

1. Introduction

This local lettings policy sets out the procedures for allocations at the council's temporary Gypsy and Traveller site at Kidacre Street, Leeds, LS10 1BD.

The site is provided on a temporary basis by the council for Gypsies and Travellers, as defined by the Race Relations Act 1976, (as amended in 2000).

The site is owned by Leeds City Council and managed by the council's Gypsy and Traveller Team, and has 8 pitches.

Each plot consists of a hard standing on which a caravan or mobile home can be placed.

Plots will be let on a tenancy agreement under the Mobile Homes Act 1983, with regard to Leeds City Council's 'Express Terms'.

This local lettings policy operates alongside the council's lettings policy and takes account of the Gypsy and Traveller Site Management Good Practice Guide published in July 2009 by Department for Communities and Local Government.

In December 2015 anyone resident on Kidacre Street will be asked to leave the site to enable the council to carry out essential maintenance work on the site. This policy covers lettings of the new pitches when the site re-opens.

2. Application procedure

To apply for a plot at Kidacre Street, customers must:

- complete a Leeds Homes Register form, giving their first choice area as Cottingley Springs (NB: Not sure whether we need to look at changing this)
- give details of the main and joint applicant, and all household members who will be living with them.
- provide proof of their identity [refer to identification requirements in Appendix 18 Lettings Procedures]
- meet the qualification criteria set out in main lettings policy – currently aged 16 years old and over, eligible and suitable.

Customers are required to sign a declaration on the membership form to the effect that the information they give is correct and that they will notify the council of any change of circumstances which may affect their application.

3. Plot allocations – Kidacre Street

When pitches on Kidacre Street become available to let, the council will use the information held on its housing management system to decide who to make the offer to.

Preference for lettings on Kidacre Street will be given to those customers who are resident, or have been resident, on the site and have signed a Toleration Agreement at the point of decant. No new toleration agreements will be signed after Monday 07 December 2015 (Date TBC). No unauthorized encampments will be awarded preference for the letting of any plots on Kidacre Street.

Preference for Lettings will therefore be in order of:

1. Customers currently resident on the site at Kidacre Street who have signed a Toleration Agreement with the council
2. Customers who are no longer resident on the site but have most recently been resident at Kidacre Street, who signed a Toleration agreement with the council and have an unmet housing need
3. Customers who have the highest priority for a plot on the Council's permanent Gypsy and Traveller site at Cottingley Springs
4. Customers who wish to transfer from a plot on the Council's permanent Gypsy and Traveller site at Cottingley Springs to a plot on Kidacre Street

Where site residence commencement dates are the same, the deciding factor will be assessed housing need.

In addition, tenants must also qualify for an offer. This assessment will be based on compliance with the terms of their tenancy agreement, including payment of rent and no action being taken against them for antisocial behaviour or nuisance. Where a tenant is subject to on-going enforcement action, they will normally not be considered for an offer, but this would depend on an assessment of the individual case.

Preference will be given to the named tenant(s), not to other household members to be rehoused with them. Offers will be made on the condition that no other household members are left in situ on another site or unauthorized encampment.

4. Bypass reasons

The council retains discretion to allocate a plot to a customer who does not have the highest priority in the circumstances set out in the 'bypass reasons' of the council's lettings policy.

Customers may be bypassed for a plot at Kidacre Street if they have demonstrated a history of antisocial behaviour in Leeds during the estimated 6 months time period between the decanting of the site and the allocation of new plots.

With specific reference to the 'Area Specific' bypass, customers may be bypassed for offers at Kidacre Street where a risk assessment concludes there is potential for conflict between the prospective tenant and current residents which would adversely affect the good management of the site as a whole.

If the council has good reason to be concerned about the risk of conflict with existing residents, they will take up this issue with the applicant, and carry out an objective risk assessment.

Customers may also be bypassed:

- if they fail to provide satisfactory references on request
- where there is a history of antisocial behaviour, rent arrears or other breach of the tenancy agreement
- if they have provided inaccurate information about their housing situation
- if they have suitable accommodation available to them elsewhere, or
- if they have medical needs and have had their current property adapted to meet their needs

In exceptional circumstances, the council may make an allocation to a customer with urgent housing needs outside the order in section 3, where this would prevent undue hardship or allow the council to fulfil its corporate duties to a lower ranked customer, for example, to meet its duties as a corporate parent

Where a decision is taken not to allocate a pitch to the highest ranked customer, the customer should be informed of the reasons for the decision, and given information about their right to request a review through the council's Statutory Review Panel.

On request, feedback will normally be provided on:

- the number of plots let at Kidacre Street, and
- the lettings criteria/housing need band and date of the successful customer

5. Refusals

If a customer refuses the offer of a plot that would have been suitable for their needs, the council will consider removing any priority award. Customers can still remain on the housing register and be considered for offers of accommodation.

6. Right to request a review

All customers have a statutory right of review on certain allocations decisions, including decisions:

- about the facts of the case which is likely to be or has been taken into account when allocating housing accommodation (s166A(9))
- under s.160ZA (ineligible for housing because of immigration status or unacceptable behaviour).

Further details about the review process are available in the council's lettings policy.