

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L38 23/24

| Decision | |
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| 1 | Title of decision: Plymouth and South Devon Freeport Project: Land Acquisition at Sherford |
| 2 | Decision maker: Councillor Tudor Evans OBE, Leader Plymouth City Council |
| 3 | Report author and contact details: Victoria Glennon - Victoria.Glennon@plymouth.gov.uk |
| 4 | <p>Decision to be taken:</p> <ol style="list-style-type: none"> To agree to allocate £3,500,000 of Freeport Seed Capital Funding into the Capital Programme to be used for land acquisition at Sherford. To authorise the Section 151 Officer to sign the funding agreement and an initial claim to release funding in the amount of £3,150,000 as well as any subsequent claims for funds in relation to this project. |
| 5 | <p>Reasons for decision:</p> <ol style="list-style-type: none"> Plymouth City Council is the Accountable Body for the Freeport and will receive and allocate the seed capital to support the delivery of the Freeport Annual Plan. The Accountable Body is responsible for the effective programme management of the Seed capital programme pipeline, including appraisal of individual business cases for Seed Capital projects. This decision is necessary in order to meet timeframes set by Department for Levelling Up, Housing & Communities (DLUHC) in order to deliver the proposed activities as set out in the Business Case and spend the funds accordingly and in time. |
| 6 | <p>Alternative options considered and rejected:</p> <ol style="list-style-type: none"> Do nothing - This would severely impact on the ability to spend the allocated amount for this financial year. |
| 7 | <p>Financial implications and risks: 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 & Communities (DLUHC) and further funding agreements between the Accountable Body and projects outlining that the funds are 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> |

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| 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 | The subject of all subsequent/upcoming Freeport business cases have been published as an ongoing rolling notice in 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: | 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) | There are no anticipated adverse impacts as part of delivering this project. | | |

Urgent decisions


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| 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) |

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| 12a | Reason for urgency: | | | |
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| 12b | Scrutiny Chair Signature: | | Date | |
| | Scrutiny Committee name: | | | |
| | Print Name: | | | |

Consultation

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| I3a | Are any other Cabinet members' portfolios affected by the decision? | Yes | | |
| | | No | x | (If no go to section I4) |
| I3b | Which other Cabinet member's portfolio is affected by the decision? | | | |
| I3c | Date Cabinet member consulted | | | |
| I4 | 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 | |
| I5 | Which Corporate Management Team member has been consulted? | Name | Anthony Payne | |
| | | Job title | Strategic Director for Place | |
| | | Date consulted | 12/12/2023 | |
| Sign-off | | | | |
| I6 | Sign off codes from the relevant departments consulted: | Democratic Support (mandatory) | DS84 23/24 | |
| | | Finance (mandatory) | DJN.23.24.171 | |
| | | Legal (mandatory) | 2341/05122023 | |
| | | Human Resources (if applicable) | | |
| | | Corporate property (if applicable) | | |
| | | Procurement (if applicable) | | |
| Appendices | | | | |
| I7 | Ref. | Title of appendix | | |
| | A | Part I Supporting Summary Report | | |
| | B | Equalities Impact Assessment (<i>where required</i>) | | |
| Confidential/exempt information | | | | |
| I8a | Do you need to include any confidential/exempt information? Please type an X into the relevant box | Yes | x | 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 I8b 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 |
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| 18b | Confidential/exempt briefing report title: Part II Sherford Land Acquisition to promote development Business Case | | | x | | | | |
| 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 |
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| 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 | 15 December 2023 | | | |
| Print Name | Councillor Tudor Evans, OBE – Leader of Plymouth City Council | | | | | | | |