



ASHFORD
BOROUGH COUNCIL

CHILMINGTON GYPSY & TRAVELLER SITE

ALLOCATIONS POLICY

&

PRACTICE GUIDANCE

This Policy has effect from Wednesday 29 December 2021

Ashford Borough Council believes in and promotes equal opportunities for all, irrespective of age, race, religion or belief, disability, gender or sexual orientation. We have tried to ensure that this allocations policy is fair, open and targets those with the greatest need.

Ashford Borough Council's Mission Statement

Ashford Borough Council's "Mission" is "to protect and improve the quality of life of every resident of the Borough, now and in the future."

If you need help with reading or understanding this document, please take it to the Civic Centre, Tannery Lane, Ashford, Kent or phone 01233 331111. We will try to provide a reading service, translation or any other format you may need.

PART 1: INTRODUCTION AND AIMS OF THIS POLICY

1. General Introduction

- 1.1. This policy applies to the allocation of plots on the site known as the Chilmington Gypsy & Traveller Site, which is located at Chilmington Green, Chart Road, Great Chart, Ashford, Kent TN23 3DT (sometimes referred to, hereafter, as the “**Site**”). Ashford Borough Council’s policy in relation to social housing generally is contained in a different policy document. In this documents applicants for a pitch on the Site are referred to as “**applicants**” and residents of the Site are referred to as “**residents**”.
- 1.2. It is the Council’s aim that Chilmington Gypsy Site is a successful, well managed site which is self-financing and sustainable helping to ensure that the Gypsy and Traveller community on the site can co-exist peacefully with the surrounding population.
- 1.3. The CLG Good Practice Guide – ‘Gypsy and Traveller Site Management’ sets out that it is more likely that Gypsy and traveller families that can settle more effectively on well managed and maintained sites that enable access to health and education services and access a better quality of life than those unable to find an authorised pitch.
- 1.4. This policy will aim to reflect best practice and to provide a practical approach to the management of the site. The policy will be applied firmly but fairly to ensure a consistent approach is followed to achieve the following outcomes for the site:

Site Specific Outcomes:

- That the Site is kept in good repair and otherwise well maintained
- That the Site is kept clean and tidy
- That the Site is quiet and peaceful
- That residents like it at the Site
- That residents have the freedom to carry on their chosen lifestyle(s)
- That resident’s and members of the local community feel at ease and are not frightened
- That resident children attend school
- That residents have access to healthcare and other essential services
- That social cohesion is maintained
- That public funds are used appropriately.

Ashford's Key Objectives for all Social Housing (as applicable to the Chilmington Gypsy & Traveller Site)

- To be customer led
- To be clear and transparent
- To improve people's choices and housing options
- To ensure we help people most in need
- To comply with any relevant legal requirements
- To make full and effective use of all pitches
- To create and maintain a sustainable community
- To provide improved information about housing demand and need
- To be simple to understand and transparent in its rules
- To maximise the participation of all applicants, including vulnerable applicants, in the application(s) process
- To monitor the diversity of the borough and to ensure that hard to reach groups are offered the maximum opportunity to participate.
- To monitor the applicants by the different strands of diversity and ensure that no groups are inadvertently excluded
- To promote equality of opportunity in housing services

2. Our Aims

2.1. In applying this policy Ashford Borough Council will be **FAIR** and will:

- follow this policy.
- give prospective residents the opportunity to express their preferences about accommodation (wherever possible) if there is more than one plot available.
- promote access to all forms of affordable social housing and housing in other sectors where it is appropriate to do so.
- promote equal opportunity of access and participation for everyone, whatever their personal circumstances.
- not discriminate on the grounds of race, religion, sex or marital status, sexual orientation or disability.
- provide information relating to our service, giving you the opportunity to make the best choice possible regarding accessing the Council's service(s).
- ensure that residents feel like they have 'a stake' in where they live to assist in creating more stable, viable and inclusive communities.

- write our publications in plain English and offer translations, large print or a reading service where needed to help make an informed housing choice.
- only share the information we receive with other registered social landlords or other organisations which handle public funds or where we have an information sharing protocol such as with the police where we believe there is significant risk of harm and not with any other party and treat personal information confidentially.

2.2. In applying this policy Ashford Borough Council will aim for **EXCELLENCE** and will:

- welcome you politely be courteous and efficient.
- respond to the needs of our customers and our partners and ensure the views of our customers are heard.
- set out clear standards for services so that everyone knows what to expect.
- Provide residents and applicants with advice regarding access to social or other forms of housing, both over the phone and in person.
- direct applicants to the appropriate team or agency where specialist advice is required (for example debt advice, or welfare rights).
- meet our legal and strategic requirements whilst considering the needs of the local community.
- confirm any decision made in relation to an application for a site in writing.
- commit to delivering a high-quality service.
- reflect on the service provided and plan into the future to allow for continuous improvement (where possible).
- ensure that, where discretion is used, the decision reflects policy and is consistent and transparent.

2.3. Applicants for plots and residents of the Chilmington site should be aware of the following **RIGHTS AND RESPONSIBILITIES**

- Applicants have the right to appeal any decision made in relation to their application for a plot.
- Applicants should provide full and accurate details on all forms and correspondence in relation to their application for a plot.
- Applicants and residents should tell us immediately if their circumstances change in any way, e.g. their address, family details, details of any medical condition.
- Applicants and residents should reply to all correspondence sent from us which requires a reply.

- Successful applicants should always respond to the offer of a plot promptly and within any specified timescale.
 - If a successful applicant refuses the offer of a plot they should always respond explaining why they are refusing the offer within the specified timescale.
- 2.4. In all the circumstances only a minority of people who would like a pitch will be able to obtain one. This is because of the significant gap between supply and demand. Ashford Borough Council will work with applicants to identify alternative sources of accommodation where appropriate, whilst understanding that members of the gypsy and traveller communities have particular needs and requirements. There is, however, no guarantee that any applicant will be able to obtain any type of accommodation given the growing gap between the supply and demand of social housing generally in the borough.

PART 2: THE SITE

3. Site Description

- 3.1. The site currently contains 16 plots (though this may be changed up or down in the future) for caravans or trailers. There is a main access road and a sub road. A plan of the site is attached at Appendix One (at the end of this policy).
- 3.2. Each plot has an area of hard-standing and a utility block which provides a toilet, shower, sink, running water, space for a washing machine and provision of an electricity supply. The plots provided are of varying size depending on their location on the site.
- 3.3. In the following paragraphs (within Part 2 of this Policy) the structure and management of the Site is set out to enable readers to understand how the site is run and what they might expect if they successfully apply for a plot. The below information is a summary only and (1) does not detail all the terms of an individuals' licence agreement, (2) does not override or supersede the obligations within an individual's licence agreement and (3) does not detail all the actions taken by Ashford Borough Council to run and maintain the Site.

4. Residency

- 4.1. Successful applicants will be told which plot they are being offered and they will have the opportunity to accept or reject the same.
- 4.2. Residents will occupy their allocated plot under a licence agreement which the Mobile Homes Act 1983 will apply to. The licence will contain conditions and terms which will include (but shall not be limited to):

- 4.2.1. Certain applicable terms set out in Part 1 of Schedule 1 to the Mobile Homes Act 1983
 - 4.2.2. The details of the resident's obligations and the agreement between Ashford Borough Council and the resident regarding their occupation of the relevant plot
- 4.3. Successful applicants should carefully consider the terms of the licence agreement before agreeing to the same.
- 4.4. The licence will include a rent charge and a service charge which will both be due on a weekly basis for 52 weeks in every year. The rent and service charge(s) will increase in line with the Consumer Price Index (CPI) every year. The starting rent and service charge for any successful applicant or new resident will be set out in their individual licence agreement.
- 4.5. Each individual licence agreement will identify the area of the relevant plot. Ashford Borough Council will provide fencing to clearly mark divisions between each plot so far as it is reasonable and practicable to do so. Ashford Borough Council will not maintain or replacing any fencing that is damaged or removed by residents or their visitors or as a result of criminal activity by any person.
- 4.6. Residents will be required to pay their own utility costs (for example water rates and electricity supply costs). Electricity costs are covered by residents directly by the purchase of electricity cards (a system that will be explained to any resident or successful applicant on request). Ashford Borough Council may, if it is reasonable and practicable to do so, install a 'smart meter' system on the Site in the future.
- 4.7. Residents will have to pay water costs which relate to the supply of fresh water and for sewerage charges. Ashford Borough Council will divide the water and sewerage costs for the whole site equally between the 16 plots. This will be a separate charge that will become due periodically. Ashford Borough Council may, if it is reasonable and practicable to do so, install individual water metres for each plot in the future so that residents are only charged for the water that they use or cause to be used.
- 4.8. Residents will receive quarterly statements detailing all of their accounts and balances in relation to their plot.
- 4.9. Residents may be required to pay other periodical or one off charges or bills as set out in their individual licence agreements.

4.10. Residents will receive reasonable advance notification of any increases in rent, bills or other charges.

5. Management of the Site

5.1. The site is managed directly by Ashford Borough Council's Communities and Housing Department. The Housing Operations Manager (Housing Options) is responsible for the management of the site. There is a Housing/Management Officer who directly oversees and supervises the management of the site and who attends the site at least once a week to ensure that communications are maintained with residents and that the site is monitored regularly.

5.2. The overall aim of the site management process is to ensure that a decent and safe environment is provided and that the licence conditions are adhered to.

5.3. The core role for staff managing the site includes:

Site Inspection(s)

- They examine the site at least once a week and record and address any issues identified
- They ensure residents are complying with the terms of their licence conditions
- They report back any issues which require further attention such as maintenance of the site or repairs or other operations to ensure the proper management of the site.
- They talk with residents about the site; make themselves available and encourage participation in consultation(s)
- They act on resident feedback and report progress back to residents.

Health and Safety

- Arrange for repairs and rectify problems
- Conduct regular electrical testing of utility blocks
- Undertake fire safety review(s)
- Ensure appropriate health and safety risk assessments are in place and complied with
- Liaise with Health Services, Education, the Police, Kent Fire and Rescue Service, Environment Agency and any other further relevant bodies.
- Ensure that there is a Health and Safety risk assessment in place for staff attending the site and that any special events are planned well and are separately risk assessed.

Site Maintenance and Repair

- Report repairs that are required and ensure that the work is completed
- Liaise with contractors on the site
- Provide feedback on the quality of work undertaken
- Inform residents of impending works

Finance

- Ensure that records are kept up to date and that income is maximised
- Where cash is taken on site for arrears or water charges contributions or for electricity issue receipts and maintain accurate records.

New Arrivals / Departures

- Ensure application processes are maintained for those interested in vacant plots, including completion of all the necessary information on the application form and relevant associated enquiries to verify an applicant's status
- Welcome new residents and provide an explanation of the licence conditions, methods for contacting the Council, reporting a repair, arrangements for utilities etc.
- Provide signposting relevant to the residents needs
- For departures provide a statement of any balances still owing and explain arrangements for repayment, take a forwarding address and contact details
- Ensure that after a resident has left that the plot has been left in good order and that the keys to the utility block have been returned and if necessary that the block is secured

6. Enforcement of Licence Conditions

6.1. The resident will be made aware of the licence conditions at the time they sign the licence agreement.

6.2. The Housing/Management Officer will monitor the site for evidence of non-compliance with the licence conditions. Should this arise the Housing/Management Officer will contact the resident and in the first instance attempt to secure compliance by negotiation / through an agreement. In the event of further non-compliance, the Housing/Management Officer will escalate the matter within the Council which may result in formal enforcement steps up to and including the service of a notice to quit. It is important to note that full and accurate records will be maintained of any discussions held with

any resident(s) together with copies of any written correspondence issued or received about any alleged non-compliance.

7. Control of Rent, Service Charge and Other Payments

- 7.1. New residents will be asked to sign up where possible using 'the Housing Portal' so that they can make an online application for housing benefit (HB) if they are eligible.
- 7.2. All residents will be informed at the time of signing their licence agreement(s) about their rent and service charge liabilities and will be reminded that it is their responsibility to ensure that their rent and charges are paid. Residents will be reminded of their rent and service charge liability quarterly as statements are sent out to all residents.
- 7.3. Residents who have to pay all or some of their rent as they are not eligible for full Housing Benefit/Universal Credit will be issued with a payment card to enable them to do so.
- 7.4. A Housing/Management Officer will ensure that the Chilmington current rent and service charge accounts are reviewed on a fortnightly basis. This check will include checking if benefit has been awarded and is in payment and if not whether the appropriate rent or service charge payment has been paid.
- 7.5. The process for pursuing residents for arrears of rent or service charges will be broadly the same as the procedures for dealing with arrears in the Council's social housing stock. Before pursuing court action the officers will ensure that they have exhausted all possible avenues to highlight the potential risks for residents if they fail to pay their rent or service charge. The detailed procedures for dealing with rent and service charge arrears cover this in detail (and are available from Ashford Borough Council on request).
- 7.6. Where a resident has other debts related to their occupation of the site these will be set up as sub accounts on the housing management computer systems. A Housing/Management Officer will be responsible for checking that there is an agreement in place to reduce any debts.
- 7.7. Officers will seek agreement on the level of contributions and will ensure that communication regarding debts on sub accounts is maintained and that the resident is sent regular statements showing the level of debt remaining.
- 7.8. Enforcement action Ashford Borough Council may take in relation to an outstanding debt may include a county court claim for a money judgment.

7.9. The Council reserves the right to add a debt as another account to be paid via the smart meter once installed. This would spread the debt over a reasonable period so that the resident can pay as they go alongside other costs such as electricity costs. This facility is more likely to be utilised for ongoing debts such as ongoing water charges where the resident is failing to engage or where the resident selects an option to pay in this way.

8. Anti-Social Behaviour

8.1. The Council's Housing Services teams have an anti-social behaviour strategy which sets out Ashford Borough Council's approach to create sustainable communities and to ensure that the Site is a pleasant and desirable place to live.

8.2. Examples of Anti-Social Behaviour may include (but is not limited to):

- Vandalism
- Rubbish dumping
- Not controlling animals
- Noise nuisance
- Violence or threats of violence to staff or other residents
- Interference with contractors carrying out work on the site
- Trespass
- Inadequate supervision of children either living on the site or visiting the site

8.3. Ashford Borough Council recognises that areas like the Chilmington site can become stigmatised by the local community. To combat this Ashford Borough Council implements an effective management and support plan so that residents can enjoy where they live and feel safe.

8.4. In view of this the Council will take steps to prevent anti-social behaviour wherever possible and ensure that it is firmly challenged if it does occur. We will work with partners at the Community Safety Unit and with other departments within the Council to try to resolve anti-social behaviour when it arises.

8.5. Whilst we will investigate every reasonable complaint of anti-social behaviour and we will use the practices set out in the anti-social behaviour strategy to try to ensure a resolution, we will try to encourage residents to resolve any disputes themselves. Where there are more serious cases of harassment involving threats of violence, actual violence or abusive behaviour we will work closely with the police and other agencies together with our residents to attempt to resolve the issues but where this is not possible we will take enforcement action.

8.6. Where necessary we will consider taking more formal action involving all relevant partners including the Police, Kent Fire and Rescue Service and Social Services.

8.7. It is the Council's overall aim to work with residents wherever possible to reduce problems and modify anti-social behaviour to improve the quality of life for everyone. We intend to be fair and reasonable with all concerned.

9. Repairs, Required Works and Charges

9.1. As with other forms of social housing it is important that the Site is maintained in a state of good repair and is a safe and pleasant to live.

9.2. If anyone is found causing damage to the site or undertaking unauthorised works they will be liable for any subsequent costs incurred by the Council to rectify and/or reverse those unauthorised works.

9.3. Residents will be responsible for keeping their caravan in a sound state of repair and for maintaining the outside of the caravan and the pitch (including the fences and amenity block that belong to it) in a clean and tidy condition.

9.4. The Council will be responsible for the base upon which the home is situated, maintaining any utilities supplied and maintaining the utility blocks save for any wilful damage.

9.5. The Council has set out its approach to repairs for all social tenants in a repairs handbook which sets out what tenants can expect from the repairs service (which is available upon request).

10. Short Term Absence from the Site

10.1. When a resident wishes to be temporarily absent from the site, the Council will normally agree to keep a pitch open for a period of up to eight weeks. However, the Housing/Management Officer will expect to receive prior notification from the resident of his/her intention to vacate the site temporarily and his/her contact details during the period of absence.

10.2. The rent and relevant service charges will continue to apply during the period of absence and if the resident fails to pay these charges then the council will reserve the right to end the licence agreement and re-allocate the pitch to another applicant.

- 10.3. Failure of the resident to provide the Council with prior notice of their intention to travel may result in action to terminate their licence agreement.

PART 3: THIS POLICY

11. Review(s) of this Policy

- 11.1. This policy has been implemented following a review by external legal counsel and Ashford Borough Council's internal legal department to ensure that it complies with the relevant law.
- 11.2. This policy will be regularly reviewed by Ashford Borough Council to ensure that it continues to comply with the relevant law and that it is supporting and meeting Ashford Borough Council's objectives. The policy may, therefore, be updated, changed or amended in the future. Any updated or amended policy will be clearly published online and be made available at Ashford Borough Council's offices.
- 11.3. This policy will be periodically reviewed by a panel or committee convened for that purpose (either on its own or as part of a review of other policies). Any such review will be open to anyone who has an interest in the policy or the Site.

12. Queries about this Policy

- 12.1. Ashford Borough Council should be contacted with any query about this policy at Civic Centre, Tannery Lane, Ashford, Kent or by phone on 01233 331111.

PART 4: THE SUPPLY AND DEMAND FOR PLOTS

13. Supply

- 13.1. The 16 plots on the Site constitute the only supply of gypsy & traveller plots in the borough provided or managed by Ashford Borough Council.
- 13.2. Part 6 of Ashford Borough Council's separate Housing Letting Policy sets out information relating to the supply of other social housing in the borough.

14. Demand

- 14.1. Ashford Borough Council maintains a separate housing list for the Site which, as at 29 December 2021, had **20** applicants on it. Many of those applicants are high need or suffering from disabilities.

- 14.2. In 2021 Ashford Borough Council received 4 applications for a plot at the Site.
- 14.3. The demand for plots currently exceeds the supply available by a significant margin and demand is likely to increase in the future.
- 14.4. Part 6 of Ashford Borough Council's separate Housing Letting Policy sets out information relating to the demand of other social housing in the borough.

PART 5: APPLYING FOR A PLOT

15. The Application

- 15.1. To apply for a plot on the Site you must complete an application form. The application form can be completed online at <https://www.ashford.gov.uk/housing/advice-for-gypsies-and-travellers/application-for-a-plot-at-chilmington-gypsy-and-traveller-site/>.
- 15.2. Paper forms are no longer in use. If you require assistance, please contact the customer services team on 01233 331111.
- 15.3. If an applicant does not have their own computer there are facilities at the Civic Centre and at libraries in the borough.
- 15.4. Applicants will need to provide proof of identity with their application and their national insurance number.
- 15.5. Ashford Borough Council may ask questions upon receipt of an application to clarify the applicant's level of need. An applicant will need to answer these questions promptly. Further information may be requested including:
 - 15.5.1. Medical information
 - 15.5.2. A birth certificate or similar identifying documents
 - 15.5.3. Documents relating to their employment or work
 - 15.5.4. Written confirmation of circumstances

If it is requested, such information should be provided promptly.

- 15.6. Ashford Borough Council may perform a credit check on any applicant to establish whether information given is correct or where Ashford Borough Council requires verification of a situation. Approval for such a check is required by a Senior Manager and only an officer holding the licence will be

authorised to undertake it. Each credit check will be recorded using the appropriate form.

- 15.7. In making the application the applicant will give specific authorisation for:
- 15.7.1. Ashford Borough Council to share the applicant's information with other agencies and social housing providers including the Gypsy Unit and Kent County Council.
 - 15.7.2. Ashford Borough Council to make enquiries about the applicant of previous landlords, or relevant agencies including the police.
- 15.8. Any person may obtain advice with regard to their individual prospects of being allocated a plot before submitting the application. This is available via telephone at 01233 331111.

16. How Ashford Borough Council will Assess an Application

- 16.1. Ashford Borough Council operates a bands system to measure each applicant's level of need. All applicants have the right to be told which band they have been allocated to with brief reasons explaining the allocation. The criteria for awarding bands is set out in Part 13 below, however, we may exclude applicants, increase or reduce their priority based on factors set out in Part(s) 7, 9, 10, 11, & 12 below.
- 16.2. Within each band applicants are placed into a priority list which is ordered by the date their current application was received by Ashford Borough Council. Those with the oldest applications are at the top of the list whilst a new applicant will be placed at the bottom.
- 16.3. An application for a plot should be submitted as set out in paragraph 9 above. Ashford Borough Council will then review the application and conduct any necessary investigations (for example by confirming the nature of a disability or a medical condition). Having completed any necessary investigations Ashford Borough Council will issue a decision notice which will inform the applicant which band they have been awarded, the basis for awarding it and how long Ashford Borough Council estimates it may take for the applicant to be offered a plot.
- 16.4. Applicants will not be told what their position is on the priority list within each band, nor what their overall position of priority is in relation to all other applicants.

16.5. If an applicant does not qualify for accommodation or is going to have their priority reduced Ashford Borough Council will send them a decision notice explaining why.

16.6. An applicant has the right to ask which facts in their case were taken into account (or not taken into account) when assigning them a band or considering whether to offer them a plot. The decision to include or exclude certain facts (for example to consider criminal convictions or anti-social behaviour, or to exclude a medical diagnosis) can be subject to an appeal using the procedure set out in Part 15.

16.7. Because of the significant demand for plots, being in a band or on the priority list (or register) does not guarantee that an applicant will be offered a plot.

17. Change(s) of Circumstances

17.1. Where an applicant's circumstances change they should inform Ashford Borough Council immediately. An applicant may submit a new application which will replace (and supersede) their previous application if their circumstances change.

17.2. If Ashford Borough Council becomes aware that an applicant's circumstances have changed in a manner which is likely to affect their application for a plot they will (1) contact the applicant to confirm the details of their new circumstances (2) will invite the applicant to submit a new application.

18. Annual Review

18.1. Applicants will be asked each year to confirm that the information on their application form is correct and that they want to remain on the register as an applicant for a plot. If applicants do not respond within 28 days their application will be cancelled.

18.2. If an applicant's application is cancelled as a result of a failure to reply within 28 days to the request detailed at paragraph 12.1 above then they will have the right to apply to re-instate the application. Such an application must be sent to Ashford Borough Council within 3 months of the cancellation decision, and it must contain an explanation for the failure to respond to the request detailed at paragraph 12.1.

19. Applications for Minors

- 19.1. Where an applicant is aged between 16 and 18 their application will be kept on hold until they have undergone an assessment that aims to ascertain their ability to sustain a licence agreement and their reasons for applying as a minor.
- 19.2. If the applicant is considered to be able to sustain a licence agreement their application will be activated and processed in the usual way. However, any licence agreement might have to include a responsible adult as a counterparty (at the discretion of Ashford Borough Council) and would be subject to the applicant receiving the appropriate level of support.
- 19.3. If the applicant is assessed as being unable to sustain a licence agreement, their application will be kept on hold until they become 18 years of age. However, where they have a specific need to be re-housed, the applicant will be referred to Social Services for an assessment and for support in exploring their options, which will include referral for supported housing if appropriate.
- 19.4. Any applicant aged under 18 will need to attend an appointment with their parent or guardian to see an officer.

20. Receiving an Offer

- 20.1. Prior to an offer being made an officer will check the applicant's circumstances and ensure all the details given at the time of the application are correct. As part of this check verification documents may need to be supplied within 24 hours of notification of an offer. Notification will be in the form of an email, text and telephone call (or letter if required). If an applicant cannot supply documents within 24 hours, an extension of time may be given at the discretion of Ashford Borough Council (typically a further 24- 48 hours) as long as the applicant has made contact with us and are contactable regarding the issue within that 24 hours.
- 20.2. Failure to supply documents within 24 hours or the agreed timescale will result in withdrawal of the offer.
- 20.3. If the check is satisfactory, a formal offer, in writing will be made to the applicant. If, on making the checks, the applicant is found to no longer be eligible for the plot, no offer will be made.
- 20.4. Once the offer is made the applicant will have a fixed period to accept it. This will be set out in the offer letter.

- 20.5. The applicant will need to confirm that they wish to accept or reject the offer promptly and in any event within the timescale specified in the offer letter. If they fail to do so the offer may be withdrawn.
- 20.6. If an applicant accepts an offer then an officer will organise a time and date to review and sign the licence agreement and view the plot.
- 20.7. Once the licence agreement is signed and any relevant payments have been organised the applicant will be able to take up occupation of the plot and will become a resident for the duration of their licence agreement.
- 20.8. If an offer is refused, withdrawn or cancelled it will be offered to the next highest priority applicant.
- 20.9. If an applicant owes arrears under a former tenancy with Ashford Borough Council, a former social tenancy or a former licence agreement they will be required to enter into an agreement to make regular payments to discharge those arrears as part of the licence agreement. This applies whether or not a possession order was made in relation to the previous property or plot.

21. Withdrawal of an Offer

- 21.1. Ashford Borough Council reserve the right to withdraw an offer prior to a licence agreement being signed. This will only be done in exceptional circumstances where there has been an error or where there is a clear need to prevent the offer from progressing. Applicants will be advised of the reason(s) for the withdrawal of an offer in writing so far as Ashford Borough Council is able to disclose the reasons for the same within the limits of data protection and confidentiality restrictions.

PART 7: PRIORITISATION

22. Basic Priorities

- 22.1. Ashford Borough Council will give priority to:
 - 22.1.1. People who are homeless
 - 22.1.2. People who are occupying unsanitary accommodation or who are overcrowded or living in unsatisfactory conditions
 - 22.1.3. People who need to be allocated a plot on medical or welfare grounds including grounds relating to disability. This includes those who have sustained serious injury, medical condition(s) or disability as a result of service in the Armed Forces.

- 22.1.4. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

23. Eligibility to be Considered

- 23.1. The plots on the Chilmington and Gypsy & Traveller Site are provided by Ashford Borough Council to meet the particular needs of the gypsy and traveller communities. Members of that community will be prioritised in the allocation of plots and in the absence of a clear urgent need for a plot on the site applicants who are not members of the gypsy or traveller communities will not be considered eligible for a plot.
- 23.2. To otherwise be considered eligible for a plot an applicant:
 - 23.2.1. Must have a housing need
 - 23.2.2. Must be aged 16 years or over
 - 23.2.3. Must be a qualifying person under Section 24 of this policy.
 - 23.2.4. Must not be otherwise ineligible for the allocation of housing accommodation under Section 160ZA of the Housing Act 1996.

24. Qualifying Persons

- 24.1. Ashford Borough Council will determine whether an applicant is a qualifying person upon receipt of their application. If a person is not a qualifying person Ashford Borough Council will refuse the application. If an applicant's circumstances change so that they are no longer a qualifying person once their application is in progress then Ashford Borough Council will cancel the application.
- 24.2. An applicant will not be deemed to be a qualifying person if they or a member of their household has previously engaged in unacceptable behaviour. In considering whether any behaviour has been unacceptable and whether any unacceptable behaviour should be taken into account Ashford Borough Council will have regard to all the circumstances of a particular case and, in particular, the following:
 - 24.2.1. Any ongoing criminal proceedings or police investigations and any criminal convictions.
 - 24.2.2. Any anti-social behaviour orders, civil orders or any proceedings for the same.
 - 24.2.3. Any court orders for possession or pending proceedings for possession.

- 24.2.4. Any domestic concerns of violence or abuse including domestic violence or abuse.
 - 24.2.5. Any other relevant matters including but not limited to (1) an attempt to obtain a plot by giving false information (2) any history or assault(s), threat(s), harassment or anti-social behaviour of any type (3) any conviction of financially defrauding a local authority.
- 24.3. Where an applicant is considered to **not** be a qualifying person they will be informed in writing of that decision and will have the opportunity to appeal the same through the appeal process set out below.
- 24.4. Where there are exceptional circumstances, the local authority may exercise its discretion to allow the applicants application to progress despite their status as a non-qualifying person. It is emphasised that Ashford Borough Council will only exercise this discretion in exceptional circumstances.
- 24.5. Where one member of a household is determined to be non-qualifying the application as a whole may be refused. Such a refusal is at the discretion of the Housing Operations Manager.
- 24.6. An applicant that exceeds the means testing threshold and who do not fall into one of the exceptions will not be considered to be a qualifying person.

25. Reduction in Priority

- 25.1. Applicants who exceed the means testing threshold but who do fall into one of the exceptions will have their priority reduced to Band D unless there is an urgent medical or welfare need which justifies an allocation to Band A.
- 25.2. If an applicant has former arrears from a tenancy of licence agreement, or a debt of any sort to Ashford Borough Council then Ashford Borough Council will register the application but, at its discretion, will (1) allocate it to Band E or (2) suspend it generally until the debt or arrears is reduced to a reasonable level (a reasonable level is normally considered to be £400). In exceptional individual circumstances and where an agreement is in place (or being put in place) to pay the debt or arrears Ashford Borough Council may waive this provision.
- 25.3. An applicant who worsens their own circumstances within the meaning of Section 166A of the Housing Act 1996 may have their priority reduced to Band D at the discretion of Ashford Borough Council. The types of behaviour that will be taken into account include giving up secure accommodation that an applicant had previously been happy to occupy without reasonable cause.

- 25.4. An applicant who is currently suitably housed in secure accommodation will be assigned Band E.

PART 8: PROCEDURE REGARDING PRIORITISATION

26. Procedure where an Applicant is not deemed to be a Qualifying Applicant or where an Applicant's Prioritisation is Reduced

- 26.1. Any decision regarding an applicant's qualification status or a reduction in their priority will be taken by an Officer and will be based on the circumstances at the time of the application, taking account of all the circumstances, for example, the health of the applicant, any dependants or other relevant factors.
- 26.2. A determination of an applicant's suitability to be a licensee will be objective and the decision will be taken with reference to relevant information such as Police or Environmental Services reports or by reviewing landlord's records. An applicant will be notified of any decision in writing.
- 26.3. An applicant who has, in the past, not been deemed a Qualifying Person due to unacceptable behaviour may make a fresh application if they consider their behaviour should no longer be held against them due to changed circumstances. Unless there has been a considerable lapse of time, it will be the applicant's responsibility to show that their circumstances or behaviour have changed. Ashford Borough Council may ask the applicant to provide references from the police or probation services or other relevant third parties.
- 26.4. A person whose priority is reduced will be notified in writing of the decision and the grounds for it and will be advised that they can request a review of the decision. An applicant will also be notified of any steps that Ashford Borough Council will require them to take before a new application might be accepted.
- 26.5. If it is decided that an application will be cancelled, suspended or have its band altered, the applicant will be given notice of this in writing and will be given details of (1) Any conditions of which the council is likely to require to be satisfied in order to reinstate the application or band before the expiry of the period and (2) the applicant's rights to a review of the decision.

PART 9: MEANS TESTING

27. Financial Resources

- 27.1. Ashford Borough Council will give less priority to applicants who have the financial resources to meet their own needs.
- 27.2. A person **will not** be deemed to be a qualifying person if they meet one of the following criteria:
- 27.2.1. Their income exceeds **£40,000** per annum gross (including benefits with the exception of Child Benefit, Housing Benefit and Maintenance payments)
 - 27.2.2. Have the means to purchase a suitable plot for a caravan or trailer on the open market.
 - 27.2.3. Have the means to privately rent a suitable plot for a caravan or trailer on the open market for at least one year.
- 27.3. If the applicant owns real property, any equity in any such real property will be considered as part of the assessment.
- 27.4. If an applicant has equity in a property that would enable them to rent a suitable plot for a minimum period of one year they will not be considered a qualifying person.
- 27.5. All of an applicant's financial resources will be considered as part of the assessment including any savings they have.
- 27.6. An applicant will be exempted from the financial resource's provisions in this Section if:
- 27.6.1. Their financial resources are not immediately available or likely to be available in the near future and/or are controlled by a third party
 - 27.6.2. Where in exceptional circumstances, despite the applicant's financial means, it is not possible for them to source, rent purchase or manage a suitable plot themselves.
- 27.7. Applicants who are over the age of 50 (and so unlikely to qualify for a mortgage) will be deemed to be qualifying applicants but will have their priority reduced.

PART 10: HEALTH OR MEDICAL PROBLEMS

28. Medical or Welfare Priority

- 28.1. Ashford Borough Council will take into account any medical or welfare problem or any disability when assessing an application. Ashford Borough Council may raise the band of any applicant who has a medical condition, disability or welfare need which justifies an increase in priority for a plot.
- 28.2. An applicant who wishes to have a medical need, a disability or a welfare need taken into account when their application is considered should make that clear in the application form. Ashford Borough Council will then ask the applicant to complete a specific medical and welfare form. To confirm matters Ashford Borough Council will, where necessary, and with the applicant's permission, contact their medical practitioner or request that a supporting agency complete a Kent Agency Assessment. If it is appropriate to do so, Ashford Borough Council may also ask the applicant to disclose medical records (for example if a treating doctor is outside of the jurisdiction).
- 28.3. Where other members of an applicant's household who have been named in an application have medical/welfare problems Ashford Borough Council will allocate the application band based on the individual with the highest need.
- 28.4. Where other members of the household have a medical or welfare need but are not named in the application they will not be taken into consideration.
- 28.5. Below are examples of how priority might be awarded:
 - 28.5.1. Band A might be allocated for:
 - 28.5.1.1. A life-threatening illness which is made worse by the applicant's current accommodation
 - 28.5.1.2. A condition which prevents the applicant from being released from hospital until alternative accommodation is found.
 - 28.5.2. Band B might be allocated for:
 - 28.5.2.1. A severe mental health problem which is effected by the applicant's current accommodation
 - 28.5.2.2. Medical conditions which are severely exacerbated by the applicant's current accommodation.
 - 28.5.2.3. A medical or welfare need that would be clearly & significantly improved by the allocation of a plot.

28.5.3. Band C will usually be allocated for disabilities, medical problems or welfare needs which have a more than minor or trivial impact on the applicant's ability to carry out day to day activities.

28.6. Where an applicant has a significant physical disability but applies for a plot Ashford Borough Council will liaise with the applicant and the Occupational Therapy Department at Kent County Council to determine how their needs can best be met. Ashford Borough Council is limited in the adjustments it can make, and assistance it can offer, at the Site for individuals who suffer from significant physical disabilities, and it will take steps to ensure that a plot is a suitable option before allocating a band. If a significant physical disability is causing hardship in an applicant's current accommodation, and the allocation of that hardship might be significantly lessened through the allocation of a plot, then Ashford Borough Council will consider a Band B or C allocation. Before any offer is made to an applicant with a significant physical disability Ashford Borough Council will liaise with an occupational therapist to ensure that the applicants' needs are going to be suitably met at the Site. If adaptations are required then Ashford Borough Council will carry out an assessment as to the nature, extent and cost of any adaptations and a decision will be made about the suitability of the offer.

28.7. Ashford Borough Council will regularly review the impact of its policy on applicants and residents with disabilities or medical needs or welfare needs. Where necessary Ashford Borough Council will adjust this policy following any such review to ensure that applicants and residents with disabilities or medical or welfare needs are not discriminated against or disadvantaged.

PART 11: SPECIFIC APPLICANT CATEGORIES

29. Care Leavers

29.1. Where an applicant applies to Ashford Borough Council for a plot upon leaving care and is aged between 18 and 21 and has been in care for a consecutive period of two years then they will be regarded as a vulnerable applicant and at risk and will be allocated to Band C.

30. Applicants in Prison

30.1. A band cannot be awarded until the day of release and upon confirmation of the applicant's living circumstances. An appointment should be made to see a housing adviser immediately upon release to discuss housing options and to provide a correspondence address.

PART 12: DISCRETIONARY ALLOCATION

31. Discretionary Allocation

- 31.1. Ashford Borough Council reserves the right to allocate any applicant to Band A in exceptional circumstances. In very exceptional circumstances only a senior manager or officer may allocate an applicant to Band A. This will be called a ‘**Discretionary Band A Allocation**’.
- 31.2. The decision to allocate an applicant a Discretionary Band A Allocation will depend on all the circumstances of the case and will be carefully weighed against the impact it will have on other applicants and their priority positions, taking into account, in particular, the medical and welfare needs of any other applicants. Examples of situations which might justify a Discretionary Band A Allocation include:
- 31.2.1. Serious domestic violence where the victim is a member of the gypsy or traveller communities who is unable to return home and who has no other reasonable accommodation options which suit their lifestyle.
 - 31.2.2. Where an applicant is the victim of a serious incident of crime or disorder in their current locality.
 - 31.2.3. Where a member of the gypsy or traveller communities needs to relocate under the National Witness Mobility Scheme.

PART 13: APPLICATION LIST & BANDS SYSTEMS

32. The below table sets out the bands system and the criteria for each band.

BAND A: Urgent Need
This band includes applicants who: <ul style="list-style-type: none">(a) Have an urgent medical or welfare need which has been agreed and confirmed in writing with Ashford Borough Council.(b) Have been designate Band A under the discretionary allocation procedure set out above.
BAND B: Serious Need
This band includes applicants who do not fall within Band A and who:

<ul style="list-style-type: none"> (a) Have significant disabilities or medical/welfare needs which have been agreed and confirmed in writing with Ashford Borough Council. (b) Are homeless and have no legal sheltered accommodation. (c) Are currently living in accommodation which has significant and serious hazards which cannot be resolved in a reasonable timescale. (d) Are currently residing in social accommodation which is suitable for a family and has 2 or more bedrooms.
BAND C:
<p>This band includes applicants who do not fall within Band A or B above and who:</p> <ul style="list-style-type: none"> (a) Are homeless. (b) Are living in overcrowded accommodation (c) Are living in accommodation with a significant hazard that cannot be resolved in a reasonable period of time. (d) Are currently living in accommodation that lacks basic amenities (for example hot running water, adequate heating or electricity). (e) Have a substantial disability or a substantial medical/welfare need. (f) Would suffer hardship if they cannot remain in the borough (for example they give or receive care, access specialised medical treatment, or plan to take up a particular employment, education or training opportunity which, if missed, would cause hardship to the applicant).
BAND D: General
<p>All other applicants who do not fall into Band E</p>
BAND E: No Priority
<p>Applicants who do not fall into Band(s) A, B or C and who:</p> <ul style="list-style-type: none"> (a) Meet or exceed the financial threshold (b) Are categorised to Band E under this policy, for example as a result of previous anti-social behaviour or illegal activity.

33. Band Award Date

33.1. An applicant's priority date is the date of registration or the date that they entered a higher band. If their band is downgraded at any point, their original

application date or band date (if returning to a previously awarded lower band) will be used.

34. Impact Assessment(s)

- 34.1. Ashford Borough Council will carry out periodic impact assessments, including an equality impact assessment, to ensure that this policy and the band system does not place any potential applicant or resident at an unreasonable disadvantage and to ensure that the public sector equality duty (as set out in Section 149 of the Equality Act 2010) is being fully complied with.

PART 14: INVOLVEMENT OF ELECTED MEMBERS

35. Elected Members

- 35.1. In consideration of legal guidance and best practice Elected Members will not be involved in decisions regarding the allocation of individual properties within the Ashford Borough Council area. This does not prevent a member from seeking or providing information on behalf of their constituents. Elected members remain responsible for determining allocation policies and monitoring their implementation. The regulations do not affect elected members being involved in policy decisions that affect the generality of a ward's accommodation.

PART 15: APPEALS

36. Right of Review

- 36.1. An applicant has a right to request a review of their application if they are dissatisfied with any decision made in relation to their application.
- 36.2. A review application must be made to Ashford Borough Council in writing and marked for the attention of the Legal Department within 21 days of receiving notification of the original decision which will be the subject of the review.
- 36.3. The legal department will transfer the application for a review to the Housing Operations Manager or another officer of equal or greater seniority. That officer will conduct a review of the decision which is the subject of the review application, and the applicant will receive a written decision within 28 days. This decision might (1) uphold the original decision, (2) set aside the original decision entirely and refer the original application back to the allocations team for re-consideration, (3) change the original decision, (4)

take such further action as the reviewing officer considers appropriate in the circumstances.

- 36.4. If the applicant is dissatisfied with the outcome of the review decision they may apply for a further review to an Appeals Panel of Ashford Borough Council which will be made up of elected members. An application for a second review should be made in writing to Ashford Borough Council and marked for the attention of the Legal Department within 21 days of receipt of the review decision. The request for a second review will be passed to Legal and Democratic Services who will arrange an Appeals Panel Hearing. You will receive written notification of the date of the Appeals Panel giving you at least 7 days' notice. You may attend this hearing and the Appeals Panel will make a final decision in relation to your application.

PART 16: COMPLAINTS

37. Complaints

- 37.1. We aim to provide a high standard of customer care and to treat every application equally. If you don't think we have dealt fairly with you then you are free to ask for an explanation. If you are dissatisfied with our explanation then you can make a formal complaint to:

The Head of Housing
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, Kent
TN23 1PL

Telephone: 01233 330688
Fax: 01233 330425
Email: cbl@ashford.gov.uk

- 37.2. You will receive a written acknowledgment of your complaint within 3 working days. A full response will be sent within 15 working days. If you are not satisfied with the response you have received you may contact the Deputy Chief Executive at the Civic Centre. Further information regarding Ashford Borough Council's complaints procedure is available via our website or from the Council offices.
- 37.3. If you are still not satisfied by our response you may wish to contact one or all of the following agencies for advice:

Citizens' Advice Bureau
Seabrook House
Church Road
Ashford, Kent
TN23 1RD

Telephone: 01233 626185

Your Local Councillor.

If you do not know who your Councillor is, a full list of Councillors is available at the Council Offices – just ask one of our staff members. The list is also available on the Council's website at www.ashford.gov.uk

Shelter

www.shelter.org.uk

Freephone National Helpline Telephone: 0808 800 4444

Your Member of Parliament.

Damian Green MP House of Commons London SW1A 0AA

Telephone: 020 7219 3911

Fax: 020 7219 0904

Email: greend@parliament.uk

(As a result of forthcoming changes to the boundary commission, after the next general election, the Member of Parliament for those residing within the Saxon Shore Ward will be different to the rest of the Ashford Borough)

- 37.4. If you have followed the Council's complaints procedures and are still not satisfied with the response you can also contact the Local Government Ombudsman Advice Team at the following address:

Local Government Ombudsman,

PO Box 4771

Coventry CV4 0EH

Advice Line: 0845 602 1983

Email: advice@lgo.org.uk

Or you can visit the website: www.lgo.org.uk

APPENDIX ONE

Plan of Site



Gas Gov

66.1m

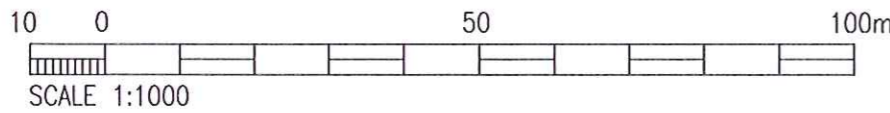
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ASHFORD
BOROUGH COUNCIL
CUSTOMERS, HOMES & PROPERTY
Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL.
tel: 01233 331111 fax: 01233 645654

PROJECT
CHILMINGTON SITE, ASHFORD

DRAWING TITLE
OVERALL SITE PLAN SHOWING ALL PLOTS

DRAWN	AUTOCAD FILE	DATE	SCALE	DRG.No.	REV.
JM	FILE No.	DEC 2011	AS SHOWN	- - - -	-

File location - U:\newcorproprsvcs\MISC\chilmington 2011\ december 2011 with modified boundaries