

# Housing

## Permanent Traveller Site Discretionary Succession Policy

### The Right of Succession

- 1.1 In the event of your death, the Occupancy Agreement may pass on to your spouse or civil partner or a joint occupancy agreement holder or a co-habitee (a person living with you as if they were your spouse or civil partner) if certain conditions are met. This is called 'succession' and the conditions are:
- any spouse, civil partner or co-habitee can succeed to the occupancy agreement as long as they are living on the pitch as their only or principle home at the time of your death
  - if you have a joint occupancy agreement holder, the occupancy agreement will pass to them and this will count as a succession
- 1.2 If you have already succeeded to this occupancy agreement, there can not normally be further succession. If there has already been a succession please contact the Traveller Liaison Team. A further discretionary succession may be considered in exceptional circumstances.

### Discretionary Succession

- 2.1 In certain circumstances if the occupancy agreement holder dies and there has already been one statutory succession of the occupancy agreement, the council may offer a discretionary succession.
- 2.2 Brighton & Hove City Council will grant discretionary succession to family members<sup>1</sup> who are considered to be likely to be in 'priority need' should they become homeless; who had been resident with the deceased occupancy agreement holder for at least 12 months prior to the death. There will not be an automatic right to a discretionary succession for family members as each application will be individually assessed to determine whether they meet the criteria outlined below.
- 2.3 Where a family member of the deceased occupancy agreement holder applies for discretionary succession, the council will consider whether the criteria have been met.

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<sup>1</sup> Family members are defined by Section 113 Housing Act 1985 as spouses, parents, grandparents, siblings, uncles, aunts, nephews and nieces; including step-relations, half-relations and illegitimate children and persons living together as husband and wife.

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We will also look at other factors such as the behaviour of the person looking to succeed. Where for instance we have had to take action due to their poor behaviour this will go against granting a succession.

- 2.4 Where there is more than one applicant the persons must agree among themselves who is to take over the occupancy agreement. If they cannot agree, we are entitled to choose the successor. If there is a spouse/civil partner, the spouse/civil partner must become the successor, they cannot opt out of this status and, for example, request that the occupancy agreement passes to another family member – it must remain with them.
- 2.5 Where the discretionary succession application is declined, officers will be sensitive, provide support and allow reasonable time to find an alternative pitch or alternative accommodation. This includes sign posting to other agencies. In these cases remaining occupants would normally be provided with a period of 6 months to find alternative accommodation. This information and the reason for them not being able to succeed will be provided in writing. Information will also be provided about how to request a review of the decision.
- 2.7 Those who are declined a succession will be able to request a review of that decision via the Council's complaints procedure and would ultimately be able to request that it is scrutinised by the Ombudsman or through the Courts.

## **Discretionary Succession Policy - Criteria**

In addition to the criteria set out in this appendix the applicant must meet the Priority Need test, in order to qualify for discretionary succession to an occupancy agreement.

Each application will be individually assessed by a Traveller Liaison Officer and a final decision will be made by the Traveller's Service Team Manager.

The council will consider:

- i) Evidence of residence with the deceased occupancy agreement holder as their only home, for a continuous period of 12 months before their death. Electoral registration and registration for benefits or as a tax payer from the address will be required, as will evidence that they were the family member of the deceased.
- ii) Evidence of relationship to the deceased occupancy agreement holder as outlined.

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- iii) Immigration status
- iv) Mental capacity
- v) Anti-social behaviour or conviction of any indictable offences committed at the site or in the neighbourhood.
- vi) Debt to the council including where applicable, evidence of consistent payment of use and occupation charges
- vii) An interest in an occupation agreement for a pitch or tenancy elsewhere
- viii) Potential interest in property owned or rented by their spouse/civil partner
- ix) Income exceeding the 'working household income limits' as per the council's Allocations Policy
- x) Evidence of sufficient income to secure a pitch privately.
- xi) And any other information significant to the individual case.

