



SCRUTINY BOARD (CITY DEVELOPMENT)

Call-In Meeting to be held in Civic Hall, Leeds on
Tuesday, 8th June, 2010 at approx 11.15 am

MEMBERSHIP

Councillors

J Akhtar	-	Hyde Park and Woodhouse;
B Atha	-	Kirkstall;
D Atkinson	-	Bramley and Stanningley;
G Harper	-	Hyde Park and Woodhouse;
J Jarosz	-	Pudsey;
J Procter (Chair)	-	Wetherby;
R Pryke	-	Burmantofts and Richmond Hill;
M Rafique	-	Chapel Allerton;
S Smith	-	Rothwell;
Whip's Nominee	-	Conservative
Whip's Nominee	-	Conservative
Whip's Nominee	-	MBI

Please note: Certain or all items on this agenda may be recorded on tape

Agenda compiled by:
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Tel: 24 74557

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes.)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>CALL-IN OF DECISION - BRIEFING PAPER</p> <p>To receive and consider a report of the Head of Scrutiny and Member Development.</p>	1 - 4
7			<p>CALL-IN - REVIEW OF DELEGATED DECISION NO D36872 - GREENSPACE FUNDS</p> <p>In accordance with Scrutiny Board Procedure Rules, to review a decision of the Deputy Chief Planning Officer with regards to the allocation of greenspace funds.</p>	5 - 20
8			<p>OUTCOME OF CALL-IN</p> <p>In accordance with the Scrutiny Board Procedure Rules, to consider the Board's formal conclusions and recommendations (s) arising from the consideration of the called-in decision.</p>	

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Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 8th June 2010

Subject: CALL IN OF DECISION – BRIEFING PAPER

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with the Council's Constitution, an officer decision has been Called In.¹ The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
- 1.3 The Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

2.0 REVIEWING THE DECISION

- 2.1 The process of reviewing the decision is as follows:
 - Members who have requested the Call In invited to explain their concern/reason for Call In request.
 - Relevant Officer(s) asked to explain decision.
 - Further questioning from the Board as appropriate.

¹ Scrutiny Board Procedure Rules Paragraph 22

- 2.2 Members are reminded that it is only the decision Called In that the Board can make any recommendation on.

OPTIONS AVAILABLE TO THE BOARD

- 3.1 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 3.4 In the case of a delegated decision, the report of the Scrutiny Board will be submitted to the appropriate Officer within three working days of this meeting. The Officer will reconsider his/her decision. Where the Director believes that the original decision should be confirmed, they will refer the matter to the next Executive Board for a decision.
- 3.5 Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted indicating ineligible for call In.
- 3.6 In cases where the Director believes that the original decision should be confirmed, and in their view urgency prevents them from submitting the decision to Executive Board, the approval of the relevant Executive Board Member will be required before implementation. This Executive Member approval together with the reasons for urgency will be included in the new delegated decision form.
- 3.7 The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the relevant Scrutiny Board.

Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.8 This course of action would only apply if the Scrutiny Board determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.9 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.10 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the

decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.

- 3.11 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call In of the decision would be possible.
- 3.12 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS

- 4.1 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

5.0 FORMULATING THE BOARD'S REPORT

- 5.1 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 5.2 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.
- 5.3 Because of the tight timescales within which a decision Call In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.
- 5.4 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).
- 5.5 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call In process etc).

- 5.6 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

6.0 RECOMMENDATION

- 6.1 The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

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Originator: R L Mills

Tel: 2474557

Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 8th June 2010

Subject: Call In - Review of Delegated Decision D36872 – Greenspace Funds

Electoral Wards Affected: ALL

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

1.1 This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution.¹

1.2 Papers are attached as follows:

- Copy of completed Call In request form
- The Delegated Decision Notification.

1.3 Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

2.0 RECOMMENDATION

2.1 The Scrutiny Board (City Development) is asked to review this decision and to determine what further action it wishes to take.

Background Papers

None

¹ Scrutiny Board Procedure Rules Paragraph 22

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CALL IN REQUEST – Option (a)

A Call In request may be made by:

Any five non-executive Members of council

Date of decision publication:..... 17th May 2010

Delegated decision ref: D36872.....or

Executive Board Minute no:or

Area Committee Name and decision ref:

Decision description: Greenspace Funds

Discussion with Decision Maker:

Prior to submitting a Call In, a nominated signatory must first contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Please identify contact and provide detail.

Director/author of delegated decision report.
 Executive Board Member

Detail Cllr Colin Campbell spoke to Mr Speck
..... on 24/05/10. Still no satisfied with explanation.

Reasons for Call In:
All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*

<input type="checkbox"/>	Proportionality (ie the action must be proportionate to the desired outcome)
<input type="checkbox"/>	Due consultation and the taking of professional advice from officers
<input type="checkbox"/>	Respect for human rights
<input type="checkbox"/>	A presumption in favour of openness
<input checked="" type="checkbox"/>	Clarity of aims and desired outcomes
<input checked="" type="checkbox"/>	An explanation of the options considered and details of the reasons for the decision
<input type="checkbox"/>	Positive promotion of equal opportunities
<input type="checkbox"/>	Natural justice

Explanation The decision appears unilateral and irrational in that it is arbitrary.....

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Leeds City Council Scrutiny Support Unit

A Member cannot count as one of the two/five signatures if they are a member of the Scrutiny Board to which the Call In will be referred. In the case of decisions made by Area Committees, a Member cannot count as one of the two/five signatures if they are a member of that Area Committee.

The following signatories request that the above decision be called in:

1) Signature.....
Print name.....

[Handwritten Signature]
Colin Campbell

2) Signature.....
Print name.....

[Handwritten Signature]
JAMIE MATTHEWS

3) Signature.....
Print name.....

[Handwritten Signature]
BEN CHRISTINEY

4) Signature.....
Print name.....

[Handwritten Signature] *[Handwritten Signature]*
~~RYK DOWNES~~ B. CLEABBY

5) Signature.....
Print name.....

[Handwritten Signature]
SUE BENTLEY

This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working day after the decision publication date**. The office is open from 9.00am to 5.00pm.

(For further information on the Call In procedure please refer to the Scrutiny Support Unit intranet site, or contact the Unit on 39 51151).

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For office use only: (box A)

Received on behalf of the Head of Scrutiny and Member Development by:

[Handwritten Signature].....(signature)

Date: *24/5/2010*..... Time: *5:15pm* . SSU ref:

For office use only: (box B)

Exemption status checked:

Call In authorised: Yes / No

Date checked:

Signed:

Signatures checked:

Date:

Receipts given:

Validity re article 13

Receipt details:

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DELEGATED DECISION NOTIFICATION

REF NO ¹ D36872

DECISION MAKER	Chief Planning Officer	AUTHORITY BY REFERENCE TO SCHEME OF DELEGATION: ²	Officer Delegation Scheme (Executive Functions) General Delegations to Officers 2 (a)
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SUBJECT ³	Greenspace Funds
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DECISION ⁴	COUNCIL FUNCTION <input type="checkbox"/> NOT SUBJECT TO CALL IN	EXECUTIVE DECISION (KEY) <input type="checkbox"/> ⁵ EXEMPT FROM CALL IN: NO	EXECUTIVE DECISION (MAJOR) <input checked="" type="checkbox"/> ⁵ 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		YES	NO	
	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 ⁶	None
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¹ This reference number will be assigned by Governance Services and notified to you

² The relevant paragraph within the decision makers delegated powers should be identified.

³ A brief heading should be inserted

⁴ 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

⁵ 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 **5th** working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the **6th** day.

⁶ 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 PAPERS⁷

None

EXEMPT/ CONFIDENTIAL APPENDIX

YES NO RULE NO 10.4⁸ ()

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 SIGNATORY⁹


(Name: Steve Speak)

DATE: 17.5.10

	KEY	MAJOR	OTHER
¹⁰ *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:-

⁷ 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

⁸ Relevant Access to Information Procedure Rules to be quoted if there is an exempt appendix

⁹ 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.

¹⁰ Governance Services will enter these dates

Report of Deputy Chief Planning officer

To: Director of City Development (Planning Board)

Date: 28 January 2010

Subject:	Greenspace Funds
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<p>Electoral Wards Affected:</p> <p>Various – see report</p>

Specific Implications For:	
Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

Eligible for Call In

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

X

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:

Application No.	Ward	Date Received	Balances of £10,000 or less
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

Application No.	Ward	Date Received	Balances of £10,000 or less
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

Application No.	Ward	Date Received	Balances of £10,000 or less
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

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