

EXECUTIVE DECISION RECORD
Officer

REF No: EDR.083.23

A1 Service Area	Planning
A2 Title	S106 Financial Contributions relating to P/2013/01014 Eyes Farm, Rocester relating to Schedule 5 Open Space and Landscaping
A3 Decision Taken By	Chief Officer
A4 Chief Officer	Please print name: Thomas Deery Please sign name: Thomas Deery (Approval by email 20/02/2024)
A5 Leader / Deputy Leader consulted?	Please print name: Councillor Rob Hawkins (Approval by email 20/02/2024) Please sign name: Councillor Rob Hawkins
A6 Date of Decision	20 th February 2024

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A

Conflict of Interest

Are there any conflicts of interest to declare? No (*please delete as appropriate*)

(If "Yes" please contact the Chief Executive before making the Decision. A note of dispensation should be attached).

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to? *(Please tick as appropriate)*

Scrutiny (Value for Money Council) Committee

Scrutiny (Regeneration Development and Market Hall) Committee

<p>B1 What is the Decision?</p>	<p>To release money from S106 contribution relating to planning application P/2013/01014 Eyes Farm Bungalow Schedule 5 Open Spaces and Landscaping</p>
<p>B2 What are the reasons for the Decision?</p> <p>B2 Alternative options considered and rejected?</p>	<p>To release money from S106 contribution relating to planning application P/2013/01014 Eyes Farm Bungalow Schedule 5 Open Spaces and Landscaping. The contribution is towards play equipment located in the village of Rocester and is for equipment for adult activities to aide physical and mental health. This particular contribution is allocated only to the old Abbey ward and has been agreed with Mike Hovers that the money could be utilised by the Parish Council with ESBC not owning / maintaining any public open space within this vicinity.</p> <p>Contribution towards equipment as follows:</p> <p>£7638.48 for adult equipment – sky stepper, double health walker, single rower, combination pull down and power push</p> <p>£7,303.41 for black wet pour</p> <p>S106 contribution is £13,000.00.</p>
<p>B3 What are the contributions to Corporate Priorities?</p>	<p>The award of the S106 monies will contribute to physical and mental health which will aide standing up for our communities.</p>
<p>B4 What are the Human Rights considerations?</p>	<p>[here are no Human Rights issues arising from this decision.</p>

Financial Implications

B5 What are the financial implications?	<p>The main financial issue arising from this decision is as follows:</p> <p>The monies have been received by East Staffordshire Borough Council who have a duty to spend the monies in accordance with their intended use.</p> <p>There is no deadline for the money to be spent. The contribution amount is £13,000.00.</p>
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Revenue	2023/24	2024/25	2025/26
Rocester Parish Council	£13,000.00	All monies would have been spent.	
S106 Contribution Schedule 5	(£13,000.00)		
Impact on MTFs	0.00		

Capital	2023/24	2024/25	2025/26
	N/A	N/A	N/A

The finance section has been approved by the following member of the Financial Management Unit:	<p>Please print name: James Hopwood</p> <p>Please sign name: James Hopwood (Approval by email 19/02/2024)</p>
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	N/A
B6.2 Has it got the appropriate approvals under those provisions?	Yes
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	N/A
B7.2 Has it got the appropriate approvals under those provisions?	N/A

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits): N/A

B8 What are the Equalities implications:

B8.2 Negative (Threats): N/A

B8.3 The subject of this decision is a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

B8.4 [The equality impact assessment identified the following actions to be carried out: N/A

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): <ul style="list-style-type: none">• Spending the S106 contributions in line with their intended use will ensure continuous improvements to public open space for the community.
B9.2 Negative (Threats): <ul style="list-style-type: none">• Ensuring the money is spent according to the application submitted.
B9.3 The risks do not need to be entered in the Risk Register.

Legal Considerations

B10 What are the Legal Considerations:
B10.1 The main legal issues arising from this decision are as follows: To ensure spending the S106 monies is in line with their intended use for the provision and maintenance of community facilities. The Parish Council are to enter into an agreement to confirm that the monies shall be spent on the equipment as identified in B2 of this report to ensure that the S106 obligations are complied with.
This section has been approved by the following member of the Legal Team
Please print name: Sherrie Grant  Please sign name:

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes). N/A

B11 What are the Sustainability implications:
B11.2 Positive (Opportunities/Benefits): N/A
B11.3 Negative (Threats): N/A

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B12.2 [The significant hazards and risks have been identified in the Safety Media Risk Assessment numbered []. Any financial implications to mitigate against these hazards and risks are considered above.] N/A
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below]
B12.3.1 Positive (Benefits) N/A
B12.3.2 Negative (Threats) N/A

Key Decision

B13 Is this a Key Decision? No

Note: A Key Executive Decision is one where:

1. **REVENUE** – Any contract or proposal with an annual payment or saving of more than £100,000
2. **CAPITAL** – Any capital project with a value in excess of £150,000
3. A decision which significantly affects communities living or working in an area comprising two or more wards.

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	N/A
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	N/A

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk