



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 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 4.30pm on Wednesday 3 March 2021. 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 4 March 2021 if they are not called-in.

Delegated Decisions

1. Councillor Evans OBE - Leader:

1a. Approve the Nomination of Brendan Arnold, Service Director for Finance, to Act as Shareholder Representative on Behalf of the Council in Respect of Delt Shared Services LTD. **(Pages 1 - 4)**

2. Councillor Lowry - Cabinet Member for Finance:

2a. Approval to Proceed with Disposal of Public Open Space at Orchard Avenue, Egguckland After Consideration of Objections Received Following Notice of the Intention to Dispose of the Land. **(Pages 5 - 16)**

EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – L37 20/21

Decision				
1	Title of decision: Approve the nomination of Brendan Arnold, Service Director for Finance to act as Shareholder representative on behalf of the Council in respect of Delt Shared Services Ltd.			
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE (Leader of the Council).			
3	Report author and contact details: Linda Torney linda.torney@plymouth.gov.uk			
4	Decision to be taken: To appoint Brendan Arnold, Service Director for Finance to act as Shareholder representative of the council on Delt Share Services Ltd and to exercise all voting rights on behalf of the council (subject to key decisions being reserved to the Leader/Cabinet) and take any necessary action to protect, safeguard and effectively manage the councils interests in Delt Shared Services Ltd.			
5	Reasons for decision: The current shareholder representative of the council is Andrew Hardingham who has recently retired from the council and Brendan Arnold has been appointed to act as Service Director for Finance for the council. The shareholder will be entitled to make financial decisions save for any key decisions which will continue to be reserved to the Leader/Cabinet. It is considered these business tasks are best suited to the officer who is sighted on the day to day business activities of this company.			
6	Alternative options considered and rejected: To appoint the Leader to attend and exercise the councils vote at general meetings in respect of Delt Shared Services Ltd.			
7	Financial implications: Following consultation and seeking advice, the shareholder representative would be able to take decisions which may have a financial impact up to £1 million. Key decisions will continue to be reserved to the Leader/Cabinet.			
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 contract awards, results in a new
			x	

				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			
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:		This decision links to the corporate plan objective of working together with partners to serve the best interests of our city and communities and to have a growing city with quality jobs and valuable skills.	
10	Please specify any direct environmental implications of the decision (carbon impact)		None directly arising	
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)
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?		Yes	
			No	x (If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			

13c	Date Cabinet member consulted									
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		Andy Ralphs						
		Job title		Strategic Director of Customer and Corporate Services						
		Date consulted		18 December 2020						
Sign-off										
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)				DS91 20/21				
		Finance (mandatory)				pl.20.21.192.				
		Legal (mandatory)				Lt.21.22.200				
		Human Resources (if applicable)								
		Corporate property (if applicable)								
		Procurement (if applicable)								
Appendices										
17	Ref.	Title of appendix								
Confidential/exempt information										
18a	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 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:									

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
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	23 February 2021			
Print Name	Councillor Tudor Evans OBE, Leader							

EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – F01 20/21

Decision				
1	Title of decision: Approval to proceed with disposal of public open space at Orchard Avenue, Eggbuckland after consideration of objections received following notice of the intention to dispose of the land.			
2	Decision maker (Cabinet member name and portfolio title): Councillor Lowry, Cabinet Member for Finance			
3	Report author and contact details: Nick Argles, Principal Surveyor, Land & Property Team. Telephone 01752 307182, email: nick.argles@plymouth.gov.uk			
4	Decision to be taken: To proceed with the disposal of land at Orchard Avenue, Eggbuckland having considered objections to the notice of intention to dispose of public open space.			
5	<p>Reasons for decision: To support the Council's agenda of increased and accelerated housing delivery and outputs required to provide more decent homes supporting citizens to live and work in Plymouth. Through the Plan for Homes 3 2019 – 2024 policy the Council has committed to release City Council land, and to providing 1,000 new homes per annum. In order to meet this target additional sites must be identified for housing development. Making this site available for a self/custom build dwelling will help the Council to meet its Duties under the Right to Build.</p> <p>Whilst concerns have been raised over utilising this site for housing it is felt that the urgent need for broadening the housing offer and delivery on the Plan for Homes 3 objectives outweighs these concerns.</p> <p>There are economic benefits to releasing this housing site as it will lead to SME builders in Plymouth being active at a time of great uncertainty in the housing market due to the impacts of Covid-19, thus safeguarding and creating jobs in the construction industry and supply chain</p>			
6	Alternative options considered and rejected: To retain the land as public open space. This would result in fewer new homes being built.			
7	Financial implications: Should the site be developed for housing, there is potential for the Council to receive additional income in the form of Capital Receipts from the sale of land together with other income from New Homes Bonus (if this remains in force) and Council Tax. (Note - as self build the proposals would be CIL exempt).			
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 contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	

			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:	<p>Corporate Plan 2018-2022</p> <p>A GROWING CITY – Releasing this site for housing will assist in providing a broad range of homes, and economic growth that benefits as many people as possible.</p> <p>A CARING COUNCIL – People feel safe in Plymouth. Development of this site for housing will provide more decent homes.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	<p>Delivering new build housing (to new Building Regulations standards) would provide excellent thermal efficiency in new dwellings and help to reduce fuel poverty for residents. The development proposals would also be subject to new Low Carbon/ Renewables Joint Local Plan policy in design terms, which would also secure improvements to address the carbon footprint/environmental implications of the Housing schemes</p>		
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)
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?	Yes	x	
		No		(If no go to section 14)

13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Penberthy, Cabinet Member for Housing and Co-operative Development		
13c	Date Cabinet member consulted	27/11/2020		
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	TBC	
Sign-off				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS95 20/21	
		Finance (mandatory)	pl.20.21.182	
		Legal (mandatory)	34318/AC/8/2/21	
		Human Resources (if applicable)		
		Land & Property (if applicable)	JW 0111 01/28/21	
		Procurement (if applicable)		
Appendices				
17	Ref.	Title of appendix		
	A	Briefing report		
	B	Equalities Impact Assessment		
Confidential/exempt information				
18a	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 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	x	
		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
Comments received in response to approval to proceed with disposal of Public Open Space at five Housing Plots following consultation.		x						
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	23/02/2021			
Print Name	Councillor Mark Lowry (Cabinet Member for Finance)							

Part I Briefing Report**Approval to proceed with disposal of Public Open Space at Orchard Avenue after consideration of objections received following notice of the intention to dispose of the land****1.0 Background**

- 1.1 Land at Orchard Avenue, Eggbuckland together with seven other sites was identified through the Council's Strategic Land Review as having residential development potential.
- 1.2 The Council's 'Plan for Homes' is a key initiative as part of the Council's Corporate Plan 2018-2022. The overall ambition of the third and latest version of the 'Plan for Homes' is to increase housing supply by 1,000 homes per year for a five year period from April 2019 to March 2024 under three themes, as follows:
- Improving housing conditions and broadening choice
 - Supporting the delivery of Joint Local Plan housing numbers.
 - Housing Investment Fund- using PCC resources to unlock development.
- 1.3 Pursuant to Section 123(2A) of the Local Government Act 1972 the Council placed a Loss of Public Open Space Notice advertising the Council's intention to dispose of the sites in the Public Notices Section of the Plymouth Herald on two consecutive weeks in December 2019 (12 December and 19 December 2019) and on the Council's website on the Legal Notices page. Objections to the proposed loss of open space were invited with a closing date of 3 January 2020.

2.0 Objections

- 2.1 The Council received one email objecting to the loss of public open space on all ten sites. The objection received can be summarised in two parts as follows:-

Objection Received	Comment
<p>I. Housing need has already been met for the short term by the Joint Local Plan.</p>	<p>The Joint Local Plan states that housing provision during the plan period of 2014 to 2034, will comprise within the Plymouth Policy Area - at least 19,000 new homes, of which 4,550 should be affordable. The JLP sets an annualised housing provision target of 950 dwellings for each year until 2034. The provision of new homes is one of the most important elements of the JLP. The release of these sites for housing positively impacts on these targets.</p> <p>The Plymouth Climate Emergency Action Plan recognises that new homes</p>

<p>2. Disposables appear contrary to the Plymouth Climate Emergency Action Plan.</p>	<p>will also need to form part of the solution, with Plymouth having a strong growth agenda to build at least 19,000 homes within the Plymouth Policy Area by 2034. The Plymouth and South West Devon Joint Local Plan already contains policies which seek to ensure that new housing is as energy efficient as possible in line with the current building regulations and National Planning Policy Framework.</p>
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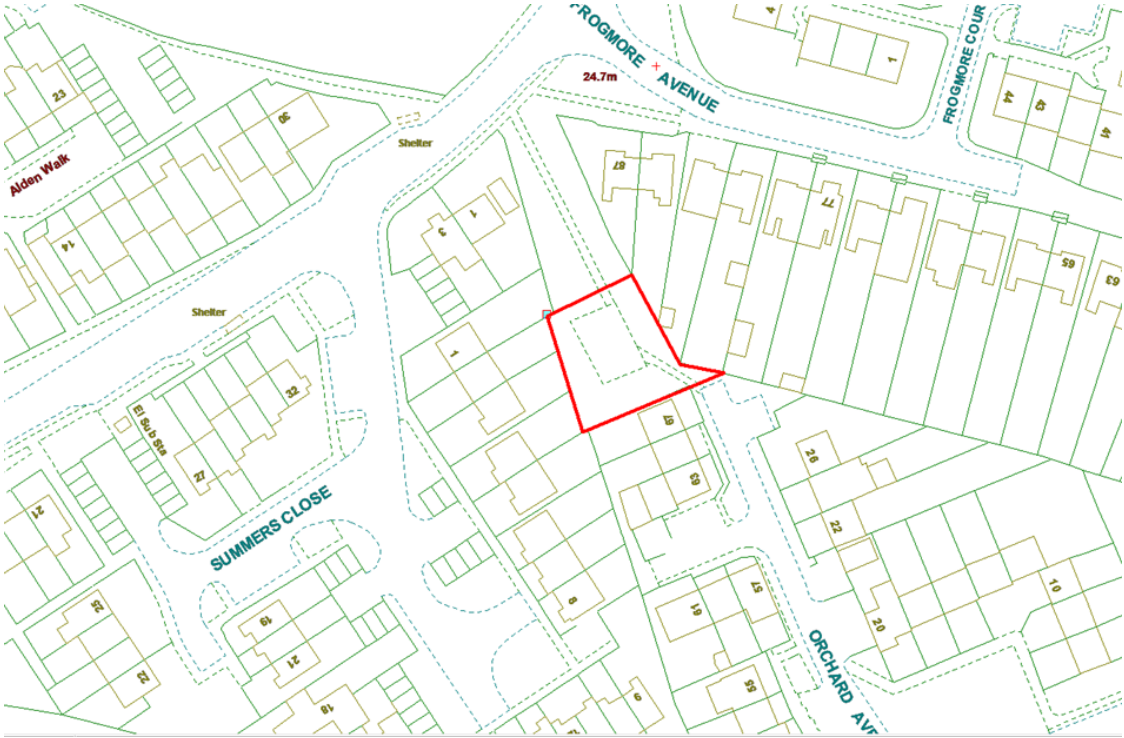
3.0 Recommendation

- 3.1 To proceed with the disposal of public open space at Orchard Avenue, Egguckland having considered objections to the notice of intention to dispose of public open space.

4.0 Reasons for Recommendation

- 4.1 The Council has a Duty to make provision for a number of self/custom build plots under the Right to Build. In order to meet this Duty additional sites must be identified for self/custom build housing development. Whilst concerns have been raised over using this site for housing it is felt that the urgent need for housing outweighs these concerns, and as landowner we can ensure that the home built on this site meets a specific housing need in the city that is unlikely to be met from market led developments alone.
- 4.2 There are economic benefits to releasing this housing site as it will lead to SME builders in Plymouth being active at a time of great uncertainty in the housing market due to the impacts of Covid-19, thus safeguarding and creating jobs in the construction industry and supply chain
- 4.3 The land at Orchard Avenue to be disposed of is as shown edged red on the attached plan. There is a footpath route through the site. Although this is not a designated Public Right of way, it is well used. It is considered important that the footpath route be retained /realigned alongside the plot. This will be a condition of the sale to ensure that the footpath is protected.

Orchard Avenue, Egguckland



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EQUALITY IMPACT ASSESSMENT

Land and Property, Economic Development, Place



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?	<p>Decision to dispose of land (loss of public open space) – for Housing Development.</p> <p>Offers for the land have been assessed on social and economic benefits as well as capital receipt offered. The aim is to assist the City's agenda of accelerated housing delivery and providing increased levels of housing and better quality homes. The development will provide more custom/self build housing, helping meet our housing needs and meet our Right to Build Duty.</p> <p>The self build dwelling will be built to new thermal building regulations standards – contributing to reducing the City's carbon emissions and reducing fuel poverty by helping households reduce their fuel bills.</p>
Author	Nick Argles
Department and service	Land and Property
Date of assessment	26/11/2020

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		No		
Disability		No		
Faith/religion or belief		No		

Gender - including marriage, pregnancy and maternity		No		
Gender reassignment		No		
Race		No		
Sexual orientation - including civil partnership		No		

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.	N/A	
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.	N/A	
Good relations between different communities (community cohesion)	Provision of high quality self/custom build housing will have a positive impact on community cohesion because typically self builders tend to stay living in their new home for longer.	
Human rights Please refer to guidance	The right to shelter and suitable housing is a fundamental human right – the provision of housing will have a positive impact on the households housed and future households who will use this accommodation.	

STAGE 4: PUBLICATION

James Watt (Head of Land & Property)

Date 26th November 2020

Strategic Director, Service Director or Head of Service

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