



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday, unless urgent, 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>

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 immediately.

Delegated Decisions

I. Councillor Evans OBE - Leader:

Ia. Request for Leader approval to enter into settlement negotiations in respect of a claim

(Pages 1 - 12)

EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – L16 20/21

Decision				
1	Title of decision: Request for Leader approval to enter into settlement negotiations in respect of a claim			
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE, Leader			
3	Report author and contact details: Matt Ward, matt.ward@plymouth.gov.uk 07966 717018			
4	Decision to be taken: This is a report regarding settling a claim. The Leader of the Council is asked to consider the report and approve the Strategic Director for Place in consultation with the Head of Legal Services to settle the claim up to the amount as outlined in the confidential part of the report.			
5	Reasons for decision: To protect the Council's financial interest and to avoid the likelihood of considerably higher costs following full litigation and trial.			
6	Alternative options considered and rejected: To allow the matter to proceed to full legal action without considering a settlement was considered and rejected as exposing the Council to an unacceptable level of financial risk.			
7	Financial implications: The settlement will have an impact on the Council's revenue budget. Any costs associated with this settlement will be funded from within the Place Directorate's budget.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which: in the case of capital projects and
			x	

				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 £1 million
			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:		The decision seeks to minimise the impact of the claim on the Council's budget.	
10	Please specify any direct environmental implications of the decision (carbon impact)		None.	
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes	x	(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No		(If no, go to section 13a)
12a	Reason for urgency: To enable settlement of the matter to be concluded			
12b	Scrutiny Chair Signature:	Councillor Darren Winter approved by email	Date	12/10/2020
	Scrutiny Committee name:	Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee		
	Print Name:	Councillor Darren Winter		
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	x	
		No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mark Lowry (Cabinet Member for Finance)		

13c	Date Cabinet member consulted	1 October 2020						
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	Anthony Payne					
		Job title	Strategic Director for Place					
		Date consulted	1 October 2020					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS40 20/21					
		Finance (mandatory)	pl.20.21.106					
		Legal (mandatory)	35453/AC/8/10/20					
		Human Resources (if applicable)						
		Corporate property (if applicable)						
		Procurement (if applicable)						
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report for publication						
	B	Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	x	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I 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						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title: Part II Briefing Paper			x				

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
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 and those who do not. For further details please see the EIA attached.</p>						
Signature				Date of decision	12 October 2020		
Print Name	Councillor Tudor Evans OBE (Leader of the Council)						

EXECUTIVE DECISION

made by a Cabinet Member

Briefing Paper Part I



1.0 Executive summary

The report requests Leader approval to enter into settlement negotiations in respect of a claim.

2.0 Purpose of the report

This is a report regarding settling a claim. The Leader of the Council is asked to consider the report and approve the Strategic Director for Place in consultation with the Head of Legal Services to settle the claim up to the amount outlined in the confidential part of the report.

The Council has obtained independent legal advice regarding this claim and is satisfied that the settlement achieves value for money taking account of the legal costs and officer time required to pursue the matter through the courts.

3.0 Further information

Please refer to the part II briefing paper.

4.0 Decision required

The decision required is approval for the Strategic Director for Place in consultation with the Head of Legal Services to settle the claim up to the amount outlined in the confidential part of the report.

5.0 Recommendation

It is recommended that the Leader of the Council approves the Strategic Director for Place in consultation with the Head of Legal Services to settle the claim up to the amount as outlined in the confidential part of the report.

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EQUALITY IMPACT ASSESSMENT

Place



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?	Claim
Author	Matt Ward
Department and service	Place, Economic Development
Date of assessment	1 October 2020

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (eg data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	n/a			
Disability	n/a			
Faith/religion or belief	n/a			
Gender - including marriage, pregnancy and maternity	n/a			
Gender reassignment	n/a			
Race	n/a			
Sexual orientation - including civil partnership	n/a			

STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Reduce the gap in average hourly pay between men and women by 2020.	None	
Increase the number of hate crime incidents reported and maintain good satisfaction rates in dealing with racist, disablist, homophobic, transphobic and faith, religion and belief incidents by 2020.	None	
Good relations between different communities (community cohesion)	None	
Human rights Please refer to guidance	None	

STAGE 4: PUBLICATION

Matt Ward

Date 1 October 2020

Head of Strategic Development Projects