



Please leave blank for completion by DS officers

EXECUTIVE DECISION RECORD

A1 Service Area	Regeneration
A2 Title	Pilot process for use of commuted sums to facilitate affordable housing on brownfield land
A3 Decision Taken By	Cabinet/ Leader/ Deputy Leader/ Chief Officer <i>(please delete as appropriate)</i>
A4 Chief Officer	Please print name: A O'BRIEN Please sign name: 
A5 Leader / Deputy Leader	Please print name: JULIA JESSAL Please sign name: 
A6 Date of Decision	31.7.18

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.	

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	<i>(Please tick as appropriate)</i> ✓
Scrutiny (Audit & Value for Money Council Services) Committee	<input type="checkbox"/>
Scrutiny (Economic Growth, Communities and Health) Committee	<input checked="" type="checkbox"/>


B1 What is the Decision?	To approve the pilot process for use of commuted sums to facilitate affording housing on brownfield land, as attached at Appendix 1.
B2 What are the reasons for the Decision?	<p>The Council has received, and will receive, sums of money from developers who opt to provide a contribution of funding to be used for the provision of affordable housing, in lieu of delivering that affordable housing on their developments.</p> <p>This funding is ring-fenced to be used in accordance with the relevant S106 agreements, but is generally required to be used to alleviate the housing needs of the Borough through affordable housing.</p> <p>The Council also holds a register of brownfield sites that could potentially come forwards for development. Typically, brownfield sites are difficult to deliver due to extra costs associated with addressing the previous use of the land, which can lead to issues such as contaminated land.</p> <p>Using commuted sums to unlock sites on the brownfield register that are struggling to come forwards will not only provide affordable housing in the Borough, but it will prevent the continuous stalling of high potential sites that need support to be delivered.</p>
B3 What are the contributions to Corporate Priorities?	This decision relates to the Corporate Plan priority Promoting Local Economic Growth and specifically the target PLEG09.
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

B5 What are the financial implications?	<p>The main financial issues arising from this decision are as follows:</p> <p>The pilot process will utilise the Council's current and future holdings of S106 commuted sums provided in lieu of on-site affordable housing, subject to meeting the requirements of the S106 agreements.</p> <p>Each specific project that requires a contribution of commuted sums will be subject to a separate approval, confirming the allocation of funding. As such, no funding is specifically committed through the approval of the pilot process.</p>
--	---

Revenue	2018/19	2019/20	2020/21
	-	-	-

Capital	2018/19	2019/20	2020/21
	-	-	-

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: LISA TURNER Please sign name: 
---	--

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)?	NA
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)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	Yes

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits):
B8.2 Negative (Threats):
B8.3 The subject of this decision is [not] a policy, strategy, function or service that is new or being revised. An equality impact assessment is [[not required/attached as Appendix []].
B8.4 [The equality impact assessment identified the following actions to be carried out:]

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): The opportunity to effectively utilise S106 commuted sums before spend deadlines and the benefit of delivering affordable housing without being directly involved with the build.
B9.2 Negative (Threats): Risks associated with each project will be identified as and when they are approved. A risk register will be held for the projects.
B9.3 The risks do not need to be entered in the Risk Register, however one will be created for the projects delivered through this process.

Legal Considerations

B10 What are the Legal Considerations:

B10.1 The main legal issues arising from this decision are as follows:

Any funding contribution made will need to be in accordance with the legal requirements of the relevant S106 agreements.

Contracts will need to be established between the Council, the landowners, and the developers, which will describe and define financial contributions, outputs required, project monitoring processes and other project specific requirements.

These will be considered for each individual project through separate approvals.

This section has been approved by the following member of the Legal Team:

Please print name:

ANGELA WAKEFIELD

Please sign name:



Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal <i>could</i> 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).
B11.2 Positive (Opportunities/Benefits): This process will enable the reuse of brownfield sites that may otherwise be underutilised or dilapidated.
B11.3 Negative (Threats):

Health & Safety Implications

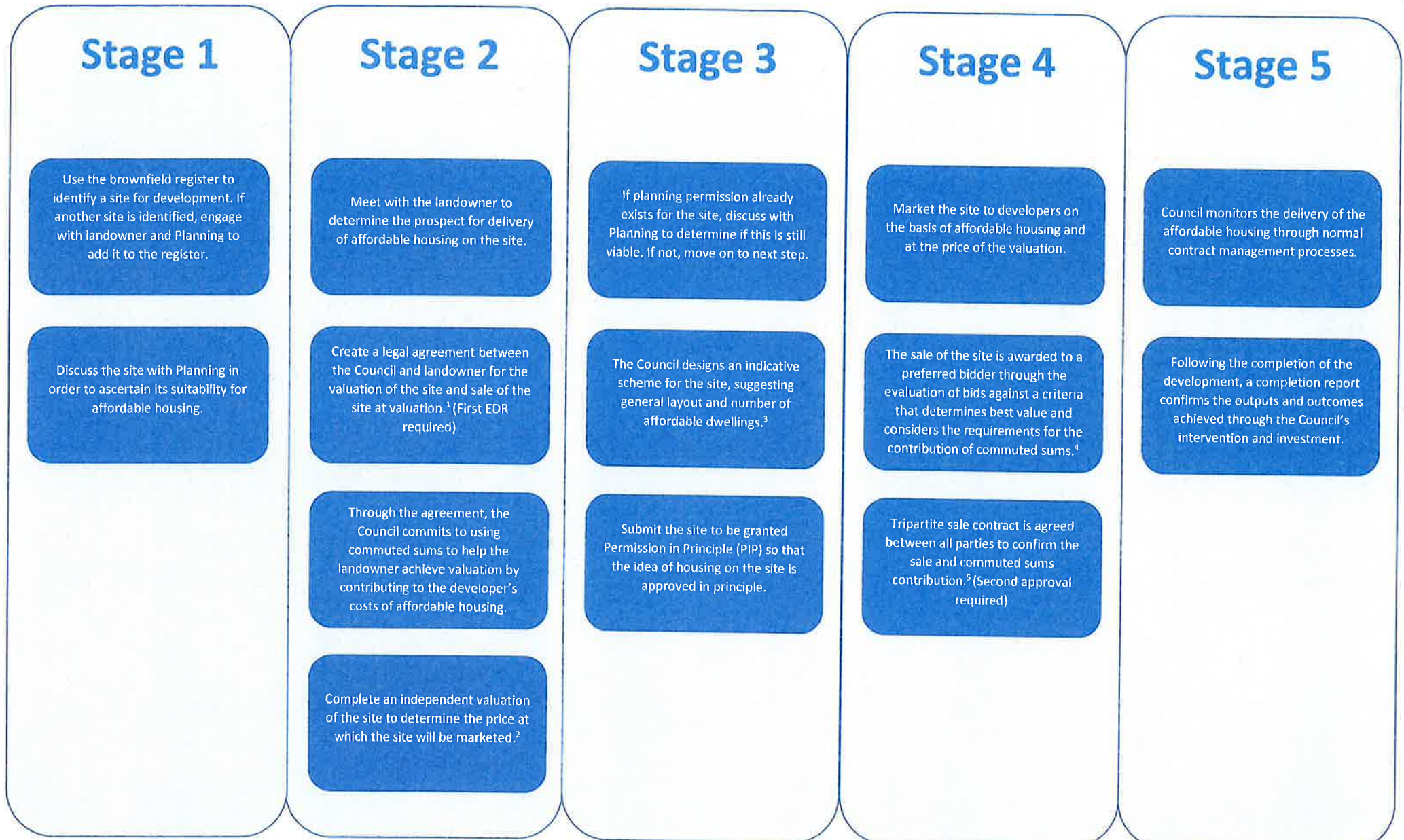
B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

Key Decision

B13 Is this a Key Decision?	Yes
Note: A Key Executive Decision is one where: <ol style="list-style-type: none"> 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?	No
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?	NA

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



1. Landowner agrees to have the site valued on the basis of affordable housing, if they do not wish to proceed with that valuation, they also agree to pay the costs of the valuation. 2. Valuation to be conducted independently through a multiple-site contract controlled by the Council, that also includes the marketing of the site. Contract value will be based on a percentage fee of the sale price, payable by the landowner, valuations are only payable in the event of the site not coming forwards and is also payable by the landowner. 3. To be determined by Planning Policy, this would be advisory for any prospective developer, not a requirement of the sale. 4. For example, the smallest contribution of commuted sums required to support delivery of development. 5. Each party is responsible for their own legal and investigation costs. The exemption through an EDR allocating funding from reserves if required.