



BRECKLAND COUNCIL

DELEGATED DECISION RECORD

This records a key or other decision taken by an Executive Member or the Cabinet in accordance with the Council's scheme of Delegations (as set out in Section D of Part 3 of the Council's Constitution).

Unless the Leader and the Chairman of the Overview and Scrutiny Commission certify that the matter is so urgent that the normal five-day scrutiny delay on action should not apply, then this decision will come into force and may then be implemented on the expiry of five working days after the publication of the decision, unless called in under the call-in procedures as set out in Section D of Part 3 of the Council's Constitution.

Portfolio/Cabinet	Cabinet
Report Title (& Reference No.)	The use of Commuted Sums from Section 106 Agreements
Summary Background	The report sought Members approval for the use of commuted sums in Section 106 Agreements to be delegated to the Executive Member in consultation with the Strategic Director.
Author/Contact Officer	Phil Daines (Development Services Manager)
Ward(s) Affected	
Urgent?	No
Key Decision?	No
In Forward Plan?	Yes
Date Decision Taken	Tuesday, 9 September 2008
Date Published	Thursday, 11 September 2008
Call-In Expiry	Thursday, 18 September 2008
Exempt Information?	No
Decision (Action Agreed)	That delegated authority be given to the Executive Member, in consultation with the Strategic Director and following consultation with the relevant Ward Member and the Town and Parish Council, for the allocation of commuted sum monies from Section 106 Agreements.
Reasons(s)	1) The use of the Section 106 monies had already been agreed through the signing of the legal agreement

	<p>between the Council and the other parties involved. The Council were unable to use the monies for any other purpose.</p> <p>2) By allocating the resources through a delegated decision with the Executive Member, in consultation with the Strategic Director (and Section 151 Officer if necessary) proper controls over the funds would be retained but would allow flexibility in terms of timing and speed of when the monies were used.</p>
Options	<p>1) To operate within the existing Finance Procedure rules so that every scheme which included a commuted sum would be presented to Cabinet for approval.</p> <p>2) To allow delegated authority to be given to the Executive Member in consultation with the Strategic Director.</p> <p>3) To allow Section 106 Agreement funds to be spent within the terms of the legal agreement by the Strategic Director without reference to Cabinet or the Executive Member.</p>
Further Information	Section 106 Report