



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

| | | |
|-------------------------|--|---|
| Title of Report: | Call-in of Decision 199.20 | To be marked with an 'X' by Democratic Services after report has been presented |
| Meeting of: | Corporate Management Team | |
| | Leader and Deputy Leaders | |
| | Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group | |
| | Cabinet / Council | |
| | Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee 20th July 2020 | |



| | | | |
|---|-----------------------|------------------------------------|----|
| Is this an Executive Decision: | NO | Is this a Key Decision: | NO |
| Is this in the Forward Plan: | NO | Is the Report Confidential: | NO |
| If so, please state relevant paragraph from Schedule 12A LGA 1972: | Not applicable | | |

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Deputy Monitoring Officer: **Linda Durham**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee

Date: 20th July 2020

REPORT TITLE: Call-in of Decision 199.20

PORTFOLIO: Leader of the Council

HEAD OF SERVICE: Sal Khan

**CONTACT OFFICER: James Abbott (Corporate & Commercial Manager)
Ext. No. x1244**

WARD(S) AFFECTED: Burton

1. Purpose of the Report

- 1.1. To consider the executive decision “that the Council contributes S106 commuted sums for affordable housing to the development at Former Burton Mail Offices, High Street, Burton in order to support the delivery of affordable housing”.

2. Background

- 2.1. Call-in is provided for in Part 3 of the Council’s Constitution.
- 2.2. The Deputy Leader (Regeneration and Planning Policy) made an executive decision as detailed in Executive Decision Record 199.20 which was a key decision and subject to call-in.
- 2.3. This decision has been called in by 12 Members.

3. Contribution to Corporate Priorities

- 3.1. The decision being considered contributes towards the Corporate Priority “Community Regeneration”.

4. Call-in of Decision 199.20

- 4.1. On 26th June 2020, the Deputy Leader (Regeneration and Planning Policy) made an executive decision *“that the Council contributes S106 commuted sums for affordable housing to the development at Former Burton Mail Offices, High Street, Burton in order to support the delivery of affordable housing”*.
- 4.2. This decision is detailed in Executive Decision Record (EDR) 199.20. A copy of the EDR is attached at **Appendix 1**.
- 4.3. As this was a “key decision”, notice of the decision was given to all Members of the Council on 26th June.
- 4.4. A request to call the decision in was received via email by the Proper Officer on 1st July 2020.
- 4.5. The decision was called in by the following 12 Members of the Council:
 - 4.5.1. Cllr R Grosvenor
 - 4.5.2. Cllr A Legg
 - 4.5.3. Cllr B Toon
 - 4.5.4. Cllr C Whittaker
 - 4.5.5. Cllr D Florence-Jukes
 - 4.5.6. Cllr G Hall
 - 4.5.7. Cllr J Jones
 - 4.5.8. Cllr M Fitzpatrick
 - 4.5.9. Cllr M Shrive
 - 4.5.10. Cllr P Ackroyd
 - 4.5.11. Cllr P Walker
 - 4.5.12. Cllr S Hussain
- 4.6. The Council’s Constitution (Part 3, Paragraph 6.4.4) states that a valid request to call in a decision shall:
 - 4.6.1. Be in writing or by email;
 - 4.6.2. State the decision which the Councillors wish to call in;
 - 4.6.3. State the reason(s) why they wish to call in the decision;
 - 4.6.4. Be signed by any ten Councillors.
- 4.7. The decision has been validly called in and now needs to be considered by the Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee in accordance with the Council’s Constitution.
- 4.8. Copies of the requests to call the decision in are attached at **Appendix 2**.
- 4.9. A written response from the decision taker is attached at **Appendix 3**.

5. **Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit: **Lisa Turner***

- 5.1. There are no financial issues arising from this Report. The main financial issues arising from this decision are detailed in EDR 199.20.

6. **Risk Assessment and Management**

- 6.1. The main risks to this Report and the Council achieving its objectives are as set out in EDR 199.20.

7. **Legal Considerations**

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

- 7.1. There are no significant legal issues arising from this Report. The main legal issues arising from this decision are detailed in EDR 199.20.

8. **Equalities and Health**

- 8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

- 8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

9. **Human Rights**

- 9.1. There are no Human Rights issues arising from this Report

10. **Sustainability** (including climate change and change adaptation measures)

- 10.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) **Not Applicable**

11. Recommendation(s)

11.1. To consider the decision *“that the Council contributes S106 commuted sums for affordable housing to the development at Former Burton Mail Offices, High Street, Burton in order to support the delivery of affordable housing”*, dated 26th June 2020, and to decide whether to:

11.1.1. Do nothing and allow the decision to stand; or

11.1.2. Refer the decision back to the decision taker with a request to reconsider, including the reasons in writing for so doing; or

11.1.3. Refer the matter directly to the full Council for debate (this will only usually be in exceptional circumstances such as when the decision is contrary to the Policy Framework or the Council’s budget).

12. Background Papers

12.1. None

13. Appendices

13.1. Appendix 1: Executive Decision Record 199.20

13.2. Appendix 2: Member Requests for Call-in

13.3. Appendix 3: Response from Decision Taker