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Managing Gypsy and Traveller Sites in Wales

Guidance



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Section 1: Introduction

Background

1.1 The Welsh Government's *'Travelling to a Better Future: a Gypsy and Traveller Framework for Action and Delivery Plan'* ("The Framework") sets out our vision for the inclusion of these communities in Welsh society. The Framework also seeks to ensure that the accommodation needs of Gypsies and Travellers are assessed, planned and implemented in a more strategic way. Through the Framework we are seeking to develop and improve access to services for Gypsies and Travellers in Wales. We recognise the cultural differences which have often led to the social exclusion of Gypsies and Travellers and we want to ensure that these communities' voices are heard in service delivery.

1.2 *Travelling to a Better Future* includes a commitment from the Welsh Government to work with Local Authorities to ensure that publicly funded Gypsy and Traveller sites are brought up to a reasonable standard (objective 2). This commitment is being addressed through the continued availability of the Sites Capital Grant funding for the refurbishment of existing sites and the development of new sites. During 2013, legislation was also passed by the Assembly to consolidate the terms for occupying residential mobile homes, which has provided additional security of tenure and other rights for residents of these sites. The Welsh Government also committed to revising our existing *'Good Practice Guide on Managing Gypsy and Traveller Sites in Wales'* during 2014.

1.3 Changes in policy have made it necessary to replace the existing *'Good Practice Guide'* with the renamed, *Managing Gypsy and Traveller Sites* guidance. This document provides updated guidance for Local Authorities, including how to comply with the terms of the Mobile Homes Act (Wales) 2013.

Purpose of this guidance

1.4 At the time of publication there are 19 Gypsy and Traveller sites in Wales owned or leased by Local Authorities. These sites are situated within 13 Local Authority areas. The Welsh Government has provided approximately £8.85 million since 2009 in Sites Capital Grant funding for the refurbishment of existing Gypsy or Traveller sites in order to bring them up to a reasonable standard. The funding also supports the building of new Local Authority sites.

1.5 However, site provision clearly needs to be accompanied by good quality site management. The Welsh Government wants to encourage and support the sharing of good practice and consistent approaches to managing accommodation for Gypsies and Travellers. This guide aims to provide a useful tool to help achieve this for existing and future Local Authority Gypsy and Traveller sites.

1.6 This guidance should be equally useful in assisting Local Authorities who are planning the development of new sites and those who already manage sites. It should be used as a basis for facilitating good site management. The aim is to encourage positive, realistic and practical approaches to issues which can arise in the management of sites through underinvestment, neglect or anti-social behaviour. It is not the intention of the Welsh Government to impose uniform solutions since situations may vary considerably across sites in Wales.

1.7 This guidance is not statutory but it constitutes support for Local Authorities and others in the development and improvement of Gypsy and Traveller sites. Compliance with this guidance will form a key consideration of the Welsh Government in providing grants in relation to Gypsy and Traveller sites.

1.8 This *Managing Gypsy and Traveller Sites* guidance should be used in conjunction with the Welsh Government's *Designing Gypsy and Traveller Sites in Wales*¹ (referred to together as the "Site Guides").

1.9 Local Authorities having regard to the Site Guides will help to ensure that Local Authority Gypsy and Traveller sites in Wales:

- are sustainable, well managed and that maintenance is planned and not always reactive;
- are equivalent to standards that would be expected on non-Gypsy and Traveller mobile home sites; and
- create the necessary conditions to encourage and develop good relations between Gypsies and Travellers and the settled community, and between site residents and owners / managers.

Developing this guidance

1.10 This guidance replaces the existing '*Good Practice Guide on Managing Gypsy and Traveller Sites in Wales*', which was developed through engagement with professionals across Wales, including Local Authority housing, planning, environmental health and education personnel. The Gypsy and Traveller community was also consulted and officials undertook a number of site visits in rural and urban locations to investigate site provision. Other examples of design and management in England, Scotland, Northern Ireland and the Republic of Ireland were also drawn upon.

1.11 The revised guidance embeds the principles of *Travelling to a Better Future* and includes substantive changes based upon legislative and policy development since the previous guidance was published in 2009.

1.12 In developing this guidance the Welsh Government has aimed to compare standards with those that the settled community can expect to experience in housing. In most cases the direct comparison is made to other types of Mobile Home sites but in some instances it is appropriate to draw comparisons with social housing provision. The guidance will be reviewed in 2020 (at the latest), with reference to relevant legislation, policies and evidence.

1.13 Through *Travelling to a Better Future*, the Welsh Government has stated its commitment to "*ensure that Gypsies and Travellers in Wales have appropriate accommodation provision*". Local Authority Gypsy and Traveller sites were also brought within the definition of 'protected sites' within the Mobile Homes (Wales) Act during 2013, providing equal security of tenure for residents of these sites.

1.14 This document provides guidance to assist Local Authorities in meeting the requirements of the Mobile Homes Act (Wales) 2013 and develop well-managed sites for the enjoyment of its residents.

¹ Welsh Government, 'Designing Gypsy and Traveller Sites' guidance, <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/sites/?lang=en>

Who is this guidance aimed at?

1.15 This guidance is aimed at those with day-to-day and operational responsibility for Local Authority owned or leased Gypsy and Traveller sites. This is likely to include a 'site manager' and a more strategic Local Authority 'operational manager'.

1.16 The term '**site manager**' is used in this document to describe any person with day to day responsibility for the running of these Gypsy and Traveller sites. This term will vary in meaning and job title from one Local Authority to another. The roles and responsibilities laid out in this document may be equally applicable to a site 'caretaker' or a site 'warden' as they may be to a site manager. It may be that the roles and responsibilities outlined below will be split between different roles. For example, the Local Authority may decide that some tasks should fall to the site manager whereas others are better placed with a caretaker. It will be up to the Local Authority to decide what is appropriate for their local needs.

1.17 Some local authorities have created an unofficial site warden position for the head of the extended family occupying the site. Although some of the responsibilities outlined in this guidance may apply to these positions, it is likely that many of the responsibilities promoted in this guidance will be those of the operational manager. This will be especially likely where the unofficial site warden is unpaid.

1.18 The '**operational manager**' will be a Local Authority official with overall responsibility for these sites. Where the responsibility lies will depend on the specific Local Authority structure, since the department with management of these sites often varies between housing and estates departments.

1.19 Some Local Authorities possessing small Gypsy and Traveller sites may opt not to create a specific 'site manager' role. Nevertheless, the responsibilities outlined in this document will still apply to Local Authorities who run and / or manage these sites. Therefore, where this document refers to the responsibilities of the 'site manager', Local Authorities without that specific role should interpret those responsibilities as falling to the operational manager instead.

1.20 Where a Local Authority has opted to appoint an externally contracted manager to run the day-to-day operation of the site, the operational manager should seek to ensure that the Local Authority continues to comply with this guidance. The responsibility for the management of these sites will remain with the Local Authority.

1.21 It is the intention of the Welsh Government that, as far as possible, the management of Local Authority Gypsy and Traveller sites is mainstreamed with other forms of social housing. With that in mind, it is strongly recommended that the function of site manager, operational manager and indeed the responsibility of Local Authority Gypsy and Traveller sites lies within the Housing Department of the Local Authority.

Definitions

1.22 Before discussing the characteristics of a successful site, it is worth defining what is meant by a Gypsy and Traveller site. Put simply, a site is an area of land laid out and used for mobile homes occupied by Gypsies and Travellers. An authorised site is required to have the correct planning permission in place for use as a Gypsy and Traveller site.

1.23 Gypsy and Traveller sites owned or leased by Local Authorities will be subject to different terms to those that apply on other types of private Mobile Home sites. Private sites can also be authorised sites if they have the correct planning permission in place.

1.24 Unauthorised developments are privately owned sites where development has been carried out without the appropriate planning permission. Unauthorised encampments relate to the use of land for habitation without the landowners' or occupiers' consent.

1.25 More information about types of site can be found at the Welsh Government website: <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/sites/?lang=en>

1.26 This guidance focuses solely on Local Authority owned or leased Gypsy and Traveller sites.

1.27 The phrase 'Gypsies and Travellers' has been used in many different ways in legislation and guidance. This guidance uses the consolidated definition of Gypsies and Travellers included under section 62 of the Mobile Homes Act (Wales) 2013 and section 108 of the Housing (Wales) Act 2014.

1.28 'Gypsies and Travellers' means –

- (a) *Persons of a nomadic habit of life, whatever their race or origin, including –*
 - (i) *Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and*
 - (ii) *Members of an organized group of travelling show people or circus people (whether or not travelling together as such); and*
- (b) *All other persons with a cultural tradition of nomadism or of living in a mobile home.*

1.29 The intention of the above definition is to ensure that ethnic Romani Gypsies and Irish Travellers are included, as well as those from any ethnic group who follow a nomadic habit of life. The definition also includes Travelling Showpeople. Other people could also be captured by the definition if they can demonstrate a cultural tradition of nomadism or of living in mobile homes. They do not necessarily need to demonstrate a continued nomadic habit of life to be considered to be Gypsies or Travellers for the purposes of this guidance.

1.30 Gypsies and Travellers are amongst the most socially excluded groups in society, with health and education outcomes significantly worse than that of the settled population. Some evidence² suggests that where they are able to settle on well managed and maintained sites, Gypsies and Travellers are better able to access health and education services and this leads to a better quality of life.

1.31 As recognised by Estyn³, children should benefit through better attendance and attainment within the education system because education professionals are able to build stable and trusting relationships with families.

² Equality and Human Rights Commission, 'Inequalities experienced by Gypsy and Traveller communities: A review,' (2009)

³ Estyn, 'The Education of Gypsy Traveller Pupils – An Update on Provision in Secondary Schools' (2011)

1.32 Better health will result from, for example, uptake of preventative healthcare, including vaccinations of children because health visitors are able to access families that they couldn't access previously. Greater integration of Gypsies and Travellers is also likely as individuals access local facilities, which can also lead to the reduced likelihood of children having to live or play in unsafe environments.

1.33 Most fundamentally, many more Gypsies and Travellers will be able to access culturally-appropriate accommodation. This pays due regard to Human Rights case law and supports Objective 6 of the Welsh Government's Strategic Equality Plan by reflecting the needs of those with protected characteristics in meeting housing needs.

1.34 This guidance discusses varying responsibilities in relation to permanent residential pitches and transit pitches on Local Authority Gypsy and Traveller sites. Residents of 'permanent residential pitches' have the right to remain on the pitch for the duration of their pitch agreement with the Local Authority, as long as the agreement is not terminated due to a breach. Occupiers of 'transit pitches' are only permitted to stay on the pitch for up to 3 months. Full details of the terms relating to these pitches can be found in Chapters 3 and 4 of Schedule 2, Mobile Homes (Wales) Act 2013.⁴

1.35 In this guidance, 'direct customer relationships' refer to arrangements for utility suppliers to form a contract with the pitch resident or occupier. This includes providing bills directly to the resident and receiving direct means of payment, rather than through the site owner as an intermediary.

⁴ For clarity, 'permanent residential pitches' relate to 'permanent pitches' under Chapter 4 of Schedule 2 of the Mobile Homes (Wales) Act 2013.

Section 2: Where to Begin?

Establish who has responsibility for the site

2.1 The site owner or leaseholder has responsibility for the general maintenance and upkeep of the site, including repairs and compliance with the terms of the Mobile Homes (Wales) Act 2013 (“the 2013 Act”). This responsibility falls to Local Authorities on Local Authority sites (also referred to in this document as the “site owner”).

2.2 Local Authorities may be required to provide Gypsy and Traveller sites, due to the identification of unmet needs and a lack of authorised alternatives by the Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA is required under the Housing (Wales) Act 2014 (“the 2014 Act”).⁵ The 2014 Act also places a duty upon Local Authorities to exercise their functions within section 56 of the 2013 Act as far as necessary to ensure that Gypsy and Traveller sites are provided to address unmet needs.

2.3 Once Local Authority Gypsy and Traveller sites have been developed, it is the responsibility of the site owner to decide how the site will be managed.

2.4 There are three basic site management options:

- In-house;
- Contracted;
- Site leases.

‘In-House’ Management

2.5 ‘In house’ management may be provided by personnel working for the Local Authority with relevant experience or expertise. Local Authorities should be confident that the appointed person has the necessary housing management experience and / or experience engaging with Gypsy and Traveller communities.

Contracted Management

2.6 The site owner may decide that it is most appropriate to ‘contract out’ the management of a site to an external organisation. Contracted management should be carefully considered because the Local Authority will still retain overall responsibility for the management, as the site owner.

2.7 Contracting arrangements should be subject to the Local Authority’s own procurement policy. Where external management is employed, a contract should be drawn up by the Local Authority which allows regular appraisal of the manager’s performance against agreed objectives.

2.8 The Local Authority should ensure that it has the ability to terminate the contract if poor performance is recorded. The contract should provide that the 2013 Act must be complied with and that all policies and ‘Express Terms’ drawn up by the manager must be approved by the Local Authority before being proposed to residents. The Local Authority should, when appointing an external manager and drawing up a contract, be satisfied that

⁵ Welsh Government, ‘Undertaking Gypsy and Traveller Accommodation Assessments’ guidance, <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/accommodation-needs/?lang=en>

all proper policies and practices will be in place. This includes, for example, book keeping, maintenance and Health and Safety.

2.9 Where contracted management arrangements exist, the Welsh Government may request a copy of the contract when bids for Sites Capital Grant funding are submitted.⁶ This will ensure that the Welsh Government can be satisfied that proper site management can be experienced on sites receiving investment.

2.10 The site manager may be employed from within the Gypsy or Traveller community and may also live on site. Where the manager lives on site, it is important to ensure that all appropriate and adequate training is provided (see Training section below).

2.11 Local Authorities should consider the impact of appointing a ‘live-in’ manager on existing site residents. It will also be important to ensure the appointed person is able to comply with Equal Opportunities policies and not show favouritism towards one particular family or group of Gypsy or Traveller communities. On-site managers require separate working and living spaces.

Site Leases

2.12 A different approach to site management could be achieved through site leasing. This arrangement should require the Local Authority to obtain or retain a shared responsibility for compliance with the 2013 Act regardless of whether they own or lease the site.

2.13 Currently, there is one example of a privately owned site which is leased to the Local Authority in Wales, which is included within the scope of these arrangements. However, there are not any examples of Local Authority owned sites which are leased to other organisations in Wales.

2.14 Local Authorities may wish to lease their sites to organisations which possess particular experience in working with Gypsy and Traveller communities and managing these sites, where this is lacking in the Local Authority itself.

2.15 Such partnerships may offer better value for money and improved relationships with residents, though it is crucial that residents are fully consulted regarding any change of this nature. The 2013 Act requires all matters relating to the operation or management of the site to be the subject of consultation with a qualifying residents’ association. However, the Welsh Government strongly recommends that residents are consulted on such matters regardless of whether they qualify as a residents’ association.

2.16 This type of management arrangement differs from the sale of sites because the Local Authority would still retain responsibility for ensuring that the site was managed properly and in alignment with Local Authority policies and procedures.

2.17 To be eligible for Welsh Government Sites Capital Grant funding, the specific Local Authority Gypsy and Traveller Site terms under Schedule 2 of the 2013 Act would need to apply on these sites.

⁶ Welsh Government, ‘Sites Capital Grant guidance notes’: <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/sites-capital-grant/?lang=en>

Deciding who should manage the site

2.18 Site residents should be consulted when deciding on the management option. As the site occupants, residents will have important views on the most appropriate and viable solution. Previous experiences of contracted management in Wales have sometimes resulted in underinvestment in site maintenance and there is anecdotal evidence of poor relationships with site residents. However, consultation with affected residents may indicate solutions to previous problems.

2.19 The appropriateness of these options may largely depend on the expertise of in-house staff and the views of site residents. Maintaining direct site management will ensure that the Local Authority is aware of any concerns or maintenance issues at an early stage. This arrangement will also help to mainstream the management of these sites, replicating management of social housing stock as closely as possible. A decision to contract management or lease the site should never be made purely on the basis that this arrangement might save the Local Authority money. Whilst that is a factor of a Local Authority's considerations, this decision should only be arrived at if it is considered the most appropriate option to ensure compliance with this guidance and the most effective management of the site.

2.20 Where an organisation will be contracted to manage the site, Local Authorities should consider the potential site manager's suitability for the role.

Recruiting a Site Manager

2.21 The recruitment process should be open and fair and ensure equal opportunities. Where the site manager role is to be an external appointment, various advertising media should be considered so that the recruitment process is accessible to all, including Gypsy and Traveller representatives or site residents. For example, listing the opportunity in community publications such as *Travellers' Times* should be considered. An advert should also be made available on the site itself to ensure that residents are made aware of the opportunity.

Qualifications

2.22 Local Authorities should follow their own recruitment procedure for the site manager role, as appropriate. It should be recognised that a requirement for formal qualifications could restrict the eligibility of a number of Gypsy or Traveller applicants. A basic level of Maths and English may be required to ensure administrative tasks can be completed effectively. However, experience of housing management and experience of working directly with Gypsies and Travellers are likely to be amongst the most useful experiences for this role. A strong commitment to equal opportunities and community cohesion, including within and between communities, and clear communication with residents are also required.

2.23 The job of site manager may be a challenging role and applicants should be prepared for that. It is important that the manager is consistent and bases decisions on Local Authority policies and the terms of pitch agreements.

2.24 Local Authorities should strongly consider including a site residents' panel as a component of the site manager interview. Alternatively, candidates could be invited to visit residents at the site, if residents agree. These approaches could provide useful evidence of the applicant's experience and interaction with members of these communities and provide a good foundation for relationships with the successful site manager. However, members

of the residents' panel should be made aware that their opinions will form part of a wider panel including the Local Authority (and possibly the contracted management organisation). Applicants who cannot demonstrate that they can comply with legislation, policies and procedures will clearly be unsuitable.

2.25 Potential managers should be able to demonstrate that they have sound, balanced judgement especially in pressurised situations. Local Authorities may wish to consider scenarios to ensure that applicants can demonstrate how they would respond to a possible issue, such as an encampment on a communal area of the site.

2.26 Potential managers should also be able to demonstrate well developed interpersonal skills in order to converse with all stakeholders in varying situations and also to gain the trust of the residents.

2.27 All applicants should be advised that the successful candidate will be working with vulnerable groups including children and an appointment will therefore be subject to an Enhanced Disclosure and Barring Service (DBS) check (formerly Criminal Records Bureau check).

Training

2.28 Once a site manager has been appointed the training needs should be considered. Health and Safety, First Aid training and Fire Safety training (including how to use and test equipment held on site) should be provided by the employer. Site managers are likely to need to undertake risk assessments so must be provided with the necessary training to ensure that they can be considered to be competent at carrying out these assessments.

2.29 Cultural Awareness and Equality and Diversity training should be provided since it is essential to understand the Gypsy and Traveller way of life in order to sensitively and successfully manage the site and gain respect from the site residents. Where the manager does not have a Gypsy or Traveller background this training should be mandatory. This training is often available from organisations supporting these communities, such as those listed in Annex 1. Undertaking Equality and Diversity training should also help site managers to consider how to respond to the needs of elderly or disabled residents (for example) living on site.

2.30 Site Managers should be fully aware of hate crime legislation and the protection of Gypsies and Travellers contained within sections 145 and 146 of the Criminal Justice Act 2003. Victim Support Cymru operate a free training programme (<http://www.reporthate.victimsupport.org.uk/one-hour-hate-crime-workshop/>) which can be accessed to ensure site managers understand the issues involved.

2.31 Other training such as how to comply with the Data Protection and Freedom of Information legislation may be valuable in the context of the personal information which site managers may need to handle and process.

2.32 It may also be useful to recruit a new site manager early to allow for some shadowing of existing site managers at other Local Authority sites. This could provide valuable experience before the new manager starts work.

2.33 Wider training in the social housing context would also allow a broad overview of housing issues and familiarise the new manager with general current housing issues and policies. Such training will help to ensure that Gypsy and Traveller sites are not managed

in isolation of prevailing approaches and developments in other types of social housing provision.

2.34 The Gypsy and Traveller site manager should be in a position to advise residents on issues such as how to access advice on Universal Credit / Local Housing Allowance. In a general sense, levels of literacy in Gypsy and Traveller communities remain lower than in the wider population and these forms can be difficult to complete. The site manager should be equipped to provide the resident with a suitable point of contact who will be able to provide assistance. However, site managers should not advise residents on what they should claim for or sign the declaration. Site managers may wish to refer to guidance from Citizens Advice Bureau on how to correctly complete these forms. This is available at: www.adviceguide.org.uk

Taking over a Site

2.35 Before taking over a new site, a manager should research and understand the site as far as possible. They should work with the site owner and, if applicable and possible, the existing site manager to become familiar with the site and the residents.

2.36 Some of the history of many of the Local Authority sites in Wales can be understood through the Welsh Government-commissioned Accommodation Needs of Gypsy-Travellers in Wales report by Pat Niner (“the Niner report”).⁷

Stakeholders

2.37 The site manager should be aware of and build good links with site stakeholders. These should include:

- the relevant Local Authority departments;
- the site residents;
- the neighbouring housed community;
- the neighbouring business community;
- service providers to the site; and
- emergency services.

2.38 Acknowledging and building upon these links will encourage community cohesion and help the site manager to appreciate any potential conflicts of interest and develop possible solutions.

The Site

2.39 Where site managers are already in place, procedures should be created for the hand over of the site from the existing management to the new site manager. These should include:

- plans or layout of the site including dimensions;
- pitch boundaries and fire breaks;

⁷ Pat Niner / Centre for Urban and Regional Studies, University of Birmingham, ‘Accommodation Needs of Gypsy-Travellers in Wales’ (2006): <http://gov.wales/statistics-and-research/accommodation-needs-gypsy-travellers-wales/?lang=en>

- an aerial photograph would be very beneficial;
- lists of residents and which plots they occupy;
- information on the electricity and water suppliers and supply location as well as details on all other service suppliers such as gas bottle suppliers and any waste removal arrangements that are in place; and
- details about existing Pitch Agreements.

2.40 In terms of utilities, site managers should keep a record of:

- the suppliers;
- procedures for provision of gas, electricity and water;
- procedures for provision of waste disposal facilities;
- payment arrangements;
- service arrangements and dates for inspection / maintenance; and
- emergency contacts and procedures including shut off points and fire hydrant points.

2.41 All keys for the site should be handed over to the new manager and a log kept by the site owner of the keys given. Where all keys cannot be accounted for the owner should consider having new locks installed.

Site Finances

2.42 The new manager should be made aware of payment information and given a comprehensive list of:

- pitch fees (including where these vary according to size);
- utility rates;
- other service charges;
- payments made and dates (a record book should be in operation); and
- outstanding payments or arrears.

2.43 If payment arrangements are not yet in place, it should be agreed whether fees are paid directly to the Local Authority / contracted management organisation or to the site manager. It is recommended that fees are paid directly to the Local Authority. However, if fees are paid to the site manager a system should be implemented to record the payments received and the transfer of fees and payments to the relevant organisations. In these instances residents should be issued with a 'rent book' as per standard tenancies. Residents may request evidence of charges under paragraph 52(1)(b) of Chapter 4, Schedule 2 of the 2013 Act.

2.44 It is important to highlight that where sites are properly managed they can be self-financing and sustainable, which will assist efforts towards community cohesion to ensure that the Gypsy and Traveller communities co-exist peacefully with the settled population.

Section 3: Working Together

3.1 To achieve community cohesion both on the site and between the site and the settled community, it is important that a good relationship is developed between the site manager and site residents. This relationship should be built on mutual trust and respect. Roles and responsibilities should be clearly defined with both parties understanding what they can expect from the other.

Site Objectives

3.2 There should be an overall vision for the site. For example:

‘Our aim is a clean, well-managed, well-serviced site where residents feel safe and can live peacefully.’

3.3 The vision should be supported by specific objectives that can be pursued to achieve the desired outcome. This should be supported by objectives which should be agreed on a site by site basis, to meet the needs of residents and the site owner. For example:

‘Over the next two years, the Local Authority will provide a children’s play area.’

3.4 Service standards should also be included, ideally mirroring Local Authority policy for social lettings in the area. For example:

‘Urgent repairs to water supplies or sewerage should be completed with 24 hours.’

‘Communal areas will be cleaned by the site manager twice weekly.’

‘Site managers will consult with residents on an annual basis to understand the services required and will pursue opportunities for these to be provided.’

3.5 Discussions in relation to site aims and objectives should be open to all residents, agreed in conjunction with residents and be sympathetic to literacy barriers. Where qualifying residents’ associations exist, Local Authorities will have a legal duty to consult on the operation and management of the site.

3.6 Careful consideration should be given to site objectives. They should be meaningful, firm commitments and should not be unrealistic. The site manager’s performance may be appraised against these objectives.

Maintenance

3.7 Effective site management is key to a successful Gypsy and Traveller site and maintenance forms a key part of this. Without this, the long term viability of the site may be at risk and residents may leave the site resulting in more unauthorised encampments.

3.8 A well-managed and well maintained site will also help to alleviate tensions with the settled community and help the surrounding community overcome misconceptions about Gypsy and Traveller communities.

3.9 A site management and maintenance plan should be drawn up and should be accessible to all stakeholders. This working document should be born out of consultation and dialogue between residents, managers and Local Authorities and should include both planned maintenance and consider risk management in terms of responsive maintenance.

3.10 The maintenance plan should include the proposed schedule of ongoing work to ensure that the site continues to be sustainable in the long-run. The maintenance plan may need to be submitted to the Welsh Government if the Local Authority is applying for Sites Capital Grant funding for refurbishment.⁸ This is to satisfy the Welsh Government that this funding is not being used to support unsustainable sites.

3.11 The maintenance plan should be flexible in terms of the changing needs of existing residents and the arrival of new ones. Where a site manager cannot (or is not expected to) take on the physical role of maintenance tasks, for example, litter picking or mowing grass, these should then be referred to other departments within the Local Authority i.e. Estates or Environmental Health, or arrangements made through procurement of these services. Where these tasks are referred to other departments or providers, it will remain the responsibility of the site manager to ensure these are completed and should be included in the maintenance plan. Where a contracted manager is employed, some of the responsibility for arranging these services may fall to the operational manager.

The Resident – Site Manager Relationship

3.12 Whether the site management is being done in house or contracted out, residents should always have a point of contact. There should be a named individual (i.e. the site manager) who has regular office hours and will act as the initial point of contact to the Local Authority.

3.13 Residents should also be provided with emergency contact numbers, whether that be for the manager or another housing official within the Local Authority. Whatever the arrangement, the contacts and numbers should be provided to residents in a clear and accessible manner.

3.14 Residents should expect the pre-determined office hours to be adhered to by the site manager (or an appointed substitute) except in cases of emergency.

3.15 In cases of holidays or extended leave, the Local Authority should arrange for site management cover and residents should be informed of these arrangements. This is especially important where residents are expected to rely on the site manager for day-to-day services such as the provision of electricity meter tokens or reporting faults.

3.16 The Pitch Agreement, as required under the Mobile Homes (Wales) Act 2013, will also outline the obligations of the 'site owner'. Local Authorities should decide which roles fall to the operational manager and which to the site manager (see paragraphs 1.16–1.22). See Section 6: Pitch Agreement for more information.

3.17 Specific responsibilities that site managers may be expected to carry out, include (but are not limited to):

- Ensure the safety of site residents through compliance with legislation and guidance.
- Carry out effective maintenance to ensure that the site remains safe and sustainable.
- Ensure that all Pitch Agreements, Waiting Lists and Allocation Policies are maintained and implemented in line with Welsh Government and Local Authority guidance.
- Ensure compliance with the terms of the Mobile Homes (Wales) Act 2013.

⁸ Welsh Government, 'Sites Capital Grant guidance notes': <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/sites-capital-grant/?lang=en>

- Liaise with organisations and agencies who deliver services on site.
- Facilitate necessary assessments and on-site meetings, where necessary.
- Manage the site budget, including ensuring that pitch fees and other fees are collected and processed.
- Conduct consultations with site residents on management changes or improvements to the site (permanent residential pitches only).
- Provide support to residents, where necessary, in completing official forms or navigating official processes.

3.18 The Pitch Agreement must be fully explained to residents and not just presented in the written word. Residents should be aware that anti-social behaviour or failures to remedy a breach of their responsibilities within a reasonable period may lead to legal action.

3.19 The Local Authority will need to issue residents with Privacy Notices setting out why their information is collected by the Local Authority and whether the information will be shared with anyone else. Residents' information should only be used for the purposes set out in the Privacy Notice. The site manager should also advise residents of their right to submit a Subject Access Request to obtain a copy of the information which the Local Authority holds about them. As the data controller, the obligation for compliance with data protection legislation when processing residents' data will rest with the Local Authority.

The Local Authority – Site Manager Relationship

3.20 It is important that there are also clear roles and responsibilities between the site manager and the Local Authority:

- the manager will require strong support from the Local Authority;
- the Local Authority should delegate appropriate powers to the site manager and be supportive in their decisions;
- just as residents should have an emergency point of contact, so should the manager. Where powers of delegation do not extend, the manager should have a named contact in order to seek authorisation or advice;
- the site manager should ensure that the operational manager is kept well informed about the management and operation of the site, including finances, pitch vacancies and maintenance;
- the site manager should be committed to safeguarding the site on behalf of the Local Authority; and
- the Local Authority should be committed to supporting the site manager to safeguard the well being and culture of the residents.

Residents' Associations

3.21 Residents are permitted to form residents' associations to ensure that they are consulted on matters relating to the management and operation of the site. There is a mandatory requirement upon Local Authorities to consult residents about improvements to the site, particularly where the pitch fee is likely to be affected. However, there is only a mandatory requirement upon Local Authorities to consult residents about the management and operation of the site where a qualifying residents' association exists.

3.22 Under section 61 of the Mobile Homes (Wales) Act 2013, a qualifying residents' association should:

- represent the residents of at least 50 percent of the mobile homes on site;
- be independent of the site owner or manager;
- have membership open to all residents (except live in managers);
- have rules and constitution open to public inspection and maintain a list of members;
- have an elected chairperson, secretary and treasurer;
- have decisions made through democratic voting, where each pitch has one vote.

3.23 Local Authorities should seek to consult with residents on the management of the site, even if the group doesn't qualify as a residents' association.

Section 4: Applications and Allocations

Applications

4.1 Application forms for permanent residential pitches should be available from the Local Authority housing office as well as from the site manager. Forms should be clear and easy to understand.

4.2 Application forms should ideally be completed by the applicant but where literacy barriers exist, the site manager should explain the details of the form verbally, along with the terms of a pitch agreement on site. These rules would need to be re-iterated and explained again if or when a pitch and pitch agreement is provided.

4.3 Applicant meetings with the site manager should be the initial point of contact. This should be the point where forms are completed and rules explained. Applicants should be assured that forms will be treated in confidence and in line with the terms of the Data Protection Act.

4.4 Applicants should be made aware that allocations are dependent on several factors which may include:

- **Capacity**

Pitch turnover and vacancies on Local Authority sites are low. As a result most sites are at full capacity, which may mean that applicants will need to spend some time on a waiting list.

- **Fee Arrears**

Local Authorities will need to be satisfied that applicants are likely to pay their pitch fee and other fees that are due.

- **Proof of Identity**

Where proof of identity is not available from the applicant, the site manager should attempt to obtain some form of identity from other family members who will be residing on the site. All attempts should be made to secure some form of identity. This can be in the form of passports, driving licence, birth certificates or utility bills or receipts from previous sites. Where 'photo id' is not available, a letter and a photograph should be signed by a professional associate (for example, a teacher) to verify the identity of the individual (as with Passport applications).

Where applicants wish to assign their pitch, it must be to a family member. Therefore, proof of family connections will be required.

- Other application / allocation criteria are detailed at paragraphs 4.18-4.19.

4.5 Applications for permanent residential pitches should be made to the Local Authority housing office. Office hours should be made known through the site manager and will often be available on the Local Authority website.

4.6 Application forms should be considered with reference to the Local Authority's pitch allocation policy, with due consideration given to the applicant's needs. On permanent residential pitches, the applicant should not be required to indicate an estimated length of stay and all successful applications should be considered as being valid for as long as

the site has planning permission. On transit pitches, the Local Authority may request an estimated length of stay and occupiers are only permitted to stay on the pitch for up to 3 months.

4.7 Decisions regarding applications should not be the sole responsibility of any site manager. The opinion and recommendations of the site manager may be given consideration but applications will inevitably be dependant on the Local Authority's pitch allocations policy, the needs of the applicant and other factors outlined in paragraph 4.4.

4.8 The Local Authority should employ reasonable timescales in which to consider applications to Gypsy and Traveller sites. Local Authorities should be mindful that excessive timescales could lead to applicants being made homeless and being forced to occupy unauthorised encampments due to the lack of a legal alternative.

4.9 It is recommended that the Local Authority respond to applications for permanent residential pitches within 28 days of receipt. Applicants should be made aware of the expected timescale.

4.10 Those applicants who do not fit the criteria should be informed of the decision immediately. They should be provided with a reason why they are not eligible for a pitch. Refusal should not preclude applicants from applying again in the future.

4.11 Where possible, vacant transit pitches should be temporarily allocated while applicants await decisions for a permanent residential pitch allocation. However, where this option is pursued, the occupants are not permitted to stay on a transit pitch for more than three months.

4.12 Where family links are evident on residential sites and where capacity allows, applicants should be granted leave to remain temporarily on site. This policy would have to be developed in conjunction with residents and may be considered on a case-by-case basis. Although discrimination against non family groups must be prevented, the cohesion and harmony of the site and the well being of existing residents should be a key consideration. For example, family members who are seeking to move to the site permanently and have been given temporary permission to stay may be looking after disabled or unwell relatives who are resident on the site.

4.13 Where Local Authorities operate transit sites, a formal application process may be considered to be inappropriate. However, site managers may still wish to require satisfactory references and the first week of fees before allowing occupation of vacant transit pitches. Local Authorities may wish to consider a requirement for a refundable deposit to be paid in advance for those wishing to occupy transit pitches. However, the Authority will need to satisfy itself that it has sufficient powers to do this.

4.14 Site managers of transit sites should seek to build relationships with site managers of other transit and permanent sites to ensure vacant pitches are made known to those travelling from other sites.

4.15 As transit sites become available in Wales, the Welsh Government will work with Local Authorities to develop a system of ensuring that transit pitch vacancies are known. This should help to reduce the incidence of unauthorised camping and facilitate the traditional travelling way of life.

Waiting Lists

4.16 It is strongly recommended that Local Authorities publish their policies and procedures for allocating pitches, including assessment criteria, expected timescales and how to apply and how priority need is defined and provided for in the policy. A key part of this policy should be a waiting list for those who want a pitch and are considered eligible.⁹

4.17 Where a waiting list is in operation, the Local Authority should clearly explain how the list operates and inform applicants of their general position on the list when requested. Inevitably, where applicants' circumstances change or new applicants move into the area with priority need where a mobile home pitch is considered to be suitable accommodation (as set out in paragraph 4.20 below), the specific order of the waiting list is likely to change. However, Local Authorities should be able to provide some feedback to applicants about the expected waiting time.

4.18 As with other forms of social housing, priority for permanent pitches should be given to those in greatest need and with no other alternative pitch accommodation. The criteria for assessing need of applicants should also be clearly explained and the allocation procedure should be transparent to prevent accusations that certain individuals or families have been favoured. For example, as with any other community, priority should be considered to broadly include:

- Pregnant women or persons with whom she might reasonably reside.
- Those with dependent children living with them.
- Vulnerable people for some special reason (for example, elderly or disabled people or those with physical or mental illness).
- Those who have been made homeless or threatened with homelessness as a result of an emergency.
- Those who have been made homeless as a result of domestic abuse.
- Those who are 16 or 17.
- Those that have reached 18 (but under 21) years of age and need help obtaining accommodation after exiting social care.
- Those who have reached 18 (but under 21) years of age who're at particular risk of sexual or financial exploitation.
- Those who have been homeless since leaving the regular armed forces of the Crown.
- A person who has a local connection to the area of the local housing authority and who is vulnerable as a result of incarceration, or persons with whom he / she might reasonably reside.

4.19 Local Authorities may also wish to consider additional assessment criteria for Gypsy and Traveller pitches.¹⁰ For example, priority may additionally be given to:

- Those currently occupying overcrowded or unsanitary conditions on existing sites.

⁹ Waiting lists which allow for the specific recording of the need for an authorised pitch are required under the Welsh Government's Undertaking Gypsy and Traveller Accommodation Assessments guidance, <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/accommodation-needs/?lang=en>

¹⁰ Welsh Government draft Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness (2015), <http://gov.wales/topics/housing-and-regeneration/services-and-support/managing-social-housing/allocate/?lang=en>

- Those with a recognised cultural aversion to conventional housing.
- Those seeking to move to support elderly and disabled relatives living on the site.

4.20 Due consideration should also be given to family groups and the wider implications on family life. While this may be taken into consideration, this factor should not be considered a priority need. These allocation policies should be consulted upon to ensure that the process and procedures for determining application, allocation and priority need are fully understood and fit-for-purpose.

4.21 The Local Authority site manager and operational manager may wish to review the allocation and waiting list policies if they become aware that they are too restrictive for new applicants or may result in long term residents leaving the site.

Allocations

4.22 Local Authorities should seek to allocate permanent pitches to those most in need and with no alternative pitch accommodation offered to them as outlined above. Most allocations policies involve a points-based system. This system should reflect the Local Authority's general allocation policy.

4.23 Where possible applicants should be given a choice of pitches that best suits their requirements.

4.24 Where suitable pitches for disabled or older applicants are not available, the site manager should liaise with health care professionals to assess the health and welfare needs of the residents as well as any disabled adaptations that may be required, with the explicit consent of the resident.

4.25 Following this assessment the site manager should liaise with the operational manager to make suitable adaptations or reasonable adjustments to pitches or amenity blocks. Local Authorities may choose to use the Disabled Facilities Grant to ensure that pitches are accessible.

4.26 Any decision to refuse applications should be evidence based. Every effort should be made to accommodate applicants who have met the application criteria. Where a decision is made not to grant an application, the applicant should be made aware of the appeals process. Information on these should be made available by individual Local Authorities as part of the decision notice and upon request.

4.27 Where suitable pitches are unavailable but the applicant is homeless or threatened with homelessness as a result of an emergency, the Local Authority has homelessness duties which it will need to comply with.

Assignment and Succession (Permanent residential pitches only)

4.28 Existing residents on authorised permanent pitches may wish to assign their pitch agreement to a member of their family or to exchange their pitch with another occupant on a Local Authority site. The Mobile Homes (Wales) Act 2013 sets out the circumstances when this should be permitted and the obligations of residents and site owners.

4.29 To assign a pitch agreement, the residents must have the approval of the owner and, in the case of an exchange, the proposed resident must already live on a Local Authority owned pitch in the same Local Authority area and the residents must have agreed to the exchange between themselves.

4.30 Neither the resident nor the site owner (including the site manager) is permitted to require payment for any assignment or exchange.

4.31 The resident should serve the site owner with a request for approval, which includes evidence that the proposed resident is a member of their family or, in the case of an exchange, evidence of an agreement between residents.

4.32 The site owner must respond to the request within 28 days of receipt, approving the request unless it is reasonable for the owner not to do so. The owner must also provide a notice of the decision. When the day to day site management is contracted, the responsibility for approving these requests remains with the Local Authority. Therefore, the site manager is obliged to notify the site owner of the request.

4.33 If approval for the assignment is not granted, written reasons must be included in the decision notice. The Local Authority can approve an assignment, even where fees are due from the occupier or a term of the agreement has been breached. However, fees must be paid and breaches must be remedied before the assignment can be completed.

4.34 Whilst the Local Authority must produce reasons for not approving a request, they cannot place any other conditions on giving their approval.

4.35 If the resident does not receive a decision notice or if approval is denied, they may apply to a Residential Property Tribunal (RPT) for an independent decision to be made.¹¹ An application to the RPT must be made within 3 months of receiving the decision notice.

4.36 It is possible that some assignments may lead to new residents who were not at the top of the waiting list. However, these residents will be replacing existing residents rather than occupying vacant pitches.

4.37 Similarly, where a pitch agreement holder dies, any person living with them in the mobile home at the time is entitled to succeed them on the pitch. This includes the widow, widower, surviving partner or any member of the deceased's family (as defined under section 55 of the Mobile Homes (Wales) Act 2013).

4.38 In addition, where the pitch agreement holder was living alone at the time, the successor will be the person entitled to the mobile home by virtue of the will or under the laws of intestacy.

4.39 Where succession rights are involved, Local Authority allocation policies should not be applied unless the pitch agreement is terminated.

4.40 Occupiers of transit pitches are not eligible for assignment or succession rights.

¹¹ Residential Property Tribunal service website, <http://rpt.wales.gov.uk/guidanceandforms/residential-property-tribunals/local-authority-gypsies-and-travellers-sites/?lang=en>

Section 5: Site Arrivals

5.1 The site manager should issue the applicant with the pitch agreement in accordance with the Mobile Homes (Wales) Act 2013 and this should be agreed to by the applicant before any mobile homes are brought on site. The agreement should be fully explained to the resident and highlight the roles and responsibilities of the manager, the Local Authority and the resident. The new residents should be made aware that the agreement applies to all those residing on the specified pitch. The agreement should provide that the named applicant is responsible for all activities on the pitch and for visitors on the pitch. The applicant should be made responsible for the behaviour and well being of personal visitors as well as the well-being of those on the pitch there to undertake maintenance or safety inspections. The applicant must sign the agreement to say he / she has understood the rules (whether they were explained to them verbally or in the written word).

5.2 The new residents should be provided with a map of the site highlighting key areas such as site office, fire hydrants, fire assembly points, recycling facilities, communal bins / skips gas storage facilities and any communal facilities. The map should also indicate where their plot lies in the context of the rest of the site and clearly show pitch boundaries. This information should be simple and clear in order to overcome any literacy barriers and where possible use symbols to demarcate plots, hook up points, fire points etc.

5.3 The resident should be given the opportunity to ask any questions relating to the agreement and query any of the information provided. The site manager should allow some time to discuss any concerns or further explain any issues.

5.4 The written pitch agreement will be comprised of 'Implied' terms, which cannot be overridden by Local Authorities or residents, and 'Express' terms, agreed by residents and Local Authorities. If residents are not happy with the proposed 'Express' terms they should discuss them with the Local Authority. If the Local Authority will not agree to change the terms, the resident may make an application to the Residential Property Tribunal (RPT) for the term to be varied or deleted. Such an application must be made within 6 months of the term being made.

5.5 In addition, if the resident believes that an 'Express' term is unfair, they could complain to the Office of Fair Trading, or any qualifying body, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999.

5.6 However, occupiers of transit pitches do not have the right to challenge the terms included under their pitch agreements.

5.7 A deposit should not be expected for any permanent residential pitch. However, Local Authorities may wish to consider the requirement for a refundable deposit for those wishing to occupy transit pitches. Payment of pitch rental weekly in advance is recommended. In that case, one week's payment (or a proportion thereof) would be expected on arrival at the site. The site manager should discuss payment options with the applicant. This may include issues around direct debits, standing orders or Universal Credit.

5.8 The pitch agreement should make it clear when the pitch fee is due, the pitch fee amount and the services that are included in the total.

5.9 Once the agreement has been signed and fully understood and the manager and applicant are content, the caravan can then be secured on the specified pitch.

5.10 The residents should then be shown their plot and utilities, including water and electricity hook up points.

5.11 All utilities should be accessible from the day the applicant moves onto the plot. For example, it is not acceptable for the water supply to the pitch to be turned off once the resident is in occupancy. In addition any special arrangements or adaptations should be in place when the resident starts the tenancy.

5.12 The site manager is responsible for showing the residents the pitch along with the hook up points, drainage and the amenity block and, for example how to use the shower or heating and how to plumb in the washing machine. This should be done on arrival at the pitch.

5.13 The site manager should also explain the arrangements for the utilities, in particular payment arrangements. Residents should be made aware of places that payment cards (if used) can be bought.

5.14 Residents should be made aware of the fire regulations on site and the fire breaks between the pitches. Specific information on fire breaks can be found in the *Designing Gypsy and Traveller Sites* guidance. Residents should be made aware that under no circumstances should the fire break be breached and anything to the contrary may constitute a breach of the pitch agreement. This may result in an application to the Court to terminate the pitch agreement and take possession of the pitch.

5.15 Residents should be made aware of services on site for example refuse collection and postal arrangements.

5.16 Residents should also be made aware of cleaning and maintenance arrangements. It should be clear what the resident is responsible for cleaning and maintaining and what the site managers will maintain.

5.17 Emergency details should be fully explained to the residents. This should include details on the fire assembly point, fire hydrants, emergency contact details and the location of the emergency telephone.

5.18 Residents should also be provided with the non emergency contact details for out of hours services.

5.19 New residents will be subjected to a great deal of information. This information should all be presented in a clear and jargon free booklet for the residents to refer to at a later time. Information should also be provided in different formats to ensure accessibility for example CD or DVD.

5.20 Site managers should have an induction plan in place to ensure that all aspects of the introduction are covered. A check list can be useful to ensure nothing is missed. A clear induction plan will also ensure that in the case of the site manager being unavailable (due to sickness etc.) new arrivals can still be welcomed on site and informed appropriately. An example induction checklist is included below.

Example Induction Check List

Map of Site and Key Facilities

Pitch Agreement:

Explained

Signed

Queries Discussed

Payment in advance

Details

Future Payments Explained (rent payments dates provided)

Plot Allocated

Confirm Family Numbers (in case of fire etc)

Caravan Secured

Utilities Explained

Utilities Available

Issues to Follow up

Welfare Arrangements Discussed:

Disability / Adaptations

Education

Health

Utilities – Payment Arrangements

Other Services on Site (Post, Refuse, Recycling)

Cleaning and Maintenance – Roles and Responsibilities Explained

Fire Regulations

Fire / Emergency Equipment

Emergency Contact Details

Non Emergency Details

Additional Contact Details provided:

GP

NHS Direct

A& E

Dentist

Resident Introductions

Induction Pack Issued

CD / DVD Provided

Rent book provided

Section 6: Pitch Agreement

6.1 The pitch agreement is a binding contract drawn up by the Local Authority that will provide a source of security for resident, manager and Local Authority.

6.2 The pitch agreement should detail all the necessary information that the resident needs. This should include information about the daily running of the site along with a clear and concise outline of the rules and responsibilities.

6.3 As stated above residents should have the written agreement read to them by the site manager. Residents should be given the opportunity to invite a third party to assist with reading and / or explanations if so required. However, the applicant must sign the contract (or make their mark) to say they have fully understood the rules and obligations of all parties.

6.4 The purpose of the agreement is to ensure that all parties understand their roles and responsibilities on site. Therefore it is important to reiterate that agreements should be in plain English and jargon free with minimal opportunity for dispute or confusion. The use of legal terminology, abbreviations or acronyms should be kept to a minimum. As detailed above, other communication mediums could be used to convey information.

6.5 Once the pitch agreement is agreed and signed, it will provide indefinite security of tenure for the resident – unless the pitch itself has only finite planning permission duration or is a transit pitch. However, Local Authorities and residents of permanent pitches can request that new agreements are adopted if the existing arrangements are problematic. Both parties must agree to any varying or deletion of terms. If this is not possible, one or other party can apply to the RPT for an independent decision about whether the terms should be changed. Local Authorities cannot amend the terms without agreement from residents or the RPT.

6.6 Where the pitch agreement is issued for a transit pitch, the maximum length of occupation is 3 months. Terms under these agreements cannot be challenged by occupants.

6.7 The written pitch agreement should include details of the pitch fee and other costs and the day on which they will be due. This should include which services and utilities are included in the pitch fee.

6.8 The agreement must also include the annual date upon which the pitch fee will be reviewed. This will be explained in more detail in Section 7: Site Fees.

6.9 The pitch agreement will also include all of the 'Implied' terms outlined in Schedule 2 of the Mobile Homes (Wales) Act 2013 and the 'Express' terms created by the Local Authority. The 'Implied' terms explain the processes around:

- termination of agreements;
- assignments;
- recovery of any overpayments;
- re-siting of Mobile Homes;
- the quiet enjoyment of the Mobile Home;
- the site owner's right of entry to the pitch;
- setting pitch fees;
- the occupier's obligations; and
- the site owner's obligations.

6.10 The 'Express' terms will explain local site rules and may include the consequences of:

- threatening behaviour or language to staff, other residents or contractors;
- rent arrears;
- inappropriate use of the site including criminal activity;
- damage to pitches or amenities blocks (own or other);
- anti-social behaviour including noise disruption;
- refusing access to manager, Local Authority or contractors to undertake duties when prior warning has been given;
- failure to keep domestic pets under proper control and cleaning up after them; and
- keeping animals in excess of agreed numbers.

6.11 Any rules relating to the keeping of animals or undertaking economic activities on site should be included under the 'Express' terms.

6.12 Residents have a responsibility under their Pitch Agreement to:

- Comply with the terms contained within the agreement, which may include specific site rules ('Express Terms').
- Pay the pitch fee to the site owner / manager.
- Pay the site owner / manager all sums due in respect of gas, electricity, water, sewerage or other services supplied by the Local Authority.
- Keep their mobile home(s) in a sound state of repair.
- Keep the outside of their mobile home(s) and the pitch, including fences and utility blocks supplied with the pitch, in a clean and tidy condition.
- If seeking reimbursement for emergency costs or expenses, provide the site owner / manager with documentary evidence.
- Provide at least 4 weeks written notice if they want to terminate their agreement (or simply provide written notice on transit pitches).
- Provide the site owner / manager with entry to the pitch under the conditions set out in the Mobile Homes (Wales) Act 2013.

6.13 When agreements are breached the site manager should first attempt to ensure that the problem is solved and to ensure the residents understand there has been breach which could have consequences. This could be achieved by discussing the situation with residents and issuing a notice to remedy the breach. This notice must be issued before more formal action can be taken. Where site managers are seeking further action, they should discuss the situation with operational manager.

Examples of possible actions are detailed below. However, the appropriateness of each course of action should be based on the severity of the breach and impact upon other residents' enjoyment of their pitch and surrounding area:

- no action required – the resident has resolved the issue and is no longer in breach of the agreement;
- a verbal warning may be issued for a less severe action. The warning should not be repeated and should be recorded;

- a written warning may follow a verbal warning or, in more severe cases may constitute the first recourse. This should detail the complaint, dates etc. as well as a proposed, time-bound course of action;
- a second written warning may be issued if the improvement is not made as agreed in the first written warning;
- legal action maybe required if the matter has not been resolved or if the resident(s) re-offends; and
- continued breach of the terms of the agreement may result in a Court order allowing possession of the pitch and eviction of the resident.

6.14 The Local Authority's responsibilities in relation to termination proceedings are outlined within Schedule 2 of the Mobile Homes (Wales) Act 2013. All evictions from permanent residential pitches must be determined by the Court. Evictions from transit pitches do not need to be approved by the Court.

6.15 Evictions from permanent residential pitches will require site owners to provide clear reasons to the Court. The Court may permit the Local Authority to terminate the agreement if it considers it reasonable.

6.16 Site owners can terminate agreements for transit pitches before the expiry date for any reason, as long as the occupier is provided with 4 weeks written notice. Site owners can also terminate the agreement early if the occupier has breached their pitch agreement and having been served with a notice by the Local Authority to rectify the breach, has failed to do so in a reasonable time.

6.17 Should an eviction happen, the site manager should ensure that all appropriate agencies working with the household (for example education and health professionals) are notified. As with evictions involving members of the settled community, the police should not be routinely called in the case of eviction. This should only be the case where a breach of the peace is anticipated.

Section 7: Site Fees

Pitch fees and other costs

7.1 Pitch fees should be proportionate to the size and amenity of the pitch and site, including the services provided on site. While the Local Authority will set the level of pitch fee it is the responsibility of the site manager to seek to ensure that the resident receives value for money.

7.2 The pitch fee can only be changed with the agreement of the resident or by the RPT after the site owner or resident has applied for a change. The pitch fee must be reviewed annually, on the same date each year, and details of the proposed new fee must be provided to residents 28 days before the change is due to commence.

7.3 If the resident refuses to agree proposed changes in the pitch fee, the current fee will continue to be payable whilst the owner may decide to apply for a decision from the RPT. If the RPT agrees with the site owner's change to the pitch fee, the resident must pay the new pitch fee from the review date. However, the resident must be given 28 days after the RPT's decision to pay the deficit before they are considered to be in arrears.

7.4 When deciding the amount of the new pitch fee, site owners should consider any costs incurred since the last pitch fee review, which:

- Were for the benefit of the residents.
- Were subject to consultation, as defined in Schedule 2 of the Mobile Homes (Wales) Act 2013.
- The majority of the occupiers have not disagreed with in writing, unless in the case of this disagreement, the site owner applied to the RPT and received a successful decision, agreeing that these costs can be included.

7.5 The site owner should also have regard to any decrease in the amenity of the site and the effect of any laws or guidance which has come into force since the last pitch fee review.

7.6 The site owner must not consider the following costs when deciding the change in the pitch fee:

- any costs incurred by the owner in connection with expanding the site; or
- any costs incurred by the owner in relation to proceedings under the Mobile Homes (Wales) Act 2013.

7.7 For example, design or planning system fees or costs associated with issuing written agreements, applying to the RPT or taking legal action against residents must not be included.

7.8 Unless it would be unreasonable due to consideration of paragraphs 7.4–7.7, there is a presumption the pitch fee will increase or decrease by a percentage which is no more than the change in the Consumer Prices Index (CPI) since the last pitch fee review.

7.9 Where site management is contracted to an outside organisation, the pitch fees should still be set by the Local Authority. However, this will require close liaison with the management organisation.

7.10 Excessive fees will deter residents and in the long run can be counter productive. Gypsy and Traveller communities are known to experience high levels of poverty, which may prevent their ability to pay high fees.

7.11 The pitch agreement must make it clear to the residents what the pitch fee will cost and separately define other service charges. For example, the pitch agreement may include information regarding the costs of water and sewerage charges for that year.

7.12 The services (e.g. refuse collection, postal services) provided on site should be the same as for social housing, where possible. Services provided should be uniform across pitches.

7.13 All residents should be issued with a rent book or other suitable means of recording payments to the Local Authority.

7.14 If a tenant has difficulty paying their pitch fees they should approach the site manager or Local Authority staff at the earliest opportunity to discuss a way of resolving this.

7.15 The site manager should treat all information as confidential and be sympathetic and discrete when discussing personal issues. Confidentiality should be explained to the resident and should also form part of the management contract between the site manager and the Local Authority and be reiterated in the agreement for the benefit of the tenant. All sensitive personal information must be handled in line with the Data Protection Act.

Universal Credit / Housing Benefit

7.16 Housing Benefit is, of course, an acceptable form of payment but it is the responsibility of the residents to arrange this. However, the site manager can highlight this to residents as an option and remind them of any outstanding issues.

7.17 It is acceptable for the site manager to assist the resident (if required) in applying for Universal Credit. However, the responsibility for the accuracy of the application must remain that of the applicant and does not pass to the site manager.

7.18 The site manager should encourage the residents to inform the relevant authorities or departments in any changes of circumstances that may affect their benefits.

Section 8: Site Maintenance

Repairs and Maintenance

8.1 It is important that Gypsy and Traveller sites are maintained to a reasonable standard to ensure continued pitch fee income and site sustainability. The maintenance costs for Gypsy and Traveller sites can be higher than for other forms of housing and therefore it is very important to have a planned maintenance programme as well as a reactive maintenance plan in place.

8.2 To ensure that sites are kept to a good standard the site manager and operational manager should work in conjunction to ensure that a realistic and scheduled maintenance plan is developed and employed.

8.3 The Mobile Homes (Wales) Act 2013 sets out the Local Authority's responsibilities for repairing and maintaining:

- The base of the pitch.
- Any gas, electricity, water, sewerage, or other services supplied by the site owner to the pitch or mobile home.
- Any other amenities provided by the owner on the pitch, including any outhouses and facilities provided.
- Parts of the site that aren't the responsibility of individual pitch agreement holders, including boundary fences, access ways and trees.

8.4 The maintenance plan should clearly define day to day duties that fall to the site manager and larger scale planned maintenance along with a budget. Emergency works also need to be factored in with an estimated, ring fenced, budget.

8.5 Many sites will have a grass or landscaped area. Where these are in place they will require regular maintenance. Keeping grass at a minimal length will not only help prevent fire risks but also help foster a sense of belonging on site and help prevent any feelings of hostility between the site and the settled community. Furthermore, grassed areas can provide important play areas for children and other people that live on the site. Functions such as cutting the grass may fall to other departments of the Local Authority but the site manager should ensure that maintenance is completed regularly.

8.6 As detailed in the Designing Gypsy and Traveller Sites guidance, communal areas can be problematic unless they have a clearly defined purpose because they can be subject to abuse. Where landscaped areas are intended as play areas, residents should be informed of its purpose and be made aware that abuse of this area will not be tolerated.

8.7 It will be the responsibility of the site manager to prevent any rubbish from accumulating on communal areas. The site manager should arrange for rubbish to be cleared as soon as possible, either as part of their duties or arrange for the Local Authority to collect. Communal pathways and roads on site should be swept regularly. Road gutters should also be cleared on a regular basis.

8.8 It could be stated in the pitch agreement that incidents of fly-tipping will be vigorously pursued with a Fixed Penalty Notice and subsequent legal action. This reflects legal action enforced against members of the settled community. Where fly-tipping is persistent, notices on site may be a useful deterrent. Fly-tipping is a criminal offence punishable by prison and or a fine up to £50,000, depending on the severity of the crime.

8.9 The site manager should seek to ensure that equipment and facilities provided on site are kept in a reasonable state for use and comply with health and safety regulations.

8.10 Where play facilities are in place, the site manager should inspect these on a regular basis to ensure they are safe. Where repairs are required the site manager should inform the relevant department. Where apparatus are considered dangerous, they should be taken out of operation. All efforts should be made to ensure that equipment is returned in reasonable condition, as soon as possible. Residents should be given an indication of how long repairs will take.

8.11 A maintenance plan should be in place to deal with routine repairs and maintenance. This should be drawn up in advance by the site manager and agreed with the Local Authority. A budget should be in place to reflect the level of maintenance required.

8.12 The site manager should conduct routine inspections of the amenity blocks, internally and externally and report faults or repairs immediately to the Local Authority. Inspections should be for the purpose of maintenance only and internal inspections should be kept to a reasonable limit to avoid intrusion. Residents should be made aware that these inspections will take place and be given notice of these in line with the terms of their agreement.

8.13 Residents should be encouraged to report incidents of faults and items in need of repair. Where concerns arise, these should be noted and logged by the site manager and always inspected in a timely manner.

Section 9: Services and Utilities on site

Electricity and Gas Supply and Payment

9.1 Through consultations with Local Authorities and residents it is clear that the preferred method of electricity supply and payment is a direct relationship between the supplier and residents. However, these direct customer relationships are currently rare on Local Authority Gypsy and Traveller sites. It is strongly recommended that site owners consult residents on their preferred method of supply/payment and seek to achieve this through liaison with the electricity supplier.

9.2 The Welsh Government believes that where possible, direct customer relationships are the best way to ensure that Gypsies and Travellers are able to achieve equal access to fair billing. This system would reflect the system used in the social housing market, where tenants would not normally be required to pay their bills through a Local Authority intermediary.

9.3 Where electricity suppliers consent to direct customer relationships, residents could be billed for their actual electricity usage, rather than an equal share of usage across the whole site. It may also be possible that residents are only eligible for energy saving grant schemes if they can demonstrate that their bills relate to their actual usage costs.

9.4 Where direct customer relationships are not possible, site managers should fully explain the reasons to residents and liaise with suppliers to ensure that residents are receiving fair and equitable treatment.

9.5 Direct customer relationships would not be appropriate for transit sites, where occupiers are only permitted to stay for up to three months. In those circumstances, it may be more appropriate for the Local Authority to be the customer of the electricity company.

9.6 Where payment cards / tokens / keys are in use these should be available from the site manager and at least one other outlet, such as the local shop. It is important that residents are not prevented from buying electricity cards / tokens due to the unavailability of site managers. Site owners or contracted managers must not make a profit from the sale of electricity cards / tokens.

9.7 In cases where electricity cannot be billed directly to the residents it is acceptable for Local Authorities to collect payment along with the pitch fees. However, these costs should not form part of the pitch fee itself. If requested by the resident, the Local Authority must provide documentary evidence of the charges free of charge.

9.8 Gas bottles / containers may be used on site. Residents should be made responsible for the safe storage and use of these containers and it should be the responsibility of the residents to remove empty containers from pitches and place at either a collection point or within storage facilities on site. It is vital that this is policed correctly to prevent empty containers becoming a fire hazard.

9.9 Site managers can make storage facilities available on site but residents should remain responsible for storage, use and removal from the pitch.

Water Supply and Payment

9.10 Direct customer relationships with water suppliers are recommended to ensure that residents can achieve equal access to fair billing. To achieve this, site water and sewerage infrastructure must be constructed to meet the requirements of the relevant water company and to comply with relevant legislative standards.

9.11 It may not be possible to achieve direct customer relationships with water suppliers on existing sites because the site infrastructure may not comply with the water company's required standards. On these sites, Local Authorities should consider providing meters for individual pitches instead. However, the Local Authority should consult with its residents about whether they would rather be metered or continue the current arrangement. If meters are installed, the water bill should be divided by the actual usage monitored by the meters.

9.12 Ideally, all pitches should be fitted with a water meter to ensure actual usage can be recorded which will enable residents to take responsibility for paying for what they use. Communal water supplies must also be metered and the cost of this can be recouped through pitch fees. Meters would be installed by the water company if they have agreed to provide individual connections to the water company main.

9.13 Using meters to apportion costs without direct customer relationships means households with higher than average usage will end up being required to pay additional costs. Though this may reflect their usage, Gypsy and Traveller residents will not be eligible for water company social tariffs. In these circumstances, larger families who may be experiencing poverty could be disadvantaged.

9.14 Local Authorities should consider the impact of these decisions and consult with residents to find the most sensible way forward.

9.15 Local Authorities are expected to monitor and manage the water efficiency at Gypsy and Traveller sites in order to ensure wastage through leakage or inefficient practices are minimised allowing water and sewerage charges to sites to be kept to a minimum.

9.16 Where Local Authorities decide to collect water and sewerage costs at the same time as the pitch fee, residents should be made aware of how much of the fee is made up of water costs. If requested by the resident, the Local Authority must provide documentary evidence of the charges free of charge.

9.17 Although residents of these sites may experience high poverty levels and may not be able to achieve direct customer relationships, it is not acceptable for Local Authorities to entirely subsidise the cost of pitch water and sewerage supplies. It is important residents are able to take responsibility for their usage and must contribute towards the costs of supply and drainage. Nevertheless, Local Authorities should not evict residents purely on the basis of unpaid water bills.

9.18 Direct customer relationships would not be appropriate for transit sites, where occupiers are only permitted to stay for up to three months. In those circumstances, the Local Authority will be the customer of the water company.

Waste Collection on site

9.19 Local Authorities must, in accordance with Section 45 of the Environmental Protection Act 1990, provide a waste collection service. This should ideally be from individual pitches on a weekly or fortnightly basis, depending on the Local Authority policy on refuse collection. The site manager should work with the relevant Local Authority departments to ensure that waste collection and any additional containers are supplied to the site.

9.20 Ideally, refuse collection lorries should be able to enter the site. However, the infrastructure of some existing sites may prevent this.

9.21 Where site barriers are in operation, the site manager is responsible for ensuring these are opened in time for collection services to gain access. In addition, the site manager must ensure that obstructions do not prevent access to the site.

9.22 Poor waste collection and management by either the residents or the collection services can lead to serious health hazards.

9.23 Recycling facilities on site should be provided. Site managers should liaise with Environmental Health to arrange for the provision of appropriate and adequate facilities for recycling. These facilities should reflect the needs of the site including normal domestic recycling in line with what is provided to other housing provision within the Local Authority.

9.24 Residents should also be encouraged to utilise existing facilities within the wider community, such as Civic Amenity Sites, for more bulky collections. However, where commercial activities are permitted on site and residents are likely to require many trips to the Civic Amenity Site during the week, site managers may want to consider arranging specialist provision or collection. It may be that an additional charge is levied for this service.

9.25 It should be clear in the Pitch Agreement that while the site manager is responsible for arranging routine waste collection, it is the responsibility of residents to ensure refuse is appropriately stored and is available for collection.

9.26 Local Authorities who run sites, or residents of sites themselves, may be able to receive advice on ways to save on energy, water and waste through Resource Efficient Wales. For advice and support with identifying ways to improve efficiency contact 0300 123 2020 or visit www.gov.wales/resourceefficient.

Outreach' Service Providers

9.27 Liaison should be maintained with any social care providers who monitor the welfare of residents on site. Part of the role of the site manager is to ensure that site conditions do not hinder access to services, and ensure that those who need access to the site are able to do so. The site manager should help residents to arrange appointments or visits where necessary.

9.28 Liaison with Traveller Education Services and other appropriate agencies is fundamental to ensuring inclusion and equal opportunities for Gypsy and Traveller children. Relationships should be developed and maintained on and off site and the site manager should again ensure that the appropriate departments are informed of the arrival of children to the site and work to ensure the children on site have access to services.

9.29 Community midwives and health visitors may wish to use any site office for on-site consultations and vaccinations clinics. Where on-site facilities exist, site managers may wish to notify local health boards to ensure that they are aware that their services could be delivered on site.

9.30 Other services, such as Flying Start or Communities First, may wish to use communal buildings on-site to deliver services to eligible members of the community. This might include 'Language and Play', adult literacy, health eating, mother and baby, or other sessions.

Police

9.31 Relations between Gypsies and Travellers and the Police can be difficult at times. However, residents on Gypsy and Traveller sites are equally entitled to Police services as the settled community. The site manager should work towards building a good relationship between residents and the local police, in particular, encouraging residents to report incidents of crime on the site, as well as hate crime and racist behaviour / abuse directed towards them.

9.32 Hostility or prejudice targeted at Gypsies and Travellers can be frequent and could include low level persistent targeting or significant tensions generated through proposals for the development of new sites locally. The site manager should advise and encourage residents of opportunities to report hate crimes or incidents through the Police or to the National Hate Crime Report and Support Centre run by Victim Support Cymru through a free independent helpline 0300 30 31 982 (Free 24/7) or online www.reportheate.victimsupport.org.uk. Save the Children are also operating a national reporting centre for children and young people from Gypsy and Traveller communities to report cases of harassment or hate crime.

9.33 A good relationship with the police can help to protect site residents, in particular from external influences, while also protecting staff working on site.

9.34 Police should be granted the same access to a Gypsy and Traveller site as to any other residential community and rules concerning warrants etc. apply equally.

9.35 The site manager should seek to facilitate good relations between residents and the Police by engaging the local Police Community Support Officer and, where necessary, the force Diversity Officer. This should help to foster respect between residents and the Police, provide useful cultural awareness for Police actions on site and provide the Police with an insight into working with these communities in a non-enforcement context.

Other Emergency Services

9.36 Site managers should ensure that emergency vehicles can access the site when required. If an entrance barrier is in operation, the site manager should ensure that all services have the current code or key access. Failure to do this may endanger lives and / or property. Residents should be made aware that it is not acceptable to prevent access to emergency vehicles and that this will constitute a serious breach of their pitch agreement.

9.37 Emergency services should be made familiar with the layout of the site and be provided with a site plan. This should include details of water hoses or hydrants. They should also be provided with relevant contact details.

9.38 Local Fire Services may require access to inspect the site in order to ensure that the caravans or any other aspect of the site do not breach fire regulations as well as to assess the level and condition of fire fighting equipment on site. It is the responsibility of the site manager to liaise with the Fire Service to arrange visits. Residents should be informed prior to inspections taking place. It is vital for health and safety that access is permitted and good relationships are fostered. Ultimately, it is the responsibility of the operational manager to ensure that Fire Safety standards are complied with.

9.39 Some Local Authorities have reported misuse or vandalism of fire hoses on sites where these have been provided. Residents should be made aware that the hoses are for emergency purposes only and their use for other purposes may constitute a serious breach of their pitch agreement.

9.40 Local Authorities should consult with their local Fire Service to assess the need for fire hoses and possible solutions where vandalism continues to be problematic.

Postal Services

9.41 Residents of permanent residential Gypsy and Traveller sites are entitled to the same level of postal services as other people living in other types of housing. The site manager should liaise with the Royal Mail to ensure that the site is recognised as a residential area.

9.42 It is not acceptable for all mail to be delivered to one pitch on site. If this occurs there exists a serious issue of security and confidentiality.

9.43 Each pitch should have its own address, which should not identify the site as a Gypsy and Traveller site.

9.44 Some postal workers have refused in the past to deliver directly to pitches for a number of reasons, for example dogs that are not properly controlled. Where this is the case the site manager should identify the issue and attempt to address this with site residents and the post office in order to re-instate service to the pitches.

The Wider Gypsy and Traveller Community

9.45 It is important for site managers to be aware of the movements of Gypsies and Travellers in the area and be aware of the impacts they may have on the site. Where a Gypsy and Traveller Liaison Officer is in place, there will need to be close liaison between these post holders.

9.46 Movements of the wider community may impact the site in terms of families leaving the site to travel or visitors to the site, as discussed in Section 10: Use of the Site.

9.47 Where households are visiting the area and occupying unauthorised encampments, the Local Authority should visit the encampments and undertake necessary assessments, in line with the Local Authority's unauthorised camping protocol / strategy and the Welsh Government's *Managing Unauthorised Camping* guidance.¹²

9.48 These assessments may reveal that the campers require permanent mobile home accommodation on Gypsy and Traveller sites in the area. The Local Authority should consider other duties it may have including Homelessness and other Housing duties.

¹² Consultation on Good Practice Guide for Managing Gypsy and Traveller Sites in Wales, 2009

9.49 The Local Authority should inform the site manager and operational manager where such encampments have occurred due to visiting residents on the site.

Site security

9.50 The site manager is responsible for dealing with unauthorised encampments on site and notifying the operational manager of any such encampments.

9.51 Consultation has shown that generally site residents do not want CCTV installed on site.¹³ However, CCTV is sometimes necessary to counter crime on site. Where a Local Authority installs CCTV, this should be done in consultation with all residents.

9.52 The privacy of residents must be respected at all times. It should not be possible for CCTV cameras to be directed into any occupied pitches and should not prevent residents' enjoyment of the pitch. If CCTV is to be installed, it would be beneficial for the site manager to demonstrate how the system works and what it will capture to residents. Where CCTV is installed the site manager will be responsible for ensuring these are in good working order.

9.53 CCTV images which show identifiable individuals are subject to the Data Protection Act 1998 and, therefore, must be handled in the same way as other personal data. The Local Authority should install signage telling residents and visitors that CCTV is in operation, who controls the system and why. Local Authorities will also need to decide how long footage will be kept for and how residents and visitors can be provided with their images if a subject access request is submitted. Finally, the Local Authority must ensure the CCTV monitors are secure and cannot be viewed by any unauthorised people.

¹³ Consultation on Good Practice Guide for Managing Gypsy and Traveller Sites in Wales, 2009

Section 10: Use of the Site

Short Term Absence

10.1 Periods of absence from a pitch should be permitted within the pitch agreement. Residents should know the length of time which they will be permitted to be absent from the pitch.

10.2 Residents should advise the site manager when they intend to have periods away from the site. During periods of absence, fees should continue to be paid by residents for allocated pitches and temporarily vacant pitches should not be reallocated to others.

10.3 Where residents breach the agreement relating to short term absence from the site, for example, extending their leave of absence beyond that agreed without notifying the site manager, the Local Authority may seek to terminate the agreement.

10.4 The maximum period of short term absence is at the Local Authority's discretion but consideration of facilitating absence for traditional cultural practices should be factored into this decision. However, as with Housing Benefit regulations, a maximum period away of 13 weeks within 1 calendar year is considered acceptable without incurring any issues. The Local Authority would have the discretion to extend this period, however, Housing Benefit payments may not continue whilst pitch fees would still be payable.

Visitors

10.5 Site residents are entitled to receive visitors but visits should not be permitted to turn into permanent occupancy. To prevent this, mobile homes belonging to visitors (not those awaiting pitch application outcomes) should not be permitted on vacant pitches. The tenant is responsible for all visitors to their pitch and may be liable for any damage they cause.

10.6 Where possible, residents should give notice to the site manager that they are expecting visitors bringing their own caravans who may stay overnight or longer. They should specify the amount of time the visitors intend to stay and this should be adhered to. We recommend that a maximum stay of four consecutive weeks be agreed although this may be shorter where sites are over crowded.

10.7 Where sites are overcrowded, additional caravans may cause health and safety or fire concerns. Where this is the case the site manager can limit the number of mobile homes allowed on site. The residents should be made aware of this. Visiting mobile homes must not breach fire regulations.

Animals

10.8 Domestic pets (dogs, cats etc.) should be permitted on site. In the case of dogs, ownership must be properly identified and animals must be properly controlled within the pitch at all times. Local Authorities may decide that any additional animals will contravene site policy and may constitute a breach of the pitch agreement unless agreed with the site manager. For example a litter of puppies could be accommodated but a time limit should be agreed. Residents should discuss their plans to keep animals with the site manager.

10.9 The ownership of dangerous dogs, within the definition of the Dangerous Dogs Act 1991 (as amended), should be refused within the confines of the residential site. If site managers are concerned with the well being of animals on site the appropriate authorities should be informed.¹⁴

10.10 It is strongly recommended that horses should not be kept on pitches. There are health and safety concerns associated with horses on pitches and they can cause disruption and damage to facilities and roads. If Local Authorities want to prevent horses being kept on site, this must be included as an 'Express term' in their Pitch Agreements.

Grazing land

10.11 Where there is a demand for grazing land or residents require stable facilities these should be arranged privately. If the Local Authority is content to do so, land can be provided at an additional cost for those making use of the land, adjacent to the site. This should have a clear, secure boundary and secure gates.

10.12 Gypsies and Travellers have strong cultural traditions of keeping horses and some community members have claimed that discrimination prevents them from accessing suitable grazing land for their horses. Local Authorities are encouraged to consider the availability and provision of grazing land when identifying new Gypsy and Traveller sites. Local Authorities may consider the use of land in their own estate for short-term grazing leases.

Mixed working and residential sites

10.13 It is strongly recommended that work by residents does not take place on permanent residential pitches. There are health and safety concerns associated with working on site and the use of heavy machinery on site will cause the roads to deteriorate and potentially endanger other residents, especially children.

10.14 Some Gypsies and Travellers may wish to operate their businesses from sites. Where this is permitted by Local Authorities, it is the responsibility of both the site manager and operational manager to seek to ensure that the site is safe.

10.15 Local Authorities should consider whether the particular business needs of the residents require specific working or storage facilities on separate parts of the site or whether community members could lease commercial premises nearby as tradespeople from other communities would be required to do.

10.16 For example, Travelling Showpeople sites may require specific areas to store and maintain fairground equipment. However, a scrap metal dealer working as a mobile collector would be unlikely to have a special need to store scrap metal on the pitch.

10.17 Local Authority site owners may include an 'Express' term in pitch agreements prohibiting the use of the pitch / site for commercial purposes.

¹⁴ Further guidance can be obtained from the Welsh Government Codes of Practice for Equines, Cats and Dogs available at www.wales.gov.uk/animalwelfare.

Section 11: Behaviour on site

11.1 Local Authorities should have in place anti-social behaviour policies. These should apply equally to residents of Gypsy and Traveller sites and the settled community. These policies should provide protection for those on site from anti-social neighbours on other pitches, as well as from neighbouring settled community members. Similarly, where there are anti-social residents on sites these policies may protect neighbouring settled communities.

11.2 Local Authorities should include their site rules about anti-social behaviour as 'Express' terms in the pitch agreement. These will cover a range of problems including pets, verbal and physical harassment, criminal behaviour and non maintenance or abuse of the pitch or communal facilities / areas.

11.3 The pitch agreement should make it clear what constitutes inappropriate behaviour and the consequences should also be clear. It is recommended that breaches of the agreement in this way warrant severe actions. As discussed earlier, pitch agreements, including these 'Express' terms should be explained verbally to the resident by the site manager.

11.4 Residents should be told on arrival, and reminded of the level of behaviour that is expected on site, when necessary. The site manager should uphold the rules and work with residents, the settled community, the Local Authority and other services, including the police, to seek to ensure that the site is a safe and peaceful place to live for all residents.

11.5 The site manager may be expected to act as a mediator between residents on site or with members of the settled community in order to resolve problems. It is important that any site manager feels safe and comfortable within this role and receives any associated training they may feel beneficial. The site manager should expect the full support of the Local Authority and operational manager. The site manager should be able to refer the issue to the operational manager (or more senior management) where issues arise that they feel they are not qualified or too inexperienced to tackle.

11.6 Where illegal activity is evident on or around the site either by residents or neighbours, the site manager should liaise with the Local Authority and operational manager and the police or the anti-social behaviour coordinator to address the issues.

11.7 It is recommended that a comprehensive record be kept of incidents and vandalism, supported by photographic evidence on site, and these be reported to the appropriate personnel.

11.8 Where particular residents are found to be responsible for serious or repeat activity, the Local Authority may wish to pursue termination of the pitch agreement and eviction of the resident, in line with the terms of agreement set out in the Mobile Homes (Wales) Act 2013. It is essential that any decisions around termination proceedings are taken by the operational manager and the Local Authority, rather than the responsibility of the site manager.

Section 12: Departures

12.1 If residents of permanent residential pitches wish to leave the site on a permanent basis, they are required to give notice to the site owner in writing not less than 28 days before they wish to leave. If this notice is not provided, the former resident may not be able to reclaim overpayments within the 28 day period of notice being provided.

12.2 If residents of transit pitches wish to leave the site before the expiry of their agreement (which is a maximum of three months at any time), they must simply provide written notice to the site owner. There is no notice period required and the right of occupiers to reclaim overpayments for the period after termination is unaffected.

12.3 Notice should be given to the site manager by the resident and then documentation should be signed by the resident to confirm the intended date of leaving the pitch and its availability for re-allocation.

12.4 The site manager should seek to ensure that all outstanding bills owed to the Local Authority or contracted management organisation are settled by the resident before departure.

12.5 The pitch and amenity block should be inspected for damage prior to departure. Residents should be aware (in their agreement) that any damage may incur a charge.

12.6 The site manager should advise residents that they must inform the relevant benefit offices, education and health services prior to departure. Residents should be advised, where possible, to leave a forwarding address although some tenants may be unwilling or unable to do so.

12.7 Site managers should be prepared to provide a reference on request to any proposed new site manager or Local Authority.

Section 13: Consultation and Complaints

Consultation and Engagement

13.1 Under the Mobile Homes (Wales) Act 2013, Local Authorities are required to consult directly with residents on a range of issues. Where improvements to the site are proposed, Local Authorities must consult residents. This is particularly relevant where the authority wishes these improvements to be taken into account when reviewing the pitch fee. Similarly, authorities must consult residents' associations over issues of management and operation of the site. Local Authorities are encouraged to consult residents on the management of the site even where a qualifying residents' association does not exist.

13.2 Consultation will help to develop a sense of ownership for residents as well as fostering good relationships between residents, managers and Local Authorities. It will help to build trust between the parties and reduce the possibility of conflict.

13.3 Residents must be provided with 28 days notice of details about proposals for improvements to the site. The notice should detail the plans, how the pitch fee may be affected and how residents can participate in the consultation. The views of the residents should be taken into account before proceeding with plans.

13.4 Discussions could be in the form of local forums or working groups. Discussions can be two fold; meetings may take place on site amongst residents and / or more formal official groups may take place. Resident representatives can be invited to join discussions with providers, such as the Local Authority, the police and Traveller Education Services, depending on what the proposal is. It can be beneficial to hold both so that the representatives can take forward the ideas concerns / issues of the site.

13.5 Site managers should ensure that children and young people are given equal opportunity to use their right to be heard. This right is enshrined in the United Nations Convention on the Rights of the Child. Children and young people will often have a substantially different view from their parents but may be as significantly affected by changes. Most consultation processes affecting the site as a whole will also affect children and young people living on site in some way and their views should be sought where this is the case. When consulting with young people it is recommended that site managers utilise the National Standards for Children and Young People's Participation.

13.6 These discussion groups should allow an open and honest forum for residents to express concerns over, or support for, proposed plans and agree ways to move forward.

13.7 The site manager may be required to facilitate any forums on site but it should be expected that these discussions may sometimes exclude the manager.

13.8 The site manager should ensure resident representatives are aware of times and dates as well as the venue for the meetings and the proposed agenda.

13.9 Care should be taken to ensure that the genuine views of residents are sought and considered properly.

13.10 Formal consultations in relation to documentation would be appropriate and should be available in other formats in addition to the written word.

13.11 Where requested by residents, comments, discussion or consultation feedback should be anonymous.

Complaints

13.12 The site manager should work with the operational manager to ensure that a clear and transparent complaints policy is in place. This should be in line with complaints policy for other forms of social housing.

13.13 Details of the procedure should be available to all residents, forms should be available from the Local Authority and the site manager and residents should understand what they can expect. For example if general 'social housing complaints' warrant a response within 7 days, a resident on a Gypsy and Traveller site should expect the same level of response.

13.14 Low level, verbal complaints may be dealt with on site by the site manager. The policy will need to detail what constitutes a 'low level' issue and when complaints should be deferred to the operational manager or complaints team.

13.15 Where an issue raised cannot be dealt with by the site manager, or is not dealt with to the satisfaction of all concerned, the operational manager or Local Authority complaints team should be engaged directly, where possible in writing. Residents should be aware of who they may contact if they wish to complain about the site manager. Complaints of this nature should never be made through the site manager in question.

13.16 Feedback on the progress of the complaint should be available throughout the process, in accordance with the Local Authority's complaints policy.

Annex 1: Support Organisations

Inclusion Team

Fairer Futures Division

Welsh Government

First floor North

Rhydycar

Merthyr Tydfil

CF48 1UZ

FairerFuturesMailbox@wales.gsi.gov.uk

<http://www.gov.wales/gypsytravellers>

Gypsies and Travellers Wales (formerly Cardiff Gypsy and Traveller Project)

First Floor West

113–116 Bute Street

Cardiff Bay

Cardiff

CF10 5EQ

029 2021 4411

info@gtwales.org.uk

Travelling Ahead (Save the Children Cymru)

8 Cathedral Road,

Cardiff

CF11 9LJ

029 2039 6838

travellingahead@savethechildren.org.uk

<http://www.travellingahead.org.uk>

The Unity Project

Monkton CP School

Pembroke

Pembrokeshire

SA71 4LS

unity@pembrokeshire.gov.uk

Romani Cultural and Arts Company

Temple Court

13a Cathedral Road

Cardiff

CF11 9HA

isaacblake@romaniarts.co.uk

<http://www.romaniarts.co.uk>

The Showmen's Guild of Great Britain

South Wales –

110 New Dock Road

Llanelli

SA15 2HH

07949 289 075

Sgwales@talktalk.co.uk

North Wales –

11 St. Mary's Place

Bury

Lancashire

BL9 0DZ

01617 629 502

leesashowmensguild@yahoo.com

<http://www.showmensguild.co.uk>

Welsh Local Government Association (WLGA)

Local Government House

Drake Walk

Cardiff

CF10 4LG

029 2046 8600

enquiry@wlga.gov.uk

<http://www.wlga.gov.uk>

Travellers' Advice Team

Community Law Partnership

National helpline for Travellers – 0121 685 8677

(Monday – Friday, 9am to 5pm)

Emergencies only – 07768 316755

<http://www.communitylawpartnership.co.uk>

The Travellers School Charity

Ty Loveden House

26 Bridge Street

Aberystwyth

Ceredigion

SY23 1QB

07786 466 107

info@travellersschool.org.uk

<http://www.travellersschool.org.uk>

The National Federation of Gypsy Liaison Groups

c/o Derbyshire Gypsy Liaison Group

Unit 3

Molyneux Business Park

Whitworth Road

Darley Dale

Matlock

DE4 2HJ

01629 732744

info@nationalgypsytravellerfederation.org

<http://www.nationalgypsytravellerfederation.org>

Equality and Human Rights Commission in Wales

1 Caspian Point

Caspian Way

Cardiff

CF10 4DQ

029 2044 7710

wales@equalityhumanrights.com

<http://www.equalityhumanrights.com/wales>

The Traveller Movement (formerly Irish Travellers Movement in Britain)

The Resource Centre

356 Holloway Road

London

N7 6PA

020 7607 2002

info@travellermovement.org.uk

<http://www.travellermovement.org.uk>

Friends, Families and Travellers

Community Base

113 Queens Road

Brighton

BN1 3XG

01273 234777

Fft@gypsy-traveller.org

www.gypsy-traveller.org

Tai Pawb

8 Coopers Yard

Centre Court

Curran Road

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02920 537632

info@taipawb.org

Planning Aid Wales

First Floor

174 Whitchurch Road

Cardiff

CF14 3NB

029 2062 5000

<http://www.planningaidwales.org.uk>

The Gypsy Council (for Education, Culture, Welfare and Civil Rights)

8 Hall Road

Aveley

Romford

Essex

RM15 4HD

07963 565 952

info@gypsy-association.com

<http://www.gypsy-association.com>

Roma Support Group

PO Box 23610

London

E7 0XB

020 7511 0800

info@romasupportgroup.org.uk

<http://www.romasupportgroup.org.uk>

Travellers Aid Trust

PO Box 16

Llangyndeyrn

Kidwelly

SA 17 5YT

www.travellersaidtrust.org

Advisory Council for the Education of Romany and other Travellers (ACERT)

Little Kiln

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020 8374 1286

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