

EXECUTIVE DECISION RECORD

REF No 474.22

A1 Service Area	Environment and Housing
A2 Title	Price increases to Discounted Market Sale Dwellings on Land West of Uttoxeter and Land South of Branston
A3 Decision Taken By	Deputy Leader/ Chief Officer
A4 Chief Officer	Please print name: Sal Khan Please sign name: Approval by email 131222
A5 Leader / Deputy Leader	Please print name: Cllr Bernard Peters Please sign name: Approval by email 141222
A6 Date of Decision	14 th December 2022

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.	NA

Scrutiny

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

Scrutiny Community Regeneration Committee

Scrutiny Environment and Health and Well Being Committee ✓

Scrutiny Value for Money Council Services Committee

B1 What is the Decision?	To approve price increases on 25 Discounted Market Sale Dwellings ¹ on two separate development sites, one is the Land West of Uttoxeter ² (11 dwellings) and the other is Land South of Branston (14 dwellings). ³ These price increases are due to market conditions and have been calculated using the agreed upon formula; a full list of the prices and the dwellings can be found at Appendix 1.
B2 What are the reasons for the Decision?	<ul style="list-style-type: none"> • There has been an increase in house price values since the date of the original valuation.⁴ • The revised valuation has been provided by 3 RICS Registered Valuers and has been revised in light of available comparable data for 2-bedroom & 4-bedroom houses, this is in accordance with the process for determining valuations as required by the relevant S106 agreement. • All the dwelling and corresponding S.106 Agreements are listed at Appendix 1. • The S106 can be altered by a deed of variation.
B3 What are the contributions to Corporate Priorities?	Environment and Health and Wellbeing
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

¹ Discounted Market Sale Dwellings are to be sold at a percentage (usually 80%, depending on the terms of each specific Section 106 agreement) for the Capital Value to an 'Eligible Person' as defined in the relevant Agreement.

² Outline planning permission (West of Uttoxeter) reference is P/2013/00882, with an associated S106 Agreement dated 4/11/15 and a Deed of Variation dated 16/6/2021 .

³ Outline planning permission (Land South of Lichfield Road, Branston) reference is P/2013/00432 with an associated S106 Agreement dated 17/7/13 and a Deed of Variation dated 12/7/2021

⁴ Dwellings in Uttoxeter were valued in August/September 2021 and those in Branston were valued in January 2022. The valuation of one of the 14 dwellings in Branston is a revised valuation on a plot which had already been agreed by the Council through a formal planning application

B5 What are the financial implications?	<p>The main financial issues arising from this decision are as follows:</p> <ul style="list-style-type: none"> • This decision will uprate prices of the discounted sale housing for the prospective purchaser to recognise relevant inflationary increases. • This decision will not impact on the MTFS.
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Revenue	2022/23	2023/24	2024/25

Capital	2022/23	2023/24	2024/25

<p>The finance section has been approved by the following member of the Financial Management Unit:</p>	<p>Please print name: Anya Murray</p> <p>Please sign name: Approval by email 131222</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)?	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): <ul style="list-style-type: none">• Discounted market sale housing plays an important role in increasing the routes for potential homebuyers to access the market.
B8.2 Negative (Threats): <ul style="list-style-type: none">• None identified.
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.
B8.4 NA

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): <ul style="list-style-type: none">• The updated valuation has been undertaken in accordance with S106 agreement.
B9.2 Negative (Threats): <ul style="list-style-type: none">• None identified.
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:
B10.1 The main legal issues arising from this decision are as follows: <ul style="list-style-type: none">• The S. 106 Agreement sets out the mechanism by which the dwellings are to be valued.• The new prices will be formally approved and recorded in a Deed of Variation to the s106 Agreement.

B10 What are the Legal Considerations:

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

Please print name: Glen McCusker – Locum Solicitor

Please sign name: [Approval by email 191022](#)

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).
B11.2 Positive (Opportunities/Benefits): NA
B11.3 Negative (Threats): NA

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 Any financial implications to mitigate against these hazards and risks are considered above.
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) NA
B12.3.2 Negative (Threats) NA

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?	NA
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