

# EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – L17 24/25

Decision	
1	<b>Title of decision:</b> Plymouth and South Devon Freeport: Langage Core Infrastructure
2	<b>Decision maker:</b> Councillor Tudor Evans OBE, Leader of the Council
3	<b>Report author and contact details:</b> Catherine Parnall E: <a href="mailto:Catherine.parnall@plymouth.gov.uk">Catherine.parnall@plymouth.gov.uk</a>
4	<p><b>Decision to be taken:</b></p> <p>1. To agree to allocate £800,000 of Freeport Seed Capital Funding into the Capital Programme for the construction of an adoptable road to Plots 2 &amp; 5 of the Langage Tax site. This road will join onto Holland Road.</p> <p>2. To authorise the Section 151 Officer to approve relevant funding claims up to the total Seed Capital amount of £800,000 as listed above.</p>
5	<p><b>Reasons for decision:</b></p> <ul style="list-style-type: none"> <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. 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> <li>• The core objective of the project is to deliver the construction of an adoptable road of approx. 290m, joining Holland Road and continuing through Plot 2. The road will connect to Plot 5, which has scope for an estimated further 6,840sqm of units, access for which is restricted by a narrow section of road with traditional Devon Hedgerows that would otherwise require removal to allow development to proceed. The road will provide two way access and will be constructed to an adoptable standard, with the intention of it being adopted in the future by South Hams District Council.</li> <li>• The road will contain water, drainage and electricity conduits to Plots 2 and 5, further supporting the development which is otherwise affected by high and rising construction costs. Plot 2, adjacent to the starter units, is in the process of a full planning application approval. Plot 5 requires road widening and improvements, as mentioned above. There is a Project Change Request in the process of being submitted which will seek to divert funds from another programme into this project.</li> </ul>
6	<b>Alternative options considered and rejected:</b>

	1.) Do nothing: This would severely impact on the ability to spend the allocated amount for this financial year but also to submit the required planning permission to ensure the project remains on track.			
7	<p><b>Financial implications and risks:</b> 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 are shouldered by the applicant as such is contractually obliged to deliver and spend according to the Fund parameters and requirements.</p> <p>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	<b>Is the decision a Key Decision?</b> (please contact <b>Democratic Support</b> for further advice)	<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>£1 million</b> annually
		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 <b>Forward Plan of Key Decisions</b></b>			
9	<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>	This decision can be linked to the Plymouth Plan 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	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	These works will contribute towards a larger solution, including a network to LEPL's already established 5MW solar park.		
<b>Urgent decisions</b>				
11	<b>Is the decision urgent and to be</b>	<b>Yes</b>		(If yes, please contact Democratic Support

	implemented immediately in the interests of the Council or the public?			( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section I3a)</b>
<b>I2a</b>	<b>Reason for urgency:</b>			
<b>I2b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>I3a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>		
		<b>No</b>	x	<b>(If no go to section I4)</b>
<b>I3b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>			
<b>I3c</b>	<b>Date Cabinet member consulted</b>			
<b>I4</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>		If yes, please discuss with the Monitoring Officer
		<b>No</b>	x	
<b>I5</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Karime Hassan	
		<b>Job title</b>	Interim Strategic Director for Growth	
		<b>Date consulted</b>	12 September 2024	
<b>Sign-off</b>				
<b>I6</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS48 24/25	
		<b>Finance (mandatory)</b>	CH.24.25.028	
		<b>Legal (mandatory)</b>	LS.2333.kt.120924	
		<b>Procurement (if applicable)</b>		
		<b>Corporate property (decisions involving Council owned land or facilities) (if applicable)</b>		
		<b>Human Resources (if applicable)</b>		
<b>Appendices</b>				

<b>17</b>	<b>Ref.</b>	<b>Title of appendix</b>						
	A	Part I Supporting Summary Report						
	B	Equalities Impact Assessment ( <i>where required</i> )						
	C	Climate Impact Assessment ( <i>where required</i> )						
<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>	<input checked="" 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: Part II Business Case</b>			<input checked="" type="checkbox"/>				
<b>Background Papers</b>								
<b>19</b>	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.							
<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>	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.							
<b>Signature</b>				<b>Date of decision</b>	1 <sup>st</sup> October 2024			
<b>Print Name</b>	Councillor Tudor Evans OBE (Leader of the Council)							

OFFICIAL