

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Housing &amp; Major Projects Policy Development &amp; Scrutiny Panel</b>	
MEETING DATE:	<b>23rd September 2014</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	<b>Lower Bristol Road Gypsy &amp; Traveller Site – Nominations Policy</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1: Draft		

### **1 RECOMMENDATION**

- 1.1 That the panel consider, and comment, on the proposed allocation policy attached in appendix 1.

### **2 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 2.1 There are no direct financial implications arising from this report.

### **3 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 3.1 There are three principle statutory considerations in relation to the provision of Gypsy and Traveller sites, these being:
- The Housing Act 2004 which places a duty on local housing authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers, known as a Gypsy & Traveller Accommodation Assessment (GTAA). The most recent GTAA, completed in 2012, identified a significant and unmet need for Gypsy & Traveller pitches within the area. The Act also requires local housing authorities to include the needs of Gypsies and Travellers in any housing strategy they produce in line with the Local Government Act 2003 and to take any such strategy in to account in exercising their functions.

- The National Planning Policy Framework guidance places a requirement on local authorities to set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of their area, as informed by the GTAA. In addition to setting pitch targets local authorities are required to identify a supply of specific deliverable sites, sufficient to provide five years' worth of sites against the locally set targets. There is also a requirement to plan for a further 10 years' supply of sites.
  - Whilst the Equalities Act 2010 does not define race case law has established that Roma gypsies and Irish travellers are covered by the protected characteristic of race for the Equality Act 2010. Local authorities have a duty under this Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.
- 3.2 In addition the nominations policy has been informed by the Housing Act 1996 (as amended by the Homelessness Act 2002 and Localism Act 2011); the Allocation of Housing and Homelessness (Eligibility)(England) Regulation 2006 and the Allocation for Accommodation Guidance for Local Housing Authorities in England (June 2012).

## 4 THE REPORT

- 4.1 On the 4<sup>th</sup> June 2014 Development Control Committee approved a planning application, submitted on behalf of the Council, for the development of a 13 pitch gypsy and traveller site on the land adjacent to the Lower Bristol Road.
- 4.2 To meet the conditions of the HCA grant, and to ensure that appropriate site management experience is secured, the scheme will be developed and managed by a Register Provider. Following an appropriate procurement exercise Elim Housing have been selected as the Council's preferred partner.
- 4.3 The site will comprise of 8 permanent pitches (also known as residential pitches) and 5 temporary pitches (also known as transit pitches). The transit pitches will be allocated by the Registered Provider on a "first come" basis to eligible households transiting the district. However, the Council retains nomination rights to the permanent pitches. As such the Council is required to produce a nominations policy which articulates how the pitches will be allocated.
- 4.4 The proposed nomination policy, attached in appendix 1, has been designed, where possible to mirror the existing Homeseach Policy which sets out how traditional social housing is prioritised and allocated. The gypsy & traveller allocation policy is therefore based upon the principles of balancing assessed housing need, time on list and choice. Applicants who apply to go on the waiting list will be placed into one of three groups. When a pitch becomes available applicants who are on the waiting list can then express an interest in the pitch. It will then be offered to the household in the highest group, and if more than one household is in the same group, time on list. It should be noted that the Council reserves the right not to nominate. The three bands cover the following categories:
- Group A – local households who have a priority need;
  - Group B – local households who do not have a priority need;
  - Group C – households who are not local to Bath & North East Somerset

4.5 An equalities impact assessment has been completed as part of the development of the proposed allocations policy. The assessment did not suggest any amendments.

## 5 RATIONALE

5.1 The Council is required to adopt and publish a housing allocations policy which articulates how social housing is allocated. The implementation of this policy will ensure that the allocations create balanced communities where people choose live, make the best use of the housing stock and ensuring that those in greatest need are prioritised.

## 6 OTHER OPTIONS CONSIDERED

6.1 None

## 7 CONSULTATION

7.1 The policy has been developed with extensive consultation. This has included gypsy & traveller households; interested partners and other experienced Councils.

## 8 RISK MANAGEMENT

8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	