



EXECUTIVE DECISION RECORD
Officer

REF No: 90/23

A1 Service Area	Communities and Regulatory Services
A2 Title	Transfer of freehold of Shared Ownership units in Upper Outwoods Farm and connected legal matters
A3 Decision Taken By	Chief Officer
A4 Chief Officer	Please print name: Tom Deery Please sign name: Approval by email 16 th November 2023
A5 Leader / Deputy Leader consulted?	Please print name: Councillor S Slater (Cabinet member for Communities and Regulatory Services) Please sign name: Approval by email 16 th November 2023
A6 Date of Decision	16 th November 2023

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.	

Conflict of Interest

Are there any conflicts of interest to declare? No

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



Scrutiny/Audit

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

Scrutiny (Value for Money Council) Committee

Scrutiny (Regeneration Development and Market Hall) Committee

Scrutiny (Health and Wellbeing) Committee ✓

Scrutiny (Climate Change and Environment) Committee

Audit Committee

<p>B1 What is the Decision?</p>	<ol style="list-style-type: none"> 1. To agree to the transfer of freehold ownership of 11 shared ownership dwellings from PPHA to M&G UK Shared Ownership Limited 2. To agree to the alteration of the Section 106 agreement signed August 5th, 2013 so that <ul style="list-style-type: none"> • it accords with the National Housing Federation standard mortgagee in possession clause • altering the wording of a clause defining a Protected Tenant
<p>B2 What are the reasons for the Decision?</p>	<ol style="list-style-type: none"> 1. HSPG, of which the current owners PPHA is a subsidiary, has requested the Council's consent to this transfer ownership. <ul style="list-style-type: none"> • Officers have verified that M&G Shared Ownership Ltd are registered with the Social Housing Regulator (Registration Number 5115) as a for-profit provider since 5/11/20. • A consultation period of the current leaseholders has taken place and meets regulatory requirements. • The existing rights of the shared ownership occupiers to increase their ownership share is retained 2. The alterations to the standard mortgage in possession clause and the definition of a Protected Tenant are routine changes. Legal advice is that they present no concerns for the Council. <p>Legal Services will handle the implementation of the changes.</p>
<p>B2 Alternative options considered and rejected?</p>	<p>No alternative options have been considered</p>
<p>B3 What are the contributions to Corporate Priorities?</p>	<p>The decision will contribute to <i>creating a prosperous East Staffordshire</i> by ensuring that the ownership of these dwellings is kept in line with the registered provider arrangements for their ownership and management.</p>
<p>B4 What are the Human Rights considerations?</p>	<p>There are no Human Rights issues arising from this decision.</p>

Financial Implications

<p>B5 What are the financial implications?</p>	<p>There are no financial issues arising from this decision.</p>
-------------------------------------------------------	------------------------------------------------------------------

Revenue	2023/24	2024/25	2025/26

Capital	2023/24	2024/25	2025/26

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: Ross White Please sign name: Approval by email 16/11/23
-------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

Policy Framework

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

Equalities Implications

B8 What are the Equalities implications: None
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.

B8 What are the Equalities implications: None

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):

B9.2 Negative (Threats):

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 There are no significant legal issues arising from this decision.

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

Please print name: Sherrie Grant

Please sign name: Approval by email 14/11/23

Sustainability Implications

B11 What are the Sustainability implications:

B11.1 The proposal would not result in an overall positive or negative 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): None

B11.3 Negative (Threats): None

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.]~~

~~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) Not Applicable

B12.3.2 Negative (Threats) Not Applicable

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 seriously 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.

The questions contained in this questionnaire are not to be altered in any way. If you have any queries regarding the contents of this document, please contact Democratic Services Ext 1306/1608 or refer to Part 3 Section 6 of the Constitution.

Please send the original signed document to
democratic.services@eaststaffsbc.gov.uk

The questions contained in this questionnaire are not to be altered in any way. If you have any queries regarding the contents of this document, please contact Democratic Services Ext 1306/1608 or refer to Part 3 Section 6 of the Constitution.