



## **Gypsy and Traveller**

# **Site Allocation and Management Policy for Herefordshire Council Owned/Managed Traveller Sites**

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## **1.0 INTRODUCTION**

The Herefordshire Council Travellers' Policy was agreed by the Cabinet Member and Director for Economy, communities and corporate directorate of Herefordshire Council on 1.4.15. Amendments to the Policy have included a change of name associated with changes in the Scheme of Delegation and a change of telephone number.

This Gypsy and Traveller site allocation and site Management policy needs to be linked to a range of Council policies, schemes and strategies including those relating to planning, education, housing and social services.

The demand for plots in Herefordshire is often greater than the number of plots available. This Allocation Policy describes how the local authority prioritises applicants to ensure that those with a recognised need, are given access to register. This Allocation Policy sets out in detail who is, and who is not, eligible to become a member of the Site waiting list and how this assessment is made.

The matter of Managing the site is detailed in the Site Management section and details how the Traveller Service is able to manage the sites and what its priorities are in delivering this service.

## **2.0 AIMS OF THE POLICY**

Our aim is to provide a fair, transparent and accountable method of allocating caravan pitches on Herefordshire Council owned Gypsy & Traveller sites, in accordance with the needs of all applicants. In addition, we will ensure sites are managed effectively and efficiently, protecting the interests of all our residents.

Herefordshire Council is committed to effectively serving all members of the community to ensure that all strategies and policies consider all groups and sections of Herefordshire's communities.

Herefordshire Council has an Equality Policy which can be accessed on the Herefordshire Council website <https://www.herefordshire.gov.uk/downloads/file/4217/equality-policy-2020-2023>

This policy seeks to address the imbalance between those who can and cannot, or do not wish to access housing by specifically targeting Gypsy and Travellers.

Equality and diversity issues will be considered when working with partners to implement this policy, in order to ensure that no group of Gypsy or Travellers are excluded and to make certain that those who are most in need of help and support, are taken into account.

This Policy sets out the criteria by which Herefordshire Council allocates pitches on its traveller sites, both to new applicants and to existing tenants seeking a transfer.

The scheme aims to allocate pitches to eligible applicants on the basis of four criteria:

- Need, as assessed by the allocation of needs points;
- The applicant can demonstrate they are a Gypsy or Traveller
- Time spent on the waiting list, and;
- Whether the applicant is new, or an existing tenant seeking a transfer.

Herefordshire Council aims to provide an allocation service that:

- Ensures maximum occupancy of its traveller sites.
- Sustains the existing communities living on its sites.
- Allocates pitches in accordance with a published Allocations Scheme. ▪ Is sympathetic to the needs of its users.

Where a property has been adapted for to accommodate tenants with specialist medical needs, the Traveller Service may give preference to the most suitable applicants.

To these ends it has set itself the following **objectives**:

**a) Service Provision**

Herefordshire Council will provide an allocations service that:

- Complies with the requirements of all relevant legislation.
- Ensures that there is an element of choice in the allocation of Pitches where possible.

**b) Partnership Working**

Herefordshire Council will work in partnership with other statutory and voluntary agencies to:

- Meet its statutory duties.
- Develop the Gypsy and Travellers' Policies. ▪ Increase the options available to Travellers.
- Work towards preventing homelessness among Travellers wherever possible.
- Deal promptly with applications from Travellers requiring a Pitch.

Partnership working is recognised as a fundamental requirement in dealing with the accommodation and welfare needs of gypsies. This policy commits to developing partnerships jointly with other organisations that are open, honest and equal.

The Policy will be reviewed as necessary, to review its effectiveness and continuing applicability to the residents. The role of reviewing this Policy is the responsibility of the Herefordshire Council Traveller Service who will make recommendations to the appropriate Director, Cabinet Member and/or Committee Members if there are changes needed to the Policy. Minor amendments or administrative changes can be made by the relevant Service Manager.

### **3.0 CULTURAL NEEDS OF THE TRAVELLING COMMUNITY**

The Council understands that Traveller communities are diverse, but that many Gypsies and Travellers choose to live within small kin-based groups where they can enjoy the benefits of their extended family support which is an essential part of their culture.

The Council aims to provide appropriate, well maintained accommodation to Gypsies and Travellers on the sites it manages, which respect their culture and traditions. Traveller Officers (TO's) must be satisfied that the applicant is a bona fide Gypsy or Traveller to enable consideration of accepting applications or allocating a plot.

### **4.0 CRITERIA FOR ALLOCATION/REFUSAL OF A PLOT**

Eligibility to apply for a Pitch on a council-owned Traveller site is restricted to people aged eighteen or over who:

- Are Gypsy's or Travellers.
- Are Travellers whose primary residence is the county of Herefordshire.

- Are Travellers who regard Herefordshire as their primary base.
- Are Travellers who have close family living in the county.
- Are Travellers who can demonstrate a need to live in Herefordshire for the following reasons:
  - Employment
  - Education
  - Health (including those who cannot live in fixed housing for health reasons)
  - Caring responsibilities. In exceptional circumstances pitches may be occupied by persons other than family members i.e. spouse or partner of licensee and children with the prior written agreement of the Environmental Protection Manager
  - Other special circumstances considered appropriate by the Gypsy/Traveller and Licensing Manager, including applicants fleeing from violence.

**Additionally those who are not eligible to apply are:**

- Previous and/or current residents of Herefordshire council-owned sites with records of failing to pay due rent on time.
- Previous and/or current residents of Herefordshire council-owned sites with unsettled overdue rent accounts.
- Previous and/or current residents of Herefordshire council-owned sites with records of behaviour that would lead, or did lead the Council to take possession proceedings against them (e.g. violence against other residents, or council staff, anti-social behaviour, unauthorised encampment on Council owned sites, criminal damage or littering etc.)
- Current residents of Herefordshire council-owned sites who are subject to a Notice of Seeking - Possession, a Notice to Quit, or any other possession proceedings.
- The Council is unable under the current legislative regime to accept applications from Travellers subject to controls under immigration or asylum regulations.
- Residents of sites outside Herefordshire who have an unacceptable tenancy record or have a history of violence.
- Applications will not be accepted from persons who have secured accommodation unless the offer of accommodation is relinquished. This includes other plots on sites outside of Herefordshire.

All applicants found to be ineligible to make an application will receive an explanation of the decision and are entitled to appeal against that decision to the Service Manager within 14 days of notification in person, or in writing. All applicants will be given information about where they can receive independent advice.

The above criteria will be considered by the Traveller Service at the allocation panel meeting. The information provided on personal issues will be kept confidential.

Certain persons subject to immigration control are not eligible for the allocation of a plot, and therefore not eligible to be accepted onto the waiting list. This includes:

- Over stayers and visitors to the country
- Illegal entrants
- Asylum Seekers
- People in the country on condition that they have no recourse to public funds
- Persons from abroad who fail the habitually residence test
- Persons from abroad who are in breach of the European Community Right of Residence
- Persons from abroad who have been subject of a sponsorship agreement for less than 5 years and who sponsors are still alive

Where the application form indicates that immigration status may be an issue, the Gypsy and Traveller service will request that the applicant provide appropriate evidence to support their application. The Traveller Service can give advice on what evidence would be required.

Where false information is found to have been given, the applicant may also be excluded from the application process, and where false information has resulted in the applicant obtaining accommodation, the Traveller Service may bring possession proceedings for recovery of the property.

## **5.0 APPLICATION PROCEDURE**

Written applications will be accepted and should be made to the Traveller Service (TS) either in person or by post to the address at the end of this Policy.

The TS may interview applicants and assess them against the criteria listed in 4 above.

New applicants will only be put on the waiting list if they meet the criteria in 4 above. However, all applications must be recorded by the TS.

A police enquiry may be made regarding all family members over the age of 18 years of age. In addition previous Landlords may be contacted for a reference. This will be done where the applicant is unknown to the Traveller Service or there are concerns about previous arrears or anti-social behaviour.

The site waiting lists will be reviewed by TS every six months to confirm the applicants are still waiting for a pitch, and will adjust the waiting lists accordingly. An up to date contact address and/or contact number **must** be available while applicants remain on the waiting list.

Applicants who do not provide contact information must contact the TS periodically to confirm their continued interest in a pitch. Applicants who cannot be contacted and/or have not made contact with the TS will be removed from the list when it is reviewed.

TS will always try to provide assistance to anyone who may have difficulty completing application forms due to disability, learning disability, illness, age, where English is not their first language, or any other reason that might make it harder for them to apply in writing.

## **6.0 THE WAITING LIST**

All eligible applications will be entered onto a waiting list that is administered by the Gypsy and Traveller Service. All Applicants will receive notification within 5 working days of receipt, that their application has been registered and has been given a serial number.

As plots become available an allocation panel meeting will be held to score the applications. The highest scored application will be offered the plot. The panel members will consist of the Gypsy, Traveller and Licensing Manager, Gypsy Traveller Officer and the Gypsy, Traveller Assistant. If one of the members are not available a third member will be invited from the Environmental, Health and Trading Standards Department.

Successful applicants will be offered a Licence to occupy a plot. The applicants will have 7 days to accept or decline the offer. All other applicant's will be advised after the 7 day acceptance period by letter.

A breach of the Licence conditions may result in termination of the Licence agreement.

Herefordshire Council will require evidence to prove eligibility prior to acceptance on the waiting list. Registration will only be completed on receipt of all relevant supporting documents. It will be the responsibility of the applicant(s) to provide appropriate and relevant evidence.

It is not intended that a person's behaviour at any time in their life should permanently exclude them from applying for a plot; therefore applicants who are placed on the waiting list will only be considered for an offer of a plot if the incidents or convictions/cautions occurred more than twelve months ago. Where the incidents, court orders or convictions are more than twelve months old from issue and there has been no repeat of the behaviour the applicant will not be given reduced preference, unless the incidents were of such an extreme nature that the Traveller Service determine it is appropriate to do so. If an applicant or member of the applicant's family who will reside on the site is on an offenders register, this will result in reduced preference.

With regards to former or current rent arrears and money owed to the local authority, if the applicant has made an arrangement to pay the debts and is maintaining this arrangement for a 13 week period, the reduced preference will be removed as long as the payment arrangements are adhered to.

If the circumstances changes the applicant must inform the TS who will then re-score the application accordingly.

Please note that a new waiting time start date will apply if an applicant is taken off or takes themselves of the waiting list, and then reapply when circumstances change.

## **7.0 MUTUAL EXCHANGES**

Mutual exchanges will be considered by the TS, in some circumstances some residents may wish to swap plots or sites. Each application for such an exchange will be considered on its own merits by the allocation panel.

## **8.0 SIGNING LICENCE AGREEMENTS (PITCH AGREEMENTS)**

The TS must ensure that all new residents sign the Licence agreement, and pay the £300.00 deposit and two week's rent before they move onto the site. The TO will explain all the rules of the site and the conditions of the Licence agreement to ensure the new residents understand their responsibilities. A written copy will be included with the signed site agreement which can be retained by the resident.

## **9.0 REFUSALS**

Applicants who do not qualify and are not eligible to register for a plot will receive confirmation of this in writing (within 28 days) and will be provided with appropriate advice and assistance. Any applicant has a right to make an appeal – please see section 12 for further information.

Applicants who have previously been deemed not to qualify may make a fresh application if they consider that they should now be treated as qualifying, but it will be for the applicants to show that circumstances have changed by providing up to date evidence.

Please note that any personal data held in relation to applicants will be held consistently with the Data Protection Act 1998 and only shared with other agencies, as detailed on the application form.

The TS will explain the reasons for any refusal to the individual applicant both verbally, and confirmation in writing within 7 days of the refusal.

Applicants who are unsuccessful may appeal to the Service Manager. This should be within 14 working days of the decision being notified, and can be by telephone or in writing. The appeal will be responded to within 14 working days.

## **10.0 LOCAL AUTHORITY SITES**

There are currently 5 sites run and managed by the Council see the table below:-

<b>Site</b>	<b>No. of Pitches</b>
Romany Close, Grafton	10
Watery Lane, Lower Bullingham	11
Tinkers Corner, Bosbury	7
Openfields, Bromyard	12
Croft Lane, Luston	10
<b>Total</b>	<b>50</b>

The Council owned Travellers' sites in Herefordshire are described as follows:

### **Romany Close, Grafton, Hereford**

Grafton is a ten pitch site, it is one of two sites based in Hereford the other being Watery Lane. It is a vibrant site which is occupied primarily by an extended family and has family members of all ages.

### **Watery Lane, Lower Bullingham, Hereford**

This is an eleven pitch site and is quiet site. Many of the residents at Watery Lane have lived together for many years at various locations and it is close to Hereford City. Whilst one access road to the site floods, there is an alternative route and the site itself has not flooded.

## **Bosbury, Herefordshire**

This site has seven pitches and is a quiet rural site. With this being a rural site the residents would benefit from having access to a vehicle to access local amenities. The nearest Market Town is Ledbury where there is easy public transport access to Hereford including a railway station in Ledbury.

## **Openfields, Bromyard**

Bromyard is a twelve pitch site. This is a rural site and the residents would benefit from use of their own transport. The nearest Market Town is Bromyard where there is easy public transport access to Hereford.

## **Croft Lane, Luston, Leominster**

Croft Lane is a ten pitch site. This is a mixed age and culture site and is popular with New Age Travellers, however, recently it is developing as a mixed culture site where residents are tolerant of each other's cultures. The nearest town is Leominster where there is access to public transport including a railway station.

## **11.0 SITE MANAGEMENT**

Maintenance of the sites is the responsibility of Herefordshire Council Property Services Department.

An out of hour's service for very urgent maintenance/repair work is in operation. This out of hour's telephone service will log maintenance/repair issues and allocate according to the priority of job. For non-emergencies, the repair or maintenance will be undertaken in normal office hours.

The Traveller Team will carry out regular visits to all sites. During these site visits any required repairs/maintenance works can be requested in person to the Traveller Team member.

Each resident has the Gypsy and Traveller Services telephone number 01432 261761 for them to report repairs as and when necessary during normal office hours. Emergency repairs/issues can be reported to the out of hours emergency line on 01432 260000.

## **12.0 APPEALS AND COMPLAINTS**

If you are not happy with the level of service received from Herefordshire Council Traveller Service or wish to appeal a decision, please contact Herefordshire Council's Traveller Service Manager who will listen to your complaint fully and discuss with you how we can resolve issues through an agreed complaints handling plan.

To make your complaint you can:

- By letter to Herefordshire Council, Traveller Service, Plough Lane, Hereford, HR4 0LE
- By Telephone on 01432 261761
- By email [gypsy.traveller@herefordshire.gov.uk](mailto:gypsy.traveller@herefordshire.gov.uk)

The law requires that due regard is demonstrated in any decision making process. The following sections details how equality is ensured, including the appeals procedure every applicant is entitled to follow if they feel they are dissatisfied with any decision made.

All applicants have the right to information about decisions which are taken in respect of their application. All applicants have a right to make an appeal if they are unhappy with any decision made regarding their application.

With regard to decisions made by the Allocations Panel, the applicant should appeal in writing where possible, and submit the appeal to the Traveller Service at Plough Lane, Hereford HR4 0LE. An applicant can appoint an advocate/representative and if appointed we will deal directly with that advocate. The appeal will be dealt with by Traveller Service Manager or other Service Manager, who was not involved in the original decision.

Under the Equality Act 2010, local authorities have a legal duty (the Public Sector Equality Duty) to pay due regard to:

- Eliminate unlawful discrimination, victimisation and harassment.
- Promote equality with regard to the protective characteristics
- Promote good relations.

### **13.0 CONTACT DETAILS**

For further information please refer to our website

[Gypsy, Roma and Traveller \(GRT\) families – Herefordshire Council](#)

Or contact the Traveller Service on 01432 261761

Or write to the correspondence address: Traveller Service, Herefordshire Council, Plough Lane, Hereford, HR4 0LE

Or e-mail [Gypsy.traveller@herefordshire.gov.uk](mailto:Gypsy.traveller@herefordshire.gov.uk)

## **Appendix 1**

# **The Herefordshire Council Gypsy and Traveller Service Rent Arrears Policy**

### **1. Scope of the Policy**

1.1 This policy describes the activities and responsibilities involved where tenant rent accounts of both current and former tenants are in arrears. The term "rent arrears" applies to both rent and service charges.

1.2 The Rent Arrears Policy applies to all rented property managed by the Gypsy and Traveller Service.

1.3 The Rent Arrears Policy complies with and supplements the Herefordshire Council's financial regulations.

1.4 The Council will ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.

### **2. Objectives and Principles of the Policy**

2.1 The overall aim of the Rent Arrears Policy is to minimise the level of rent arrears in a sensitive but effective manner.

2.2 To ensure that all legal requirements have been met before taking any legal action, including pre-action requirement conditions;

2.3 To offer early appropriate professional support and guidance to tenants to minimise rent arrears in response to their specific needs and circumstances;

2.4 To work with other Council services and agencies to ensure that appropriate support and assistance is delivered to tenants and their families, that risks are identified and agreed outcomes met;

2.5 To monitor levels of rent arrears and have early intervention mechanisms in place which prevent rent arrears arising;

2.6 To maintain contact with tenants to ensure effective communications and ensure tenants meet their statutory responsibilities for the payment of rent.

The above objectives will be achieved by implementing the following principles:

- The Council's rent arrears management service is fair, open and transparent;
- All communication with tenants and service users is in "plain language", will be clear, concise, simple to understand and free of jargon and will make clear who the appropriate officer is to contact in the case of queries;
- That tenants are supported where appropriate to meet their tenancy responsibilities to pay their rent.

### **3. Legal Framework**

3.1 The Council will ensure that the Rent Arrears Policy meets with legislative and good practice requirements in minimising rent arrears. In approving and implementing the Rent Arrears Policy and associated procedures the Council aims to comply with the legislation.

3.2 The Council will take account of any alterations and amendments to the legislative framework and review this policy accordingly.

#### **4. Tenants' Responsibilities**

4.1 The term 'tenant' includes sole and any joint tenants.

4.2 If two or more people have signed the Tenancy Agreement, they are jointly and severally liable for the payment of rent. This means that each person is fully responsible for the payment of rent and any arrears of rent.

4.3 Tenants have an obligation under the Terms and Conditions of their Tenancy Agreement to pay rent due every week, in advance on or before the first day of each rental period.

4.4 Tenants have a responsibility to notify the Council of any change in their circumstances that may affect their ability to pay their rent, including changes to benefit payments.

4.5 Tenants can choose to pay their rent from one of the following methods: - BACS payment or Credit or Debit Card via the Council's Customer Contact Centres.

#### **5. Prevention of Rent Arrears**

5.1 The Council will use preventative measures and practices, which aim to avoid debts mounting up, including providing regular advice and information to tenants on the amount of rent and the dates by which it is due.

5.2 At the start of a tenancy, the Council will make every effort to ensure that the tenant is informed of all the costs and payment responsibilities associated with their tenancy.

5.3 The establishment of a good relationship between tenant and landlord at this early stage cannot be stressed too strongly. Preventative measures to be taken will include:

- A pre-tenancy interview with each new tenant;
- Wherever possible and particularly where tenants are considered vulnerable or at risk of arrears, follow up contact will be made within 2 weeks of the start of their tenancy;
- Support provided by appropriate staff and services where this is merited, for example, by Housing Options and benefits Staff.
- Personal contact by officers by phone, home visits and letters to encourage tenants to contact the Council at the earliest opportunity should they experience a change in their circumstances or face difficulties paying their rent;

#### **6 Prevention of rent arrears**

6.1 Officers will consider tenants and their family's circumstances to help shape appropriate responses to help them pay their rent and comply with legislative requirements.

6.2 Under Universal Credit, working-age tenants will receive a single monthly payment directly from the Department of Work and Pensions (DWP). This will include support for housing costs.

6.3 Wherever possible, the Council will make the use of "rent direct" payments for tenants particularly if they are in arrears.

6.4 The Council will agree appropriate arrangements for the direct payment of benefits where tenants fall into arrears following agreement of appropriate protocols with the Department of Work and Pensions and the Council.

6.5 The Council will consult with tenants regarding any change to the rent payable and will give tenants the required written notice of any increase in rent.

## **7 Assessment, Support and Liaison with Other Agencies**

7.1 The Council will offer a detailed assessment (financial assessment) to all tenants when it is identified that their rent account is in arrears in order to assist in the management of his/her tenancy and ensure that rent is paid. In most cases a referral to the Citizens Advice Bureau will be recommended.

7.2 During the assessment, the tenant in arrears, in consultation with the Traveller and Licensing Manager will be asked to identify possible sources of support. These may include: -

- Family/household members;
- Social Work: Adult Services, Children Services
- Trading Standards Section;
- Housing Benefit;
- Welfare Benefits;
- Homelessness Services;
- Shelter;
- Dept of Work and Pensions;
- Citizens Advice Bureau; and
- Any other appropriate voluntary agency.

## **8 Rent Arrears Recovery**

8.1 Rent arrears recovery will be based on a staged escalation process, up to and including repossession for non-payment of rent.

8.2 The process will be based on a preventative approach that seeks to maximise tenants' entitlement to benefits and secure regular payments.

8.3 Emphasis will be placed on personal contact by Traveller Team at all stages in the process, particularly in the early stages, in order to prevent escalation of arrears. During this contact, staff will encourage tenants in arrears to seek independent advice and information from appropriate organisations to ensure they are receiving all their entitlement to housing and other welfare benefits.

8.5 The Council will only consider legal action to recover rent arrears where management actions have proved ineffective.

## **9 Welfare Reform**

9.1 It is a tenant's responsibility to pay any shortfall in the rent as a result of any changes to their benefit entitlements in order to avoid rent arrears.

9.2 In all cases, the Council will seek to ensure that tenant's understand their ongoing responsibilities to meet changes to their benefit. In pursuing the payment, the Council will, be mindful of the individual circumstances.

9.3 Where the Council is satisfied that tenants who are subject to a reduction in benefit , the Council will use all legitimate means to collect rent arrears.

9.4 The Council will maintain appropriate records to assist 'client profiling' to identify and target support to vulnerable tenants or those at risk of arrears quickly escalating. All data gathered will be managed to comply with data protection legislation.

## **10      Serious/Persistent Arrears Action**

10.1 Serious arrears action will commence when arrears continue to rise, or direct contact with the tenant has failed. This may include initial stages of raising legal proceedings against the tenancy.

10.2 The Council will write and inform the tenant that if the payment of rent and arrears are not made on a regular basis, that a Notice of Proceedings for Recovery of Possession will be served and that legal action may be taken.

10.3 Emphasis will continue on personal contact and ensuring that family members where appropriate are involved.

10.4 At each stage of the process, the tenant will be reminded of their responsibility to pay their rent and offered support where this is needed.

## **11      Repayment Arrangements**

11.1 In cases where the tenant cannot clear the arrears in a single payment, the Council will agree an affordable payment to reduce the arrears in realistic and sustained instalments over a specific period of time. Any repayment agreement will be based upon assessment of the tenant's finances and ability to pay.

11.2 A written agreement will be made with the tenant, where possible, on how to manage and reduce their rent arrears. This agreement should include the level of current arrears, the tenant's ability to pay, the size and frequency of arrears repayments, the repayment dates and the method of making future rent payments.

11.3 Arrangements will be regularly monitored and if broken contact will be made with the tenant to find out why and a new arrangement will be agreed. If arrangements are continually broken, and as a result the arrears are not being reduced, further action will be taken.

11.4 First contact will be made when rent is 2 weeks in arrears and water is 4 weeks in arrears. Any verbal agreements will be confirmed in writing.

## **12      Legal Action**

12.1 Legal action is the last stage in the rent arrears process. Tenants will be kept informed of and fully involved in the legal process at all stages of legal action. Legal action may include a payment decree or ejection decree. In all cases, the Council will seek recovery of expenses. Expenses may be awarded where the arrears have been repaid. Where appropriate, the Council will refer the tenant to suitable agencies to provide advice or assist in representation at court hearings.

12.2 The decision to request that an action for recovery of possession of the property and payment of arrears of rent be raised will only be taken when all other means of recovery of rent arrears have been exhausted.

12.3 The Council must serve the tenant with a Notice of Proceedings for Recovery of Possession at least 28 days before court proceedings will commence. Before serving a Notice of Proceedings for Recovery of Possession the Council will make reasonable inquiries to establish, so far as is reasonably practical, whether there are any qualifying occupiers in the house. The Notice of Proceedings for Recovery of Possession must also be served on all qualifying occupiers of the house. A qualifying occupier is a person who occupies the house as his/her only or principal home and who is:

- a member of the tenant's family aged at least 16; or
- a person to whom the tenant has, with the landlord's consent, assigned, sublet or otherwise given up possession of the house; or
- a person who is a lodger and the landlord has given consent.

12.4 Where the court orders the repayment of arrears, it may order an open decree for repayment, which the Council can enforce for full payment of the debt, or it may make an instalment decree requiring the tenant to clear the arrears at an agreed rate.

12.5 Separate and complementary procedures will be developed to guide staff where evictions are approved. Evictions will only be considered as a last resort where all other alternatives have failed.

### **13 Former Tenant Arrears**

13.1 Former tenants are tenants who have terminated a tenancy and have outstanding rent arrears related to the property vacated. This will also include tenants who have not terminated the tenancy and left the plot without formally terminating the tenancy in writing.

13.2 All tenants, when terminating their tenancy, are encouraged to pay any outstanding arrears of rent and will be advised of the implications involved if rent arrears are not paid in full.

13.3 Arrears control and recovery action will be activated when the status of the tenancy changes to former tenant. Recovery is based on a staged escalation process.

13.4 Former tenants in arrears will be encouraged to agree a repayment plan that is affordable and sustainable.

13.5 Where attempts to recover arrears by letter have failed, or the former tenant's whereabouts are unknown, the debt will be referred for determination to the Head of Service.

13.6 Legal action to recover the arrears will be taken in cases where, an assessment of the former tenant's financial circumstances, indicate that such action would be appropriate.

13.7 Where a debt is uneconomic to pursue or there is no prospect of recovery, the debt will be written off in accordance with the Council's policy on irrecoverable debt.

### **14 Complaints and Review Process**

14.1 The Council operates a Complaints Procedure that is available to any tenant who is not satisfied with the way in which their case has been dealt with. Details of the Complaints Procedure can be obtained from any Council Customer Information Centre or from the Web-site.

14.2 Separate from the Complaints Procedure, a Review Process exists for tenants who dispute the amount of rent arrears or any repayment programme. In the first instance, tenants can ask for an explanation from the Traveller Service. If the tenant is not satisfied with the explanation, they can ask for an appointment with the Head of Service.

### **15 Performance Monitoring**

15.1 The Council will monitor performance on rent arrears using both statutory and local performance indicators as follows:

### **16 Performance Indicators**

- Rent collected as a percentage of total rent due
- Current tenant arrears as a percentage of the net rent due in the financial year

### **Contact details**

In writing to: Gypsy and Traveller Service, Herefordshire Council, Plough Lane, Hereford, HR4 0LE  
**the Council?**

**Telephone: 01432 261761 -** you can phone to report a maintenance issue during these times:  
9.15 am to 4.00 pm Monday to Friday

**For out of hours emergencies - phone 01432 260000**

By e-mail to [Gypsy.traveller@herefordshire.gov.uk](mailto:Gypsy.traveller@herefordshire.gov.uk)