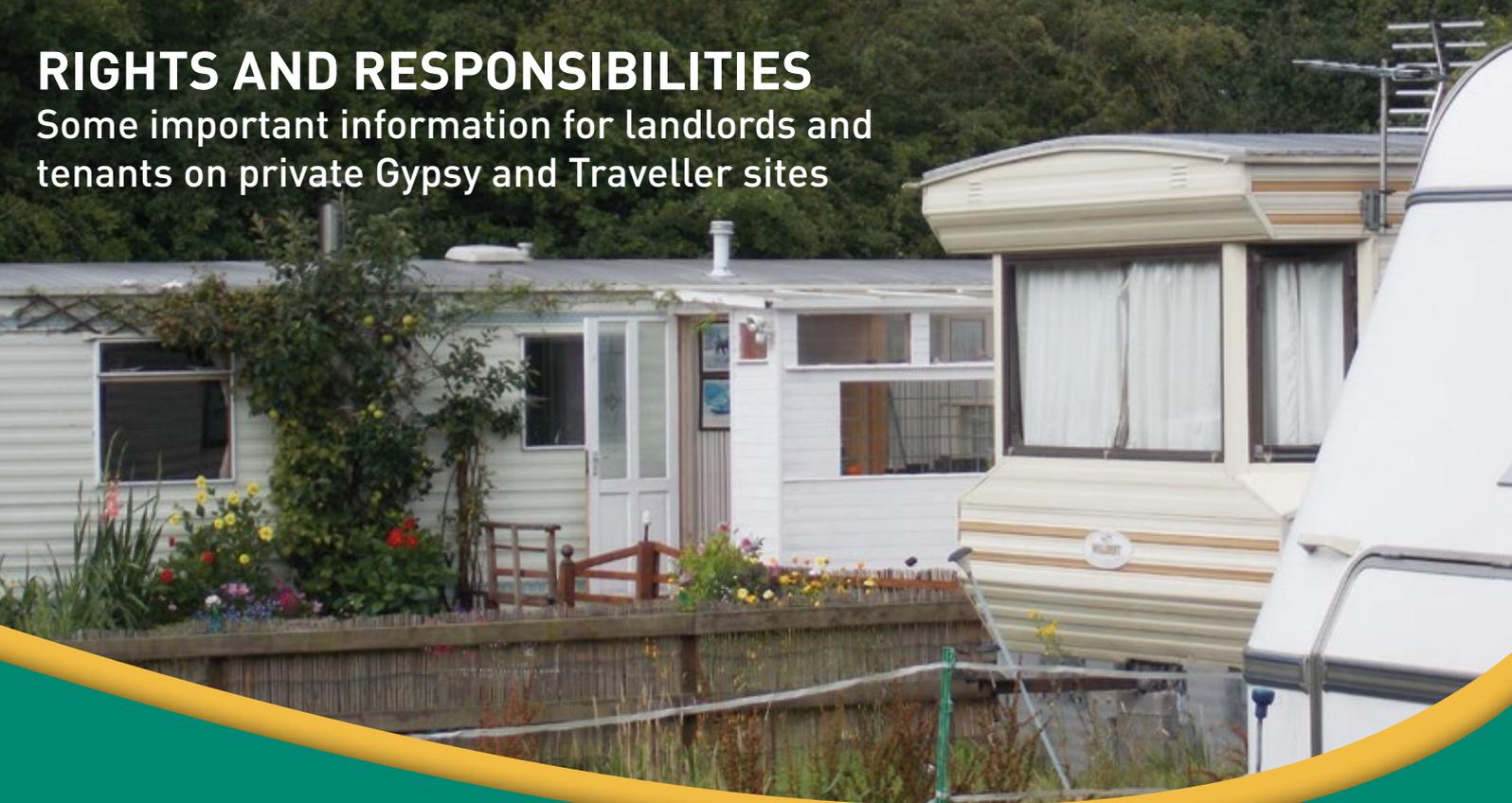


RIGHTS AND RESPONSIBILITIES

Some important information for landlords and tenants on private Gypsy and Traveller sites



This booklet has been produced with the help of Romany Gypsy landlords and tenants on sites in Devon to help ensure that private sites provide a safe and fair environment for both tenants and landlords.

Types of pitch

Some landlords rent out pitches where the tenant puts his/her own caravan and some landlords rent out a caravan/mobile home as well as the pitch.

LANDLORDS

You have many responsibilities towards your tenants. Tenants who pay rent to live on your site have rights that you should be aware of.



Planning permission

If you are the landlord of a Gypsy or Traveller site then you will have been given planning permission under 'gypsy status'. In planning terms the definition of a Gypsy or Traveller has nothing to do with race or ethnicity. The definition currently used by the Government is:

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

LANDLORDS

It is vital you check that your tenants fit the criteria of a Gypsy or Traveller as defined here.

TENANTS

You might have to sign a declaration to say you meet the appropriate criteria.

“ If the Council became aware of a non Gypsy or Traveller on a site, it would serve a breach of condition notice on the owner of the land. They would be required to resolve the situation. This might result in the tenant being evicted, but this would be by the owner not the Council. If the notice was not complied with, the Council could take the owner to court where they could be prosecuted. On conviction they could be fined or in serious cases go to prison.”

DISTRICT COUNCIL OFFICER 2014

Site licences and safety regulations

LANDLORDS

After gaining planning permission for your site you will have had to apply for a site licence. It is very important that you read and understand the conditions of the site licence; this will help you when you develop your site. You should familiarise yourself with the many safety requirements detailed in the licence as failure to do so could result in a hefty fine for you as landlord. The site licence should be displayed somewhere visible so that everyone on site, including tenants, can read it.

TENANTS

There will be rules and safety regulations on site that you will need to comply with. Failure to comply could make for bad relations with your landlord as he/she could face prosecution for your failure, and could also lead to you being evicted.

For example, it is a fire hazard to store up too many gas bottles, either full or empty, around a caravan. The tenant will be the person who buys the gas and should therefore dispose of the bottles carefully but if the tenant fails in this, the landlord, if discovered by the council, would be the one to face the fine.

Insurance

LANDLORDS

You need appropriate insurance, such as landlords' insurance and public liability insurance. You also need to insure any caravan you are renting out.

TENANTS

It is your responsibility to take out your own contents insurance.

“ I took out my own insurance for the caravan. That way if there is any damage to the inside my insurance will cover it and I won't lose any of my deposit. I got my insurance through my bank.”

References

LANDLORDS

Obtain references from potential tenants. The local Gypsy Liaison Officer could be a helpful starting point with this. Some landlords employ a letting agency to do all the admin work; they will do the appropriate checks, but can be expensive and take a percentage of your income as payment.

TENANTS

It is good to keep in contact with the Gypsy/Traveller Liaison Officer. They can give you a reference if they have known you for a while.

Deposits

LANDLORDS

You can charge a deposit up front for the rent of a caravan but this must be held in a registered deposit scheme. These can be complicated so it is strongly suggested that you seek advice on this.

TENANTS

If you have paid a deposit, you are entitled to a full refund when you leave unless the landlord provides evidence to show damage or misuse of facilities. You cannot make alterations to a rented caravan without prior permission from the landlord.

Tenancy agreements

LANDLORDS

You should provide your tenants with a tenancy agreement. This is a contract between you and the tenant. If an agreement is worded properly it could save you a lot of time and money if the tenant does not comply with the rules on the site. A tenancy agreement should be written in plain and simple language so that everyone involved can understand the terms. Remember; not everyone is able to read and write well. Lengthy, complicated contracts with long words or jargon can be intimidating. You should get help when setting out your own tenancy agreements as they can be challenged in court.

Note: evictions are not always easy even if a contract has been broken.

“ I had rented a mobile to a tenant but when they left the carpets were ruined and needed replacing. The tenant had signed a tenancy agreement and had given two weeks rent in advance for a deposit so I replaced the carpets out of the deposit.”

If you word your tenancy agreement correctly, get a deposit, and take out the appropriate insurance, this protects the landlord.

TENANTS

It is important that you understand the tenancy agreement or contract, as failure to follow the rules of the site could lead to eviction. If you have problems reading or understanding the contract then get the Landlord or the Gypsy Liaison Officer to help you.

TENANTS AND LANDLORDS

There should be a rent book for each pitch so that there is a written record of the money paid for rent and services.

Council tax

LANDLORDS

Council tax is payable on all pitches so you need to inform the local council straight away if new tenants move in or old tenants move out. If the mobile home or the pitch is unoccupied for a while, you as landlord may be liable for the council tax. Councils do vary in their rules on payment for vacant pitches so you need to check this information with them.

TENANTS

You are liable for your own council tax. You can register over the phone, in person or on the internet. If you are unable to read or write you can always ask the Gypsy Liaison Officer or the landlord to help you do this.

More tenants?

LANDLORDS

If you have empty pitches, councils may ask you to accommodate Gypsies/ Travellers on their waiting lists. The decision is yours whether you decide take them or not.

TENANTS

If you are renting a pitch or mobile home you are not permitted to let friends or family put a separate caravan on the pitch unless this is arranged beforehand with the landlord. The landlord can charge extra rent for this as they would be separate tenants.

Services and maintenance

LANDLORDS

You need to provide and maintain basic facilities on your site. This includes water, electricity and toilet facilities. A toilet block for touring caravans needs to meet the appropriate criteria and should have toilets/urinals, hand basins, hand dryers and shaving points. Appropriate fire-fighting equipment will have to be provided as part of your site licence. If mobile homes are rented out then they should each have smoke and carbon monoxide alarms, a fire blanket and fire extinguisher. A gas safety certificate will be needed each year from a registered gas company. Electrical connections/equipment/fittings must be safe and checked regularly.

TENANTS

You may be permitted to provide your own electricity generators or solar panels if you have them but maintenance of these items is your responsibility.

TENANTS

Your landlord is unlikely to provide a landline to each pitch so it is important to have your own mobile phone.

It is good practice to keep facilities well maintained and attend to repairs quickly. Equally, tenants should let the landlord know when something is broken or damaged on the site, or in the mobile home if they are renting it, as soon as possible.

“ We try to sort out repairs as soon as possible because it saves money in the long run and also because it helps us keep a good relationship with our tenants. ”

“ Our toilet kept getting blocked and the landlord didn't do a proper repair. It wasn't healthy for our children so we ended up moving off. ”

LANDLORDS

You will have to calculate how much the tenant has to pay for water and electricity. The service companies don't usually calculate this unless each pitch has its own meter. This has to be done carefully as you are not permitted to earn a profit from electricity/water.

TENANTS

You might like to ask your landlord to explain the charges for electricity and water. Some have found it easier if the landlord gives a price for the rent, electricity and water together as this will be a one-off payment either weekly or monthly for everything, rather than several smaller payments. Try to work out a payment system with the landlord that suits you both.

Accounting

LANDLORDS

Now that you are renting out pitches or mobile homes this is considered a business which needs to be registered. Many landlords employ an accountant to help them with this. An accountant will tell you all you need to know about the business side of running a site and will take care of sending in tax returns and calculate any money you may owe for income tax. A good accountant will save you money in the long run.

On leaving

LANDLORDS

It is your tenant's responsibility to stop any mail/post when they vacate the site but it's a good idea to let the Post Office know anyway.

TENANTS

It is your responsibility to inform the Post Office of your new address. It can be a nuisance for the landlord if they are left with unwanted mail/post and you could miss out on getting important letters at your new address.

Gypsies and Travellers come from all sorts of different cultures and backgrounds. Everyone has the right to be treated with respect and to live in peace without fear of prejudice or discrimination.

Example of a form verifying gypsy status

GYPSY AND TRAVELLER STATUS DECLARATION

I _____ HAVE READ THE DEFINITION OF A GYPSY AND TRAVELLER* AND DECLARE THAT I MEET THE AGREED CRITERIA.

SIGNED _____

DATE _____

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

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