

**KEY DECISION NOT INCLUDED IN THE FORWARD PLAN
(GENERAL EXCEPTION RULE 15)**

The following information must be provided for the general exception rule to apply

- Clear reasons why it is impractical to defer the decision until it has been included in the next Forward Plan; and
- Confirmation that the Chief Executive has informed the Chairman of the relevant Overview and Scrutiny Committee; and
- 3 clear days have elapsed since that notification was given.

Date	11.09.13
-------------	-----------------

Details of Decision to be taken:

Acceptance of the proposed Deed of Variation to the Section 106 Agreement for the Weavers Dene Housing Development at Helmshore.

The proposed variations are:-

1. Amendment to the Mortgagee in Possession clause to allow greater acceptance of the s106 by more Mortgage Providers.
2. Removal of the stated Open Market Value of the Shared Ownership units to be replaced with wording to the effect of 'compliant with standard "affordable price" clauses as proposed by the Homes and Community Agency (HCA) or other such regulator'.
3. Amendment to the cascade policy with regard to the allocation of affordable housing to allow applicants from the whole of Rossendale to be considered at 6 weeks rather than the existing 12 weeks.

Clear Reasons why it is impractical to defer the decision until it has been included in the next Forward Plan:

Officers have been contacted by Great Places who are delivering the affordable housing element of the scheme. Great Places are struggling to allocate the shared ownership units due to clauses in the current section 106. Two of the clauses are proving restrictive and thereby limiting the number of mortgage lenders who are willing to offer mortgages for Shared Ownership products. Wording has been proposed that is in line with the HCA's requirements but increases the availability of mortgages for would be homeowners.

The final restrictive clause is the cascade policy which limits the allocations of the affordable housing properties due to the timings of ward inclusions. As an initial tier applicants from Helmshore are given preference with a secondary tier including applicants from Edenfield, Greenfield and Worsley Wards. After 12 weeks this is then extended to include all wards in Rossendale. Great Places have requested we reduce this 12 week period to six weeks as the initial pool of applicants that are eligible for the properties is finite; and in their experience on similar schemes they have found that there may be suitable applicants who can access mortgages but due to the cascade policy can only become eligible 12 weeks after the scheme has been launched and in the majority of cases these applicants have moved on and purchased elsewhere.

Strategic Housing has considered the points made by Great Places and feel that the amendments to the clauses are reasonable and in line with advice issued from the HCA.

Great Places launched the affordable housing element of the development on the 9th August and have been actively marketing the properties since. If we reduce the timescales to six weeks the pool of eligible applicants is increased from the 20th September and maximises the full potential of attracting people to the scheme. If we need wait until the next available Cabinet meeting and Forward Plan then we might as well be working to a 12 week cascade policy and will have delayed and hindered the allocation of these affordable housing units and restricted the number of available mortgages to potential homeowners.

Decision Taker:

Rebecca Lawlor, Health and Housing Manager

Portfolio Holder and Date Consulted:

Cllr Helen Jackson

22.08.13

Proposed Consultees and Method(s) of Consultation:

Clare Birtwistle, Principal Legal Officer – Meeting and on-going discussion

Stephen Stray, Planning Manager – Briefing

Stuart Sugarman, Director of Business - Meeting and on-going discussion

Documents to be considered by the decision taker:

Proposed Deed of Variation, Cobbetts

Status – For publication

Date the Chief Executive informed the Chair of the Relevant Overview and Scrutiny Committee: 12/09/2013

Where the above cannot be satisfied, the date on which written notice was given to all members of the relevant Overview and Scrutiny Committee:

NOTES

Status - Is the issue an open and public matter or is it a private and excluded matter as described in Schedule 12 A of the Local Government Act 1972. If it is an open matter it is for publication. If it is a private matter it is not for publication and you state the reason why and the appropriate paragraph number of Schedule 12A details of which are in this part of the General Folder.

1. **A Key Decision means an executive decision which is likely:**
 - a) to result in the Council incurring expenditure which is, or the making of savings which are significant having regard to the budget for the service or function to which the decision relates, or
 - b) to be significant in terms of its effects on communities living or working in an area comprising of two or more Wards in the Borough.
2. For the avoidance of doubt, the Council would regard any of the following as 'significant':
 - Any decision by the Cabinet in the course of developing proposals to the full Council to amend the policy framework.
 - Any single item of in-budget expenditure or savings in excess of £100,000.
 - Any decision which is likely to have a permanent or long term (more than 5 years) effect on the Council and the Borough.
3. When the decision has been made and the form signed by the decision taker and the portfolio holder the form should be sent to the Committee and Member Services Manager

Date Notice Published: 12/09/2013

RECORD OF URGENT CABINET DECISION

The following is a record of an urgent cabinet decision which cannot be delayed until the next meeting of the Cabinet (as set out in Rule 12 of the Cabinet Procedure Rules):

Officer: Rebecca Lawlor	Signature: 
I can confirm that consultation has taken place with the following:	
• Leader	Date Consulted: 12/09/13
• Deputy Leader	Date Consulted: 13/09/13
• Relevant Portfolio Holder plus one of the following:	Date Consulted: 22/08/13
• Chief Executive or	Date Consulted: 12/09/13
• Monitoring Officer in the absence of the Chief Executive	Date Consulted: N/A
In the absence of the Leader, Deputy Leader or Portfolio Holder (if any) the consent of another Cabinet Member will be required. If so, please give details here:	N/A

Details of Decision and Reasoning:	<p>Acceptance of the proposed Deed of Variation to the Section 106 Agreement for the Weavers Dene Housing Development at Helmshore.</p> <p>The proposed variations are:-</p> <ol style="list-style-type: none"> 1. Amendment to the Mortgagee in Possession clause to allow greater acceptance of the s106 by more Mortgage Providers. 2. Removal of the stated Open Market Value of the Shared Ownership units to be replaced with wording to the effect of 'compliant with standard "affordable price" clauses as proposed by the Homes and Community Agency (HCA) or other such regulator'. 3. Amendment to the cascade policy with regard to the allocation of affordable housing to allow applicants from the whole of Rossendale to be considered at 6 weeks rather than the existing 12 weeks.
------------------------------------	--

Details of the reason for the use of the urgency procedure:

Officers have been contacted by Great Places who are delivering the affordable housing element of the scheme. Great Places are struggling to allocate the shared ownership units due to clauses in the current section 106. Two of the clauses are proving restrictive and thereby limiting the number of mortgage lenders who are willing to offer mortgages for Shared Ownership products. Wording has been proposed that is in line with the HCA's requirements but increases the availability of mortgages for would be homeowners.

The final restrictive clause is the cascade policy which limits the allocations of the affordable housing properties due to the timings of ward inclusions. As an initial tier applicants from Helmsore are given preference with a secondary tier including applicants from Edenfield, Greenfield and Worsley Wards. After 12 weeks this is then extended to include all wards in Rossendale. Great Places have requested we reduce this 12 week period to six weeks as the initial pool of applicants that are eligible for the properties is finite; and in their experience on similar schemes they have found that there may be suitable applicants who can access mortgages but due to the cascade policy can only become eligible 12 weeks after the scheme has been launched and in the majority of cases these applicants have moved on and purchased elsewhere.

Strategic Housing has considered the points made by Great Places and feel that the amendments to the clauses are reasonable and in line with advice issued from the HCA.

Great Places launched the affordable housing element of the development on the 9th August and have been actively marketing the properties since. If we reduce the timescales to six weeks the pool of eligible applicants is increased from the 20th September and maximises the full potential of attracting people to the

	<p>scheme. If we need wait until the next available Cabinet meeting and Forward Plan then we might as well be working to a 12 week cascade policy and will have delayed and hindered the allocation of these affordable housing units and restricted the number of available mortgages to potential homeowners.</p>
--	---

Decision to be taken by:	Leader of the Council
--------------------------	-----------------------

Impact on Corporate Priorities:	<p>This matter impacts directly on the following corporate priority:</p> <ul style="list-style-type: none"> • Regenerating Rossendale: This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
---------------------------------	--

Consultees and Method(s) of Consultation:	<ul style="list-style-type: none"> • Clare Birtwistle, Principal Legal Officer – Meeting and on-going discussion • Stephen Stray, Planning Manager – Briefing • Stuart Sugarman, Director of Business - Meeting and on-going discussion
---	--

Documents to be considered by the decision taker:	Proposed Deed of Variation, Cobbetts
---	--------------------------------------

Implications:	<p>If the variation is not agreed it will delay and hinder the allocation of these affordable housing units and will restrict the number of available mortgages to potential homeowners.</p>
---------------	--

<p>Status: Please indicate if this is “for publication” or “not for publication”.</p> <p>For advice please contact the Committee and Member Services Manager</p>	For publication
--	-----------------

<p>Leader of the Council - Councillor Alyson Barnes</p>	
Date:	12/09/2013

	

Publication Date: 13/09/2013