

**Officer Decision Record Template**

Record of Decision of the Head of Housing and Energy

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**Subject: Housing Infrastructure Funding (HIF) Legal Advice**

In spring 2018, Homes England (HE) announced that the Council had been successful in its bid submission to the Housing Infrastructure Fund (Marginal Fund) to support the accelerated completion of essential infrastructure works (and expediting the delivery of 311 new homes) to Phase 3 of the Seasons (Willow Heights) Housing Development in Thurnscoe.

The funding was subject to an independent project appraisal and other due diligence. Officers worked closely with HE's consultants over summer 2018 and received formal confirmation of the grant allocation in late October 2018. The available grant is £2.039m.

The Council received the terms and conditions of the funding and a draft contract in early 2019 and have been working with the developer, Keepmoat, and our own internal legal team to finalise the scope of works, timescales for delivery and updated costs plans.

As the Council already has an overarching Development Agreement with Keepmoat Homes to deliver the whole site, it is essential for the Council to ensure that:

- 1) The DA allows for the Council to instruct Keepmoat to deliver the infrastructure works to Phase 3 directly – and in advance of the release of Phase 3.
- 2) The DA and HE Contract are compatible and that a suitable flow down agreement will tie Keepmoat to delivering to the terms and conditions of the grant.
- 3) An independent State Aid statement is provided to meet the terms and conditions of the grant.

On this basis, the Council has sought to procure external Legal Advice via the BMBC - Legal Services Framework Agreement Lot 6 - Public Law & Corporate Governance.

This ODR seeks approval to instruct Walker Morris to provide legal advice in response to the 3 points above at a fee estimate of £4,750 plus VAT. These costs will be funded from the HIP Feasibility Pot and are broken down:

(All exclusive of VAT and disbursements):-

1. Development Licence in relation to Phase 3 - £1,000.
2. Funding Agreement flowing down funding to Keepmoat - £1,750.
3. Variation to the Development Agreement - £2,000.

**Authority**

Delegated approval was granted to utilise HIP funding to undertake feasibility studies/surveys/consultancy for the purpose of accelerating housing growth by the Portfolio Holder for PLACE in February 2019.

**Decision Taken**

To instruct Walker Morris to provide the Legal support as scoped.

**Date of Decision**

22/03/2019

**Elected Member Conflicts of Interest**

N/A

Approved  
22. March  
2019

Signature   
(Insert Officer name) Richard Burnham

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Scan/email the completed form and appendices to [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) and keep the original on the project file