

# EXECUTIVE DECISION

made by a Cabinet Member



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


Executive Decision Reference Number – L28 22/23

Decision	
1	<b>Title of decision:</b> Plymouth and South Devon Freeport A38 Deep Lane Pedestrian/Cycle Bridge Design
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Leader of the Council Councillor Richard Bingley
3	<b>Report author and contact details:</b> Amanda Ratsey <a href="mailto:Amanda.Ratsey@plymouth.gov.uk">Amanda.Ratsey@plymouth.gov.uk</a> Julia Blaschke <a href="mailto:Julia.Blaschke@plymouth.gov.uk">Julia.Blaschke@plymouth.gov.uk</a> Victoria Glennon <a href="mailto:Victoria.Glennon@plymouth.gov.uk">Victoria.Glennon@plymouth.gov.uk</a>
4	<b>Decision to be taken:</b> To agree to allocate £500,000 of Freeport Seed Capital Funding into the Capital Programme to be used for the design of the PASD Freeport A38 pedestrian and cycle bridge.
5	<b>Reasons for decision:</b> <b>Governance</b> <ul style="list-style-type: none"> <li>- Plymouth City Council Governance processes involving the budget requires that each individual project submitted to the Freeport to be put forward in order for the funds to be agreed and to be signed off for delivery.</li> <li>- If the decision is not taken now payment and delivery of the proposed activities could be delayed.</li> <li>- Plymouth City Council is the Accountable Body which will receive and allocate the seed capital to support the delivery of the Freeport Annual Plan.</li> <li>- The Accountable Body is responsible for the effective programme management of the Seed capital programme pipeline; which includes the technical appraisal of individual business cases for Seed Capital projects, PCC governance including funding agreements, compliance including a publications criteria for commercial confidentiality, subsidy control, claims processing, grants payments and overseeing programme risk register and quarterly reports to Government.</li> </ul>

	<ul style="list-style-type: none"><li>- In January 2023, a Memorandum of Understanding was signed by Government, the Accountable Body for the Freeport (Plymouth City Council), the Freeport Governing Body and the two billing authorities (Plymouth City Council and South Hams District Council).</li><li>- The decision is necessary in order to meet timeframes set by Department for Levelling Up, Housing &amp; Communities (DLUHC) in order to deliver the proposed activities and spend the funds accordingly and in time.</li></ul> <p><b>Business Case Summary</b></p> <p>The decision is to agree the use the Seed Capital Funds to carry out the proposed activities outlined below:</p> <ul style="list-style-type: none"><li>- Design and delivery of a pedestrian/ cycle bridge at the A38 Deep Lane junction.</li><li>- The decision is to allocate £500,000 of the Freeport Seed Capital Funding required to complete the outline design of the proposed bridge, submit the necessary planning application, and progress the detailed design.</li><li>- The work under this project will include the necessary topographical, geotechnical and other surveys to enable the best alignment for the bridge to be determined. The design will be progressed to the detail required to support the application for planning and other necessary consents, to enable a robust cost estimate to be made, and for the preparation of contract documents for construction.</li></ul>			
6	<p><b>Alternative options considered and rejected:</b></p> <p>I.) Do nothing</p> <p>This would severely impact on the ability to spend the allocated amount for this financial year.</p>			
7	<p><b>Financial implications and risks:</b></p> <p>The funding is received from Government for the purpose of delivering the Seed Capital Freeport funding and is underpinned by a Memorandum of Understanding and further funding agreements that binds Plymouth City Council and Partners within the Freeport delivery governance into an agreement with the Department for Levelling Up, Housing &amp; Communities (DLUHC) and further funding agreements between the Accountable Body and projects outlining that the funds is shouldered by the applicant as such is contractually obliged to deliver and spend according to the Fund parameters and requirements. Projects are subject to Accountable Body processes involving but not limited to procurement regulations, monitoring and governance, as such, failure to follow requirements from either the Accountable Body or DLUHC runs the risk of remedial action. We will maintain robust programme management protocols through regular monitoring and review to ensure that the projects are delivered within the grant terms and conditions. Remedial action will be taken where necessary</p>			
8	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	<p><b>Yes</b></p>	<p><b>No</b></p> <p>x</p>	<p><b>Per the Constitution, a key decision is one which:</b></p> <p>in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total</p>

			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	If yes, date of publication of the notice in the <b>Forward Plan of Key Decisions</b>			
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 can be linked to the Plymouth Plan chapters; Growing City and International City as well as other frameworks including the Climate Emergency Action Plan. This decision would be directly linked to the capital budget and will be managed and monitored in accordance with Plymouth City Council processes.	
10	Please specify any direct environmental implications of the decision (carbon impact)		The design of the pedestrian and cycle bridge will contribute to the Freeport's Net Zero ambition; encouraging greener modes of travel. It will enable safe carbon zero walking and cycling between Sherford and Langage and will contribute to an overall reduction in transport emissions.	
<b>Urgent decisions</b>				
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 ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	x	
		No		(If no go to section 14)

<b>13b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	Councillor Mark Shayer (Deputy Leader and Cabinet Member for Finance and Economy)						
<b>13c</b>	<b>Date Cabinet member consulted</b>	23 February 2023						
<b>14</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>	<input checked="" type="checkbox"/>	If yes, please discuss with the Monitoring Officer				
		<b>No</b>	<input type="checkbox"/>					
<b>15</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>		Anthony Payne				
		<b>Job title</b>		Strategic Director for Place				
		<b>Date consulted</b>		23 February 2023				
<b>Sign-off</b>								
<b>16</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>			DSI 16 22/23			
		<b>Finance (mandatory)</b>			pl.22.23.403			
		<b>Legal (mandatory)</b>			MS/00001242/01.03.23			
		<b>Human Resources (if applicable)</b>						
		<b>Corporate property (if applicable)</b>						
		<b>Procurement (if applicable)</b>						
<b>Appendices</b>								
<b>17</b>	<b>Ref.</b>	<b>Title of appendix</b>						
<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>	<input type="checkbox"/>	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 <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	<input type="checkbox"/>					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	<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>							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	<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 (2010) and those who do not. For further details please see the EIA attached.</p>							
<b>Signature</b>			<b>Date of decision</b>		14 March 2023			
<b>Print Name</b>	Councillor Richard Bingley, Leader of Plymouth City Council							