

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

**Direct Line: 0208 545 3616
Email:
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Date: 26 February 2020

Dear Councillor

Notification of a Decision taken by the **Director of Community and Housing**

The attached **Non-Key decision** has been taken by the **Director of Community and Housing**, with regards to the **Travellers' site – Annual Review of weekly licence fee** and will be implemented at **noon on Monday 2 March 2020** unless a call-in request is received.

The [call-in](#) form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

Democracy Services

NON-KEY DECISION TAKEN BY AN OFFICER UNDER DELEGATED AUTHORITY

This form should be used to record and publish **non key delegated executive decisions**. Guidance is available on the intranet or from the democratic services team 0208 545 3616.

1. Subject

Travellers' site – review of weekly licence fee

2. Reason for exemption (if any)

3. Decision maker

Hannah Doody, Director of Community and Housing

4. Date of Decision

25/02/2020

5. Decision

That the weekly licence fee for the rental of a pitch on the council's travellers' site be increased by 2.7% from 6 April 2020

6. Reason for decision

Under the management agreement with Clarion Housing the council has an obligation to set the weekly licence fee and must review this at least annually, based on a recommendation from Clarion Housing. Clarion Housing recommends an increase of 2.7%, this being the standard increase for Clarion Housing homes generally and is in compliance with the government's formula for rent setting of CPI+1%

7. Alternative options considered and why rejected

Different levels of increase were rejected as not being in accordance with the management agreement and of no benefit to the council or the residents

8. Documents relied on

Report to Director of Community & Housing dated 25 February 2020

9. Declarations of Interest

If the decision maker has an interest it must be declared. Not all interests will preclude the decision maker from proceeding but failing to declare an interest could be a breach of the Staff Code of Conduct. Check with the Monitoring Officer for further advice. (Constitution Part 5B paragraph 7)

None

10. Signature

Hannah Duffin.

11. Publication of this decision and call in provision

Send this form and any documents listed in section 8 to democratic.services@merton.gov.uk for publication. Publication will take place within two days. The call-in deadline will be at Noon on the third working day following publication.

IMPORTANT – this decision should not be implemented until the call-in period has elapsed.

Chief Officer: Director of Community and Housing

Date: 25 February 2020

Agenda item:

Wards: Wimbledon Park

Subject: Travellers' site – Annual review of weekly licence fee

Lead officer: Hannah Doody, Director of Community and Housing

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport

Forward Plan reference number:

Contact officer: Steve Webb, steve.webb@merton.gov.uk 020 8545 4709

Recommendations:

- A. That the weekly licence fee for the rental of a pitch on the council's travellers' site be increased by 2.7% (CPI+1.0%) from £94.34 to £96.89 from Monday 6 April 2020.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report seeks the decision of the Director of Community and Housing, in consultation with the Cabinet Member for Regeneration, Housing and Transport to increase the weekly licence fee for a pitch on the Council's travellers site by 2.7% from 6 April 2020, as recommended by the Council's Managing Agents, Clarion Housing.

2 DETAILS

- 2.1. Ownership of the travellers' site at Brickfield Road, SW19 was retained by the council at stock transfer. The council entered into a management agreement for the site with Merton Priory Homes (now Clarion Housing) and this forms part of the legal transfer agreement.
- 2.2. Under the management agreement the weekly licence fee for renting a pitch on the site is to be set by the council and reviewed at least annually. The licence fee shall be no less than the level recommended by Clarion Housing (acting reasonably) from time to time.
- 2.3. Clarion Housing have recommended that the licence fee be increased by 2.7% (CPI+1%) from April 2020, increasing the weekly fee from £94.34 to £96.89.
- 2.4. The CPI+1% increase to be applied by Clarion Housing has been calculated in accordance with the Government's current rent setting formula. Since stock transfer the standard increase (or reduction), as applicable to social housing, has been applied each year.

- 2.5. At the time of the stock transfer in March 2010 there was a 5-year promise made to not increase rents by more than the standard HCA formula in use at the time: RPI + 0.5% + £2.08 per week. The time limitations on this promise have expired.

3 ALTERNATIVE OPTIONS

- 3.1. The travellers' site management agreement states that the weekly licence fee "shall be no less than such amount as may be recommended by Clarion Housing (acting reasonably) from time to time". The proposed increase of 2.7% is considered to be reasonable as this is the same rate that will be applied to the tenants in Clarion Housing stock and it follows the Government's current formula. Alternative licence fee increase of less than 2.7% would not be in accordance with the management agreement and so is not recommended. An increase above 2.7% would not be in accordance with the new Government formula and would not benefit the residents or the council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Clarion Housing have recommended the new licence fee and consulted the council on the level of the new licence fee and seeks the council's agreement.

5 TIMETABLE

- 5.1. The new level of licence fee will be applied from April 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the council. The income from the weekly licence fee is collected and retained by Clarion Housing to cover the cost of meeting their obligations and commitments under the management agreement.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under the management agreement, which forms part of the stock transfer management agreement, the council has legal responsibility for reviewing and setting the weekly licence fee, based on the amount recommended by Clarion Housing (acting reasonably). The council will be in breach of the transfer agreement if it fails to fulfil this responsibility.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The level of weekly licence fee increase proposed will enable Clarion Housing to manage the site effectively, including carrying out routine repairs and maintenance and complying with Health & Safety regulations.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1 None

12 BACKGROUND PAPERS

12.1. Travellers' Site Management Agreement (twenty-second schedule to the Housing Stock Transfer Agreement).

Merton Council - call-in request form

1. Decision to be called in: (required)

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2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on

020 8545 3864