



## Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5 day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received

### 1. Cabinet date and copy resolution this key decision relates to

14<sup>th</sup> July 2021:

RESOLVED –

1. That the submission of an Outline Business Case for the Humber Freeport including the principle of seed capital funding focused on bringing further inward investment to the South Humber Industrial Investment Programme (SHIIP), be supported.
2. That the establishment of a Humber Freeport Company in due course to administer the Freeport and to realise its objectives, be supported.
3. That authority be delegated to the Executive Director for Environment, Economy and Resources in consultation with The Leader of the Council to:
  - a. Negotiate suitable terms and governance arrangements with Central Government, other constituent Humber Authorities and stakeholders including the Humber Freeport Company;
  - b. To enter into appropriate agreements, including an outline bid for an initial £15m of seed capital funding, leading to the establishment of the Humber Freeport Company;
  - c. To implement the Freeport proposal generally and to carry out all activity reasonably ancillary to such implementation.
  - d. To regularly update the Economy Scrutiny Panel as to progress of such implementation.
4. That authority be delegated to the Assistant Director Law, Governance and Assets the responsibility to execute all documentation arising.

## 2. Subject and details of the matter (to include reasons for the decision)

The Humber Freeport proposition is a collaboration led by the private sector and includes all four constituent Humber local authorities. NELC has been nominated Lead Authority and Accountable Body to the Freeport.

The above Cabinet decision grants delegations to the Executive Director for Environment, Economy and Resources in consultation with The Leader, to carry out all activity to implement the Freeport proposition.

An update was taken to the Economy Scrutiny Panel on 26<sup>th</sup> October 2021 setting out the Freeport framework in general terms and detailing next steps in implementation, including the submission of a full business case led by the private sector bid team.

The bid team has now formulated the full business case which has been circulated to all four constituent local authorities for input and appraisal.

The Executive Director for Environment, Economy and Resources, supported by appropriate officers, is supportive of the full business case.

## 3. Decision being taken

1. That the Executive Director for Environment, Economy and Resources (for and on behalf of North East Lincolnshire Council as constituent authority, Lead Authority and as Accountable Body Elect) and in consultation with The Leader, signs off and supports the submission of the full business case to Central Government.

2. Thereafter the Executive Director for Environment, Economy and Resources in consultation with The Leader, deals with all ancillary matters arising from the submission such as dealing with requests for elucidation, further data and such like.

3. The Executive Director for Environment, Economy and Resources will continue to update the Economy Scrutiny Panel at appropriate times in the spirit of the above delegations.

## 4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes, so as to enable a united approach across the Humber authorities as to support to submit.

**5. Anticipated outcome(s)/benefits**

That the implementation of the Humber Freeport proposition is furthered by the submission of a final business case which shall be subject to approval by Central Government.

**6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)**

The Council could choose not to support the submission of the Full Business Case but to do so would lead either to the potential benefits to the region of the Freeport being lost or the rest of the region progressing without NEL.

Equally, the Council could choose not to support the establishment of a Freeport Company. However, a vehicle is needed which brings together the public and private sector to deliver the Freeport. The work undertaken thus far to deliver a successful Freeport bid to Government has been recognised as an excellent example of public and private partnership, working under tight time pressures.

**7. Background documents considered (web links to be included and copies of documents provided for publishing)**

None

**8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons**

Yes – Paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended)

The final business case is a complex and composite paper, touching upon the affairs of the Humber Freeport Company. These are still at a formative stage, pending further direction by Central Government. It is proposed that once the Full Business Case is settled, allowing for further work around current deficiencies caused by a lack of guidance, that the Economy Scrutiny Panel receives a further update.

**9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)**

None

**10. Monitoring Officer Comments (Monitoring Officer or nominee)**

The above decision is consistent with the will of Cabinet and its expectations. The Economy Scrutiny Panel was fully briefed on 26<sup>th</sup> October 2021 and advised that the Freeport proposition would be furthered by submission of a final business case. The above decision is consistent with that advice.

At the moment the Council awaits formal ratification from Central Government as to its role as Accountable body and other issues which are the subject of awaited guidance and direction. As such the submission of the final business case is caveated so as to protect and reserve the position of the Council and afford it the opportunity of further input as matters crystallise.

The final business case submission is supported on that basis by all four constituent Humber local authorities.

**11. Section 151 Officer Comments (Deputy S151 Officer or nominee)**

The submission of the FBC does not in itself commit the Council to incurring any costs and any requests for future resources will be through the Council's normal governance and scrutiny process. The agreement reached with the other constituent local authorities means that any costs incurred as Accountable Body will be fully reimbursed. The freeport will result in inward investment into the Humber region and specific benefits for North East Lincolnshire through seed capital funding and future business rates retention.

**12. Human Resource Comments (Head of People and Culture or nominee)**

There are no direct HR implications

**13. Risk Assessment (in accordance with the Report Writing Guide)**

As Lead Authority and Accountable Body Elect to the Freeport, the Council has had input to the full business case, as have public sector partners.

To not permit the business case to proceed will jeopardise a Humber wide proposition which will bring growth, regeneration and jobs to the whole Humber region.

Further risk around the lack of some guidance on various aspects will be covered off by caveats whereby the Council (and other Humber Local Authorities) reserve their positions.

**14. Has the Cabinet Tracker been updated with details of this decision?**

Yes

**15. Decision Maker(s):**

Name: Sharon Wroot

Title: Executive Director for Environment, Economy and Resources

Signed: REDACTED

Dated: 27<sup>th</sup> January 2022

**16. Consultation carried out with Portfolio Holder(s):**

Name: Cllr Philip Jackson

Title: Leader of the Council

Signed: REDACTED

Dated: 27<sup>th</sup> January 2022

**17. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor**

Name: Councillor Tom Furneaux

Title: Chair of the Economy Scrutiny Panel

Signed: Agreed via email

Dated: 27<sup>th</sup> January 2022

Key Decisions are defined in the Constitution as:

A decision (whether taken collectively or individually by members) which is likely:

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.

A decision will be considered financially significant if:

- (i) in the case of revenue expenditure, it results in the incurring of expenditure or making savings of £350,000 or greater;
- (ii) in the case of capital expenditure, the capital expenditure/savings are in excess of £350,000 or 20% of the total project cost, whichever is the greater

In determining whether a decision is significant in terms of its effect on an area comprising two or more wards, consideration shall be given to:

- (i) the number of residents/service users that will be affected in the wards concerned;
- (ii) the likely views of those affected (i.e. is the decision likely to result in substantial public interest)
- (iii) whether the decision may incur a significant social, economic or environmental risk.

## APPENDIX 1 – EMAIL APPROVAL

From: Cllr Tom Furneaux (NELC) <Tom.Furneaux@nelincs.gov.uk>

Sent: 27 January 2022 10:29

To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>

Subject: Re: FREEPORT - 260122 ODR - Submission of FBC

Hi Simon

Happy support this based on the above assurances and this coming back to the panel for an update as soon as it is appropriate.

Many thanks

Tom

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From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>

Sent: 27 January 2022 09:53

To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>; Cllr Tom Furneaux (NELC)  
<Tom.Furneaux@nelincs.gov.uk>; Sharon Wroot (NELC)  
<Sharon.Wroot@nelincs.gov.uk>;

Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>; Laura Cowie (NELC)  
<Laura.Cowie@nelincs.gov.uk>; Clive Tritton (NELC)  
<Clive.Tritton@nelincs.gov.uk>; keith.mitchell

Subject: RE: FREEPORT - 260122 ODR - Submission of FBC

Good morning all

I am content to sign this off.

Kind regards

Councillor Philip Jackson

Leader of North East Lincolnshire Council

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