

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L02 22/23

Decision				
1	Title of decision: Appointment of an Company Director for the Plymouth and South Devon Freeport (“Freeport Company”)			
2	Decision maker (Cabinet member name and portfolio title): Councillor Richard Bingley – The Leader			
3	Report author and contact details: Richard May (Head of Oceansgate and Marine Investment)			
4	Decision to be taken: To appoint Councillor Mark Shayer (Deputy Leader and Cabinet Member for Finance and Economy) and to remove Anthony Payne (Strategic Director for Place) as a Director of the Freeport Company who was appointed for an interim period.			
5	Reasons for decision: The council may appoint one director the Board according to the Freeport Company’s Articles of Association. As such, it is recommended that Councillor Mark Shayer replaces Anthony Payne who was appointed as the interim director of the Freeport Company.			
6	Alternative options considered and rejected: The alternative option would be to not appoint a director. This option is rejected as it will remove a line of sight at Freeport Company Board level decisions; and will lead to lack of oversight of the company’s management and financial health.			
7	Financial implications and risks: None			
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:
			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	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:	<p>We have set out a number of strategic objectives in the Plymouth Plan that a Freeport could help us to achieve.</p> <p>SO2 - Strengthening Plymouth's role in the region SO3 - Delivering the international city</p> <p>SO11 – Delivering high quality development</p> <p>SO12 – Delivering infrastructure and investment</p> <p>The Freeport could also assist us to deliver priorities in our Corporate Plan: -</p> <ul style="list-style-type: none"> ▪ Strongly supports the delivery of economic growth that benefits as many people as possible. ▪ Strongly supports the delivery of quality jobs and skills. 		
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		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No		(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	
		No	x
15	Which Corporate Management Team member has been consulted?	Name	Anthony Payne
		Job title	Strategic Director for Place
		Date consulted	15.6.22
Sign-off			
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS11 22/23
		Finance (mandatory)	pl.22.23.42.
		Legal (mandatory)	MS/14.06.22/36072
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	
Appendices			
17	Ref.	Title of appendix	
	A	Briefing report	
	B	Executive Decision Reference Number – L47 21/22 – Plymouth and South Devon Freeport	
Confidential/exempt information			
18a	Do you need to include any confidential/exempt information?	Yes	
		No	x
		<p>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.</p> <p>(Keep as much information as possible in the briefing report that will be in the public domain)</p>	
		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	15/06/2022			
Print Name	Councillor Richard Bingley (Leader of the Council)							

Briefing Report

Appointment of an Interim Director for the Freeport Company

1. Introduction and Background

1.0 In March the Leader of the Council delegated authority to the Strategic Director for Place to sign legal agreements on behalf of Plymouth City Council, to:

- i) Establish the Freeport Company as a Company Limited by Guarantee with Plymouth City Council, Devon County Council and South Hams District Council as its founding members.
- ii) Enter into Freeport landowner agreements, including those relating to Oceansgate and the South Yard Tax site, as may be required in pursuance of the Freeport Objectives and to discharge our obligations as the accountable body.

1.1 The Freeport Company must be established so that it can be a signatory to the Landowner Agreements which we must submit to the Department of Levelling Up Homes and Communities by 23rd May 2022.

2. Freeport Company

2.1 The Freeport Company will be established as a Company Limited by Guarantee and will have the following features and principles: -

- A members steering group made up of one representative of each of the three local authority partners will provide strategic oversight and ensure alignment with the emerging County deal.
- An independent board of directors with a chair from the private sector to provide clear evidence of private sector leadership, we will set out the process through which the chair will be appointed in the scheme of delegation.

2.2 The Freeport Company Key Governing Documents – include:-

- Memorandum and Articles of Association - setting out the remit and roles of the Directors, a scheme of delegation and matters reserved to the founding members;
- A Members' Agreement – which will bind the three Local Authorities to perform their functions and roles, including the disbursement of seed capital from PCC as the Accountable Body to the Local Authority Partners, their engagement with the Freeport Company based on the key principle of a partnership of equals where decision making requires unanimous agreement;
- Landowners' Agreements - binding the landowners to perform their functions and roles and their engagement with the Freeport Company;
- An Annual Delivery Plan and budget – proposed by the Freeport Company, to be agreed and signed off by the Members in accordance with their reserved matters and approved by the Board of Directors the management of the Freeport, employment of staff, delivering the Freeport business case and providing agreed shared services.

3. Recommendation

3.1 Plymouth City Council is entitled to appoint one Director to the Board of Directors.

3.2 It is recommended that Councillor Mark Shayer (Deputy Leader and Cabinet Member for Finance and Economy) is appointed.