



Oversight and Governance

Chief Executive's Department

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Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 25 October 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented on Thursday 26 October 2023 if they are not called-in.

Delegated Decisions

I. Councillor Tudor Evans OBE, The Leader of the Council:

Ia L27 23/24 Chelson Community Solar - Change of Shareholder Representative **(Pages 1 - 6)**

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L 27 23/24


Decision	
1	Title of decision: Chelson Community Solar – Change of Shareholder Representative
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE (Leader of the Council)
3	Report author and contact details: Kat Deeney, Head of Environmental Planning – kathryn.deeney@plymouth.gov.uk
4	<p>Decision to be taken:</p> <ol style="list-style-type: none"> 1. Approve a revision to the approved decision that the Council’s Shareholder Representative in matters related to the Chelson Community Solar Joint Venture company from Kim Brown (former Service Director for HROD) to the Council’s Section 151 Officer, currently David Northey, Interim Service Director for Finance; 2. Delegate authority to the Section 151 Officer, (in consultation with the Project Board and Head of Legal Services) to approve the documentation and associated work to set up the joint venture, Chelson Community Solar, a private company limited by shares, between the Council and PEC Renewables Ltd, including but not limited to Articles of Association, the Shareholder Agreement, the Lease and Option Agreement, and variation of the existing landfill gas agreement relating to land at Chelson Meadow.
5	<p>Reasons for decision:</p> <ul style="list-style-type: none"> • The revision has been proposed due to a change of staff, and to ensure continuation of the Council’s shareholder representation. • This revision will grant the Section 151 officer the authority to enter into all relevant documentation and agreements in relation to the joint venture vehicle. • The revision will also grant the Section 151 officer the authority to exercise all voting rights on behalf of the Council as member of the company subject to Key Decisions (as defined by the Council’s Constitution) being reserved to the Leader/ Cabinet, and take any necessary action to protect, safeguard and effectively manage the Council’s interest in the Local Authority Trading Company.
6	<p>Alternative options considered and rejected:</p> <p>If the change of Shareholder Representative was not completed, it would:</p> <ul style="list-style-type: none"> • Prevent the joint venture from being created;

	<ul style="list-style-type: none"> Result in a delay of construction of the solar farm. 			
7	Financial implications and risks: The decision has no direct financial implications.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice) Please type an X into the relevant boxes	Yes	No	Per the Constitution, a key decision is one which:
			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
		X		is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	Directly feeds into the priority 'A green sustainable city that cares about the environment' by enabling the development of the Chelson Community Solar project.		
10	Please specify any direct environmental implications of the decision (carbon impact)	A hugely beneficial and positive impact in reducing the Council's fossil fuel emissions; predicted to be 60% and providing circa 75% of the Council's electricity needs.		

Urgent decisions

11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public? Please type an X into the relevant box	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			

Consultation			
13a	Are any other Cabinet members' portfolios affected by the decision? Please type an X into the relevant box	Yes	
		No	X
		(If no go to section 14)	
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Tom Briars-Delve (Cabinet Member for Environment and Climate Change)	
13c	Date Cabinet member consulted	5 October 2023	
14	Has any Cabinet member declared a conflict of interest in relation to the decision? Please type an X into the relevant box	Yes	
		No	X
		If yes, please discuss with the Monitoring Officer	
15	Which Corporate Management Team member has been consulted?	Name	David Northey
		Job title	Interim Service Director of Finance
		Date consulted	4 October 2023
Sign-off			
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS 51 23/24
		Finance (mandatory)	CH 16.10.23 1702
		Legal (mandatory)	2170/KT/51023
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	
Appendices			
17	Ref.	Title of appendix	
	A	Chelson Community Solar Shareholder Change – Briefing Report V1	
Confidential/exempt information			
18a	Do you need to include any confidential/exempt information? Please type an X into the relevant box	Yes	
		No	X
		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)	

		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Chelson Community Solar – Shareholder Representative Briefing Paper								
Cabinet Member Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision	18 October 2023			
Print Name	Councillor Tudor Evans OBE							

Chelson Community Solar – Shareholder Representative Briefing Paper



Background

Chelson Community Solar (CCS) will be located on the northern edge of the City's old landfill site at Chelson Meadows. The expected benefits of the scheme include:

- Reducing the Council's carbon emissions by approximately 60%, with 75% of the electricity need being met by renewable energy.
- To provide certainty of energy costs over a 15 – 20 year period through a Virtual Power Purchase Agreement with the solar farm.
- To generate an income over just under £1 million over the life of the solar farm through a lease on the land which will be paid annually.
- To create a 50/50 joint venture with Plymouth Energy Community to construct the solar farm. This will result in 50% of any surplus returning to PCC.

Joint Venture Development

In March 2023, Cabinet approved in principle to establish a joint venture company that would build and operate the solar farm, as an equal shareholding between PCC and PEC.

The creation of the joint venture - to be called Chelson Community Solar (CCS) – enables both parties, PCC and Plymouth Energy Community, to share both the risks and benefits associated with the construction and management of the solar farm.

As part of the approval process, a Shareholder Representative was named for the Council who would:

- Enter into all relevant documentation and agreements in relation to the joint venture vehicle.
- Exercise all voting rights on behalf of the Council subject to Key Decisions (as defined by the Council's Constitution) being reserved to the Leader / Cabinet.
- Take any necessary action to protect, safeguard and effectively manage the Council's interest in the Local Authority Trading Company.

The named shareholder representative in the Cabinet decision taken in March 2023 was the former Service Director for HROD (Kim Brown) who has since left the Council. There have also been structural changes in where the management of energy service contracts are located within the Council organisation. It is therefore proposed to make an amendment to this proposal. The recommendation is for the Section 151 Officer to be named as the new Shareholder Representative. Currently this is David Northey, Interim Director for Finance, but the shareholder representative's role will now be vested with a position not a specific person to enable continued representation of the Council in the joint venture.

In conjunction with the above, it has also been recommended by PCC Legal team to confirm the appointment of the Section 151 Officer as delegated authority in accordance with the statement below:

“Delegated authority be granted to David Northey, Interim Service Director for Finance (in consultation with the Project Board and Head of Legal Services) to approve the documentation and associated work to set up the joint venture, Chelson Community Solar, a private company limited by shares, between the Council and PEC Renewables Ltd, including but not limited to Articles of Association, the Shareholder Agreement, the Lease and Option Agreement, and variation of the existing landfill gas agreement relating to land at Chelson Meadow.”

These changes will enable robust oversight and scrutiny of the set-up of the joint venture and its operation once established. It will also enable the project to progress at pace to deliver the solar farm.

Recommendations:

Recommendation: Approve a revision to the approved decision that the Council’s Shareholder Representative in matters related to the Chelson Community Solar Joint Venture company from Kim Brown (former Service Director for HROD) to the Council’s Section 151 Officer, currently David Northey Interim Service Director for Finance.

Reason: To ensure continuation of the Council’s shareholder representation after a staff change.

Recommendation: Delegate authority to the Section 151 Officer (in consultation with the Project Board and Head of Legal Services) to approve the documentation and associated work to set up the joint venture, Chelson Community Solar, a private company limited by shares, between the Council and PEC Renewables Ltd, including but not limited to Articles of Association, the Shareholder Agreement, the Lease and Option Agreement, and variation of the existing landfill gas agreement relating to land at Chelson Meadow.”

Reason: This will grant the Section 151 Officer the authority to enter into all relevant documentation to ensure the project can progress.