

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L28 21/22

Decision	
1	Title of decision: Parent Authority Authorisation - Torpoint Ferries Refits – Stage 2
2	Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly, Leader of the Council
3	Report author and contact details: Adrian Trim – 307729 adrian.trim@plymouth.gov.uk
4	<p>Decision to be taken:</p> <p>Torpoint Ferries Refits – Stage 2, Assessment Refit and of the 3 Torpoint ferries, as required by statute for continued in service use as passenger and vehicular ferries, at a rate of 1 each year from April '23 to '25.</p> <p>Estimated cost £5.5m</p> <p>Approval to approach the market via open tender to source a contractor to assess and refit the 3 Torpoint ferries, as required by statute for continued in service use as passenger and vehicular ferries, at a rate of 1 each year from April '23 to '25.</p>
5	<p>Reasons for decision:</p> <p>Torpoint Ferries operate 24/7 365 and have to meet legal requirements, under Maritime Law, meeting operational and mechanical criteria to work as passenger and vehicle ferries, under an approved licence.</p>
6	<p>Alternative options considered and rejected:</p> <p>Not to proceed with the Tender for assesment and refit. – Rejected on the basis that a legal licence is required to operate the Ferry Service and the only means to maintain the licence is by means of ensuring the Ferries meet the statutory requiremnts for the provision carrying vehicles and passengers.</p>
7	<p>Financial implications and Risks :</p> <p>Torpoint Ferry Service is funded on a 'user pays' basis, where the tolls are used for both operational and maintenance requirements. There are limited impacts on the Council MTFP regarding funding, other than financing Member and Officer involvement.</p>

8	Is the decision a Key Decision? (please contact Democratic Support for further advice)		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 £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:	As a regional centre, Plymouth plays a major role economically, culturally and industrially, providing a focus for the innovation, technology and for the quality of life that it offer. The Tamar Bridge crossing is a vital strategic and local link that plays a key role in the City's ambitions to become a world class City.		
10	Please specify any direct environmental implications of the decision (carbon impact)	Without a ferry service at Torpoint there would be a 19 mile circuitous journey of about half an hour, with the associated pollution, to access the road crossing at Tamar Bridge. The displaced traffic would also impact on congestion at Tamar Bridge increasing pollution at peak times.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?			(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			
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	<input checked="" type="checkbox"/>
		(If no go to section I4)	
I3b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Jonathan Drean, Cabinet Member for Transport	
I3c	Date Cabinet member consulted	12 January 2022	
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?		
		No	<input checked="" type="checkbox"/>
I5	Which Corporate Management Team member has been consulted?	Name	Anthony Payne
		Job title	Strategic Director for Place
		Date consulted	12 January 2022
Sign-off			
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS100 21/22
		Finance (mandatory)	ba.21.22.235
		Legal (mandatory)	MS/2/12.1.22
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	
Appendices			
I7	Ref.	Title of appendix	
	A	Briefing report for publication (<i>mandatory</i>)	
Confidential/exempt information			
I8a	Do you need to include any confidential/exempt information?		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for

		No	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	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
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 (where required).							
Signature			Date of decision	31 January 2022				
Print Name	NICHOLAS KELLY							

Appendix A

Briefing Report

1.0 Introduction

1.1 The Torpoint Ferry crossing forms part of a 'joint undertaking' provided by Plymouth City Council and Cornwall Council, operating under statute since 1953.

1.2 The crossing is operated on a 'user pays' basis, with the tolls covering operational and maintenance costs, (hence no cost to the Council for this procurement) delivering public crossings by Ferry at Torpoint 24/7 365.

1.3 The procurement of specialist services are a regular occurrence, as would be expected, as the three Ferries are bespoke structures that provide a key road link on the Devon / Cornwall border, crossing the river Tamar, linking the A 374 from Plymouth to South East Cornwall.

1.4 The requirement for regular assessment and refit of the Ferries are a legal necessity under Maritime Law, where the carrying of vehicles and passengers are a licensed activity.

1.5 There are few local providers as the resources required to dry dock, assess and refit are very specialist, technical and limited.

1.6 The existing contract is still operable but previous experience has revealed the need to engage early in the procurement process to ensure all aspects can be discussed in detail prior to assessment and refit commencement.

1.7 This Executive Decision confirms authority from PCC for Cornwall Council to progress with the Tender process under their terms and conditions.

2.0 Improving resilience and efficiency in procurement and Contract Award

2.1 Currently the process to procure and award a contract is the responsibility of both Councils, however the policy and process of both Councils differ, giving rise to anomalies and additional administration regarding timing, procurement decisions, application and contract award. Work is currently underway to simplify the procurement and contract award process in respect of the Tamar Bridge and Torpoint Ferry.