

EXECUTIVE DECISION

made by a Cabinet Member



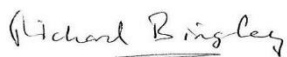
REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L31 22/23

Decision	
1	Title of decision: Proposal to establish a Charitable Incorporated Organisation for the Plymouth Sound National Marine Park
2	Decision maker (Cabinet member name and portfolio title): Councillor Richard Bingley (Leader of The Council)
3	Report author and contact details: Elaine Hayes – National Marine Park Interim CEO Elaine.hayes@plymouth.gov.uk
4	Decision to be taken <ol style="list-style-type: none"> 1. Approve the business case as set out in the briefing report 2. Approve the creation of a Charitable Incorporated Organisation (CIO) 3. Authorise the Service Director for Economic Development to bring the National Marine Park strategic plan to Scrutiny and Cabinet in Autumn 2023 to secure approval for the wider deliver model and strategic plan 4. Approve the nomination of David Draffan, Service Director for Economic Development to act as a trustee of the CIO.
5	Reasons for decision: The Plymouth Sound National Marine Park (PSNMP) needs a vehicle through which it can secure funds and deliver projects on behalf of the PSNMP. A Charitable Incorporated Organisation (CIO) offers the best option for the PSNMP. It will maximise the flexibility of the organisation to develop. It will sit alongside the Council and enable delivery. CIO's have a robust legal framework and governance structure. The CIO structure will be able to facilitate growth and partnerships whilst having the widest opportunity to secure funding from disparate sources. Establishing a trading arm alongside will enable the organisation to take advantage of commercial as well as philanthropic opportunities. The CIO model will support meeting the requirements of the National Lottery for a long term future for the NMP.
6	Alternative options considered and rejected: Option 1 Do nothing The funding for the NMP runs out in 2024. The Council has secured funding from National Lottery Heritage Fund for the Horizons Project but a condition of this funding is that the Council can evidence how the PSNMP will be sustainable in the long term. Without a long term funding model NLHF will not release the money to deliver the Horizons project (circa £6m).

	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 business case evidences how the Delivery Plan for the PSNMP aligns with the Plymouth Plan.
10	Please specify any direct environmental implications of the decision (carbon impact)		PSNMP is designed to deliver positive environmental outcomes.
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			
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?	Councillor Pat Patel (Cabinet Member for Customer Services, Culture, Leisure & Sport)	
13c	Date Cabinet member consulted	13 March 2023	
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		Name	Anthony Payne
		Job title	Director of Place

	Which Corporate Management Team member has been consulted?	Date consulted	16 November 2022					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DSI 30 22/23					
		Finance (mandatory)	DJN.22.23.418					
		Legal (mandatory)	MS/00000867/22.03.23					
		Human Resources (if applicable)						
		Corporate property (if applicable)						
		Procurement (if applicable)						
Appendices								
17	Re f.	Title of appendix						
	A	CIO Business Case						
	B	CIO Constitution						
	C	Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	No		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	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 I 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
PSNMP Board Papers								
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 (2010) and those who do not. For further details please see the EIA attached.							
Signature				Date of decision	22 March 2023			
Print Name	Councillor Richard Bingley, Leader of Plymouth City Council							