

EXECUTIVE DECISION

made by a **Cabinet Member**



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


Executive Decision Reference Number – L08 25/26

Decision	
1	Title of decision: New lease to Cattewater Harbour Commissioners (CHC)
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE (Leader of the Council)
3	Report author and contact details: James Watt, Head of Land and Property james.watt@plymouth.gov.uk
4	Decision to be taken: To grant a 30 year lease of the Boathouses and adjacent land at Commercial Wharf to the CHC
5	Reasons for decision: <ol style="list-style-type: none"> CHC intend to invest to establish Commercial Wharf as a destination in its own right, promoting employment and economic growth in the local area. Investment and ongoing management will focus on creating a more welcoming area for tourism, marine tourism and residents, including cruise, tall ships, superyacht and leisure passengers arriving on Commercial Wharf after alighting on the Barbican Landing Stage; The property represents a significant current and contingent liability for the Council in respect of ongoing maintenance and repair requirements; Whilst CHC operate on a commercial basis, due to their status as a Trust Port they reinvest any profit back into facilities and resources to help maintain and improve the port for the benefit of its user; Lease terms will protect the Council's financial position by ensuring that the Council receives an appropriate share of income generation.
6	Alternative options considered and rejected: <ol style="list-style-type: none"> Not to proceed and retain and manage the asset direct This option has been discounted due to the loss of opportunity of third party investment into the public realm in the locality and the ability to mitigate current and future major repair liabilities along with taking advantage of CHC's specialist knowledge in managing this waterfront asset. Offer lease to another third party This option has been discounted as no other party would have a special interest in the site by virtue of their ownership and operation of the adjoining commercial landing stage. Freehold disposal The option has been discounted as the Council would lose future control over a key waterfront site which can be protected in the proposed lease terms.
7	Financial implications and risk:

	<p>Leasing the property will result in a potential net gain for the Council when considering the transfer of the Council's repair and maintenance liabilities coupled with receiving a significant proportion of the ongoing occupational rents. Future financial risk in connection to the property is substantially mitigated.</p> <p>The investment by CHC will also help to stimulate economic and employment growth in Plymouth.</p>			
8	<p>Legal Implications</p> <p>Commercial Wharf is subject to the provisions of the City of Plymouth Act 1987.</p> <p>Nothing should be done on the wharf that interferes with the use of the wharf for recreation or for the embarking or landing of passengers.</p> <p>The lease will include a provision to comply with the terms of the Act in so far as they relate to the wharf.</p> <p>The Council is under an obligation under s123 Local Government Act to obtain the best price reasonably obtainable when disposing of assets, which includes the grant of leases over seven years. The Council can rely on the Local Government Act 1972 General Disposal Consent (England) 2003 to dispose of land for less than the best consideration where they consider the purpose of the disposal is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area and the extent of the undervalue does not exceed £2 million.</p> <p>This proposal, for the reasons set out in the report, will contribute to the economic wellbeing of the City and the proposed rent does not result in an undervalue exceeding £2 million.</p>			
9a	<p>Is the decision a Key Decision? (Please contact Democratic Support for further advice)</p>	<p>Yes</p>	<p>No</p>	<p>Per the Constitution, a key decision is one which:</p>
			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.
	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>	N/A		
10	<p>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:</p>	Spending Money Wisely – The decision will help facilitate the development of Commercial Wharf into an attractive visitor destination as well as a saving in revenue budgets for property maintenance.		
11	<p>Please specify any direct environmental implications of the decision (carbon impact)</p>	No impact anticipated.		
Urgent decisions				

12	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	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X	
		No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mark Lowry (Cabinet Member for Finance) Councillor Chris Penberthy (Cabinet Member for Housing, Cooperative Development, and Communities)		
13c	Date Cabinet member consulted	17 July 2025		
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	Which Corporate Management Team member has been consulted?	Name	Glenn Caplin-Grey	
		Job title	Strategic Director for Growth	
		Date consulted	17 July 2025	
Sign-off				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	JS18 25/26	
		Finance (mandatory)	OW.25.26.070	
		Legal (mandatory)	LS/00001312/1/AC/29/7/25	
		Human Resources (if applicable)	N/A	
		Corporate property (if applicable)	N/A	

		Procurement (if applicable)		N/A				
Appendices								
17	Re f.	Title of appendix						
	A	Briefing report for publication						
	B	Equalities Impact Assessment						
	C	Briefing Report Part II						
Confidential/exempt information								
18 a	Do you need to include any confidential/exempt information?	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 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
18 b	Confidential/exempt briefing report title: C - Briefing Report Part II			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 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
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 and those who do not. For further details please see the EIA attached.							

Signature		Date of decision	30/07/2025
Print Name	Cllr Tudor Evans, Leader		