

Jonathan Sharrock  
Chief Executive  
Coast 2 Capital LEP

Date: 12 September 2019  
Our Ref: AGG / th  
Your Ref:

Dear Jonathan

**Valley Gardens**

I understand that the LEP funding for the Valley Gardens project is coming for consideration by your Investment Committee tomorrow. Over the last couple of months, the LEP raised a number of issues regarding the legality of the Council's decision as well as the consultation and engagement process. I or my officers have supplied you with the relevant information and I am not aware that there is anything outstanding.

Notwithstanding the above, the Council is aware of the fact that the Valley Gardens Forum and others may have represented the Internal Audit review being undertaken by the Council as evidence of failings in the way the decision was made. The request for Audit was submitted following a request under the Council's Standing Orders. The report has not been finalised and so I can't say what the conclusions will be. However, as the Council's Monitoring Officer with responsibility for legality, probity and general good governance, I would comment as follows:

- The project had the benefit of internal and external legal advice to ensure compliance with the law;
- All steps were taken in compliance with the Council's constitution;
- The key decisions were taken by the Environment, Transport & Sustainability Committee. The reports were scrutinised by the Committee lawyer before submission to Members and the Committee had a lawyer present throughout its proceedings;
- When the issue of consultation and public engagement was raised, the committee instructed Officers to seek Counsel's advice. We did this and the advice confirmed that the way the Council dealt with it was compliant with the law.

In a project of this scale and importance, it is not difficult to point out to aspects that could have been done differently or better. But so far as legality, probity and compliance with procedural requirements is concerned, it is my firm view that the Council has complied with the law and its own constitution throughout.

I hope you find this helpful, but let me know if you need any more information.

Kind Regards

Abraham Ghebre-Ghiorghis  
Executive Lead Officer Strategy, Governance and Law