

# DELEGATED DECISION NOTIFICATION

REF NO <sup>1</sup> D36872
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DECISION MAKER	Chief Planning Officer	AUTHORITY BY REFERENCE TO SCHEME OF DELEGATION: <sup>2</sup>	Officer Delegation Scheme (Executive Functions) General Delegations to Officers 2 (a)
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SUBJECT <sup>3</sup>	Greenspace Funds
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DECISION <sup>4</sup>	COUNCIL FUNCTION <input type="checkbox"/>  NOT SUBJECT TO CALL IN	EXECUTIVE DECISION (KEY) <input type="checkbox"/>  <sup>5</sup> EXEMPT FROM CALL IN: NO	EXECUTIVE DECISION (MAJOR) <input checked="" type="checkbox"/>  <sup>5</sup> EXEMPT FROM CALL IN: NO	EXECUTIVE DECISION (OTHER) <input type="checkbox"/>  NOT SUBJECT TO CALL IN
The Chief Planning Officer approved release of £201,654.00 from retained Greenspace balances as set out in the schedule in paragraph 3.2 for Greenspace improvements in the areas in which that funding was generated.				

AFFECTED WARDS	Various – see report
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ADVICE SOUGHT		<b>YES</b>	<b>NO</b>	
	Legal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Finance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Personnel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Equal Opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Other Please Specify	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

DECLARED OFFICER / MEMBER INTERESTS <sup>6</sup>	None
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<sup>1</sup> This reference number will be assigned by Governance Services and notified to you

<sup>2</sup> The relevant paragraph within the decision makers delegated powers should be identified.

<sup>3</sup> A brief heading should be inserted

<sup>4</sup> Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Governance Services

<sup>5</sup> For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the **5<sup>th</sup>** working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the **6<sup>th</sup>** day.

<sup>6</sup> No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

DISPENSATION BY STANDARDS COMMITTEE

DATE: \_\_\_\_\_

BACKGROUND PAPERS<sup>7</sup>

None

EXEMPT/ CONFIDENTIAL APPENDIX

YES  NO  RULE NO 10.4<sup>8</sup> ( )

DETAILS OF CONSULTATION UNDERTAKEN (OTHER REASONS/ ORGANISATIONS CONSULTED)


	Yes	No	Date
Executive Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Ward Councillors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Chief Officers Affected	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Others (Specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
_____			

CONTACT PERSON

Steve Speak

CONTACT NO: 78186

AUTHORISED SIGNATORY<sup>9</sup>

 (Name: Steve Speak)	DATE: 17.5.10
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	KEY	MAJOR	OTHER
<sup>10</sup> *First publication (5 day notice)			
Commencement for Call In		18/05/10	
Last date for Call In		25/05/10	
Implementation Date		26/05/10	

\* If key decision not on Forward Plan, the reason and need that the decision be taken are that:-

<sup>7</sup> A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

<sup>8</sup> Relevant Access to Information Procedure Rules to be quoted if there is an exempt appendix

<sup>9</sup> The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

<sup>10</sup> Governance Services will enter these dates

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**Report of Deputy Chief Planning officer**

**To: Director of City Development (Planning Board)**

**Date: 28 January 2010**

**Subject: Greenspace Funds**

**Electoral Wards Affected:**

Various – see report

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

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**1.0 PURPOSE OF REPORT**

1.1 To seek approval to release £201,654 from greenspace funds received either under S106 agreement or by condition for use by the Parks and Countryside Service on greenspace improvements in the same areas in which those sums were generated.

**2.0 BACKGROUND INFORMATION**

2.1 The Council receives funding from developers of housing sites towards the cost of the provision or enhancement of greenspace, to meet the needs arising from the occupiers of the new dwellings. This normally arises from a legal agreement (S106) but also sometimes through a condition on the planning permission. Consistent with the guidance in circular 5/05 there is usually a clause in the agreement which limits the use of the funds to spending on greenspace in the community or adjoining community area to that in which the money was generated.

2.2 To ensure that the funding is used in an appropriate way there are well established procedures for the release of money from the accumulated funding pot. This involves dialogue between officers in Planning & Sustainable Development and the Parks & Countryside Service with Ward Members to reach agreement on priorities for the use of funds. Following this individual schemes will then be drawn up, agreed and costed and a delegated decision report will be prepared on a scheme by scheme basis. The appropriate funds are then released to Parks & Countryside as invoices are received following scheme implementation.

- 2.3 While this approach is well established and transparent one effect of the way in which it operates is that the schedule of greenspace funds contains many relatively small individual sums. Some of these have remained unspent for many years and some are the residues of much larger sums already spent on other projects.
- 2.4 The current approach may well mean that these smaller sums remain unspent in the hope that in future additional funding will materialise in the same part of the District to enable a suitable project to be brought forward. In the current economic climate however this is less likely than in recent years as there are fewer new starts and new applications that would trigger such funding. S106 funds often have a clawback clause so that there is also the prospect that money will have to be repaid if it remains unspent and the original purpose of providing funds in the first place will not be achieved.

### 3.0 CURRENT PROPOSALS

- 3.1 Given this position it is suggested that it would be a more efficient and effective use of resources if these relatively small sums are released to the Parks & Countryside Service without the need for individual schemes to be identified and drawn up. The funding transferred in this way will still need to be spent on greenspace improvements and will be available to supplement other parks spending to the benefit of the residents of the dwellings giving rise to the funding in the first place. Spending these funds must therefore take place on schemes in the same community or adjoining community.
- 3.2 For the purposes of this report it is proposed to include all outstanding balances of £10,000 or less arising through Section 106 agreements or condition. The specific sums are set out in the following schedule:

<b>Application No.</b>	<b>Ward</b>	<b>Date Received</b>	<b>Balances of £10,000 or less</b>
22/238/02	Ardley/Robin Hood	05.03.03	3,754
22/35/01	Ardley/Robin Hood	22.01.04	2,940
22/115/04	Ardley/Robin Hood	25.04.05	5,339
22/456/03	Ardley/Robin Hood	18.05.05	574
22/405/04	Ardley/Robin Hood	14.06.06	2,634
26/134/03	Adel/Wharfedale	11.10.06	8,434
21/160/99	Beeston/Holbeck	09.00	196
24/171/99	Bramley/Stanningley	28.05.03	2,641
24/320/96	Bramley/Stanningley	02.03	6,740
24/557/03	Bramley/Stanningley	11.08.06	2,000
24/596/05	Bramley/Stanningley	02.10.06	5,904
24/112/98	Bramley/Stanningley	06.05.99	1,000
25/200/00	Bramley/Stanningley	26.06.01	3,473
24/164/95	Bramley/Stanningley	03.95	204

<b>Application No.</b>	<b>Ward</b>	<b>Date Received</b>	<b>Balances of £10,000 or less</b>
34/338/03	Chapel Allerton	24.03.05	6,049
34/74/05	Chapel Allerton	23.07.07	7,313
25/214/04	Calverley/Farsley	20.08.07	4,052
32/361/04	Crossgates/Whinmoor	11.10.05	2,897
21/274/96	City/Hunselt	05.99	6,963
24/320/00	Farnley/Wortley	19.04.02	2,273
24/006/04	Farnley/Wortley	12.11.04	5,770
24/44/99	Farnley/Wortley	17.04.00	1,612
28/117/01	Guiseley/Rawdon	14.05.04	7,148
28/36/05	Guiseley/Rawdon	03.03.08	7,800
33/406/01	Garforth/Swillington	29.04.03	209
33/75/03	Garforth/Swillington	06.10.04	454
33/197/95	Garforth/Swillington	06.96	1,990
07/01208	Garforth/Swillington	04.09.07	4,460
26/405/03	Headingley	09.01.08	3,673
26/159/04	Headingley	09.05.06	6,000
07/02727	Hyde Park/Woodhouse	26.03.08	4,000
33/56/99	Harewood	05.05.04	3,317
33/88/02	Harewood	21.12.06	9,211
24/317/95	Kirkstall	05.12.95	1,350
24/21/02	Kirkstall	09.05.05	382
24/5/99	Kirkstall	25.03.00	3,169
24/489/03	Kirkstall	01.11.08	4,361
33/177/99	Kippax/Methley	15.08.00	3,125
33/37/04	Kippax/Methley	16.07.07	547
30/372/00	Moortown	02.03	3,133
30/423/03	Moortown	16.09.05	321
30/66/05	Moortown	07.01.09	236
23/437/01	Morley North	21.10.03	3,824
23/314/00	Morley North	04.07.06	7,381
21/289/09	Middleton Park	04.03.02	5,000
23/197/97	Morley South	05.03.09	1,304
28/150/01	Otley/Yeadon	10.07.03	2,200

<b>Application No.</b>	<b>Ward</b>	<b>Date Received</b>	<b>Balances of £10,000 or less</b>
28/190/01	Otley/Yeadon	19.09.03	4,554
29/259/03	Otley/Yeadon	07.10.04	2,264
28/181/01	Otley/Yeadon	22.09.05	8,403
29/114/95	Otley/Yeadon	22.08.95	1,216
25/131/05	Pudsey	23.11.04	7,193
06/05859	Rothwell	07.07	183
22/2/00	Rothwell	29.06.00	2,783
30/93/02	Roundhay	23.07.02	185
30/546/01	Roundhay	08.07.02	200
26/381/05	Weetwood	20.05.08	3,015
31.284/98	Wetherby	31.01.03	4,301

3.3 The total included in this report is £201,654 out of total greenspace balances of £3,846,001. This therefore represents little more than 5% of the total funds available.

3.4 Given that some of this funding has been held for a number of years it may be that there will have been some discussion with Ward Members, and perhaps the community, regarding its use. Release of funding in this way to the Parks & Countryside Service does not prevent such debate from continuing or the application of funds to local priorities.

#### **4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

4.1 The Vision for Leeds 2004-2020 seeks to create a greener, cleaner and more attractive City, protecting and improving the physical environment.

4.2 Relevant Strategic Plan improvement priorities are that by 2011 we want to:

- Address neighbourhood problem sites; improve cleanliness and access to and the quality of greenspaces.
- Improve the quality and sustainability of the built and natural environment.

4.3 On 22 August 2007, through revisions to the Council's Capital Strategy, Executive Board resolved that, where there are funding requirements for pre-determined priority works to community parks, play areas and sports pitches, any available S106 funds should be used where such works are eligible. This will need to be considered in the use of funds released by this report.

4.4 Attention is drawn to the Audit Report of 30 April 2007. This considered the Council's procedures and processes for managing S106 funding and concluded that existing arrangements provided 'substantial assurance' for both the control environment and compliance. With regard to expenditure the only action suggested was related to the need to ensure that sums subject to time limit were spent. Release of funds through this report should assist with this. The need for this funding to be used within the

locality and for the purpose for which it was provided remains and is therefore consistent with the processes reviewed in the Audit Report.

### **Council Constitution**

- 4.5 Under the constitution the recommendation of this report will be determined by the Chief Planning Officer under delegated powers.

### **Community Safety**

- 4.6 The proposals contained in this report are not scheme specific and do not have implications under Section 17 of the Crime and Disorder Act 1998.

## **5.0 RECOMMENDATIONS**

- 5.1 The Chief Planning Officer approve release of £201,654.00 from retained greenspace balances as set out in the schedule in paragraph 3.2 for greenspace improvements in the areas in which that funding was generated.

### **Background Papers**

None