

PERTH AND KINROSS COUNCIL

Housing and Health Committee

29 January 2014

Local Lettings Plan for Bobbin Mill and Double Dykes Gypsy Traveller Site**Executive Director (Housing and Community Care)****PURPOSE OF REPORT**

The purpose of this report is to seek Committee approval for proposed Local Lettings Plans (LLPs) for Bobbin Mill and Double Dykes Gypsy Traveller Sites. The proposals describe the arrangements for the allocation of all future vacancies within the areas to help build and maintain a sustainable community.

1.0 BACKGROUND / MAIN ISSUES

- 1.1 The Housing (Scotland) Act 2001 states that all social landlords must let houses in such a way that gives reasonable preference to those in housing need, makes best use of available stock, maximises choice and helps to sustain communities.
- 1.2 However, in certain circumstances legislation does allow social landlords to use Local Lettings Plans (LLPs) in defined areas to meet specific aims where issues have occurred and action is required to assist that community to become sustainable. Issues must be supported by strong evidence and normally include:
 - high stock turnover and low demand
 - high demand for transfers
 - high refusal rates
 - high incidence of anti social behaviour and vandalism
- 1.3 LLPs are widely used by social housing providers as a means of addressing these issues to promote and ensure balanced and sustained communities where there is a demonstrable need, but in doing so they must not lead to vulnerable households being disadvantaged. They have to be developed and must operate within the context of a social landlord's mainstream allocation policy. This means that no account can be taken of an applicant's age (unless allocating designated older persons housing), length of residence within the area or income.
- 1.4 A LLP does however allow for the allocation of vacancies in an area according to the particular circumstances of a street or small scheme by letting the accommodation to a household that will contribute to the sustainability of that community.

- 1.5 Although each local lettings plan is unique, there are a number of key common components:
- the need for the LLP is clear and demonstrable
 - the plan has clear aims
 - tenants and residents have been consulted and the majority have agreed to the plan (Appendices 1 and 2)
 - strategic partners have been consulted and understand the plan
 - an effective monitoring framework must be established
 - the plan will be subject to regular review
- 1.6 The LLPs proposed in this report are proactive measures to protect and sustain new and existing communities at Bobbin Mill and Double Dykes Gypsy Traveller Sites. These are small areas with very specific issues for which adjustments to the mainstream allocations and lettings policy are required to facilitate an easier allocation process and contribute towards the avoidance of future management problems.

1.7 **Site Background**

Bobbin Mill

Bobbin Mill is a small six chalet site, leased from Pitlochry Estate located in woodland area within the village of Pitlochry. A requirement of the Scottish Government funding granted to purchase the chalets was that a Lettings Plan was introduced; this has been in place since 3 February 2010.

Since the first tenants moved in, only one chalet has become available for allocation. The complexity of the allocation process surrounding this small development cannot be under estimated and the Lettings Plan supports staff in achieving a balanced and sustained community which recognises the specific kinship culture that exists.

Double Dykes

Double Dykes is a larger site located on the outskirts of Inveralmond Industrial Estate in Perth. The site is home to 20 chalets which were also purchased through Scottish Government funding. At the time the funding was made available there was no requirement for a Lettings Plan to be developed. Pitch allocations are currently made solely against the Council's Allocations Policy.

Although the site is relatively stable in terms of turnover the absence of a Local Lettings Plan presents the Housing service with complications. The Allocations Policy does not recognise the specific kinship culture that exists within the Gypsy Traveller community and under existing arrangements anyone who applies to Perth and Kinross Council can be considered for a pitch on the site.

2.0 PROPOSALS

- 2.1 The proposals attached in the Appendices 1 and 2 aim to promote greater sustainability for the communities at Bobbin Mill and Double Dykes Gypsy Traveller Sites. The proposals have been modelled around the Lettings Plan which was established as a requirement of the funding for Bobbin Mill.
- 2.2 The main reasons for proposing LLPs for these sites is to recognise that Gypsy Travellers have individual and distinct housing requirements and that it is good practice to reflect these in individual plans for each site.
- 2.3 While the accommodation needs of Gypsy Travellers have traditionally been assessed through the mainstream Housing Allocations policy, kinship and cultural sensitivities have not been previously considered and this leads to issues with community cohesion. To mitigate against this, applicants will initially be assessed against a set of criteria. Once one or more of these criteria have been met allocations will be made in the normal manner against the allocations policy. The criteria are as follows:
- existing family connections with the site or project – *evidence that there is an current family connection through a close relative.* and/or
 - special need to live in the site or project – *evidence of a medical, social employment or homelessness reason.* and /or
 - history of residence on officially designated sites – *a satisfactory reference for periods of residence on other officially designated sites*
- 2.4 Because of the close proximity of chalets and pitches on a site, there is the potential for two families to create problems for themselves and the community. To remove this potential, applications will be rejected on the grounds of high probability of conflict where evidence and information identifies conduct issues and/or convictions for violent or other serious offences. Likewise, failure to provide references will be grounds for rejecting an application.
- 2.5 The proposed LLPs, if approved, will take immediate effect.
- 2.6 Due to the fact that both developments are designated Gypsy Traveller sites the introduction of the LLP's will not lead to other vulnerable households in housing need being disadvantaged. Although through the allocations policy any applicant may apply to be accommodated on these sites the Housing Service has had no demand to date from applicants out with the Gypsy Traveller community.

3.0 CONCLUSION AND RECOMMENDATION

- 3.1 This report details a positive and pragmatic approach to help alleviate specific issues that surround the allocation and management of Bobbin Mill and Double Dykes and support the Council in meeting its aims in respect of community sustainability.
- 3.2 It is recommended that Housing and Health Committee approve the introduction of Local Lettings Plans for Bobbin Mill and Double Dykes Gypsy Travellers Sites.

Author(s)

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Approved

Name	Designation	Date
John Walker	Executive Director, Housing and Community Care	20 January 2014

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting *(Michelle Dow)*



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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Corporate Plan

- 1.1 The Council's Corporate Plan 2013-2018 has five objectives, all of which are relevant to this report.

- Giving every child the best start in life
- Developing educated, responsible and informed citizens
- Promoting a prosperous, inclusive and sustainable economy
- Supporting people to lead independent, healthy and active lives
- Creating a safe and sustainable place for future generations

2. Resource Implications

Financial

- 2.1 The income derived from these sites/pitches is already fully budgeted for.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allow the Council to demonstrate that it is meeting these duties.
- 3.2 The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as relevant and the following positive outcomes expected following implementation:
- The creation of a balanced and sustainable community with an allocation process which recognises the distinct housing requirements of gypsy travellers

Legal and Governance

- 3.4 The Council has developed LLPs in accordance with current Scottish housing legislation, regulation and best practice.
- 3.5 The Head of Legal Services has been consulted on the proposals contained in this report.

Risk

- 3.6 The risks associated with the allocation and management of tenancies will be monitored on an ongoing basis at area and service level.

4. Consultation

Internal

- 4.1 Internal consultation has been undertaken with all relevant stakeholders including, area housing staff and Housing and Community Care Senior Management Team.

External

- 4.2 The Tenant Committee Report Panel has been consulted on this report and “consider the local letting plans presented in this report to be well thought out with no loop holes. This is a good idea”

The Gypsy Travellers at Bobbin Mill have been consulted and they are in agreement with the content of the proposed LLP.

Consultation has taken place with the Double Dykes Gypsy Travellers community and their comments have been incorporated where possible into the proposed LLP. All tenants were sent copies of the amended LLP and given the opportunity to attend a feedback session on the site in December, where staff explained the reason why some of their suggestions could not be incorporated to the LLP (Appendix 3).

5. Communication

- 5.1 Information relating to the LLPs will be made available to housing applicants expressing an interest in the sites and existing tenants and residents. The method of communication will include updates on the web site, leaflets and other literature. Further contact will also be made with tenants and residents directly affected by the proposals.

2. BACKGROUND PAPERS


None

3. APPENDICES

Appendix 1 – Local Lettings Plan for Bobbin Mill Chalet Project

Appendix 2 – Local Lettings Plan for Double Dykes Gypsy Travellers Site.

Appendix 3 – Local Lettings Plan Feedback

 <p>PERTH & KINROSS COUNCIL Housing & Community Care</p>	<p>Plan: Local Lettings Plan for Bobbin Mill</p> <p>Author: Service Manager – Housing Access and Partnerships</p> <p>Associated Procedures: Perth and Kinross Allocations Plan</p> <p>Version: 2.0 Date of Review: 26 November 2013</p>
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1.0 Introduction

The Council recognises that because of the particular circumstances of the Gypsy Traveller community, it would not be appropriate to allocate vacancies in accordance with the normal Housing Allocations Policy. This Local Lettings Plan for Bobbin Mill is responsive to the needs of the existing and small kin based Gypsy Traveller community so as to ensure that their interests are protected.

2.0 Aims of the Plan

The Plan aims to:

- Be responsive to the needs of the existing Bobbin Mill community
- Allocate chalets in a fair and open way according to the needs of applicants
- Achieve a stable and sustainable community at Bobbin Mill

3.0 Who Can Apply for a Chalet?

3.1 The Criteria

Applications will be considered from Gypsy Travellers who are aged 16 years or over and initially assessed against the following Local Lettings Plan criteria:

<i>Special need to live on Bobbin Mill</i>	<i>Existing family connections with Bobbin Mill</i>	<i>History of residence on officially designated sites</i>
A special need is considered to be for example medical, social, employment or homelessness. An assessment of the circumstances will be made to establish that the applicant has a need to live on the project, <u>and/or</u>	An applicant must be able to evidence that they have an existing connection with Bobbin Mill in the form of a close relative*, <u>and/or</u>	An applicant must be able to provide satisfactory references for periods of residence on other officially designated sites

* such as a child/parent/grand-parent or member of an extended family (cousin, niece, nephew, aunt etc). The family member concerned must also provide a letter of support (this family member will be contacted to confirm the family connection).

This is to ensure that kinship networks are not disrupted and to give the Bobbin Mill community a degree of control over who lives with them

3.2 Level of Priority

Applicants meeting the criteria will be admitted onto the waiting list and will be assessed against the Council's Housing Allocations Policy. Where there are equal levels of priority need the applicant with the longest registration date will be offered the chalet.

4.0 Exclusions

Applicants may not be eligible if there is evidence of recent behaviour likely to affect the Council's management of the project and/or impact on the Bobbin Mill community.

Examples of exclusions could be when an applicant or member of their household has within the last 3 years:

- Convictions for violent or other serious offences
- Used threatening language or behaviour to a Council official
- Behaved in an anti-social manner towards neighbours

Applicants who are refused admission onto the project waiting list will be informed in writing of the reason for refusal and provided with details of their right of appeal.

5.0 Allocations

In allocating chalets the Council will take due account of the need to ensure that applicants who are offered chalets are compatible with other existing Bobbin Mill residents. The allocation of chalets will be made by the Local Housing Team using the existing Northgate system. This will enable the Council to ensure that there is a clear audit trail where the best placed applicant is not offered a vacancy.

6.0 Appeals

Applicants who are dissatisfied with the way in which their application has been processed will have the right to appeal the decision. Applicant should submit any appeal within 28 days of the date of the decision to the Service Manager – Neighbourhood Services. The Service Manager's decision is final with no further right of appeal to the Council.

7.0 Consultation


Consultation has been undertaken with the Council's Legal Services and with the existing members of the Bobbin Mill Chalet Project.

8.0 Monitoring and Reporting

The Council will report on performance on an annual basis.

9.0 Review

The Local Lettings Plan will be reviewed in consultation with the Bobbin Mill community every 3 years or as necessary. The review will ensure that the Plan continues to meet the needs of the Bobbin Mill Gypsy Traveller community.

 <p>PERTH & KINROSS COUNCIL Housing & Community Care</p>	<p>Plan: Local Lettings Plan for Double Dykes Gypsy Traveller Site</p> <p>Author: Service Manager – Housing Access and Partnerships</p> <p>Associated Procedures: Perth and Kinross Allocations Plan</p> <p>Version: 3.0 Date of Review: 26 November 2013</p>
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1.0 Introduction

The Council recognises that because of the particular circumstances of the Gypsy Traveller community, it would not be appropriate to allocate vacancies in accordance with the normal Housing Allocations Policy. This Local Lettings Plan for Double Dykes Gypsy Traveller Site is responsive to the needs of the existing kin based Gypsy Traveller community so as to ensure that their interests are protected.

2.0 Aims of the Plan

The Plan aims to:

- Be responsive to the needs of the existing Double Dykes Gypsy Traveller community
- Allocate chalets in a fair and open way according to the needs of applicants
- Achieve a stable and sustainable community at Double Dykes Gypsy Traveller Site

3.0 Who Can Apply for a Chalet?

3.1 The Criteria

Applications will be considered from Gypsy Travellers who are aged 16 years or over. In order to be considered for Double Dykes Gypsy traveller site applicants must meet at least one of the following criteria (these are not in order of priority)

<i>Special need to live in the Double Dykes Gypsy Traveller Site</i>	<i>Existing family connections with the Double Dykes Gypsy Traveller Site</i>	<i>History of residence on officially designated sites</i>
A special need is considered to be for example medical, social, employment or homelessness. An assessment of the circumstances will be made to establish that the applicant has a need to live on the project, <u>and/or</u>	An applicant must be able to evidence that they have an existing connection with Double Dykes in the form of a close relative*, <u>and/or</u>	An applicant must be able to provide satisfactory references for periods of residence on other officially designated sites

* such as a child/parent/grand-parent or member of an extended family (cousin, niece, nephew, aunt etc). The family member concerned must also provide a letter of support and will be contacted to confirm the connection. This is to ensure that kinship networks are not disrupted and to give the Double Dykes community a degree of control over who lives with them

3.2 Level of Priority

Applicants meeting the criteria will be admitted onto the Double Dykes Gypsy Travellers Site waiting list and will be assessed against the Council's Housing Allocations Policy. Where there are equal levels of priority need the applicant with the longest registration date will be offered the chalet.

4.0 Exclusions

Applicants may not be eligible if there is evidence of recent behaviour likely to affect the Council's management of the project and/or impact on the Double Dykes community. Examples of exclusions could be when an applicant or member of their household has within the last 3 years:

- Convictions for violent or other serious offences
- Used threatening language or behaviour to a Council official
- Behaved in an anti-social manner towards neighbours

Applicants who are refused admission onto the project waiting list will be informed in writing of the reason for refusal and provided with details of their right of appeal.

5.0 Allocations

In allocating chalets the Council will take due account of the need to ensure that applicants who are offered chalets are compatible with other existing Double Dykes residents. The allocation of chalets will be made by the Local Housing Team using the existing Northgate system. This will enable the Council to ensure that there is a clear audit trail where the best placed applicant is not offered a vacancy.

6.0 Appeals

Applicants who are dissatisfied with the way in which their application has been processed will have the right to appeal the decision. Applicant should submit any appeal within 28 days of the date of the decision to the Service Manager – Neighbourhood Services. The Service Manager's decision is final with no further right of appeal to the Council.

7.0 Consultation

Consultation has been undertaken with the Council's Legal Services and with the existing Double Dykes Gypsy Traveller Site community.

8.0 Monitoring and Reporting

The Council will report on performance on an annual basis.

9.0 Review

The Local Lettings Plan will be reviewed in consultation with the Double Dykes Gypsy Traveller community every 3 years or as necessary. The review will ensure that the Plan continues to meet the needs of the Double Dykes Gypsy Traveller community.

DOUBLE DYKES LOCAL LETTINGS PLAN FEEDBACK

Feedback	Action
<i>People moving onto the site should be offered 12 month tenancies so that they can be easily evicted if there is anti social behaviour.</i>	This is what is called a Short Scottish Secure Tenancy Agreement – there are only certain times when the Council is allowed by law to use this. It would not be possible to use this for all new tenants.
<i>The site should only be for the families already living on Double Dykes.</i>	Legally the Council is not allowed to say that someone must live in an area/site/street before then can apply to live there.
<i>The Plan looks like people with family on the site will be given a pitch ahead of all others.</i>	The Local Lettings Plan will work with the Allocations Policy. So this means that when people apply for Double Dykes their application will be checked to make sure they meet at least one of the criteria. If they don't then they will not be added to the waiting list. If they do they will be added to the waiting list and then the level of priority they get for a pitch will be decided by the Allocations Policy and not the Local Lettings Plan. We have revised the wording in this section.
<i>Gypsy travellers with medical conditions should get priority over others for a pitch.</i>	
<i>History of residence on a site.</i>	We would like to leave this in as this would allow us to promote a social mix of Gypsy Travellers on the site to ensure inclusion and fairness.
<i>Letters of support could be easily manipulated.</i>	The Council will contact family on site so that they can confirm they wrote the letter. This will not given someone more priority it just means that they have met the criteria. We have amended the Local Lettings Plan to show this.
<i>Under-occupation.</i>	The decision around excluding the chalets from under-occupation is not for a Local Lettings Plan.
<i>All exclusions should be listed.</i>	It would not be possible to list all exclusions here and would leave us open to not covering everything.
<i>Language is not easy to understand.</i>	This is a Policy document which has to contain some legal jargon and which will require Committee approval. We would welcome the existing residents of Double Dykes working with us to develop a summary leaflet which could be handed out about Double Dykes in general and the way pitches are allocated.
<i>Who makes the decision about who is given a vacant pitch.</i>	This will be the Local Housing Manager and Gypsy Traveller Site Manager. This ensures that there is independence in the selection process.