

Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople

Supplementary Planning Document

November 2022

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1. INTRODUCTION

- 1.1 This draft Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople: Supplementary Planning Document (SPD) (otherwise known as 'Allocation Scheme SPD) contains guidance to support the implementation of Policy SL22 of the adopted Runnymede 2030 Local Plan which is concerned with meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople (referred to hereafter as Travellers). Specifically, it seeks to provide further clarity on how the part of the policy on page 100 of the Local Plan, which is concerned with the provision of new pitches and plots on sites allocated through the Local Plan, should be applied.
- 1.2 Once adopted, this SPD will be a material consideration in the Council's determination of planning applications which come forward on the relevant allocated sites.
- 1.3 This draft SPD is open for public consultation from Wednesday 16th November to Wednesday 21st December 2022. Any comments should preferably be returned by e-mail to planningpolicy@runnymede.gov.uk or alternatively can be posted to: -
Planning Policy and Economic Development
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey, KT15 2AH
- 1.4 All representations made during the course of the consultation must be made in writing and arrive by the close of the consultation period. Anonymous representations will not be accepted. Any comments that could be construed as derogatory towards any particular individual or group will not be recorded or considered.
- 1.5 Copies of comments received during the course of the consultation, or a summary of them, will be made available for the public to view on the Council's website. Comments therefore cannot be treated as confidential. Personal details will be redacted prior to publishing. Data will be processed and held in accordance with the Data Protection Act 2018.
- 1.6 If you have any queries or require any further information, please call the Council's Customer Services team on 01932 838383 or email planningpolicy@runnymede.gov.uk.

2. BACKGROUND

2.1 The adopted Runnymede 2030 Local Plan allocates 10 plots for Travelling Showmen at the Longcross Garden Village and 35 new pitches across 9 housing allocation sites (this includes the retention of 2 existing unauthorised pitches).

2.2 Local Plan Policy SL22: Meeting the Needs of Gypsies, Travellers and Travelling Showpeople states the following:

Where traveller pitches are required to be provided on sites allocated through this Local Plan, the Council will secure their delivery through the imposition of appropriate planning conditions or obligations attached to any planning approval granted. Those obligations will include an appropriate management agreement including measures to secure:

- *Phasing of site delivery and trigger points to secure early delivery, proportionate to the site delivery;*
- *Measures to ensure the site is secured in perpetuity for Gypsies, Travellers or Travelling Showpeople (in accordance with the relevant definition from the Planning Policy for Traveller Sites, or any replacement guidance) as appropriate;*
- *A policy for Allocation (to preserve access for those with local connection); and,*
- *Further to Policy SL20, consideration of delivery of a proportion of the pitches or plots at below market rate, as affordable housing, based on evidence of need as set out in the Council's latest GTAA and viability at the time of the application. This consideration applies to both the provision of pitches or plots on site and in cases where provision is proposed off site.*

2.3 This SPD seeks to provide further guidance on how this part of the policy should be interpreted.

2.4 For the avoidance of doubt, the Allocation Scheme **ONLY** relates to the pitches and plots specifically allocated through the Runnymede 2030 Local Plan on the following sites:

Policy reference	Site address	No. of allocated pitches/plots
SD9	Longcross Garden Village	10 plots
SL6	Pycroft Road, Chertsey	5 pitches
SL7	Thorpe Lea Road North	2 pitches*
SL8	Thorpe Lea Road West	3 pitches
SL10	Virginia Water South	2 pitches
SL11	Parcel B, Vet Labs Site, Addlestone	2 pitches
SL12	Ottershaw East, Ottershaw	2 pitches
SL14	Parcel A, Chertsey Bittams, Chertsey	5 pitches
SL15	Parcel B, Chertsey Bittams, Chertsey	2 pitches
SL16	Parcel C, Chertsey Bittams, Chertsey	12 pitches*

*number includes the retention of an existing unauthorised pitch on the site

3. THE PITCHES AND PLOTS BEING OFFERED: General Information

- 3.1 In line with Policy SL22 of the Local Plan, the Council is looking to secure the delivery of permanent pitches and plots for Travellers and:
- Prioritise them for those who meet the planning definition set out in the Planning Policy for Traveller Sites (PPTS) (2015) (or any future iteration of the PPTS/replacement definitions issued by the Government); and,
 - Preserve them for those who have a local connection to the Borough of Runnymede in the longer term (as defined in chapter 4)
- 3.2 The identified accommodation needs for the Borough's Travellers will, in part, be met through the provision of new pitches and plots on sites allocated for development through the Runnymede 2030 Local Plan. The expectation is that the great majority (if not all) of the allocated pitches and plots will be market products which will be sold or let privately by the site owners to Traveller households determined to be eligible by the Council through the application of this Allocation Scheme SPD. Chapter 4 of this Scheme contains details of how the pitches and plots will be prioritised. This prioritisation will be applicable to all pitches (whether market or affordable). Chapter 6 sets out additional eligibility criteria which will be applicable for affordable products.
- 3.3 The allocated pitches for Gypsies and Travellers which the Council is seeking to secure the delivery of, are located in different parts of the Borough. Plots for Travelling Showpeople are only being offered in Longcross.

Prioritising the pitches and plots for eligible Gypsies and Travellers.

Local Plan Policy SL22 requires the Council to implement measures to ensure that the allocated pitches and plots are secured in perpetuity for Gypsies, Travellers and Travelling Showpeople (in accordance with the relevant definition from the Planning Policy for Traveller Sites, or any replacement guidance). This wording in Policy SL22 means that the allocated pitches and plots will be prioritised initially and in the longer term for those Travellers who still lead a nomadic way of life specifically through travelling for employment purposes (even if travelling has paused for a temporary period), and for those who have a local connection to the Borough. To comply with these policy requirements, a suitably worded planning condition or obligation will be attached/secured for each of the allocated sites to secure the aims and objectives of Policy SL22 and this SPD. This condition/obligation would be enforceable by the Local Planning Authority if a breach occurs.

- 3.4 A Gypsy and Traveller scheme will be required under any S106 produced for each of the allocated sites. A Gypsy and Traveller Scheme in this context means a scheme to be submitted to and approved in writing by the Council dealing with the following:
- The delivery of the Gypsy and Traveller Pitches on the Gypsy & Traveller Land;
 - The valuation and marketing of the Gypsy & Traveller Pitches;
 - The disposal and future re sale/sub-letting of the Gypsy & Traveller Pitches; and
 - The maintenance of the Gypsy & Traveller Pitches;
- 3.5 The developer/landowner will be required to submit their Gypsy & Traveller Scheme to the Council for written approval prior to occupation of a certain number of the dwellings on the wider allocation (the number of dwellings that can be occupied before the Scheme is submitted for approval will be set out in the S106 agreement). Under bullet point 3 above, the landowner/developer will be expected to set out how they intend to make purchasers aware

of the restrictions on the occupation of the pitches and how they will make purchasers aware of the steps they need to follow if they intend to sell their pitch or let it at a future date.

Timescale for the delivery of the allocated pitches/plots

- 3.6 It must be remembered that the timing of the delivery of the pitches and plots on the allocated sites (whether market or affordable) is largely controlled by the relevant developers. It may be at the time of an interested party submitting their application form in response to this allocation scheme SPD, that none of the pitches or plots have yet been delivered or are due to be delivered imminently. The Runnymede 2030 Local Plan covers the period up to 2030, and as such, at the time of publishing this Allocation Scheme there are over 7 years of the plan period remaining over which pitches and plots on the allocated sites could be delivered. Policy SL22 of the Local Plan does however require delivery of the allocated pitches and plots on each site, proportionate to the overall site delivery.
- 3.7 The Council's Housing Solutions team will seek to provide advice and/or assistance to any party who applies through the Allocation Scheme SPD and who has an emergency need for housing.

If after submitting an application for one of the allocated pitches/plots, an applicant's circumstances change, they will need to contact the Council's Housing Allocation team as it could affect their eligibility for a pitch/plot.

Alternative users

If within the time period specified in the Section 106 legal agreements for each of the development sites allocated in the Local Plan it has not been possible to secure the disposal of the allocated pitches/plots to Travellers who meet the relevant planning definition and have a local connection to the Borough (in line with the requirements set out in chapter 4 of this Scheme), the Council will allow the pitches and plots to be purchased/occupied by Gypsies and Travellers who can demonstrate a local connection to the Borough, but who do not meet the planning definition of a traveller. This is to meet an identified need for culturally appropriate accommodation for Gypsy and Traveller households who do not meet the planning definition, as identified in the Council's 2018 GTAA. More information on this point is provided in chapter 4.

- 3.8 Therefore any Traveller who applies for a pitch/plot through this Allocation Scheme will have their details retained by the Council until all of the allocated pitches and plots have been sold/occupied. More information on this point can be found in chapter 9 of this document. Once all the pitches/plots have been sold/occupied initially, any remaining applicants will be retained on the Council's waiting list for future sales or re lets unless they ask to be deleted.

Sub-letting of pitches and plots

- 3.9 If a Traveller household acquires a pitch/plot and then decides to sub-let it to another Traveller household, the Council will need confirmation in writing that the prospective occupier is eligible to reside on the pitch/plot when assessed against the criteria in this Allocation Scheme SPD.

4. ELIGIBILITY AND PRIORITISATION OF PITCHES/PLOTS

4.1 This chapter sets out the criteria that interested parties must comply with in order for the Council to confirm that they will be prioritised to purchase/rent one of the pitches or plots on one of the allocated sites listed in Chapter 1 of this document. For the avoidance of doubt, the eligibility criteria set out in this chapter apply to both market and affordable pitches. In broad terms, to be immediately eligible for a pitch (and therefore be given the highest level of priority or 'priority A'), applicants must demonstrate that they have a local connection to the Borough, and also that they meet the planning definition of a Gypsy, Traveller or Travelling Showperson for planning purposes as defined by the Planning Policy for Traveller Sites (PPTS) 2015 (or any subsequent replacement national policy issued by the Government). More information on both of these points is set out below.

Local connection

4.2 Allocated pitches and plots will be preserved for those with a local connection to the Borough. This is in line with the requirement set out in Policy SL22 of the Runnymede 2030 Local Plan. To be eligible for one of the allocated pitches or plots, an applicant must demonstrate that they meet at least one of the following criteria:

a) Residence

- You or a permanent member of your household live in the Borough of Runnymede and have done so for at least three of the past five consecutive years or six out of the last 12 months if an applicant is homeless, or;
- You or a permanent member of your household have resided on a site(s) within the Borough of Runnymede which you have used as winter quarters for at least three out of the past five consecutive years (SHOWMEN ONLY).

b) Employment

- You or a permanent adult member of your household are currently employed within the administrative boundary of Runnymede Borough Council and have been for at least three of the past five consecutive years¹, or;
- You or a permanent adult member of your household have regularly traded at fairs, shows and events within the administrative boundary of Runnymede Borough Council for at least three of the past five consecutive years (SHOWMEN ONLY), or;
- You or a permanent adult member of your household have regularly carried out paid employment as part of self-employment within the administrative boundary of Runnymede Borough Council for at least three of the past five consecutive years.

c) Residence through a family member, with unique health / welfare need

- You or a permanent member of your household have an ongoing unique/exceptional health and/or welfare reason to live in Runnymede. This is based on a specific health service which

¹ Work should not be of a marginal or ancillary nature and whilst every case will be considered on its own merits, generally it will be expected that applicants can demonstrate that they work for at least 16 hours per week.

only exists in Runnymede and cannot be accessed elsewhere, and which can be evidenced by professionals supporting the household currently.

- 4.3 In this section, unique/exceptional means that the care/support need is unique to a specific health service in the Borough of Runnymede, and cannot be provided anywhere else, including where the applicant currently lives. Support from friends or relatives living in the Borough is not a ground for exceptional need if support is already, or can be, achieved where the applicant currently resides, whether through professional / statutory services, or informal support which may involve travelling. Exceptional and specific health care will have to be evidenced by health professionals currently engaged with the applicant and will be assessed by the Independent Medical Advisor. This ground is meant for exceptional and unique circumstances only. The Council will not pay for any medical reports or other evidence. It is the responsibility of the applicant to provide such evidence in all cases.
- 4.4 In this section, a permanent member of the household means someone who can evidence that they reside with an applicant on a full time basis and have done so for at least the last 12 months consecutively.

Meeting the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes

- 4.5 Beyond demonstrating a local connection to the Borough, to be given the highest level of prioritisation for a pitch/plot ('Priority A'), applicants will also need to demonstrate that they (or a permanent member of their household) meet the planning definition of a Gypsy, Traveller or Travelling Showperson. This approach is in line with Policy SL22 which requires the following to be demonstrated for allocated sites:

'Measures to ensure the site is secured in perpetuity for Gypsies, Travellers or Travelling Showpeople (in accordance with the relevant definition from the Planning Policy for Traveller Sites, or any replacement guidance) as appropriate'.

- 4.6 Specifically, applicants will need to demonstrate that at least one permanent member of their household meets one of the definitions set out in the Planning Policy for Traveller Sites (PPTS) (2015) (or any replacement guidance subsequently issued by the Government). The definitions contained in the PPTS are as follows:

1. For the purposes of this planning policy "gypsies and travellers" means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

2. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

- 4.7 3. For the purposes of this planning policy, “travelling showpeople” means: Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above. Any applicants identifying as Travelling Showpeople or Circus People will be asked on their application form to confirm their membership number with either the Showmen’s Guild, or one of the other organisations listed below for verification purposes.
- The Showmen’s Guild of Great Britain
 - The Society of Independent Roundabout Proprietors
 - The Association of Independent Showmen
 - The Association of Circus Proprietors
 - The Amusement Catering Equipment Society

The applicant will be asked to agree to the sharing of the relevant information from their application form (limited to their name, membership number and any details of fayres attended) to any of the above listed organisations which they confirm they are a member.

- 4.8 In line with the requirements of policy SL22, the allocated pitches and plots will be prioritised for those Traveller households who meet the planning definition and as such will not initially be made available to members of the travelling community who have ceased travelling permanently. The application form produced by the Council for interested parties to complete seeks confirmation as to whether the applicant (or a permanent member of the household) still leads a nomadic way of life, and if he/she/the whole household has ceased to travel for a temporary period, the reasons why. Where travelling has ceased temporarily, applicants will also be asked to confirm when in the future they anticipate recommencing travelling.
- 4.9 In such cases, the Council will need to consider the evidence provided about why travelling has ceased and when it is likely to recommence to draw conclusions as to whether they are satisfied that the travelling has only ceased temporarily. If the Council is not satisfied that this is the case, applicants will be deemed to not meet the planning definition of a Traveller and their prioritisation for an allocated pitch or plot will be downgraded accordingly to the ‘Priority B’ banding.
- 4.10 Applicants will be given the opportunity to provide a supporting statement outlining why they (or a permanent member of their household) believe they meet one of the definitions of a Gypsy, Traveller or Travelling Showman as set out in the PPTS as part of their application.
- 4.11 As set out in chapter 3 of this document, if within the time period specified in the Section 106 legal agreements for each of the allocated sites it has not been possible to secure the disposal of the allocated pitches/plots to Travellers who meet one of the relevant planning definitions and have a local connection to the Borough, the Council will make the pitches and plots available to Gypsies, Travellers and Travelling Showpeople with a local connection to the Borough who do not meet the planning definition. The two different levels of priority are summarised below:

Priority A-applicants who meet the planning definition of a Gypsy, Traveller or Travelling Showman in line with the PPTS (or any subsequent replacement national planning policy) and who have a local connection to the Borough;

Priority B- Applicants who have a local connection to the Borough and are Gypsies, Travellers or Travelling Showmen but who do not meet the Planning definition contained in the PPTS (or any subsequent replacement national planning policy)

When will Priority B applicants become eligible for allocated pitches and plots?

- 4.12 Whether for initial sales or lets or future sales/re-lets, the Council will only allow the allocated pitches and plots to be offered to 'Priority B' applicants once it has been demonstrated that they have been comprehensively marketed for the period agreed in Gypsy and Traveller Scheme required as part of the S106 agreement and at a fair market price. A marketing report must be provided to the Council which sets out:
- how the pitch/plot has been advertised (including details of any on line promotions or advertising through certain bodies (for example Friends, Families and Travellers).
 - The price advertised at and details of when any price reductions occurred;
 - Details of numbers of viewings and feedback given;
 - Details of any offers received and any explanation required if offers were not accepted.
- 4.13 If the Council agrees that the pitch/plot has been marketed comprehensively and at a fair market price for the specified period, but it has not been possible to dispose the pitch/plot to a 'Priority A' household, then Priority B applicants would become eligible to acquire a pitch/plot.
- 4.14 A dispute resolution clause will be contained in the S106 agreements for each of the allocated sites and this will confirm the process that will be followed if there is a dispute about whether a pitch/plot has been advertised at a fair market price.

5. MARKET PITCHES AND PLOTS-ADDITIONAL INFORMATION

Setting the price of pitches and plots

- 5.1 It must be remembered that in the great majority of (if not all) cases, the pitches and plots on the allocated sites are being offered to the market by developers for private purchase. It is possible that a proportion of the pitches/plots may be affordable housing products and this is discussed in more detail in chapter 6 of this SPD. However the majority will be sold privately via a financial transaction between the developer and the Travellers who have been determined by the Council to meet the eligibility criteria set out in chapter 4 of this Allocation Scheme.

As set out at paragraph 3.4 of this SPD, the Gypsy and Traveller Scheme required to be submitted by the developer/landowner and approved by the Council as part of the s106 legal agreement for each of the allocated sites will be expected to set out a strategy for valuing and marketing the pitches/plots.

- 5.2 If interested parties do not have sufficient funds to purchase a private pitch or plot, they are still able to complete the eligibility questionnaire and express an interest in an affordable pitch/plot. More information on affordable pitches and plots can be viewed in the next chapter.

How should a developer determine if an applicant is eligible for a pitch/plot?

- 5.3 When an allocated pitch/plot on an allocated site is ready to be marketed, the developer should contact the Council and provide a copy of the pitch details. The Council can then send details of the available pitch to all eligible applicants on their waiting list (initially Priority A applicants only) to generate interest. Developers are also able, through marketing the pitches/plots to find other interested parties who are not on the Council's list of eligible applicants. However, in this scenario, before a sale is agreed, the prospective buyer found by the developer would need to contact the Council to have their eligibility verified. The Council will need to confirm that an applicant/potential purchaser not on their waiting list is eligible to acquire one of the allocated pitches/plots in writing before the sale/rental of the pitch or plot can be formally agreed.

Groups of Travellers can seek to acquire more than one pitch or plot on an allocated site for their own occupation as long as all individual households are assessed by the Council to be eligible to acquire them at the time of their offer on an allocated pitch/plot.

- 5.4 Chapter 4 should be referred to for further detail of the categories of prioritisation and for information on when Priority B applicants are able to acquire an allocated pitch/plot.

6. AFFORDABLE PITCHES AND PLOTS

6.1 If interested parties do not have sufficient funds to purchase a market pitch or plot, they are still able to apply for a pitch/plot and if eligible, their details will be kept on record and consideration will be given to their applications if any affordable pitches and/or plots are proposed by the developers of the allocated sites. There is a section within the application form where interested parties can indicate an interest in an affordable pitch.

6.2 Policy SL22 sets out the following in relation to the allocated pitches/plots:

Further to Policy SL20, consideration of delivery of a proportion of the pitches or plots at below market rate, as affordable housing, based on evidence of need as set out in the Council's latest GTAA and viability at the time of the application. This consideration applies to both the provision of pitches or plots on site and in cases where provision is proposed off site.

6.3 The Council will consult its most up to date Gypsy and Traveller Accommodation Assessment and/or any other relevant evidence on the need for affordable pitches at the time of considering each planning application on the allocated sites to determine whether there is a need for affordable/pitches or plots to be provided.

6.4 Even if the Council decides that there is insufficient evidence to require a developer to provide an affordable pitch/plot, it may be the case that individual developers wish to provide affordable pitches or plots regardless and can secure a registered provider to purchase the pitches/plots. Providing that there are sufficient eligible applicants for affordable pitches from interested parties who apply through this Allocation Scheme SPD, the Council would look favourably on affordable provision on the allocated sites.

Prioritisation of Applicants for affordable pitches and plots

6.5 Paragraph 4.11 of this Allocation Scheme SPD sets out how applicants will be prioritised for pitches and plots. Beyond this, should any of the pitches/plots be affordable products, and should the demand for affordable pitches (as evidenced through the number of eligible applicants who apply through this Allocation Scheme) exceed supply, the Council will assess which of the following banding criteria applies to each applicant where 1 indicates those who will be attributed the highest level of banding within their priority category, and where 5 is the lowest.

6.6 Where more than one applicant has the same level of priority (as described in chapter 4, para 4.11) and the same level of banding (in line with the criteria set out below), the applicant who joined the waiting list first will be given the higher overall level of priority for a pitch/plot.

BAND 1-Homeless households

Reg 175(2) of the Housing Act 1996 (as amended) deals with homelessness and threatened homelessness, stating that, a person is homeless if he has accommodation but—(b)it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it. Under Section 166A(3) of the Housing Act 1996, the Council should give 'Reasonable Preference' to people with high levels of assessed housing need including all homeless people as defined in

Part VII of the Housing Act 1996, including people who are intentionally homeless and those who are in priority need.

The Council is aware of Gypsies and Travellers who have previously passed through the Borough or resorted to land within the Borough to site their caravans and who have stated that they have no lawful location to place or reside in their caravan. Such individuals are considered to meet the definition of a homeless household and would be prioritised for an affordable pitch/plot if they meet the eligibility criteria set out in this Allocation Scheme.

It is considered that the definition of homelessness would also be met by Gypsies and Travellers who reside on unauthorised sites in the Borough, or who reside on sites in the Borough which only benefit from a temporary planning consent, where this temporary period is approaching its end and the household has no lawful place to go. Again, such households would be prioritised for an affordable pitch/plot if they meet the planning definition of a Gypsy, Traveller or Travelling Showperson as contained in the PPTS.

BAND 2-Overcrowding

This category of prioritisation applies in the following scenarios:

a) The applicant has been assessed as statutorily overcrowded by the Council's Private Sector Housing Officer, provided that any overcrowding is not a result of deliberate actions or failure to adhere to housing advice. Assessments on properties located outside of the Borough of Runnymede will not be taken into account as it is for the local authority in which the property/mobile home is located to take appropriate action.

b) Where a household is statutorily overcrowded (see clauses 324-326 of the Housing Act 1985²).

BAND 3-Applicants living in unsatisfactory housing (including mobile homes) lacking basic facilities

This category of prioritisation applies to the following:

a) Applicants without access at all to any of the following facilities:

-Kitchen

-Bathroom

-Inside WC

-Hot or cold water supplies

b) Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s. 33 of the Housing Act 2004.

BAND 4-Medical or disability

This category of prioritisation applies where an applicant's housing is unsuitable for medical reasons, or due to their disability, but whose housing conditions directly contribute to causing

² <https://www.legislation.gov.uk/ukpga/1985/68/part/X/crossheading/definition-of-overcrowding>

serious ill health which could be rectified through securing an affordable pitch/plot through this Allocation Scheme.

- Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the applicant to provide. It must be current, relevant and specific to an applicant or a member of their permanent household's condition. The Council will not request or pay for any supporting evidence.
- The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application.
- Supporting evidence must be less than 6 months old at the time of any request submitted.

BAND 5-Welfare & Hardship

This category of prioritisation applies where an applicant's current accommodation is causing hardship and a move is required in order to receive care or support.

- This needs to be exceptional whereby the health care is unique to a specific health service in the Borough of Runnymede and cannot be provided anywhere else including in the area where the applicant currently lives.
- Support from friends or relatives living in the Borough is not a ground for welfare if support is already or can be achieved in the current Borough the applicant resides in, whether through professional services or informal support which may involve travelling.
- Exceptional and specific health care will have to be evidenced by health professionals currently engaged with the applicant and will be assessed by the Council's Independent Medical Advisor.
- Applicants who need to move due to domestic abuse / actual violence or threats of violence / extreme harassment / intimidation / hate crime. This may include where a move is necessary to protect a witness to criminal acts. Evidence may be sought from professionals engaged with the applicant. Extreme violence or harassment will be verified through the Police and / or other agencies as appropriate.
- This ground is meant for exceptional and unique circumstances only.

BAND 6-All other eligible applicants.

This banding will be applied to all other applicants to whom the above circumstances (in categories 1, 2, 3, 4 and 5) do not apply.

This banding will also apply to applicants that were originally assessed to have a higher banding, but who have failed to view 2 affordable pitches/plots that they were offered the chance to acquire in the last 12 months without reasonable cause and as assessed by an Allocations Officer.

7. ALLOCATION OF ANY AFFORDABLE PITCHES AND PLOTS CONTROLLED BY RUNNYMEDE BOROUGH COUNCIL

- 7.1 If the Council acquires any of the allocated pitches/plots for retention as affordable products, once the transfer of ownership has been completed, the pitch/plot will be allocated by the Council. It is the responsibility of the applicant to satisfy themselves at the point of viewing a property that they wish to make an offer to secure the pitch/plot.

Shortlisting, offering, viewing and letting of properties

- 7.2 Once the Council has an available or vacant pitch/plot, it will consider who has the highest combined priority and banding classification when assessed against the criteria in chapters 4 and 6 of this document. On this basis, the Council will select the applicants to view the available pitch/plot. These applicants will then have the opportunity to secure the pitch/plot.

Bypassing of applicants:

- 7.3 In some situations, a pitch/plot will not be offered to the applicant who has the highest combined prioritisation and banding. Applicants can be bypassed for a number of reasons and these are set out below:
- a) **Applicant is not ready to move:** Applicants may be bypassed where, they themselves decide they are not ready to move.
 - b) **Change in applicant's circumstances:** Applicants may be bypassed where there has been a change in their circumstances which makes them ineligible, including (but not limited to) change in medical requirements, or change in travelling status.
 - c) **Circumstances not confirmed:** Applicants may be bypassed where the required verification process has not been completed within the set timescales (usually 48 hours).
 - d) **No response from applicant:** Applicants may be bypassed where they have been contacted for information by the Council relating to their application and / or a potential offer of a pitch/plot and the applicant has not responded to that contact within a reasonable period of time. This may count as an unreasonable refusal, which may result in a downgrade in banding.
 - e) **Fraudulent application has been made:** An applicant may be bypassed where it has been found that false information has been given. This will usually lead to the application being disqualified from the Pitch and Plot waiting list.
 - f) **Applicant in negotiations/progressing an offer on another pitch/plot:** An applicant will be bypassed if they are in negotiations/progressing an offer for another pitch/plot which they have been offered and which has not been resolved.
 - g) **Applicant is ineligible or unsuitable for the property:** Applicants may be bypassed where their household does not meet the criteria for the property e.g. due to the household size not matching the property size.
 - h) **Anti-Social Behaviour:** Applicants may be bypassed where they or their family members have a recent history of significant antisocial behaviour.
 - i) **Rent arrears/debt (for affordable pitches only):** Applicants may be bypassed where they have current or former rent arrears and/ or other debts with any social or private landlord

which is not being satisfactorily repaid. This will usually lead to the applicant being disqualified from the Affordable Pitch and Plot waiting list. Statutory homeless applicants may be bypassed for this reason but individual circumstances will be assessed by the Council.

j) Community safety concerns: Applicants may be bypassed where there are community safety concerns/risks which relate to the applicant, or their household member(s) being placed in a particular pitch or area.

k) Sensitive letting: In exceptional circumstances, an applicant may be bypassed for a pitch/plot where they are not considered suitable due to management reasons. For example an applicant who has a history of substance dependency may be bypassed for a pitch/plot in an area where the Council is aware there are a number of other residents with substance dependency problems.

l) Special requirement of landlord: Some housing association landlords have very specific applicant criteria built into their allocation policies or charitable rules relating to ages of applicants or area of residence for example. These requirements will usually, but not always, be set out in the adverts and applicants who bid may need to be bypassed if the requirements are not met.

7.4 Applicants are able to request a review against being bypassed. See chapter 11 of this SPD for further details.

Viewings and offers

7.5 Once the selection of applicants is finalised (excluding any bypassed cases), viewings will be arranged by the Council for the pitches/plots in question

7.6 Only applicants made a provisional offer can view the pitch/plot, and the Council will not allow a representative to view on behalf of an applicant. An applicant can be accompanied by a representative or advocate, but notice must be given to the Council. The final decision to accept or reject a pitch/plot can only be made by the applicant. The Council will not discuss an offer of a pitch/plot or any part of an application with anyone other than the applicant unless there is written permission in place to do so.

7.7 Applicants are not allowed to informally view a pitch/plot. Arrangements for viewings need to be made with the Council directly. Viewings will only be via prior appointment, and when accompanied by an officer of the Council. The Council will not be held responsible for anyone entering a pitch/plot without an accompanied viewing appointment.

7.8 If the household with the highest combined prioritisation and banding does not want to view the pitch or plot in question, it will be offered to the household with the next highest combined priority/banding. See chapters 4 and 6 for further details on how applications are prioritised and banded by the Council.

Failure to view

For applicants who fail to view two pitches/plots which they are given the opportunity to view in a 12-month period without a reasonable cause, and as assessed by an Allocations Officer:

-An applicant will have their banding reduced to a 6 for 12 months from the date of the last failure to view.

-The reassessment to 'band 6: all other eligible applicants' will also mean a new registration date for that applicant and the loss of accrued time on the waiting list while in a previous higher banding.

- It is the responsibility of the applicant to complete a change of circumstances online to request reassessment after 12 months and the Council will not be responsible for any extended time in this lower banding due to an applicant's failure to request a reassessment.

8. EVIDENCE REQUIRED IN SUPPORT OF AN APPLICATION

- 8.1 The burden is on the applicant to satisfy the Council with appropriate information and evidence that s/he is potentially eligible for an allocated pitch/plot in Runnymede. This chapter summaries the types of information that will be required to support a person's application. The supporting information is also set out within the application form itself.

General requirements to prove identity (all applicants)

Applicants will be asked to provide one of the following to confirm their identity generally:
Copy of passport, driving license, birth certificate, identity card or suitable equivalent.

Applicants will also be required to demonstrate that they have the right to enter and stay in the UK; this complies with [Immigration Rules part 1: leave to enter or stay in the UK - Immigration Rules - Guidance - GOV.UK \(www.gov.uk\)](#).

Local connection (all applicants)

- 8.2 The following lists provide suggestions for the types of evidence that may be required in support of an applicant's claim that they have a local connection to the Borough:

Connection for employment purposes

- current payslips, the most recent P60 and/or bank statements to support local connection qualification through employment.
- a self-employed person (including applicants trading at fairs, shows and events), will need to provide the Council with evidence of an on-going viable venture.
- Historic (at least 12 months old) and current P45 or Payslip demonstrating the applicant's (or for the permanent adult member of the household who is seeking to demonstrate the employment link) address(es) of employment.
- Self-employment supporting statement; the applicant will be given the opportunity to provide any evidence that they feel is relevant to support their application.

Connection through living in the Borough

- Historic and potentially current utility bills demonstrating name and home address(es) of the applicant or the relevant member of the household seeking to demonstrate a local connection to the Borough on the grounds of residence.

Unique or exceptional health/welfare need

Supporting evidence from relevant and qualified health professionals which is current (less than 6 months old), relevant and specific to an applicant or a member of their permanent household's condition, who is seeking to demonstrate a local connection on this ground.

Additional requirements for applicants seeking an affordable pitch or plot

All prospective new tenants for any affordable pitches/plots will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, Housing Benefit, Council Tax Benefit (and successor Universal Credit), verification of income and savings will be required prior to applicants being offered accommodation.

Where, at the point of verification, an applicant's net income (or combined income) is greater than the income and / or savings limits as set out below, then an applicant(s) will not be eligible to access any affordable products on offer.

In order for applicants to be eligible for an affordable pitch/plot they will need to demonstrate that:

-They do not have assets (beyond their mobile home and/or touring caravan (and fairground rides/equipment in the case of Travelling Showmen)) or savings that exceed £16,000.

-They earn less than £30,000 per annum if they are a single person/couple household or £50,000 if they are a family.

Applicants may need to provide:

Current payslips, the most recent P60 and bank statements for all working members of the household.

In addition to the above, all applicants applying for an affordable pitch/plot must provide satisfactory evidence of past and current residences for themselves and all permanent household members for the past 5 years. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant fails to provide documentary evidence or other information reasonably required by the Council in order to validate the application.

Specifically, applicants will need to provide details of their current address and a 5-year address history (including details of any periods living on the roadside/no fixed abode), providing details of why previous periods of occupation came to an end.

9. DATA PROTECTION AND PRIVACY

9.1 Data collected from applicants in their applications for the allocated pitches and plots in the Borough will be processed in line with the Data Protection Act 2018. For the purpose of the Act, Runnymede Borough Council is the “Data Controller” and so is responsible for the information held.

Applicants, when completing the application form with the intention of acquiring one of the pitches or plots on one of the allocated sites will be required to agree that the Council can share relevant information they have provided with relevant agencies and departments, both within and outside of the Council, in order to process, assess, and verify their application, and subsequently determine if they are eligible for a pitch/plot. The Council may also need to request information from these agencies and departments. This may include information held by credit reference agencies, current or former landlords, government departments, health and/or social care providers and/or a representative agency for Gypsies, Travellers and Travelling Showpeople including the Showmen’s Guild of Great Britain..

9.2 Sensitive personal data such as racial or ethnic origin, criminal offences (including alleged offences) and physical and mental disabilities are required to be recorded under the Equal Opportunities Monitoring statute. Any data provided may be disclosed in accordance with the Freedom of Information Act, although all data will be anonymised.

9.3 Outside of the permissions given to the Council as described in paragraphs 9.1 and 9.2, the disclosure of information included on the application form to a third party is prohibited except on a “need to know” basis in the following circumstances:

- For the purpose of fraud detection, the prevention of crime and the promotion of community safety.
- Where disclosure is a legal requirement.

9.4 The personal data of all applicants who are found to be eligible for a pitch/plot (when assessed against the criteria in chapters 4 and 6 of this document) will be held by the Council until all of the allocated pitches/plots have been initially disposed of. Once all the pitches/plots have been sold/occupied initially, any remaining applicants will be retained on the Council’s waiting list for future sales or re lets unless they ask to be deleted.

9.5 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.

10. EQUAL OPPORTUNITIES AND MONITORING

- 10.1 The Council is committed to the principle of equal opportunities in the delivery of all its services. Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties, low levels of literacy/illiteracy or for another reason.
- 10.2 Confidential interview facilities are provided at the Civic Offices. There is full access to the Civic Offices for wheelchair users. Home interview services are available for applicants who are elderly or who experience mobility difficulties or have other vulnerabilities.
- 10.3 The Council will seek to ensure that the allocation scheme set out in this SPD is being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender, sexual orientation, disability, gender reassignment, pregnancy/maternity and religion. The information provided will be kept confidential and treated with respect.
- 10.4 All applicants applying for a pitch/plot will be asked to provide equalities information. Provision of this information will not be obligatory and not a requirement for acceptance of an application. However, such information will help the Council monitor the number and types of equality groups seeking a pitch/plot and therefore applicants will be strongly advised to provide this information. Equalities records will be monitored regularly to ensure pitches/plots are being allocated fairly.
- 10.5 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.
- 10.6 An Equalities Impact Assessment has been completed on the entirety of this scheme and can be viewed on request.

11. APPEALS AND REVIEWS

- 11.1 All applicants have the right to request general information about their application, including whether they are entitled to any preferential consideration (in line with the criteria set out in chapters 4 and 6).
- 11.2 All applicants will be informed in writing of the Council's decision on their level of priority and banding (the latter only where applicants are applying for an affordable pitch or plot). The written notification will give clear grounds for the decision which will be based on the relevant facts of the case. The applicant(s) will be informed of their right to request a review of the decision.
- 11.3 The appeal and review process is open to the following individuals:
- 1-An applicant who wishes to challenge the level of priority they have been assigned (chapter 4);
This will be because an applicant wishes to challenge one or both of the following:
 - The Council's decision on whether they meet the planning definition of a Gypsy, Traveller or Travelling Showman contained in the Planning Policy for Traveller Sites (or any subsequent replacement policy published by the Government).
 - The Council's decision in terms of whether they have a local connection to the Borough.
 - 2-An applicant who wishes to challenge the banding they have been assigned (chapter 6).

Review process

Pre-review stage:

- 11.4 Applicants who are unhappy with a decision made under this Scheme should in the first instance contact the Council's Housing Allocation Team and explain why they think that the decision is unreasonable. At this time, the Officer will explain in more detail why an assessment has been made. If the applicant remains dissatisfied, they can progress to the formal review stage.

Review process:

- 11.5 Applicants can submit a review request within 21 days of the date of the original decision. This review will be conducted by an officer senior to the decision maker. The review request should usually be in writing and outline clearly what the applicant's reasons for a review are, and what outcome they are seeking. The applicant will usually be notified of the outcome within 56 days of the Council receiving the review request. In exceptional cases, the Council may need more time to consider a review, and the applicant will be notified of this as early as possible.
- 11.6 Applicants will be invited to submit any further evidence to support their review request, and the Council may seek any further information that it requires to make a decision, including advice from medical or other specialist advisors.

Review of decision to bypass an applicant

- 11.7 Where an eligible applicant has been bypassed for a pitch/plot, and where they believe they were the highest placed applicant, then they can request a review of the decision.
- 11.8 Applicants who wish to request a review of the decision to bypass their application should follow the same process as laid out in paragraph 11.4 to 11.6 above.

12. COMPLAINTS

12.1 The Council has a formal complaints procedure. Applicants can use the complaints procedure if they believe:

- Something has been done badly or incorrectly in the service delivery;
- If something has not been done that should have been done;
- If the service has not been delivered in accordance with policies and procedures;
- If they have been treated in an impolite or discourteous manner.

12.2 All applicants who make a complaint will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in the Council's Complaints Procedure, copies of which are available on the Council's website (www.runnymede.gov.uk).

13. FRAUD

13.1 The Council works in partnership with the NFI and all applications are subject to a full credit checking process using independent companies contracted to the NFI. By making an application for an allocated pitch/plot an applicant is agreeing to this process. There is also a question on the application form which an applicant is required to answer regarding sharing of information with other agencies.

13.2 The Council will refer applications for verification through Fraud Services if there is any reason to suspect fraud and/or deception and this may lead to prosecution.

False or misleading information

13.3 Gypsy and Traveller pitches and plots are in short supply in the Borough. The pitches and plots being offered through this scheme will provide a much-valued opportunity for settled accommodation for those who qualify for it.

13.4 Therefore, the Council takes a strong approach to dealing with fraudulent applications and false information.

13.5 Under Section 2 and Section 3 of the Fraud Act 2006, an applicant, or someone acting on their behalf, commits an offence if:

- They knowingly or recklessly give false information, or
- They knowingly withhold information that the Council has reasonably required the applicant to give.

13.6 Applicants who are found to have given false information on their application form for the allocated pitches and plots, or in response to a request for further information in support of the application, or during review proceeding, will have their application removed immediately. Following this, an investigation will be carried out.

13.7 Applicants will be given 21 days to provide information showing that they are eligible for a pitch/plot. If they do not reply within this time, or they reply but the Council decides that they are not eligible they will be notified accordingly.

13.8 If, following the investigation the Council decides that a person has given false information or withheld information, it will take one or more of the following actions:

- a) Remove the applicant from Council's list of eligible applicants.
- b) Not allow the applicant to re-apply for one of the allocated pitches or plots for an indefinite period.
- c) Instigate criminal proceedings.

13.9 The applicant will be informed in writing of the Council's decision and action taken.

14. REVIEW OF THIS SCHEME

- 14.1 This Scheme is subject to regular review, and where the Scheme requires changes which are minor in nature, or where the changes are required urgently for legal reasons, or changes in government policy and / or legislation, these changes will be approved by the Chair / Vice Chair of the Housing Committee.
- 14.2 Subject to the urgency of the change, as per paragraph 14.1 above, any major change required to the Scheme will be subject to full public consultation.
- 14.3 All changes to this Scheme will be noted within the Version Control on page 1 of this Scheme, and an updated Scheme document will be uploaded to the Council's website.