn	14
Warrington Road	Transit	Runcorn	13

The Council is committed to the provision of residential pitches for the Gypsy & Traveller community and this policy describes the process for the allocation of pitches on the sites named above. It will ensure that all applicants are treated fairly.

The aims of this policy are as follows:

- To acknowledge Gypsies & Travellers as a recognised ethnic minority and to provide a service that is sensitive to their cultural and traditional beliefs;
- To describe the single point of access to pitches on the Council's Gypsy & Traveller sites, as well as to forms of social housing, accredited private sector properties and low-cost home ownership options;
- To be compliant with homelessness legislation;
- To allocate pitches in a clear, fair, transparent and consistent manner;
- To allocate pitches on the basis of priority need and sustainability.

These aims are delivered by operating an assessment scheme which prioritises applications according to the level of need.

The Council is also committed to community cohesion on the Gypsy & Traveller sites and this policy will have due regard to ensuring the long-term sustainability of the sites. Therefore, there will be consideration of factors which may affect the suitability of each site as a social unit and community relations on the sites.

I hope you find this policy helpful. Further advice, assistance and support is available from the Gypsy & Traveller Liaison Officer based at the Riverview site, Site Wardens and the Housing Solutions Team.



Councillor Ron Hignett

Executive Board Member – Physical Environment

Legislative and policy framework

This policy has regard to the provisions of:

- The Housing Act (1996) as amended by the Homelessness Act (2002) (and further refined by the Housing Act 2004) and the associated statutory codes of guidance
- Mobile Homes Act 1983
- National Planning Policy Framework
- Planning policy for traveller sites
- Human Rights Act 1998
- Equality Act 2010
- Race Relations Act 1976 and Race Relations (Amendment) Act 2000

This policy is part of the Local Allocation Policy which sets out how the Council and its partners allocate other forms of social housing. Every effort has been made to closely align this policy to the Local Allocation Policy to ensure parity across all sectors of society.

This policy will be used for those requesting allocation of a pitch on one of Halton Borough Council's Gypsy & Traveller sites. Applicants wishing to apply for bricks and mortar rented accommodation will be assessed using the Local Allocation Policy.

DRAFT

Application process

Eligibility

Halton's Gypsy & Traveller sites are specifically designed to meet the needs of the Gypsy & Traveller community, therefore, applicants must be a Gypsy or Traveller either by ethnic group or by the legal definition, which is 'a person of a nomadic habit of life, whatever their race or origin.'

Any Gypsy or Traveller aged 18 or over may apply for a pitch on any of the sites, so long as they are not considered to be ineligible because:

- They are under 18 years of age;
- They are subject to immigration control;
- They are from abroad as defined by the Secretary of State;
- They are or have been guilty of unacceptable behaviour.

Appendix 1 contains further information on people who are considered ineligible and what constitutes unacceptable behaviour. In some cases, those who are guilty of unacceptable behaviour may still have their application accepted but with reduced priority.

It is necessary to consider factors such as unacceptable behaviour as part of the application process in order to ensure that sites are sustainable and well-managed, whilst also respecting the existing site community.

Those considered to be ineligible will be advised of this and the reasons for the decision. They will also be advised of the requirements they need to meet before being considered for re-application (i.e. adequate improvement in behaviour).

Initial Application Form

An 'Application for Allocation of Pitch Form' (see Appendix 2) must be completed in order to be considered for allocation of a pitch on one of the Gypsy & Traveller sites. Forms are available from the Site Wardens or from Halton Direct Link (HDL). The form can also be requested by calling the Gypsy & Traveller Liaison Officer on 0151 423 5849 or the Council's contact centre on 0303 333 4300. Assistance will be available with completion of this form on request from the Site Warden/Gypsy & Traveller Liaison Officer.

Pitch Interest List

Applicants should be aware that there is a high level of demand for pitches on the permanent sites and there is limited movement with pitches rarely becoming available. Therefore, a 'Pitch Interest List' is maintained and assessed upon a pitch becoming available.

The Pitch Interest List will be reviewed annually and when a pitch becomes available to determine whether interested persons still need/wish to be considered for a pitch. The Council reserves the right to remove those who, upon reasonable enquiry, appear to no longer require accommodation or cannot be located.

Assessment Form

Upon a pitch becoming available those on Pitch Interest List will be contacted and asked to complete an 'Assessment Form' (see Appendix 3). Again, assistance is

available with completion of the form on request. There will be a closing date for receipt of completed forms.

Applicants must complete the Assessment Form in order to be considered for a vacant pitch. Information may be provided verbally but must be recorded on the form, which must be signed by the applicant to confirm that the information detailed on the form is correct.

Anyone found to have given false information on the form will not be offered a pitch or in cases where they have already taken residency of a pitch they may be evicted.

Verification and references

At the point of application, applicants will be required to provide proof of ID, such as a birth certificate, passport, NHS Card, driving licence or other suitable material.

A reference from a former landlord is also required. Where there is no former landlord reference available, the applicant should nominate someone outside of their own family from whom a reference can be sought. Examples might include an employer or key worker, a Traveller Liaison Officer of another local authority or a Site Warden of a previous address where the applicant legally resided but was not the tenant.

In order to assess eligibility for the waiting list and accommodation need the Council may seek references from existing or previous landlords and information from relevant agencies such as the police, probation, social services, education and health authorities.

Changes in circumstances

An applicant is required to advise of any changes in personal circumstances that affect their application or eligibility to remain on the Pitch Interest List. Such changes may affect the priority of their application. Changes of circumstances that are identified at the point of offer may prompt a re-assessment.

Giving false information or deliberately withholding information

Appropriate action may be taken against any applicant who knowingly provides false information or instigates a false statement from another person acting at the applicant's request. This could include closing the application, reducing priority or taking action to recover possession of the pitch allocated.

Assessment of need

Applications for a pitch will be prioritised in line with the homelessness assessment criteria (as contained in the Housing Act 1996 Part VII and amended by the Homelessness Act 2002). Therefore, applicants falling into the following categories will be given priority:

Homeless/threatened with homelessness in the next 28 days, meaning:

- They have no accommodation that they have a legal right to occupy;
- They have accommodation but cannot gain entry to it;
- They live in a moveable structure but have nowhere to place it;
- They have accommodation but it is not reasonable for them to continue to occupy it;
- They face the risk of violence from someone who lives in their home or with whom they are associated; OR
- There is good reason to believe that continuing to occupy their home is likely to lead to violence from another person.

In a priority need category, meaning:

- They or their partner are/is pregnant or have dependent children;
- They are homeless because of an emergency, for instance fire or flood; OR
- They are vulnerable as a result of:
 - Old age, mental illness, physical disability or another special reason;
 - Having served a custodial prison sentence;
 - Having had to leave accommodation because of actual violence or threats of violence that are likely to be carried out; OR
 - Other special reasons.

Applicants who have a local connection will also be given priority. This would include having close family members residing on the site.

Allocation process

Shortlisting and selection

When a pitch becomes available at any of the Council sites, the Pitch Interest List will be reviewed by an allocation panel to determine a short list and select an applicant. This panel will comprise the Site Warden, Gypsy & Traveller Liaison Officer and Principal Manager, Housing Solutions.

All applicants who have expressed an interest for the site where the vacancy is will be short listed in order of their priority according to assessment against the criteria outlined in the previous section.

Shortlist position does not guarantee an offer and on occasion other factors may need to be taken into consideration that may influence selection. For example, it may be necessary to consider the compatibility of the applicant and their family with the existing site community so as to ensure the suitability of the site as a social unit and good community relations.

Shortlisted applicants will also be invited to an interview with the allocation panel to ensure full consideration of all relevant factors.

The purpose of the panel meeting is to determine which applicant is most in need in accordance with the criteria outlined in the previous section. In the event that two or more applicants meet the same criteria, applications will be considered on a case-by-case basis in order to determine which applicant is most in need. Consideration will also be given to the compatibility of the applicant (and their family) with the existing site community and the potential for disruptive/anti-social behaviour and there will be an assessment of risk in this respect. However, the assessment of need will always be the most important factor in deciding who will be allocated a pitch.

As part of the assessment process, any support needs (i.e. aids/adaptations required) will be identified and the appropriate referrals made upon the acceptance of the offer of a pitch.

Offer of a pitch

Verification of circumstances on offer

When an applicant has been shortlisted or selected for a pitch their circumstances will be verified to ensure that they are the same as they were at the point of application. Original copies of proof of ID will be verified by Council Officer prior to any offer being made. An offer may be withdrawn if original documents that verify the applicant's identification cannot be produced.

Any additional reference checks will be made at this point. This could include former or current landlords or may involve a visit to the current home.

An offer of a pitch may be withdrawn if there is a reason to believe that the applicant's circumstances are different to those initially declared on their application. In this instance the application will need to be subject to a further assessment in line with the requirements of the policy.

Time allowed for accepting an offer

All applicants will be notified within five working days as to whether or not they are to be offered a pitch. It is the applicant's responsibility to ensure that up-to-date contact

details are provided. Every reasonable effort will be made to contact the successful applicant, however, if this is not possible within one week then the pitch may be offered to the next eligible applicant.

Once an offer is made, applicants will be allowed 48 hours to make a decision about accepting the pitch. If there are justified reasons a longer decision time may be agreed. All individual and household circumstances will be taken into account when making this decision.

The pitch will be kept vacant for a period of seven days from the date of the offer. If the applicant does not take up occupancy of the pitch and cannot be located after reasonable enquiries, the offer will be withdrawn and the pitch allocated to another applicant. Any applicant who refuses the offer of a pitch will need to go through the application process again before any subsequent offers will be made.

Making direct offers without advertising – direct letting

Under certain circumstances, it may be necessary to make a direct allocation of a pitch to an applicant, including:

- In order to discharge homeless duty;
- In exceptional circumstances where urgent and immediate housing is required;
- Where an emergency plan has been activated.

Direct lets must be approved by a panel comprising the Site Warden, Gypsy & Traveller Liaison Officer and Principal Manager, Housing Solutions.

If an applicant refuses the Council's direct offer of suitable accommodation, the Council has the right to consider whether a further direct offer of accommodation will be given.

Licence Agreement

Upon acceptance of the pitch, the successful applicant will be issued with a Licence Agreement detailing fees and charges and the conditions that must be adhered to along with information regarding site management procedures.

Right to request a statutory review of a decision

The Council will allow a review of any decision made under this policy.

Applicants will be provided with one right of review which must be made within 21 days of receiving notification of the original decision.

A review will be considered by a panel made up of the Gypsy and Traveller Liaison Officer and at least one officer who was not involved in the original decision and who is more senior than the original decision maker.

Where the applicant remains dissatisfied with the decision of the review panel it can be challenged through the Council's complaints procedure.

Should this process then be exhausted and the applicant remains unhappy with the outcome then the applicant may also complain to the Local Government Ombudsman who will need to find maladministration (that due process or policy was not followed).

The applicant may seek a Judicial Review where they will need to demonstrate that the Council or its partners acted unreasonably or irrationally or did not follow correct legal process. Proceedings must be launched promptly and in any event within three months of notification of the decision. Applicants should be advised to seek independent legal advice before pursuing this option.

See Appendix 4 for a flow chart depicting the process for allocation of pitches.

DRAFT

Illegal encampments

A formal procedure for the management of illegal encampments has been devised between Halton Borough Council and Cheshire Constabulary.

The Protocol, which can be found at Appendix 5, sets out the working practices agreed between both agencies to give clear guidance around the management of unauthorised encampments by Gypsies and Travellers within Halton Borough Council boundaries.

The Protocol is in line with statutory guidance, national policy frameworks and best practice.

All considerations will be made with due regard to statutory obligations including the Human Rights Act 1998, the Equality Act 2010 and other statutory Government guidance.

DRAFT

Appendix 1: Ineligible applicants

Persons subject to immigration control

A person subject to immigration control is defined as a person who under the Immigration Act 1971 requires leave to enter or remain in the UK. A person subject to immigration control will be ineligible unless they are:

- Already a secure or introductory tenant or an assured tenant of accommodation allocated by a local authority; or
- Within one of the following classes, as prescribed by regulations made by the Secretary of State:
 - a person granted refugee status in the UK or humanitarian protection (granted from 6 October 2006);
 - a person with exceptional leave to remain, humanitarian protection (granted prior to 6 October 2006), or discretionary leave and who is not subject to a 'no recourse to public funds' condition; or
 - a person with unconditional leave to remain in the UK (settled status) as long as s/he is habitually resident in the Common Travel Area, other than a person who has been given leave on the basis of a sponsorship undertaking and who has been resident in the UK for less than five years (unless the sponsor has died).

For applications made before 20 April 2006 only, persons who are nationals of a state that was a signatory of the European Convention on Social and Medical Assistance (ECSMA) or of the European Social Charter, provided they are habitually resident in the Common Travel Area and lawfully in the UK (Class D) will be eligible. Of the signatories of ECSMA and/or CESC only Turkey, Croatia and Macedonia are not member states of the EEA. The Common Travel Area consists of the UK, the Republic of Ireland, the Channel Islands and the Isle of Man.

Asylum seekers are not eligible persons for allocations because they are subject to immigration control and are therefore not eligible persons unless they fall within the exceptions specified in the regulations.

Other persons from abroad

A person who is not subject to immigration control – principally British citizens and certain European Union (EU)/European Economic Area (EEA) nationals – must be habitually resident in the Common Travel Area in order to be eligible for an allocation of accommodation – unless they are exempt from the habitual residence test.

The following people not subject to immigration control are exempt from the habitual residence test:

- EEA nationals who are classed as workers or self-employed persons;
- The family members of EEA nationals who are classed as workers or self-employed persons;
- EEA nationals who have a right to reside permanently in the UK. These are:
 - Those who have legally resided for a continuous period five years in the UK;
 - Workers or self-employed persons who have retired or are permanently incapacitated;
 - The family members of the above two categories.
- A person who is in the UK because s/he was deported, expelled or compulsorily removed from another country to the UK;

- A person who left Montserrat after the 1st November 1995 as a result of the volcanic eruption;
- A person who left Lebanon on or after 12th July 2006 because of the armed conflict there;
- British people who were residents of Zimbabwe and who accepted an offer of assistance from the UK Government to settle them in the UK, and who arrive in the UK on or after 28 February 2009 but before 18 March 2011 (the offer of resettlement was only made to people aged 70 years and over, and to younger people who are not able to look after themselves due to health and social care needs).

Applicants not eligible due to unacceptable behaviour

Examples of unacceptable behaviour which could result in an applicant being deemed ineligible may include:

- Rent arrears or any other debt owed to Halton Borough Council or any other Local Authority, site related or not.
- Failure to adhere to an agreed payment plan to address rent arrears or housing debt to the Council or any other former landlord.
- Being guilty of behaviour that caused or is likely to cause nuisance or annoyance to anyone living in, visiting or carrying out a lawful activity in the area.
- Been convicted for using the premises or allowing them to be used for illegal or immoral purposes.
- Been convicted of an offence warranting arrest committed in the locality.
- Nuisance or annoyance to neighbours or illegal or immoral use of the property.
- Perpetrating domestic violence resulting in the victim leaving the home and being unable to return.
- Allowing the condition of the pitch to deteriorate.
- Obtaining a pitch by giving false information or omitting to provide information that is reasonably requested.
- Paying money to illegally obtain a pitch.

Appendix 2: Gypsy & Traveller Application for Allocation of Pitch Form

Personal details – applicant					
Title	First name	Family name/surname	Date of birth	Age	National Insurance number
Current address (including postcode):					
Date moved in:					
Contact telephone numbers:	Home:	Work:	Mobile:		
Email:					
Why do you need help with your housing situation?					
Is your contact address the same as your current address? If no, please write contact address below:					
Details of anybody else in your household wishing to live with you					
Title	First name	Family name/surname	Date of birth	Age	National Insurance number
If any member of your household is pregnant please state their name and the date the baby is expected to be born:					

Appendix 3: Gypsy & Traveller Assessment Form

Personal details – applicant					
Title	First name	Family name/surname	Date of birth	Age	National Insurance number
Current address (including postcode):					
Date moved in:					
Contact telephone numbers:	Home:	Work:	Mobile:		
Email:					
Why do you need help with your housing situation?					
Is your contact address the same as your current address? If no, please write contact address below:					
What type of accommodation do you live in? Please tick one of the boxes to indicate:					
House	<input type="checkbox"/>	Caravan/mobile home	<input type="checkbox"/>		
Bungalow	<input type="checkbox"/>	Care/rest home	<input type="checkbox"/>		
Ground floor flat	<input type="checkbox"/>	Hospital	<input type="checkbox"/>		
Upper floor flat	<input type="checkbox"/>	Armed Forces	<input type="checkbox"/>		
Multi-storey flat	<input type="checkbox"/>	Prison	<input type="checkbox"/>		
Maisonette	<input type="checkbox"/>	Hostel/night shelter/rough sleeper	<input type="checkbox"/>		
Bed-sit/studio	<input type="checkbox"/>	Other – please state:			
What type of tenure do you have? Please tick one of the boxes to indicate:					
Owner-occupier/leaseholder	<input type="checkbox"/>	Hostel	<input type="checkbox"/>		
Private tenant	<input type="checkbox"/>	B&B	<input type="checkbox"/>		
Tied accommodation	<input type="checkbox"/>	Rough sleeping	<input type="checkbox"/>		
Housing Association tenant	<input type="checkbox"/>	Name of association:			
Council tenant	<input type="checkbox"/>	Name of local authority:			
Living with relatives/friends/others	<input type="checkbox"/>	Specify which and provide name and contact number:			

If you are currently renting, please give details of the type of tenancy you hold. Please tick one of the boxes to indicate:							
Secure	<input type="checkbox"/>	Assured	<input type="checkbox"/>	Assured shorthold	<input type="checkbox"/>	Verbal	<input type="checkbox"/>
Tenancy start date:							
If this is a joint tenancy, please provide full name of joint tenant:							
Personal details – spouse/partner (if they are to live with you)							
Title	First name	Family name/surname	Date of birth	Age	National Insurance number		
Current address (including postcode):							
Date moved in:							
Contact telephone numbers:	Home:	Work:	Mobile:				
Email:							
Please describe your accommodation (e.g. three bedroom house/room in a house/two bedroom first floor flat):							
Is your contact address the same as your current address? If no, please write contact address below:							
Details of anybody else in your household wishing to live with you and your spouse/partner							
Title	First name	Family name/surname	Date of birth	Age	National Insurance number		

If any member of your household is pregnant please state their name and the date the baby is expected to be born:					
Have you or anyone on the application been in care? If yes, please give details:					
Name of person who was in care	Dates from and to	Where/name of local authority	Name of Aftercare Worker		
Do you have any pets? Yes <input type="checkbox"/> No <input type="checkbox"/>					
If yes, please give details:					
Have you been asked to leave your accommodation? Yes <input type="checkbox"/> No <input type="checkbox"/>					
By what date?		Has the landlord applied for a court order?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Please list all addresses you have lived at over the last five years (most recent first):					
Applicant addresses	Type of accommodation	Date from	Date to	Landlord's name, address and contact number	Reason for leaving
Spouse/partner addresses	Type of accommodation	Date from	Date to	Landlord's name, address and contact number	Reason for leaving

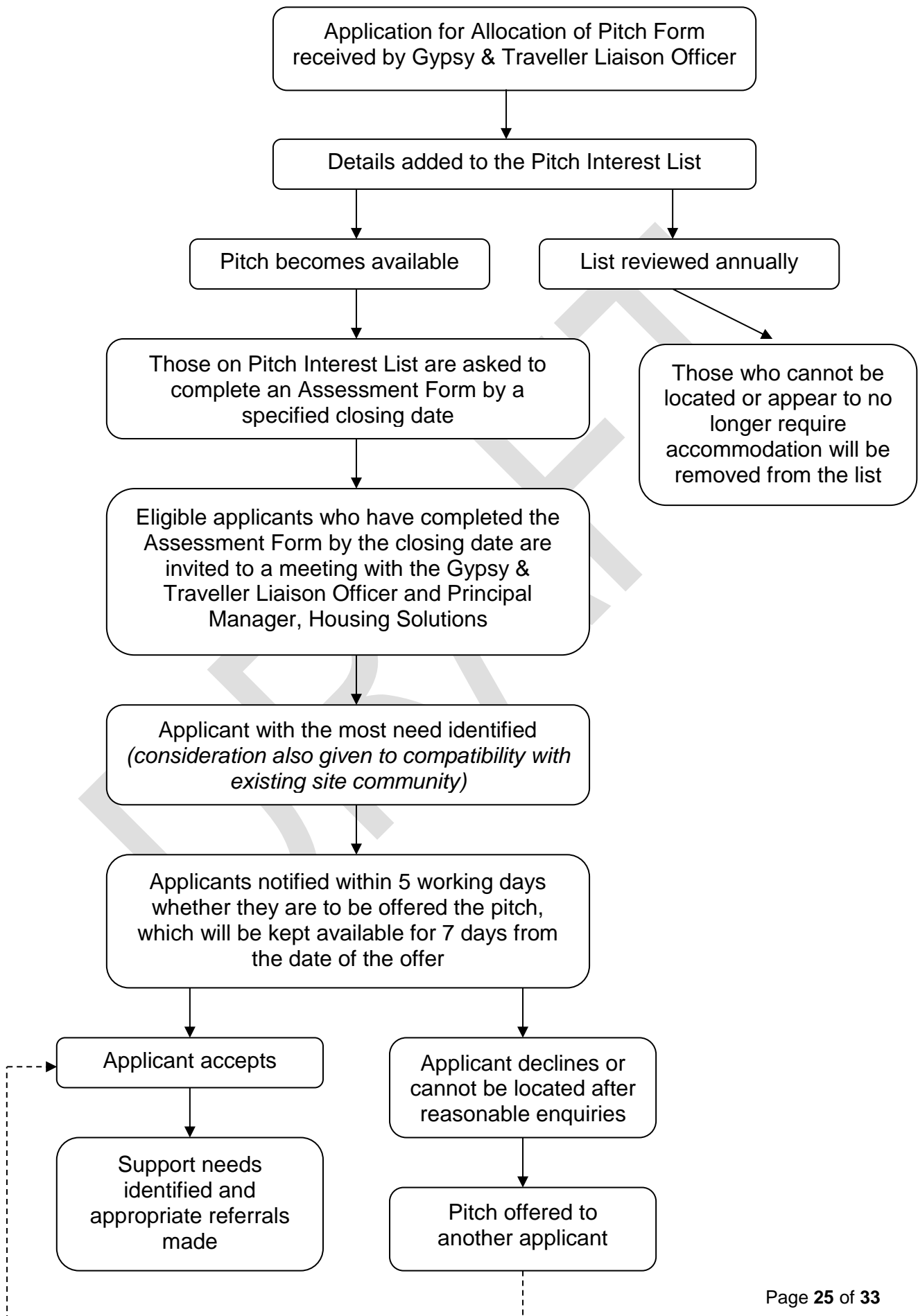
Income – you will need to provide proof of income/benefits				
	Applicant	Spouse/partner	If weekly, please tick	If monthly, please tick
Hours worked each week	hours	hours	<input type="checkbox"/>	
Wages	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Company pension	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Income support	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Jobseeker's Allowance	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Employment Support Allowance	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Child Benefit	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Child Tax Credit	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Disability Living Allowance – Mobility High / Medium / Low	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Disability Living Allowance – Care High / Medium / Low	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Incapacity benefit	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Pension/Pension Credit	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Bereavement	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Carer's Allowance	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Other state benefits – please specify:				
	£	£	<input type="checkbox"/>	<input type="checkbox"/>
	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Money from anyone that lives with you	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Housing Benefit	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Council Tax Benefit	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Student loan/grant	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Insurance payment	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Other – please state:				
	£	£	<input type="checkbox"/>	<input type="checkbox"/>
	£	£	<input type="checkbox"/>	<input type="checkbox"/>
For office use only – TOTAL INCOME:	£	£	<input type="checkbox"/>	<input type="checkbox"/>
Detail below any bank/building society accounts and other savings/valuable assets:				
Name of bank/building society	Account number		Amount held	
			£	
			£	

Please detail below any further information that you think we may need to know:			
TO BE COMPLETED BY HOUSING SOLUTIONS ADVISER:			
Has the applicant ever approached this or any other Council for assistance with housing advice before?			
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:			
Is the applicant or anyone else on this form currently on a housing waiting list?			
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide further details below:			
Where?		For how long?	Any offers?
Does the applicant or any member of their household have any drug and/or alcohol issues?			
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:			
Does the applicant or any member of their household have or have they previously had any of the following conditions?			
Tuberculosis <input type="checkbox"/>	Mental health related illness <input type="checkbox"/>	Hepatitis A / B / C <input type="checkbox"/>	
Any other health issues? Please state below:			
Has anyone ever taken action against the applicant or anyone on this form for anti-social behaviour?			
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:			
Has the applicant or anyone on this form had an Anti-Social Behaviour Order granted against them?			
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:			
Name of person with the order	Granted by (Local Authority, Housing Association etc.)	Court Action – please give details	Less formal action, i.e. a written warning – please give details

Has the applicant or anyone on this form ever been convicted of a criminal offence?				
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:				
Name of person convicted	Crime (please include arson, sexual offence, violent offence)	Date of sentence	Length of sentence	Length of time served
Has the applicant or anyone on this form served in the Armed Forces?				
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:				
Name of person who has served	Name of service	Dates served	Service number	
Does the applicant or anyone on this form have a medical condition or disability that is made worse by their current housing situation and/or that may affect the suitability of any future accommodation they may be offered?				
Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please give details:				
Note details of any contacts, where appropriate:	Name	Support provided	Telephone number	
Family Doctor				
Consultant				
Social Worker				
Community Psychiatric Nurse				
Solicitor				
Health Visitor				
Probation Officer				
Youth Offending Team				
Tenancy Support Officer				
Next of Kin				
Other(s) – please state				

FOR OFFICE USE ONLY:		
Date:	Time:	Name of Adviser:
Date:	Time:	Name of Adviser:
Date:	Time:	Name of Adviser:
Date:	Time:	Name of Adviser:
Date:	Time:	Name of Adviser:

Appendix 4: Process for allocation of pitches



Appendix 5: Halton Borough Council and Cheshire Constabulary Protocol for unauthorised encampments and transit site

THE PROTOCOL FOR UNAUTHORISED ENCAMPMENTS AND TRANSIT SITE

- 1.1. This Protocol sets out the working practices agreed between the following agencies for the management of unauthorised encampments by Gypsies and Travellers within Halton Borough Council boundaries.

Cheshire Constabulary	Halton Borough Council
------------------------------	-------------------------------

- 1.2. This Protocol is in line with statutory guidance, national policy frameworks and best practice (Appendix 1 of the protocol document)
- 1.3. All considerations will be made with due regard to statutory obligations including the Human Rights Act 1998, the Equality Act 2010 and other government statutory guidance
- 1.4. It presumes that both parties will act within the actual and spirit of the law
- 1.5. It will be effective from 1st May 2017.
- 1.6. In this Protocol covers Gypsies and Travellers and other Travelling ethnic groups who have a nomadic lifestyle for all or part of the year.
- 1.7. The Protocol takes into consideration the fact that Halton Borough Council has provided a transit site (opened February 2009) within its ownership and management.
- 1.8. The Protocol accepts that many Gypsy and Traveller groups return directly to the transit site without encamping first and that this agreement is to cover those groups that do not go directly to the transit site.
- 1.9. The Protocol applies to all land which the Council either own or exercise rights or obligations over including highway land and public rights of way or with the agreement of the land owner, with regards to private land.
- 1.10. For the purposes of this protocol 'unauthorised encampment' relates only to trespass by Gypsies and Travellers on land they do not own as opposed to 'unauthorised development', where Gypsies and Travellers are developing land they themselves own, or with the permission of the landowner, without the necessary planning permissions

2. AIM

- 2.1. The Aim of this protocol is to:
- ensure an effective, efficient, fair and consistent approach to the management of unauthorised encampments
 - take account of the reasonable needs and expectations of both the settled and Travelling communities; and
 - enable the public sector partners to undertake their statutory responsibilities
- 2.2. This protocol acknowledges that:
- at any given time every member from the Travelling communities will require to stop either overnight or for a longer period

- the authority has an obligation to provide appropriate facilities to meet the needs and has done this by establishing the Warrington Road Transit Site
- the pitches, when available on the transit site, are considered 'suitable' for the purpose of police powers
- the authority & the Police must ensure that any unauthorised encampments are handled in the most appropriate way
- all parties, be they settled community or Traveller, have both rights and responsibilities

2.3. It is the aim of Halton Borough Council and Cheshire Constabulary that all Travelling groups visiting or passing through the area will always stay on the Warrington Road Transit Site

3. THE MANAGEMENT PRINCIPLE

3.1. The partners agree:

- an unauthorised encampment will always be defined as such; and
- powers exist to take immediate action and there is a presumption to use s62a-e CJPOA 1994 to direct to the Warrington Road Transit Site.
- to work together in partnership and proactively to manage all encampments

3.2. There is an understanding that under very special circumstances the use of s62A-E CJPOA 1994 is not appropriate and

- there will be a need to 'accept'/tolerate an encampment for an agreed time limited period supported by the use of s77/s78 CJPOA 1994
- or the use of s61 CJPOA 1994 is the appropriate power

3.3. The main factors to be considered:

- Are there suitable, available pitches on the Council transit site?
- Are the group allowed on site?
- Are there any considerations to stop the group moving onto the transit site?
- Are there enough available resources, both Council and Police, to support the use of s62a-e, if required?

3.4. The above factors will be covered in the assessment proforma (Appendix 2 of the protocol document and included at the end of this document)

4. HOW IT WILL BE IMPLEMENTED

4.1 Please see flow chart showing the full process (Appendix 3 of the protocol document)

- conduct a joint initial visit to the encampment (police and council)
- carry out initial welfare enquiries and sign the Travellers up to the Good Neighbour Code (Appendix 4 of the protocol document)
- inform the group the Council has a transit site and the implications of this
- consider the issues and circumstances and involve police and any other relevant agencies. Complete assessment proforma documenting all the information

4.2 The protocol will be followed at all times; the Council will provide an out of hour's service, covering weekends, to support the protocols implementation. This will be reviewed quarterly.

5. WHAT THE LOCAL AUTHORITY WILL DO

5.1. Halton Borough Council will;

- nominate officers to deal with unauthorised encampments, who will be briefed on policy and procedure and trained to undertake their duties effectively including understanding the needs and expectations of the Gypsy and Traveller community. (GTLO)
- recognise and respect the reasonable rights & responsibilities of both the Travelling and settled communities.
- provide a 'suitable' pitch on a council owned and managed appropriate site within the borough.
- work in partnership with the police to move the Travellers to the transit site as soon as possible
- provide an out of hours service on a weekend, sharing the relevant contact details with the police (Appendix 5 of the protocol document)

5.2. Halton Borough Council has in place a traffic light system for designating land within its own borough and provides a transit site where Travelling groups can stay for an agreed period of time

- **Green** – this is covered by an available pitch on the councils transit site
- **Amber** – small groups travelling through the borough and staying one night (OOH)
- **Red** – any other land

5.3 If it is necessary to allow the unauthorised encampment to remain the authority will;

- proactively manage the encampment in partnership with the police
- carry out full welfare assessments
- consider the issues and circumstances and involve police and the health care professionals and any other relevant agencies. Complete a decision matrix documenting all the information
- agree the duration of the encampment with the group and back up with a section 77 CJPOA 1994
- inform and sign up the Travellers of the Good Neighbour Code
- provide any necessary health and welfare advice, signposting to the appropriate services
- provide adequate facilities for the storage and subsequent removal of refuse.
- consider access to fresh water and porta-loos at a cost to the Travellers
- provide a point of contact for both Travellers and the settled community and visit the encampment regularly.

- liaise with local residents and businesses to consider any issues of concern, help resolve any tensions and explain the basis of the decision to allow the encampment to remain.

6. WHAT CHESHIRE CONSTABULARY WILL DO

6.1 The police will

- nominate officers to deal with unauthorised encampments, who will be briefed on policy and procedure and trained to undertake their duties effectively including the needs and expectations of the Gypsy & Traveller communities. There are 2 officers based in the Cheshire and Warrington Traveller Team. (CWTT)
- recognise and respect the reasonable rights & responsibilities of the Travelling and settled communities.
- work in partnership with the local authority's GTLO in gathering information in regards to the welfare checks and conduct an initial assessment of the encampment
- act as the Single Point of Contact (SPOC) for the Locum Inspector, the Force Incident Manager and the Critical Incident Manager, dealing with the encampment. Informing them of any issues/concerns which may affect the use of s61 & s62A-E CJPOA 1994.

7. EXPECTATIONS OF THE TRAVELLERS

- 7.1. It is acknowledged that there can be tensions between the settled and Gypsy and Traveller communities, any issues should be reported to the police.
- 7.2. If it is proposed to allow an encampment to remain for an agreed period there are a number of considerations which the partners can reasonable expect from the Travelling communities.
- respect the agreement made with the council and police
 - be accountable for their behaviour towards the local residents and businesses
 - Good Neighbour Code which the Gypsies and Travellers agree and sign up to.

8. EXPECTATIONS OF THE LOCAL COMMUNITY

- 8.1. It is acknowledged that there can be tensions between the settled and Gypsy and Traveller communities, any issues should be reported to the police.
- 8.2. The settled community will be expected to;
- respect the agreement to allow the group to stay for an agreed period
 - be accountable for their behaviour towards the Travelling communities

9. WELFARE CHECKS

- 9.1. When an unauthorised encampment first arrives a joint visit will be required to inform the group there is a transit site within the borough and carry out an initial

assessment, covering immediate welfare issues, vehicles and any reasons why the group cannot move to the site.

- 9.2. Where Section 62a-e CJPOA 1994 is being suggested the full welfare assessment can be carried out once the group arrive on the transit site.
- 9.3. Where Section 61 CJPOA 1994 is being considered the welfare information needs to be readily available, as it is necessary to support the decision making process.
- 9.4. The outcome of such enquiries must be taken into account irrespective of which specific enforcement legislation is being considered.

10. USE OF POWERS

- 9.1. For the purpose of this protocol in the main we are referring to the police powers s61 and s62A-E CJPOA 1994
- 9.2. For the purpose of this protocol in the main we are referring to the council powers s77 and s78 CJPOA 1994.

11. DECISION MAKING

11.1 Section 61 CJPOA 1994

Where a need to take immediate action can be shown, then the use of powers available to the Police should be considered at an early opportunity. Whether to use such powers remains an operational matter for the Police but the rationale behind the outcome will be shared with the Local Authority.

11.2 Section 62a-e CJPOA 1994

There is a presumption that the Travellers, on any unauthorised encampment, will be directed to the transit site, unless otherwise agreed.

- 11.3. Decisions to use any Police Powers will normally rest with an Officer not below the rank of Inspector and will be taken in line with existing Force Policy, national guidance and this protocol. The Police & the authority's GTLO will ensure that all the relevant information is available to assist in the decision making process.
- 11.4. Whenever possible such decisions should follow full consultation between the respective decision makers, and the rationale behind the outcome carefully documented in case of legal challenge.
- 11.5. Such decisions must be:
 - Lawful, taking into account legislation and policy.
 - Reasonable and proportionate in the legal sense
 - Balanced, taking into account the rights and responsibilities of both those on the encampment and local businesses and residents.
- 11.6. The availability of suitable pitches at authorised sites or transit facilities will be an essential consideration. This information will be maintained by the GTLO for the authority (Contact details are set out in Appendix 5 of the protocol document)

12. COMMUNICATION

- 12.1. Where an encampment is being permitted to remain on a temporary basis residents and businesses in the vicinity will be informed & visited if necessary.

- 12.2. Information will be made available through the call centre for people wishing to get information and the contact details of the partners GTLO's will be made available.
- 12.3. Information about the arrangements will also be given to the local ward members and portfolio holders.
- 12.4. Copies of this protocol and Equality Analysis (EA) will be
- provided in appropriate forms to the Travelling communities using national and local groups and networks
 - briefed within the participating organisations at both member and officer level
 - be available on the councils web pages.

13. MONITORING

- 13.1 The effectiveness of this Code and the number type and impact of unauthorised encampments will be monitored by the Halton Gypsy & Traveller liaison Group or a separate project group involving all the partners.
- 13.2 It will be reviewed every 3 months for the first year and if required, any changes will be agreed with the partners and implemented.

14. CONSULTATION

- 14.1 This protocol is to formalise an agreement between Halton Borough Council and Cheshire Constabulary which has been done since February 2009.
- Therefore there is no need to have a formal consultation process.

15. EQUALITY ANALYSIS- not completed.



S.62A-E: Assessment & Decision



Incident No. & Date		Private		Council	
---------------------	--	---------	--	---------	--

Location				Postcode	
----------	--	--	--	----------	--

ARE THERE ANY AVAILABLE PITCHES?	Y		N		NUMBER
---	----------	--	----------	--	---------------

Are they excluded from the site?	Y		N		If YES why? (e.g. arrears/ASB)
----------------------------------	---	--	---	--	--------------------------------

Gypsy		Irish Traveller		other	
-------	--	-----------------	--	-------	--

Number of adults by age & gender				Number of children by age and gender			
----------------------------------	--	--	--	--------------------------------------	--	--	--

Male	16-64		+65		0-4		5-10		11-15	
------	-------	--	-----	--	-----	--	------	--	-------	--

Female	16-64		+65		0-4		5-10		11-15	
--------	-------	--	-----	--	-----	--	------	--	-------	--

Total	16-64		+65		0-4		5-10		11-15	
--------------	--------------	--	------------	--	------------	--	-------------	--	--------------	--

Total number of families		Number of workmen	
--------------------------	--	-------------------	--

Number of trailers		Number of work vans	
--------------------	--	---------------------	--

Number of cars		Number of work trailers	
----------------	--	-------------------------	--

Number of campervans		Total no. of vehicles	
----------------------	--	------------------------------	--

Vehicle problems	Y		N		Explain:
------------------	---	--	---	--	----------

Animals	Y		N		Explain:
---------	---	--	---	--	----------

Is anyone currently receiving emergency medical care or treatment for a serious medical condition? (if YES, please include details of the condition and the dates/location of next treatment):					
--	--	--	--	--	--

Does anyone require an urgent referral to a healthcare professional? (If YES, state nature of illness and reason for urgency):					
--	--	--	--	--	--

Are any members of the group pregnant and in need of advanced care, or given birth within the last 3 weeks? (if YES, please include details):					
---	--	--	--	--	--

Are there any reasons (evidence will be sought) which would preclude the group from moving to the Transit site? (If YES, give reasons):					
---	--	--	--	--	--

Attending Officers comments (police & council)– to include any factors which would impact the decision to apply or suspend powers under s.62 A-E					
---	--	--	--	--	--

DECISION	S.62A-E		ACCEPT		
-----------------	----------------	--	---------------	--	--

Name & Position			Name & Position		
-----------------------	--	--	-----------------------	--	--

Signed			Signed		
--------------	--	--	--------------	--	--

Date/...../.....			Date/...../.....		
------------------------	--	--	------------------------	--	--

ADDITIONAL INFORMATION/UPDATE

DRAFT

Name & Position

Signed

Date/...../.....

Name & Position

Signed

Date/...../.....