



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Published 13/11/23

Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every week 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 Monday 20 November 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 Tuesday 21 November 2023 if they are not called-in.

Delegated Decisions

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

Ia. Update on The Box Foundation

(Pages 1 - 6)


EXECUTIVE DECISIONmade by a **Cabinet Member****REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER**

Executive Decision Reference Number – L33 23/24

Decision			
1	Title of decision: Update on The Box Foundation		
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE, The Leader of the Council		
3	Report author and contact details: David Northey (Interim S151 Officer), 01752 305428, David.northey@plymouth.gov.uk		
4	Decision to be taken: To appoint Kerry Malton (Lead Accountancy Manager) as the proxy member representative for The Box Foundation on behalf of Plymouth City Council.		
5	Reasons for decision: The existing proxy is now unable to perform this function since his appointment as Interim S151 Officer. The Board of Trustees (i.e., the day-to-day operational managers of the company) have requested formal confirmation of the appointment of a new Council representative.		
6	Alternative options considered and rejected: 1. No change Rejected due to the conflict of interest with the current representative, David Northey and his position as interim S151 Officer. 2. Appoint a different representative This is an option; however, the proposed representative is considered best placed to take up this role going forward.		
7	Financial implications and risk: No financial implications.		
8	Is the decision a Key Decision? (Please contact Democratic Support for further advice)	Yes	Per the Constitution, a key decision is one which: 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 in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
		No	
		X	
		X	

			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			
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:	Corporate Plan: <ul style="list-style-type: none"> • Make Plymouth a great place to grow up and grow old • Green investment, jobs, skills and better education • Spending money wisely • An exciting, cultural and creative place Plymouth Plan: <ul style="list-style-type: none"> • Ensuring decent education • Delivering quality services for Plymouth Residents 		
10	Please specify any direct environmental implications of the decision (carbon impact)	N/A		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12 a	Reason for urgency:			
12 b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13 a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X	
		No		(If no go to section 14)
13 b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Jemima Laing (Deputy Leader and Cabinet Member for Children's Social Care, Culture, Events and Communications)		
13 c	Date Cabinet member consulted	08 November 2023		

14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer				
		No	X					
15	Which Corporate Management Team member has been consulted?	Name	David Draffan					
		Job title	Service Director (Economic Development)					
		Date consulted	07 November 2023					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS71 23/24					
		Finance (mandatory)	CH 06.11.23 1401					
		Legal (mandatory)	2088/31123					
		Human Resources (if applicable)	N/A					
		Corporate property (if applicable)	N/A					
		Procurement (if applicable)	N/A					
Appendices								
17	R	Title of appendix						
		ef						
	A	Briefing report – The Box Foundation						
Confidential/exempt information								
18 a	Do you need to include any confidential/exempt information?	Yes		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)				
		No	X					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18 b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below.							

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.							
Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7
N/A							
Cabinet Member Signature							
20	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 and those who do not. For further details please see the EIA attached.						
Signature			Date of decision	10 November 2023			
Print Name	Councillor Tudor Evans, OBE, Leader of Plymouth City Council						

THE BOX FOUNDATION

Briefing report November 2023



1. BACKGROUND

The company was set up in November 2019 “to advance the education of the public community within Plymouth and Devon and worldwide...in relation to culture, the arts, history and heritage...through...The Box Museum, St Luke’s Church, Smeaton’s Tower, Merchant House and Elizabeth House...”. The Box Foundation (company number 12322934) is subject to various rules and procedures (its Articles of Association). The Council is one of the three possible members of the company and appoints a person to act as its representative at relevant meetings of the company. The current representative is David Northey who has held that position since the company’s incorporation. However, he is now unable to perform this function since his appointment as interim S151 Officer.

2. PROPOSED CHANGES AND REASONS

The Board of Trustees (i.e., the day-to-day operational managers of the company) have requested formal confirmation of the appointment of a new Council representative.

It is proposed to appoint Kerry Malton (Lead Accountancy Manager) as the proxy member representative for The Box Foundation on behalf of Plymouth City Council.

The proposed appointee is a qualified Accountant with over 20 years’ experience of dealing with Council financial matters and more recently issues arising in the context of its companies. She is well placed to undertake the role and would do so in consultation with the relevant Executive Member as is currently case.

3. ALTERNATIVE OPTIONS

1. No change

Rejected due to the conflict of interest with the current representative, David Northey and his position as interim S151 Officer.

2. Appoint a different representative.

This is an option; however, the proposed representative is considered best placed to take up this role going forward.

