

# EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L 27 23/24


Decision	
1	<b>Title of decision:</b> Chelson Community Solar – Change of Shareholder Representative
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor Tudor Evans OBE (Leader of the Council)
3	<b>Report author and contact details:</b> Kat Deeney, Head of Environmental Planning – <a href="mailto:kathryn.deeney@plymouth.gov.uk">kathryn.deeney@plymouth.gov.uk</a>
4	<p>Decision to be taken:</p> <ol style="list-style-type: none"> <li>1. Approve a revision to the approved decision that the Council’s Shareholder Representative in matters related to the Chelson Community Solar Joint Venture company from Kim Brown (former Service Director for HROD) to the Council’s Section 151 Officer, currently David Northey, Interim Service Director for Finance;</li> <li>2. Delegate authority to the Section 151 Officer, (in consultation with the Project Board and Head of Legal Services) to approve the documentation and associated work to set up the joint venture, Chelson Community Solar, a private company limited by shares, between the Council and PEC Renewables Ltd, including but not limited to Articles of Association, the Shareholder Agreement, the Lease and Option Agreement, and variation of the existing landfill gas agreement relating to land at Chelson Meadow.</li> </ol>
5	<p><b>Reasons for decision:</b></p> <ul style="list-style-type: none"> <li>• The revision has been proposed due to a change of staff, and to ensure continuation of the Council’s shareholder representation.</li> <li>• This revision will grant the Section 151 officer the authority to enter into all relevant documentation and agreements in relation to the joint venture vehicle.</li> <li>• The revision will also grant the Section 151 officer the authority to exercise all voting rights on behalf of the Council as member of the company subject to Key Decisions (as defined by the Council’s Constitution) being reserved to the Leader/ Cabinet, and take any necessary action to protect, safeguard and effectively manage the Council’s interest in the Local Authority Trading Company.</li> </ul>
6	<p><b>Alternative options considered and rejected:</b></p> <p>If the change of Shareholder Representative was not completed, it would:</p> <ul style="list-style-type: none"> <li>• Prevent the joint venture from being created;</li> </ul>

	<ul style="list-style-type: none"> <li>Result in a delay of construction of the solar farm.</li> </ul>			
<b>7</b>	<b>Financial implications and risks:</b> The decision has no direct financial implications.			
<b>8</b>	<b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)  Please type an X into the relevant boxes	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>
			X	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
			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>£1million</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.
	<b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b>	N/A		
<b>9</b>	<b>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:</b>	Directly feeds into the priority 'A green sustainable city that cares about the environment' by enabling the development of the Chelson Community Solar project.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	A hugely beneficial and positive impact in reducing the Council's fossil fuel emissions; predicted to be 60% and providing circa 75% of the Council's electricity needs.		

### Urgent decisions

<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>  Please type an X into the relevant box	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	X	<b>(If no, go to section 13a)</b>
<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			

Consultation			
13a	<b>Are any other Cabinet members' portfolios affected by the decision?</b> Please type an X into the relevant box	Yes	
		No	X
		<b>(If no go to section 14)</b>	
13b	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	Councillor Tom Briars-Delve (Cabinet Member for Environment and Climate Change)	
13c	<b>Date Cabinet member consulted</b>	5 October 2023	
14	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b> Please type an X into the relevant box	Yes	
		No	X
		If yes, please discuss with the Monitoring Officer	
15	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	David Northey
		<b>Job title</b>	Interim Service Director of Finance
		<b>Date consulted</b>	4 October 2023
Sign-off			
16	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS 51 23/24
		<b>Finance (mandatory)</b>	CH 16.10.23 1702
		<b>Legal (mandatory)</b>	2170/KT/51023
		<b>Human Resources (if applicable)</b>	
		<b>Corporate property (if applicable)</b>	
		<b>Procurement (if applicable)</b>	
Appendices			
17	<b>Ref.</b>	<b>Title of appendix</b>	
	A	Chelson Community Solar Shareholder Change – Briefing Report V1	
Confidential/exempt information			
18a	<b>Do you need to include any confidential/exempt information?</b> Please type an X into the relevant box	Yes	
		No	X
		If yes, prepare a second, confidential ('Part II') briefing report and 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 in <b>18b</b> 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
<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>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Chelson Community Solar – Shareholder Representative Briefing Paper								
<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>		18 October 2023		
<b>Print Name</b>	Councillor Tudor Evans OBE							