

Merton Council - call-in request form

1. Decision to be called in: (required)

Travellers' site – review of weekly licence fee

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;	X
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	X
(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.	X
(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:

Section 7.1 of the decision sheet states, “the council has legal responsibility for reviewing and setting the weekly license fee, based on the amount recommended by Clarion Housing (acting reasonably).”

Section 3.2 of the decision sheet states, “Alternative licence fee increase of less than 7.7% would not be in accordance with the management agreement and so is not recommended.” But section 3.2 does not provide any evidence to show that Merton Council has attempted to ensure that Clarion have ‘acted reasonably’ in their setting of the fee. We do not, therefore, agree that alternatives have been properly considered and evaluated.

We would expect a review of Clarion’s reasonableness to include evidence of:

- (a) the services provided by Clarion to residents of Brickfield Road in 2022/23, with associated costs
- (b) estimated costs for services which will be provided in 2023/24
- (c) any poorly resolved or unresolved complaints logged by service users, stakeholders, and ward councillors to Clarion regarding their service provision in Brickfield Road
- (d) a comparison of the fees charged to Brickfield Road Travellers’ Site residents and Clarion’s other social housing residents

The decision merely accedes to Clarion’s recommendation as set out in the report – which is to increase fees by the maximum permitted amount – without properly reviewing and scrutinising the fees they have suggested.

There is no consultation with affected residents or their representatives and there is no detail of the consultation carried out by Clarion with Merton provided on the papers that would indicate that consideration of alternatives was carried out.

Service users in Brickfield Road are also still experiencing unresolved issues, including inadequate equipment and training for fire protection, rat infestations, and broken waste bins. There is no evidence of a review which shows that Clarion have been carrying out the service that they are contractually required to. If Clarion were carrying out those services and if the cost of providing those services were increasing due to inflationary pressures, then a 7.7% fee increase could be reasonable. But the assertion that Clarion has ‘acted reasonably’ cannot be made without the evidence of a proper review.

Due consideration of equalities

The assertion in the Equalities Assessment that “All households on the Traveller site are affected equally by this increase regardless of their ethnic group” does not show that an assessment of the possibility of indirect discrimination has been completed (we would also query if the correct comparator is those at the site only or all Clarion tenants subject to the 7.7% increase, who are provided different

services - which impacts the potential reasonableness of the increase).

An equalities assessment comparing the impact of these changes on Romany Gypsies and Irish Travellers at Brickfield Road with other Merton residents beyond the Traveller site has not been completed.

The Council's Corporate Equality Scheme requires departments to consider other relevant groups or issues in their assessments such as looked after children, carers, gypsies and travellers, and community cohesion where appropriate.

5. Documents requested

Details and correspondence between Merton and Clarion that comprises the consultation for the purpose of this decision.

6. Witnesses requested

Relevant officer

Any cabinet member who was consulted on the decision, and the cabinet member whose portfolio includes equalities

Relevant residents or their representatives

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

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