



Oversight and Governance

Chief Executive's Department

Plymouth City Council

Ballard House

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www.plymouth.gov.uk/democracy

Published 09/03/22

Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 16 March 2022. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented on Thursday 17 March 2022 if they are not called-in.

Delegated Decisions

1. Councillor Kelly (The Leader):

- 1.1. Plymouth City Council 2022 Subsidised Bus Network Tender **(Pages 1 - 34)**
- 1.2. Relocation of Staff and Services from Midland House to Ballard House **(Pages 35 - 154)**
- 1.3. New Inclusive Economy Fund **(Pages 155 - 182)**

2. Councillor Drean (Cabinet Member for Transport):

- 2.1. The City of Plymouth (Traffic Regulation Orders) (Amendment Order No. 2022.2137275 - Millbay Road Amendment) Order **(Pages 183 - 196)**
- 2.2. Vehicle Immobilisation and Removal **(Pages 197 - 244)**

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L37 21/22


Decision	
1	Title of decision: Plymouth City Council 2022 Subsidised Bus Network Tender
2	Decision maker: Councillor Nick Kelly, Leader of Plymouth City Council
3	Report author and contact details: James Quintrell-Harris Tel: : 01752 307597 Email: james.quintrell-harris@plymouth.gov.uk
4	Decision to be taken: It is recommended that the following decisions taken are; <ul style="list-style-type: none"> • Approval of the Business Case • Authorisation of the procurement process • Delegation of the cancellation of the procurement process to the Service Director for Strategic Planning and Infrastructure. • Delegation of the award of the contract(s) and subsequent management of the contract(s) to the Service Director for Strategic Planning and Infrastructure.
5	Reasons for decision: In Plymouth, due to the ongoing impact of the Covid-19 pandemic on the number of passengers travelling, bus operators are struggling to break even. Should Covid-19 related funding, which has been provided to bus operators since the start of the pandemic in March 2020, not be provided in 2022/23 there is a significant risk of reductions to the commercial bus network, with the associated detrimental impact on access to services, health and well-being and Plymouth's climate emergency efforts. Therefore, the key objective of this Decision is to ensure that the City Council is able to respond quickly to changes in the commercial network, should they occur, through a tender for the operation of subsidised bus services. This will ensure that public transport continues to be available to local residents and visitors for access to employment, education, healthcare, leisure and shopping facilities, whilst ensuring best value for the Council

6	<p>Alternative options considered and rejected:</p> <p>The following options have been considered and rejected:</p> <p>Option: Do Nothing</p> <p>Should there be changes to the commercial bus network, and a tender for operating subsidised buses, not take place it is expected that some residents would be left isolated and without any bus service to access essential services, impacting on their wellbeing. In addition the loss of bus services is likely to result in increased congestion, and associated air quality and environmental impacts, such as carbon emissions, from those trips which are replaced by private car use.</p> <p>Option: Delay the decision to commence a tender until after changes to the commercial network are confirmed</p> <p>This option has been rejected in order to ensure that the Council can respond quickly to any commercial changes to the bus network, thereby minimising the impact of any such changes to the public.</p>																				
7	<p>Financial implications and risks:</p> <p>Contracts, should they be awarded, will be funded by the Council's non-commercial routes budget. Additional funding is also available from grant funding and developer contributions, as set out below.</p> <p>It is anticipated that the non-commercial routes budget for 2022/2023 will be £466,200.</p> <p>In addition to the non-commercial routes budget the Council will draw down Section 106 funding to support a number of these routes totalling £2,289,363.62. These funds will be used to support the services for as long as possible or until such a time they become commercially viable.</p> <p>There is also the possibility of using funding from the 2022/23 concessionary fares budget, on the basis that concessionary patronage remains suppressed because of the ongoing impact of the pandemic on travel habits, amongst concession pass holders.</p>																				
8	<table border="1"> <thead> <tr> <th data-bbox="225 1317 759 1406">Is the decision a Key Decision? (please contact Democratic Support for further advice)</th> <th data-bbox="759 1317 855 1406">Yes</th> <th data-bbox="855 1317 967 1406">No</th> <th data-bbox="967 1317 1495 1406">Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td data-bbox="225 1406 759 1574"></td> <td data-bbox="759 1406 855 1574"></td> <td data-bbox="855 1406 967 1574">✓</td> <td data-bbox="967 1406 1495 1574">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</td> </tr> <tr> <td data-bbox="225 1574 759 1724"></td> <td data-bbox="759 1574 855 1724">✓</td> <td data-bbox="855 1574 967 1724"></td> <td data-bbox="967 1574 1495 1724">in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</td> </tr> <tr> <td data-bbox="225 1724 759 1868"></td> <td data-bbox="759 1724 855 1868">✓</td> <td data-bbox="855 1724 967 1868"></td> <td data-bbox="967 1724 1495 1868">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.</td> </tr> <tr> <td data-bbox="225 1868 759 1995">If yes, date of publication of the notice in the Forward Plan of Key Decisions</td> <td colspan="3" data-bbox="759 1868 1495 1995">3 February 2022</td> </tr> </tbody> </table>	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:			✓	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		✓		in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million		✓		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	3 February 2022		
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If yes, date of publication of the notice in the Forward Plan of Key Decisions	3 February 2022																				
9	Please specify how this decision is	The provision of a subsidised bus services network																			

	<p>linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	<p>supports the sustainable growth of Plymouth by providing residents with sustainable transport options to access employment, education, healthcare, leisure and retail opportunities.</p> <p>Links to the Corporate Plan:-</p> <p>Growing Plymouth:- The current tendered network supports the city's commercial network by providing additional links to employment opportunities and medical facilities in the Derriford and Northern Corridor Growth Area as well as the City Centre and Waterfront Growth Area.</p> <p>Caring Plymouth:- The subsidised services network provides valuable links to shops, healthcare, employment, education and leisure for those citizens who do not have access to a commercial bus service. Without these services these residents would face an increased risk of isolation, due to a need to rely on the use of higher cost taxis or relying on the charity and goodwill of friends or family, thereby constraining their independence and impacting on their wellbeing</p> <p>As the commercial network adjusts to meet changing circumstances the subsidised services network provides a safety net; maximising the accessibility of Plymouth's bus network for all.</p> <p>Links to the Plymouth Plan:-</p> <p>Through the provision of subsidised bus services the Council supports the use of sustainable transport modes as set out in the Plymouth Plan specifically policies SPT9 (5)5, where it states that the local Planning and Highway Authorities with key stakeholders will deliver: "realistic sustainable transport choices and increasing the integration of transport modes so that people have genuine alternative ways to travel.," SPT9 (6), which seeks to get the most out of our existing network and encourage behavioural change, SPT9(9) (delivering transport projects which provide a safe and effective transport system) and SPT (10) of the Plymouth and South West Devon Joint Local Plan and policies HEA6 (Delivering a safe, accessible, sustainable and health enabling transport system), GRO4 (Using transport investment to drive growth) and GRO7(Reducing carbon emissions and adapting to climate change) of the Plymouth Plan.</p>
10	<p>Please specify any direct environmental implications of the</p>	<p>On 8 March 2019 the Council declared a Climate Emergency and produced a number of key actions to achieve net zero carbon by 2030.</p>

	decision (carbon impact)	<p>Plymouth City Council's supported bus network supports the Council's efforts to reduce carbon emissions by providing an alternative sustainable transport option to the private car, and hence enabling behavioural change. As a minimum the contracts will allow PCC to stipulate the maximum age of vehicles operating on the routes thereby reducing the environmental impact of the services, compared with an unregulated environment.</p> <p>Bidders, should the tender be run, will be asked to explain how their organisation can help Plymouth achieve net zero carbon by 2030 in delivery of this contract through allocation of vehicles, alternative fuels, cleaning materials and any further enhancements they think will be possible to deliver over the lifetime of the contract</p>		
Urgent decisions				
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)
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 Jonathan Drean, Cabinet Member for Transport		
13c	Date Cabinet member consulted	14 February 2022		
14	Has any Cabinet member declared a	Yes		If yes, please discuss with the Monitoring

	conflict of interest in relation to the decision?	No	<input checked="" type="checkbox"/>	Officer				
15	Which Corporate Management Team member has been consulted?	Name		Anthony Payne				
		Job title		Strategic Director for Place				
		Date consulted		28 February 2022				
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)			DS123 21/22			
		Finance (mandatory)			djn.21.22.287			
		Legal (mandatory)			MS/38186.			
		Human Resources (if applicable)			N/A			
		Corporate property (if applicable)			N/A			
		Procurement (if applicable)			PW/PS/624/ED/0322			
Appendices								
17	Ref.	Title of appendix						
	A	Plymouth City Council 2022 Subsidised Bus Network Tender Cabinet Executive Delegated Decision Briefing Note Part I						
	B	Plymouth City Council 2022 Subsidised Bus Network Tender Cabinet Executive Delegated Decision Briefing Note Part II						
	C	Plymouth City Council 2022 Subsidised Bus Network Tender Equalities Impact Assessment						
	D	Plymouth City Council 2022 Subsidised Bus Network Tender Business Case (Part II)						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	<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 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	<input type="checkbox"/>					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Plymouth City Council 2022 Subsidised Bus Network Tender Cabinet Executive Delegated Decision Briefing Note Part II			✓				

	Plymouth City Council 2022 Subsidised Bus Network Tender Business Case (Part II)			✓						
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
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	7 March 2022					
Print Name	Councillor Nick Kelly, Leader of Plymouth City Council									

EXECUTIVE DECISION

Made by a Cabinet Member

Briefing Note Part I



1.0 Executive summary

This paper sets out the justification for a potential tender for subsidised bus services.

In Plymouth, due to the ongoing impact of the Covid-19 pandemic on bus patronage, the anticipated loss of Bus Recovery Grant (BRG) funding, and the introduction of a sliding scale of reduced concessionary reimbursement payments from the 1st April, bus operators are going to struggle to break even from April. Plymouth City Council are actively lobbying for the continuation of the Bus Recovery Grant. However, should this funding not be provided there is a significant risk of changes to the commercial bus network during 2022, including some service withdrawals with the associated detrimental impact on access to services, health and well-being and Plymouth's climate emergency efforts.

Plymouth is a bus based city for most travel by public transport. The maintenance of a comprehensive network is therefore essential in order for Plymouth to fulfil its role as a regional centre through the provision of sustainable transport links to locations such as Derriford Hospital, major employment sites including the Dockyard, Plymouth Science Park and cultural assets including the UK's first National Marine Park.

The pandemic has had a catastrophic impact on bus patronage and the Covid crisis for the bus industry has not yet passed. Plymouth's bus network, both commercial and tendered, has been affected in such a manner that to continue the same level of service, operators may need additional financial support.

Therefore, the key objective of this Decision is to allow the City Council to be able to quickly respond to changes in the commercial network, should they occur, thereby ensuring that public transport is available to local residents and visitors for access to employment, education, healthcare, leisure and shopping facilities, whilst ensuring best value for the Council. In doing so this Decision supports the objectives of the Plymouth Plan (specifically policies HEA6, GRO4 and GRO7), Plymouth and South West Devon Joint Local Plan (specifically policies SPT9 and SPT10) and the Climate Emergency Action Plan through the provision of local bus services.

The outcomes and benefits of this proposal are:

- Provision of local bus services in areas which would otherwise be unserved by the commercial network
- Ensuring local residents and visitors have access, by public transport, to employment, education, healthcare, leisure and shopping opportunities.

This project supports the Councils Climate Emergency Action Plan through the reduction of private car use.

2.0 Purpose of the report

This report seeks approval to commence, if necessary, the procurement process for a number of subsidised bus services which, on award, would become part of Plymouth's tendered bus service network.

The key objective of this Decision is to allow the Council to quickly react to any changes to the commercial network, should Covid-19 Government funding support cease. The potential tender is to ensure that public transport is available to local residents and visitors for access to employment, education, healthcare, leisure and shopping facilities, whilst ensuring best value for the Council.

This paper details the proposed procurement, its rationale and the funding available to support the tender.

The decisions required are:-

- Approval of the Business Case
- Authorisation the procurement process
- Delegation of the cancellation of the procurement process to Paul Barnard, Service Director for Strategic Planning and Infrastructure.
- Delegation of the award of the contract(s) and subsequent management of the contract(s) to Paul Barnard, Service Director for Strategic Planning and Infrastructure.

3.0 Requirement for the procurement

In Plymouth, due to the ongoing impact of the Covid-19 pandemic, the anticipated loss of Bus Recovery Grant (BRG) funding, and the introduction of a sliding scale of reduced concessionary reimbursement payments from the 1st April, bus operators are struggling to break even. Plymouth City Council are actively lobbying for the continuation of the Bus Recovery Grant. However, should this funding not be provided there is a significant risk of changes to the commercial bus network in 2022, with the associated detrimental impact on access to services, health and well-being and Plymouth's climate emergency efforts.

4.0 Procurement Process

The procurement will utilise the Devon County Council Dynamic Purchasing System (DPS). This system has been used in the past and provides the most cost effective procurement when tendering local bus services.

The main benefits of using the DPS are as follows

- The Council do not need to undertake a full public procurement process that is subject to the Public Contract Regulations 2015 (PCR 2015) as this has already been done by Devon County Council in setting up the DPS
- The DPS provides a more similar and quicker route to market as suppliers listed on the DPS have already been assessed for their financial stability, track record, experience and technical & professional ability, before being awarded a place on the DPS
- The use of the DPS has potential to allow longer contracts (up to eight years) and hence encourage a wider base of tenderers and investment in better vehicles
- The process has already been trialled for Plymouth bus service contracts in previous tenders including the retendering exercise in 2020
- Cost savings to Plymouth City Council if compared with undertaking our own procurement process in accordance with the PCR2015.
- Our own approval processes at the point of contract award still apply

5.0 Recommendations

It is recommended that the Leader of the Council:

- Approves the Business Case
- Authorises the procurement process
- Delegates the cancellation of the procurement process to Paul Barnard, Service Director for Strategic Planning and Infrastructure.
- Delegates the award of the contract(s) and subsequent management of the contract(s) to Paul Barnard, Service Director for Strategic Planning and Infrastructure.

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EQUALITY IMPACT ASSESSMENT

Strategic Planning and Infrastructure – Plymouth City Council 2022 Subsidised Bus Network Tender



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?	<p>This assessment relates to the Plymouth City Council Tendered Bus Service Network.</p> <p>The Councils tendered bus services network (also known as subsidised bus services) provides bus services to areas of the city which are not served by bus operators as part of their commercial network.</p> <p>Without the subsidised services network residents who live in areas of the city which are not served by commercial bus services have reduced access to employment, education, healthcare, retail and leisure opportunities because of the lack of access to a bus; impacting on their wellbeing. A lack of access to public transport also leads to an increase in the number of vehicles on the city's road network adding to congestion in the city, and detrimentally impacting on air quality, as well as the city's efforts to become carbon neutral by 2030.</p>
Author	James Quintrell-Harris
Department and service	Strategic Planning and Infrastructure, Sustainable Transport
Date of assessment	18th February 2022

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	<p>Background community data:</p> <ul style="list-style-type: none"> The average age in Plymouth is 38.6 years which is similar to the rest of England (40 years) but is less than the South West (44.1 years). 	No potential impact has been identified – Adverse impact if subsidised services were not provided.	Seek to provide subsidised bus services to meet demand	Ongoing SP&I Sustainable Transport Team

	<ul style="list-style-type: none"> • The proportion of the working age population (15-64) of 64.3 per cent is higher than the rest of the South West (61.1 per cent) and nationally (64.5 per cent). • Children and Young People under 18 years of age account for 20 per cent of the population of the city, with 18 per cent of this group being under 16. <p>Public transport data:</p> <ul style="list-style-type: none"> • In 2019/2020 18,027,681 bus trips were made, of which 5,098,348 (28%) were concessionary trips. • In 2020/2021 6,881,673 bus trips were made, of which 1,722,313 (25%) were concessionary trips. • There are currently 48,414 people living within Plymouth that hold a concessionary bus pass. The passes are issued either to residents who are over state pension age or have a disability that entitles them to a pass. There are currently 44,276 active age related passes. <p>People are living longer and one in three people in Plymouth are aged over 50. There will be a shift in the population structure of Plymouth over the next fifteen years as the proportion of the population aged 65 and over increases. There is a projected 32.7 per cent increase in the number of people aged 65 or over between 2016 and 2034 (an additional 15,400 individuals) in Plymouth by 2034.</p> <p>The result of the increasing longevity of people's lives is that there will be more people who are likely to be affected by mobility and other age related issues which could prevent them from accessing the services they need to use. These residents may live in parts of the city which do not have a commercial bus service and who may not drive any longer and who therefore would be unable to access the services they need without the provision of a bus route serving their local area.</p>		<p>Seek to provide community transport services for those residents unable to use conventional buses</p>	
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<p>Disability</p>	<p>Background community data:</p> <ul style="list-style-type: none"> • Ten per cent of Plymouth’s population declared that they have their day to day activities limited to a greater degree by a long-term health problem or disability (2011 Census) • A total of 31,164 people declared themselves as having a long-term health problem or disability. This was from 28.5% of households which is slightly higher than the national figure of 25.7% of households. (2011 Census) <p>Public transport data:</p> <ul style="list-style-type: none"> • In 2019/2020 18,027,681 bus trips were made, of which 5,098,348 (28%) were concessionary trips. • In 2020/2021 6,881,673 bus trips were made, of which 1,722,313 (25%) were concessionary trips. • There are currently 48,414 people living within Plymouth that hold a concessionary bus pass. The passes are issued either to residents who are over state pension age or have a disability that entitles them to a pass. There are currently 4,138 active disabled bus passes. 	<p>No potential impact has been identified – Adverse impact if subsidised services were not provided.</p>	<p>Seek to provide subsidised bus services to meet demand</p> <p>Seek to provide community transport services for those residents unable to use conventional buses</p>	<p>Ongoing SP&I Sustainable Transport Team</p>
<p>Religion or belief</p>	<p>Plymouth’s subsidised bus services are accessible to all regardless of their faith, religion or belief.</p>	<p>No potential impact has been identified – potential adverse impact if subsidised services were not provided, due an inability for people to access places of worship, due to a lack of transport</p>	<p>Seek to provide subsidised bus services to meet demand</p>	<p>Ongoing SP&I Sustainable Transport Team</p>
<p>Sex - including marriage, pregnancy and maternity</p>	<p>Plymouth’s subsidised bus services are equally accessible to men and women.</p>	<p>No potential impact has been identified - potential adverse impact on women, if subsidised services were not provided, due to fewer women holding driving licences, than men, and hence not being able to access key services without a bus service.</p>	<p>Seek to provide subsidised bus services</p>	<p>Ongoing SP&I Sustainable Transport Team</p>

Gender reassignment	Plymouth’s subsidised bus services are available for men and women and therefore there should be no discrimination on the basis of gender reassignment.	No potential impact has been identified	None	N/A
Race	Plymouth’s subsidised bus services are accessible to everyone regardless of race.	No potential impact has been identified	None	N/A
Sexual orientation - including civil partnership	Plymouth’s subsidised bus services are accessible to all regardless of their sexual orientation.	No potential impact has been identified	None	N/A

STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Celebrate diversity and ensure that Plymouth is a welcoming city.	The provision of a subsidised bus service fills the gaps where commercial services are not viable, this ensures that all visitors are able to access the vast majority of our city by bus.	N/A
Pay equality for women, and staff with disabilities in our workforce.	None	N/A
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	The provision of subsidised bus services will support our workforce to be able to get around our city in a sustainable manner where a commercial viable service is not possible.	N/A
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	None	N/A
Plymouth is a city where people from different backgrounds get along well.	None	N/A

Human rights Please refer to guidance	The decision is consistent with the Human Rights Act.	N/A

STAGE 4: PUBLICATION

Date 18th February 2022



Responsible Officer

Service Director

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EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L39 21/22

Decision	
1	<p>Title of decision:</p> <p>Relocation of Staff and Services from Midland House to Ballard House</p>
2	<p>Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly, the Leader of the Council.</p>
3	<p>Report author and contact details: Heidi Ondrak (heidi.ondrak@plymouth.gov.uk)</p>
4	<p>Decision to be taken:</p> <ul style="list-style-type: none"> • To approve the business case; • To approve the capital borrowing allocation of £850,000 as set out in the business case, funded from service borrowing; • Delegate the contract award for works to Ballard House to The Strategic Director of Customer and Corporate Services.
5	<p>Reasons for decision:</p> <p>This decision seeks approval for the permanent relocation of staff, partners and services from Midland House to Ballard House. The reasons for this proposal are:</p> <p>The poor condition of Midland House and the considerable investment required to make it viable for long term occupancy.</p> <p>Reduced desk requirements across the Council as a result of increased flexible, hybrid and home working. The proposed desk allocation in the Council's core corporate estate reflects the reduced demand for office desks as a result of increased home and flexible working. Disposal of the building would result in a net annual financial benefit to the Council through elimination of running costs.</p> <p>Disposal of Midland House and consolidation of staff into Ballard House will support carbon reduction as this decision will reduce the number of buildings in the corporate estate therefore energy consumption will be reduced.</p>
6	<p>Alternative options considered and rejected:</p> <p>In January 2021 an options appraisals was completed exploring the following options;</p> <ul style="list-style-type: none"> • Option 1: Do Nothing • Option 2: Retain Midland House with the necessary refurbishments completed – this would involve temporarily delivering services from split locations (Ballard House and New George Street were proposed)

	<ul style="list-style-type: none"> Option 3: Dispose of Midland House and relocate services <p>The retention of Midland House represented substantial additional costs and searches for suitable accommodation solutions across the wider estate to meet the needs of CYPF during temporary decant were inconclusive.</p>																				
7	<p>Financial implications and risks:</p> <p>The capital and revenue implications are set out in the Business Case. The key implications are as follows;</p> <p>There is a cost avoidance associated with refurbishing Midland House which if undertaken would have an on-going revenue impact. The revenue impact of this cost would be £174K per annum over a term of 25 years.</p> <p>Works are required at Ballard House and Council House to accommodate this move. The estimated costs of works is £850K or £43K per annum over a period of 25years</p> <p>Taking into account the running costs for Midland House, this move would provide a net financial benefit to the Council.</p> <p>The post COVID market for office space is not yet understood with many organisations considering hybrid working, or working from home as long term option. Therefore it is impossible to accurately value Midland House at this point in time. The business case also gives an indicative date of 2024 for disposal of Midland House, should the building remain in PCC ownership beyond 2024 this will impact financial benefits as the Council will remain responsible for securing Midland House as well as ongoing heating and lighting.</p>																				
8	<table border="1"> <thead> <tr> <th>Is the decision a Key Decision? (please contact Democratic Support for further advice)</th> <th>Yes</th> <th>No</th> <th>Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>X</td> <td>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</td> </tr> <tr> <td></td> <td></td> <td>X</td> <td>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</td> </tr> <tr> <td></td> <td></td> <td>X</td> <td>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.</td> </tr> <tr> <td>If yes, date of publication of the notice in the Forward Plan of Key Decisions</td> <td colspan="3"></td> </tr> </tbody> </table>	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			
Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:																		
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		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																					
9	<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>	<p>The decision is linked to the Councils Accommodation Framework 2020-23 - Modern Council (plymouth.gov.uk) as it will enable the disposal of Midland House.</p>																			
10	<p>Please specify any direct environmental implications of the decision (carbon impact)</p>	<p>Vacating staff from Midland House and consolidating staff and services into Ballard House will reduce carbon impact by reducing the number of buildings and associated energy expenditure across the corporate estate.</p>																			

Urgent decisions			
I1	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 I3a)
I2a	Reason for urgency:		
I2b	Scrutiny Chair Signature:		Date
	Scrutiny Committee name:		
	Print Name:		
Consultation			
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X
		No	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Dave Downie (Cabinet Member for Education, Skills and Children and Young People)	
I3c	Date Cabinet member consulted	30 November 2021	
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	Andy Ralphs
		Job title	Strategic Director of Customer and Corporate Services
		Date consulted	16 Nov 2021
Sign-off			
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS78 21/22
		Finance (mandatory)	Ba.21.22.199

		Legal (mandatory)	LS/37839/AC/17/12/21.
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	

Appendices


17	Ref.	Title of appendix
	A	Equalities Impact Assessment Staff and Partners
	B	Equalities Impact Assessment Relocation of staff and service users to Ballard House

Confidential/exempt information

18a	Do you need to include any confidential/exempt information?	Yes		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	X					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							

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
Midland House Full Business Case				x				

Midland House Capital Investment Business Case			x				
Appendix A – Estimates for Midland House			x				
Appendix C – Requirements based on proposed operating model			x				
Appendix D – Travel and Transport			x				
Appendix E – Midland House Recorded Incidents			x				
Appendix F – Trauma Informed Plymouth			x				
Appendix G Trauma Informed City			x				
Appendix H – Ballard House Existing Floor Plan			x				
Appendix I – Ballard House Proposed Plan			x				
Appendix J – Fleet and Parking			x				
Appendix K – Ballard House GF Estimates			x				
Appendix L – Proposed MASH Area			x				
Appendix M – Options for relocation of Members			x				
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	2 March 2022			
Print Name	Councillor Nick Kelly						

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EQUALITY IMPACT ASSESSMENT

Relocation of Staff from Midland House to Ballard House



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?	<p>It is proposed that staff and services currently delivered from Midland House be relocated to Ballard House. The milestone date for relocation is December 2022 with all CYPF staff and external partners operating from Midland House to be relocated to Ballard House. The groups impacted are CYPF staff, Devon Audit Partnership, Livewell CAMHS and Adopt SW</p> <p>Consultation with staff will commence in December 2021 with representatives of those impacted engaged in detailed design workshops. Consultation and engagement events will be consulted via a variety of channels to ensure accessibility for all.</p>
Author	Heidi Ondrak, Programme Manager
Department and service	Transformation, Customer & Corporate Services
Date of assessment	4 November 2021

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	<p>PCC Workforce Age Demographic – Individuals by age employed in Children’s services (2020 data)</p> <p>16-19 years - 2 20-24 years - 21 25-29 years -54</p>	<p>No adverse impacts are anticipated. Until implementation potential adverse impacts are not known for certain.</p> <p>New facilities provided will match existing facilities as a minimum.</p>	<p>Consultation via working groups and end user led detailed design workshops with CYPF staff, service users and to understand whether an additional 3 minutes’ walk to access public transport is tolerable.</p>	<p>Dec 2021 engagement and consultation commences.</p> <p>Transformation Project Manager to lead</p>

	<p>30-34 years - 63 35-39 years - 60 40-44 years - 76 45-49 years - 87 50-54 years - 120 60-64 years – 98 65+ - 49</p> <p>52% of the Children Services workforce are over 50 years old</p> <p>6.4% are over 65 years old</p> <p>The project will affect Plymouth City Council staff and colleagues from partner organisations who are of working age.</p>	<p>Building users will need to review public transport access.</p>	<p>Staff and partners that alight their bus at Royal parade may require support with travel planning.</p>	
<p>Disability</p>	<p>6.3% of the PCC workforce identify as disabled</p> <p>The City Council’s HR policies are compliant with the Equalities Act in terms of ensuring that its corporate office buildings are accessible and reasonable adjustments can be made for individual requirements. Findings from consultation with disability advocacy and support networks (PADAN, Access Able) to be included to ensure accessibility to the building in modified plans</p>	<p>Location may be of consideration for service users with mobility issues as Ballard House is served by public transport which requires users to alight and embark public transport at Western Approach or Walkabout, this adds an additional 3 minutes’ or 161 metres walk for staff using public transport.</p> <p>Proximity and access to car parking may impact staff with mobility issues and/ or protected characteristics</p>	<p>Transformation Project Manager to ensure that all alternative future office locations for staff are compliant in terms of accessibility. Full building accessibility audit recommended at detailed planning stage.</p> <p>Consultation and engagement with staff service users and disability champions and H & S to ensure that works to Ballard consider accessibility</p> <p>Ensure that parking allocation for staff with a</p>	<p>Consultation and engagement to commence December 2021 Transformation Project Manager to lead</p>

			<p>disability impacting mobility is considered and full requirements captured.</p> <p>Ballard House has sufficient disabled rest rooms for staff.</p> <p>Consult with local disability networks relating to public transport links and walking journeys to understand the least impactful journey by public transport. Also to consider layout and signage in and around the building.</p>	
<p>Religion or belief</p>	<p>Workforce Data relating to religion (workforce equality report 2021)</p> <p>Buddhist - 0.40%</p> <p>Christian (including Church of Scotland and Roman Catholic) - 30%</p> <p>Jewish – 0.04%</p> <p>Muslim – 0.12%</p> <p>Sikh – 0.04%</p> <p>Other religion – 2%</p> <p>No religion – 31.5%</p> <p>Not declared 33.9%</p> <p>The change of office location for some staff will not have any impact on faith/religion or belief</p>	<p>No adverse impacts are anticipated.</p> <p>There is provision in Ballard House to meet the faith needs of employees. There is a private wellbeing room on Floor 1 East that is also used as a room for prayer or reflection.</p>	<p>Not applicable</p>	<p>Not applicable</p>

<p>Sex - including marriage, pregnancy and maternity</p>	<p>63.5% of PCC workforce identifies as female</p> <p>24.8% of the female workforce are aged 16-44 –typically child bearing age</p> <p>36.47 of PCC workforce identifies as male</p> <p>The change of office location may impact parents and carers of young children and expectant mothers</p>	<p>As previously stated Midland House is a 4 minute walk from Royal Parade and Ballard House is a 7 minute walk from the furthest bus stop.</p> <p>The longer walk time may have a minor impact on pregnant individuals that identify as female.</p> <p>Some staff with caring responsibilities could experience around increased distance to drop children off to school or an increased difficulty due to the bus times.</p>	<p>Consult with experts to understand the impact, if any on a slightly extended walk on those who are pregnant or new parents.</p> <p>Consider adding privacy screen or blinds to at least one room and a low level seat so that there is provision for nursing parents this could also apply to lactating staff that wish to express.</p>	<p>Transformation Project Manager to engage and consult with staff and service users commencing January 2021</p>
<p>Gender reassignment</p>	<p>The PCC HROD system does not currently record data relating to Gender Reassignment</p> <p>The change of office location for some staff will not have any impact on gender reassignment</p>	<p>No adverse impacts are anticipated.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Race</p>	<p>PCC Workforce Data relating to Race (2020 data)</p> <p>Asian or Asian British Indian/ Pakistani/ Other Asian Background -9</p> <p>Black or Black British-African/Caribbean/ Other Black Background – 17</p> <p>Mixed Background White/ Black/ Asian/ Other– 19</p> <p>Other ethnic group – 3</p>	<p>No adverse impacts are anticipated.</p>	<p>Not applicable</p>	<p>Not applicable</p>

	<p>White British/ Irish/ Other – 2153</p> <p>Information Refused or not declared - 180</p> <p>Relevant information relating to residents;</p> <p>The change of office location for some staff will not have any impact on race</p>			
Sexual orientation - including civil partnership	<p>PCC Workforce Data related to Sexual Orientation (2020 data)</p> <p>Bisexual – 20</p> <p>Gay Man – 26</p> <p>Gay Woman – 20</p> <p>Heterosexual -1399</p> <p>Other – 1</p> <p>Information Refused or Not declared – 1029</p> <p>The change of office location for some staff will not have any impact on sexual orientation</p>	No adverse impacts are anticipated.	Not applicable	Not applicable

STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Celebrate diversity and ensure that Plymouth is a welcoming city.	No implications	Not applicable
Pay equality for women, and staff with disabilities in our workforce.	No implications	Not applicable

Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	Improved facilities and office accommodation for staff moving from Midland House moving to Ballard House	Staff Engagement to commence Dec/ Jan 2021 and move to complete by Jan 2022 Transformation Project Lead
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	No implications are anticipated. Until implemented and customer activity is introduced to Ballard House it is unknown whether there will be an increase in hate crimes. Liaison with Community Connections Hate Crimes specialists to ensure that this is monitored.	Early engagement with Hate Crime Specialists (Dec 21) to understand whether any preparatory support is required prior to service moves in Dec 22
Plymouth is a city where people from different backgrounds get along well.	No implications The City Council is committed to tackling unfair discrimination and its policies and frameworks such as Equality and Diversity and Dignity and Harassment policies are compliant with the Equalities Act	Not applicable
Human rights Please refer to guidance	No adverse impacts on the Council's ability to protect and champion human rights are anticipated.	To be reviewed throughout implementation

STAGE 4: PUBLICATION

Responsible Officer Andy Ralphs, Strategic Director of Customer & Corporate Services

Date 12/11/2021

Strategic Director, Service Director or Head of Service

EQUALITY IMPACT ASSESSMENT

Relocation of CYPF Services from Midland House to Ballard House



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?	<p>It is proposed that staff and services currently delivered from Midland House be relocated to Ballard House. The milestone date for relocation is December 2022 with all CYPF service activity, including customer contact to be accommodated at Ballard House.</p> <p>Consultation with service users and advocacy networks will commence in December 2021 with representatives of those impacted engaged in detailed design workshops. Consultation and engagement events will be consulted multiple channels to ensure accessibility for all.</p>
Author	Heidi Ondrak, Programme Manager
Department and service	Transformation, Customer & Corporate Services
Date of assessment	4 November 2021

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	<p>Demographic information for the wider community (summary equality profile 2021)</p> <ul style="list-style-type: none"> The average age in Plymouth (38.6 years) is below the England average (40 years), and the South West (44.1 years). Children and young people (CYP) under 18 account for 20 	<p>No adverse impacts are anticipated. Until implementation potential adverse impacts are not known for certain</p> <p>New facilities provided will match existing facilities as a minimum.</p> <p>Location may be of consideration for service users accompanied Children as Ballard House is</p>	<p>Consultation via working groups and end user led detailed design workshops with service users and advocacy networks to understand whether an additional 161 metres walk is tolerable.</p> <p>Engagement with parents of young children and the</p>	<p>Dec 2021</p> <p>Transformation Project Manager</p>

	<p>per cent of our population, with 18 per cent being under 16.</p> <ul style="list-style-type: none"> Between 2020 and 2035, it is expected that the number of people aged over 65 with a limiting long- term illness will rise from 13,100 to 17,500. <p>The project will affect service users and visitors to Midland House of all ages. As CYPF support families and young people, some of these visitors may be under the age of 16.</p>	<p>served by public transport which requires users to alight and embark public transport at either Western Approach or Walkabout. Moving the service adds approximately 161 metres additional walk for service users.</p>	<p>relevant voluntary and community sector advocacy and support networks to understand whether there are any issues along the walk in terms of accessibility for prams or strollers. Also to consider the securing and storage of buggies when parents are accessing the service.</p>	
<p>Disability</p>	<p>A total of 31,164 people (from 28.5 per cent of households) declared themselves as having a long-term health problem or disability (national figure 25.7 per cent of households), (2011 Census).</p> <ul style="list-style-type: none"> 10 per cent of our population have their day-today activities limited a lot by a long-term health problem or disability (2011 Census) <p>The total number of people with a current or work limiting disability in employment stood at 26,400 for the period to September 2020.</p> <p>Findings from consultation with disability advocacy and support networks (PADAN, Access Able) to be included to ensure</p>	<p>Location may be of consideration for service users with mobility issues as Ballard House is served by public transport which requires users to alight and embark public transport at either Western Approach or Walkabout.</p> <p>Moving the service adds approximately 161 metres to this walk. The furthest bus route is 643 metres from Ballard House.</p> <p>Carers or people with caring responsibilities may be impacted by the changes. Young carers who have S.E.N.D may struggle with understanding how to get to the new location</p>	<p>Full building accessibility audit recommended at detailed planning stage.</p> <p>Consultation and engagement with service users</p> <p>Ensure adequate disabled parking for service users</p> <p>Consult with local disability networks relating to public transport links and walking journeys to understand the least impactful journey by public transport. Also to consider layout and signage in and around the building and the use of supported travel planning and easy to understand maps to locate the service ahead of the service moving.</p>	<p>Commence Dec 2021 Transformation Project Manager</p>

	<p>accessibility to the building in modified plans</p>		<p>Provision of hearing loops and allocated storage or wheelchairs and/ or mobility aids</p> <p>Plans for the customer facing area include provision of a disabled rest room for service users. Consideration will be given to whether changing facilities are required for disabled adults with incontinence issues.</p> <p>Service users who are emotionally distressed or have mental health issues may require a space suitable to be able to decompress. This will considered in the space planning.</p> <p>Consideration will be given to whether changing facilities are required for disabled adults with incontinence issues.</p>	
<p>Religion or belief</p>	<p>Demographic information for the wider community</p> <ul style="list-style-type: none"> • Christianity is the biggest faith in the city with more than 58 per cent of the population (148,917 people). • 32.9 per cent (84,326) of the Plymouth population stated they had no religion. • Those with a Hindu, Buddhist, Jewish or Sikh 	<p>No adverse impacts are anticipated.</p> <p>There will be access to multiple bookable spaces in the customer facing area and it is recommended that as required service users be given access to a private space for prayer/ reflection.</p>	<p>Not applicable</p>	<p>Not applicable</p>

	<p>religion combined totalled less than 1 per cent.</p> <ul style="list-style-type: none"> • Islam: 0.8 per cent, (2,078 people) doubled from 0.4 per cent since 2001. • Buddhism: 0.3 per cent, (881 people) increased from 0.2 per cent since 2001. • Hinduism: 0.2 per cent, 567 people described their religion as Hindu. • Judaism: 0.1 per cent, 168 people • Sikhism: 89 people (less than 0.1 per cent), increased from 56 people since 2001. • 0.5 per cent of the population had a current religion that was not Christianity, Islam, Buddhism, Hinduism, Judaism or Sikh, such as Paganism or Spiritualism. 			
<p>Sex - including marriage, pregnancy and maternity</p>	<p>Overall 50.3 per cent of our population are female and 49.7 per cent are male: this reflects the national figure of 50.6 per cent females and 49.4 per cent males (ONS MYE 2019).</p> <p>The change of office location may impact parents and carers of young children and expectant mothers</p>	<p>As previously stated Midland House is a 4 minute walk from Royal Parade and Ballard House is a 7 minute walk from Western Approach.</p> <p>The longer walk time may have a minor impact on pregnant individuals that identify as female.</p> <p>A single restroom is included in plans for the CYPF customer facing area. This will include baby changing facilities.</p>	<p>Consult with experts to understand the impact, if any on a slightly extended walk on those who are pregnant or new parents. This may make attending appointments slightly more difficult for parents and disproportionately impact females.</p> <p>Ensure that restroom facilities include a baby change station and bins for</p>	<p>Transformation Project Manager to engage and consult with staff and service users commencing January 2021</p>

		Meeting rooms have been provided for CYPF in the Ground Floor East area of Ballard House. With the correct furnishings these could double for these could double as a baby feeding area.	the safe disposal of soiled nappies. Consider adding privacy screen or blinds to at least one room and a low level seat so that there is provision for nursing parents.	
Gender reassignment	There are no official estimates for gender reassignment at either national or local level. However, in a study funded by the Home Office, the Gender Identity Research and Education Society (GIREs) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance. The change of office location for some staff will not have any impact on gender reassignment	No adverse impacts are anticipated.	Not applicable	Not applicable
Race	93% of Plymouth Residents are White British Our ethnic minority communities are very diverse. The Polish, Chinese and Kurdish communities are amongst the largest. The change of office location for service users will not have any impact on race although Plymouth has a growing BAME	No adverse impacts are anticipated. Communication and language requirements	Not applicable Raise awareness of translation services and ensure that signage an	Not applicable

	population and is an asylum seeker dispersal area		resources accommodate service users needs	
Sexual orientation - including civil partnership	There is no citywide data informing sexual orientation of residents The change of office location for some staff will not have any impact on sexual orientation	No adverse impacts are anticipated.	Not applicable	Not applicable

STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Celebrate diversity and ensure that Plymouth is a welcoming city.	No implications	Not applicable
Pay equality for women, and staff with disabilities in our workforce.	No implications	Not applicable
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	Not applicable	Not applicable
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	No implications	Engagement with Hate Crime experts to establish whether there is an increased risk of hate crime and support required once customer facing activities are moved to Ballard House
Plymouth is a city where people from different backgrounds get along well.	No implications The City Council is committed to tackling unfair discrimination and HR policies and frameworks such as Equality and Diversity policies are compliant with the Equalities Act	Not applicable

<p>Human rights Please refer to guidance</p>	<p>No adverse impacts on the Council’s ability to protect and champion human rights are anticipated.</p>	<p>To be reviewed throughout implementation</p>
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STAGE 4: PUBLICATION

Responsible Officer Andy Ralphs, Strategic Director of Customer & Corporate Services

Date 12/11/2021

Strategic Director, Service Director or Head of Service

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EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L23 21/22

Decision	
1	Title of decision: New Inclusive Economy Fund
2	Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly, Leader
3	Report author and contact details: Anna Peachey, Inclusive Economy Team Manager anna.peachey@plymouth.gov.uk 01752 307840
4	<p>Decision to be taken:</p> <ul style="list-style-type: none"> • That the design and governance of the new fund as outlined below is approved and that the funding tools of project specific loans, convertible loans to equity, equity and social investment bonds are employed as a means of making awards, each subject to a funding agreement with the recipient • Within the Social Enterprise Investment Fund (SEIF) budget that £40,732.59 of loan budget and £10,293.98 of revenue budget be reallocated to the capital grant budget • That £159,371.71 unallocated monies from the SEIF is transferred to the new Inclusive Economy fund • That £869,360.35 from the Coops and Mutuels fund is transferred to the new Inclusive Economy fund • That any continued capital receipts from SEIF loan repayments be ring-fenced to the new fund
5	<p>Reasons for decision:</p> <p>In order to inform a new investment programme based around the Inclusive Economy, it is desirable that the fund evolves to respond to the impacts that COVID-19 has had on the voluntary community and social enterprise sector and also to build on the success of the SEIF and Co-ops & Mutuels Development Funds.</p> <p>The aims should remain the same, namely to:</p> <ul style="list-style-type: none"> • Build the culture of entrepreneurship in the city, especially in the north of the city. • Remove financial barriers from groups in disadvantaged areas trying to establish or grow a new enterprise. • Be a catalyst for local social enterprise growth addressing local needs. <p>The new fund will embrace the principle of “impact” investment which is an approach to investment that aims to generate specific beneficial social or environmental outcomes in addition to financial return. Understanding, quantifying and reporting the social or environmental impact that results from investment decisions is a crucial component of impact investing. The most appropriate funding tools for this approach are:</p> <ul style="list-style-type: none"> • Project specific loans • Convertible loans to equity

	<ul style="list-style-type: none"> • Equity • Social Investment Bonds <p>Reference number of original executive decision or date of original committee meeting where delegation was made:</p> <p>L39 14/15 - Social Enterprise Investment Fund – signed 27th March 2015</p> <p>L29 – Co-operatives and Mutuals Development Fund - signed 13th February 2019</p>																
6	<p>Alternative options considered and rejected:</p> <p>Other funding tools that were considered and rejected included :</p> <ul style="list-style-type: none"> • Grants converted to loans • Grants converted to equity • Venture equity investment 																
7	<p>Financial implications and risks:</p> <p>To mitigate the risk of supporting innovative ideas and projects the risk will be spread across multiple funders and to ensure PCC is not liable for any bad debt. The IEF process supports a partnership approach with other funders who share similar aims. This would support applicants to find a mix of complementary investments for their projects.</p>																
8	<table border="1"> <thead> <tr> <th>Is the decision a Key Decision? (please contact Democratic Support for further advice)</th> <th>Yes</th> <th>No</th> <th>Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>x</td> <td>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</td> </tr> <tr> <td></td> <td></td> <td>x</td> <td>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</td> </tr> <tr> <td></td> <td></td> <td>x</td> <td>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.</td> </tr> </tbody> </table> <p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>	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.
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.														
9	<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> <p>Corporate Plan – Unlocking the City's potential : A vibrant economy developing quality jobs and skills</p>																
10	<p>Please specify any direct environmental implications of the decision (carbon impact)</p> <p>Recipients of capital expenditure will be invited to be a signatory to the Resurgam Charter (if not already) and deliver against the five themes – employ, upskill, spend, environment and community</p>																

Urgent decisions			
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)
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	
		No	x (If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mrs Vivien Pengelly Cabinet Member for Homes and Communities	
13c	Date Cabinet member consulted	9 th December 2021	
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	Brendan Arnold
		Job title	Service Director for Finance
		Date consulted	12 March 2021
Sign-off			
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS73 21/22
		Finance (mandatory)	pl.21.22.172
		Legal (mandatory)	MS/3/15.11.21
		Human Resources (if applicable)	N/A

		Corporate property (if applicable)	N/A
		Procurement (if applicable)	N/A

Appendices

17	Ref.	Title of appendix
	A	Briefing report for publication

Confidential/exempt information


18a	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
18b	Confidential/exempt briefing report title:			x				

Background Papers

19 Please list all unpublished, background papers relevant to the decision in the table below.
Background papers are unpublished 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
Inclusive Economy Fund (Part II) Report							

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	9 March 2022
Print Name	Councillor Nick Kelly, Leader of Plymouth City Council		

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RECOMMENDATIONS FOR CHANGES TO INVESTMENT FUNDS FOR VCS (PART I) UPDATE 2021 AND INCLUSIVE ECONOMY FUND PROPOSAL



Introduction

The purpose of the paper is to put forward recommendations for restructuring the funds held by the Economic Development, Economy, Employment and Enterprise Team that have been used to support social enterprise development. The Fund was originally established in 2014 as the Social Enterprise Investment Fund, then loan repayments were recycled into a Co-operatives and Mutuals Development Fund (CMDf) from 2018.

This proposal is to rename the CMDf and combine the funds into one Inclusive Economy Fund.

By structuring the fund for the 'Inclusive Economy', it is also more flexible for responding to the economic recovery.

Recommendations include widening the scope to use a more collaborative funding format with the aim of leveraging more money into the city from other funders.

Decision Making

Overall authority for the Fund was delegated to the Section 151 Officer through a decision by the Leader of the Council in January 2019. The fund is managed through the Inclusive Economy team. Applications are considered by a Panel.

The panel is made up of Plymouth City Council Members and staff in the form of:

- The Cabinet Member (previous PFH for Housing and Cooperatives);
- A representative from Economy, Enterprise, Employment department;
- A representative from Finance;

As appropriate, expertise is sought from:

- A representative from the Land & Property Team;
- A representative from Planning / the Corporate Policy Team; and,
- The Commissioning Team.

Recommendations from the Panel are given to the Section 151 Officer who has delegated authority to award contracts.

Recommendation

It is recommended :

- That the design and governance of the new fund as outlined below is approved and that the funding tools of project specific loans, convertible loans to equity, equity and social investment bonds are employed as a means of making awards, each subject to a funding agreement with the recipient
- Within the SEIF budget that £40,732.59 of loan budget and £10,293.98 of revenue budget be reallocated to the capital grant budget
- That £159,371.71 unallocated monies from the Social Enterprise Investment Fund is transferred to the new Inclusive Economy fund

- That £869,360.35 from the Coops and Mutuals fund is transferred to the new Inclusive Economy fund
- That any continued capital receipts from SEIF loan repayments be ring-fenced to the new fund

Original Social Enterprise Investment Fund - SEIF Objectives (2014)

The Social Enterprise Investment Fund (SEIF) was designed to help social enterprises, with limited financial resources, establish themselves and grow within Plymouth. Established in 2014, SEIF consisted of a revenue contribution to provide high quality business support and a capital contribution at the project business case stage through a capital grant / loan mix. Investments were made to social enterprises registered within the Plymouth Unitary Authority area.

The outcomes for SEIF are for enterprises to:

- Create jobs;
- Bring redundant buildings back into use in the city;
- Leverage in match funding from other sources.

Investment Approach

Working in partnership with Plymouth Social Enterprise Network (PSEN), the city identified a need for flexible social investment particularly to help smaller social enterprises grow. Social investment (and mainstream finance) is often out of the reach of ambitious small to mid-size social enterprises – it is either too expensive or set at too high a level for many companies.

The SEIF was designed to be both responsive and flexible. A mix of small grants to develop business plans and feasibility studies sits alongside investment loans at zero or very low interest rates. This makes it very accessible. Importantly the loan is tailored to the needs of the social enterprise – small loans of £5k-10k can be made alongside larger investments of £50k-£100k.

In a recent innovation the Council has even taken equity stakes in some social enterprises. In our experience this is an unusual and particularly innovative approach aimed at supporting the growth of the inclusive economy in the city.

The aim is to :-

- Build the culture of entrepreneurship in the city.
- Remove financial barriers from groups in disadvantaged areas trying to establish or grow a new enterprise.
- Be a catalyst for local social enterprise growth addressing local needs.

SEIF Achievements (Evaluation report 2017)

The fund was independently evaluated by external consultants in September 2017. Evaluation findings showed that a total of 44 SEIF awards were made between November 2014 and May 2017.

It is currently expected that award recipients will collectively bring 14 buildings/pieces of land back into productive use whilst also generating 127 jobs.

Co-operatives & Mutuals Development Fund (2019)

By 2019 SEIF funds had been allocated and a business case was prepared for investment in Co-operatives and Mutuals proposing to recycle the loan repayments. This delivered on the Councils' 2018 pledge to double the Co-operative sector by 2025.

A business case was approved in Feb 2019 which authorised the recycling of all capital receipts from the SEIF loan repayments predicted to be £1,258,965 to fund the Co-operative Mutuals Development Fund (CMDf) and retained the primary criteria.

Predicted Social Enterprise Funding needs in the City

Inequality has been poignant in 2020 with those suffering challenges such as low incomes, health limitations, ethnic backgrounds and caring responsibilities have been further challenged by Covid 19 and its consequences. Those individuals and the voluntary, community and social enterprise sector organisations that focus their support on them, have shown extraordinary resilience and innovation but are still under acute strain.

Emerging projects through the Covid Economic Recovery Programme that could have a bearing on how a new fund is applied include:

- Pipeline projects worked up under the Co-ops and Mutuals Fund programme include:
- Capital projects including those of CEDTs and co-operatives in the city.
- A Meanwhile use programme to fill city centre shops through collaboration with VCS and SE organisations
- Food aid collaboration project that is exploring the potential to establish a co-operative to address food insecurity in the city through more collaborative collection, buying, storage and distribution.
- Projects emerging from the Resurgam Charter. An Interreg funded programme (C – Care) started in April 2021 * , will capture the learning on a wide range of social and economic interventions which have mitigated the impact of the pandemic with a particular focus on social innovation – designing and implementing effective new methodologies to minimise the negative impact of the pandemic on people's lives. This will include identifying gaps in local supply chains and exploring opportunities to set up new businesses to address them.
- POP has been collating ideas from organisations with project proposals with the intention of promoting them to funders
- The Social Enterprise Support programme, funded by ERDF, has been extended and is likely to generate new growth projects.

*

<https://www.visitplymouth.co.uk/invest/business-support/c-care-covid-channel-area-response-exchange>

Proposed Change to the Funds

In order to inform a new investment programme based around the Inclusive Economy, it is desirable that the fund evolves to respond to the impacts that Covid 19 has had on the voluntary community and social enterprise sector and also to build on the success of the SEIF and Co-ops & Mutuals Funds. While we are committed to maintaining a revolving fund – to enable a long term approach to support – other aspects of the fund are open to revision. We have proposed 3 such areas of evolution:

- A. The scope for the fund beyond co-operatives and mutuals
- B. Changing the process to enable collaboration with other funders/ investors
- C. New investment tools

It is proposed that:

A. The scope of the fund is widened beyond Co-operatives and Mutuals to cover wider social investment and social innovation so that it is flexible enough to respond to the changing circumstances whilst still retaining the original outcomes:

- Create jobs – especially getting people back into work after Covid ;
- Bringing empty or underused building assets back into use in the city;
- Lever in match funding from other sources.

Likewise the aims should remain the same, namely to:

- Build the culture of entrepreneurship in the city, especially in the north of the city.
- Remove financial barriers from groups in disadvantaged areas trying to establish or grow a new enterprise.
- Be a catalyst for local social enterprise growth addressing local needs.

B. The process supports a partnership approach with other funders who share similar aims. This would support applicants to find a mix of complementary investments for their projects. We propose promoting funders that are interested in supporting Plymouth's VCS and SE organisations.

For instance, Plymouth Octopus Project (POP) runs a Funders' Forum in the City, which the council participates in. Members have been approached to identify interest in collaboration and positive responses were returned from:

- The National Lottery Communities Fund
- Power to Change
- Rank Foundation
- Resonance Social Investment
- POP

Heritage Lottery are interested in participating where a project is aligned with their aims. And City Change Fund is interested in being promoted to applicants but is unable to configure their Crowdfunding model to incorporate a presentation panel.

New Economics Foundation have been researching collaborative approaches to funding for POP. They have focussed on opportunities to pool funding, particularly for smaller funders and are interested in participating in the network.

C. Investment tools

The SEIF provided a mix of grant and loan funding and the CMDF sought share offers to invest in for the evolved fund, we are interested in exploring alternative investment mechanisms. Nesta produced a Funding Innovation Practice¹ guide in November 2018 which explains different funding tools.

If it is assumed that the new fund will embrace the principle of "impact" investment which is an approach to investment that aims to generate **specific beneficial social or environmental outcomes** in addition to financial return. Understanding, quantifying and reporting the social or environmental impact that results from investment decisions is a crucial component of impact investing.

¹ <https://media.nesta.org.uk/documents/Funding-Innovation-Nov-18.pdf>

Therefore the preferred funding tools that are most likely to fit the objectives of impact investment are²:

1. Project specific loans

These are loans linked to a specific project rather than an organisation. Funders can design loan funds to target areas in need of innovation – such as Innovate to Save supporting improved public sector delivery – or to bring new funding streams to targeted areas, as with the Arts Impact Fund bringing loan finance to the arts and cultural sector

2. Convertible loans to equity

These loans offer the funder rights to convert their investment into equity once specific conditions are reached such as revenue targets or milestones, a future equity round or the sale of a company. This type of loan is only applicable for organisations with shares, but provides the opportunity of an increased return to the funder.

3. Equity

Equity gives the investor a share in the ownership of an enterprise. It typically carries no fixed repayment or interest requirements, and investors recover their capital and make a return by selling their shares to a new owner.

4. Social Impact bonds

A social impact bond is a form of impact investment that provides finance to outsourced providers of public services. The finance enables the provider to fund the delivery of services, which are subsequently paid for in arrears under a contract with government.

Design and Governance of New fund

This section covers operation of the fund – How it will be promoted, application processes and decision-making.

1. Defining and scoping the field

2. Finding the best innovations

Launch Fund – through a new set of guidance notes the objectives, eligibility and parameters of the fund will be clearly set out. For instance, how the fund intends targeting similar themes to other social investors and promotes the role of the VCSE sector and how the fund aligns with the Government's Covid 19 Recovery programme.

Funding awards will be a minimum of £10,000 and a maximum of £200,000.

Category	Funding	Comment
Research, surveys and assessments	Up to £10,000	Necessary surveys to inform feasibility study / project idea

² (see pages 31 – 39 of Nesta paper) ² <https://media.nesta.org.uk/documents/Funding-Innovation-Nov-18.pdf>

		e.g. building condition survey site investigation survey
Project Feasibility Study (outline)	Up to £10,000	A detailed outline provides a road map so you stick to the goal of fully examining the success potential of your idea, without getting side tracked by findings along the way.
Professional services (business case preparation)	Up to £10,000	Turning the client brief into a project brief / design brief
Land acquisition / building acquisition	Up to £200,000	Capital investment to initiate project idea

Eligible Categories of funding

EOI and full application packs – alongside the revised guidance notes both the EOI and full application forms will be reviewed so that the applicants are clear on the emphasis of each of the questions and the volume and quality of supporting documentation required.

The EOIs will be evaluated and shortlisted applicants invited to present to a Dragons Den style panel whose primary purpose is to assess the viability credentials of the project proposal.

Already numerous funders have expressed an interest in sitting on the panel. Specialist funders have expressed interest in being involved for projects that address their aims and others are interested in being included in a funding pack to applicants.

Matched crowd funding

Matched crowdfunding is the process by which public, institutional or corporate funding is combined with smaller donations raised from the public on online platforms. It has emerged over the previous few years as a new way to leverage support to get ideas and projects off the ground. These have ranged from small community projects to larger capital or regeneration-focused ventures.

Two key differences distinguish both crowdfunding and matched crowdfunding from more traditional forms of online fundraising:

- **A focus on projects:** Crowdfunding involves raising funds for a specific project rather than for an organisation more generally, with fundraisers clearly defining how much funding is needed for a project and how the money will be spent. This means that those donating have a clear sense of what their money will be used for.
- **Campaign targets:** Crowdfunding platforms require fundraisers to set targets based on how much money is required to complete the project. Most platforms are set up so that fundraisers only receive the funding if this threshold is met within a fixed period of time, typically 30 days.

Those successful applicants will then be invited to submit a full application and their submissions assessed by a Panel

Role of the panel – The panel is made up of Plymouth City Council staff in the form of:

The Cabinet Member for Housing and Cooperatives (Chair);
A representative from Economy, Enterprise, Employment department;
A representative from Finance;

As appropriate, expertise is sought from:

A representative from the Land & Property Team;
A representative from Planning / the Corporate Policy Team; and,
The Commissioning Team.

Recommendations from the Panel are given to the Section 151 Officer who has delegated authority to award contracts.

Post Award Process – The new fund process will clearly define timelines for each stage of the process and making clear the level of support from the fund administrator and what responsibilities lie solely with the individual applicants.

Successful applicants will be requested to enter into a funding agreement subject to specified pre-conditions being discharged (as listed in the decision letter) following the Panel decision.

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – T28 21/22

Decision			
1	Title of decision: THE CITY OF PLYMOUTH (TRAFFIC REGULATION ORDERS) (AMENDMENT ORDER NO. 2022.2137275 – MILLBAY ROAD AMENDMENT) ORDER		
2	Decision maker (Cabinet member name and portfolio title): Councillor Jonathan Drear, Cabinet Member for Transport		
3	Report author and contact details: Amy Neale, Traffic Management Technician, email: trafficmanagementinbox@plymouth.gov.uk		
4	<p>Decision to be taken:</p> <p>To implement the following amendments to The City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004</p> <p>The effect of the order shall be to amend the Permit Parking At Any Time on lengths of the following road:</p> <p>Millbay Road</p>		
5	<p>Reasons for decision:</p> <p>As a consequence of a new scheme on Millbay Road which introduces x3 new pedestrian crossing facilities, the bus stop on Millbay Road will need to be relocated.</p> <p>The new location will remove x1 permit parking space. This area is under-subscribed on permits and therefore will not affect parking in the area.</p>		
6	Alternative options considered and rejected:		
	None – the requirement to move the bus stop is essential to install x3 pedestrian crossing facilities.		
7	Financial implications and risks:		
	The advertising and associated works will be funded via The Traffic Management casualty reduction scheme & The Active Travel Fund budgets.		
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	
		No	x
	Per the Constitution, a key decision is one which: 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 £1million
			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			
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:		The Local Transport Plan (LTP) details the transport strategies and policies that the City Council has adopted and will be key in helping the city meet its Corporate Plan priorities, and growth agenda.	
10	Please specify any direct environmental implications of the decision (carbon impact)		n/a	
Urgent decisions				
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 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		
		No	x	(If no go to section 14)
13b	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	
I5	Which Corporate Management Team member has been consulted?	Name	Anthony Payne
		Job title	Strategic Director for Place
		Date consulted	03/03/2022
Sign-off			
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS124 21/22
		Finance (mandatory)	pl.21.22.292.
		Legal (mandatory)	LS/38204/JP/040322
		Human Resources (if applicable)	N/A
		Corporate property (if applicable)	N/A
		Procurement (if applicable)	N/A
Appendices			
I7	Ref.	Title of appendix	
	A	Briefing report for publication	
	B	Equalities Impact Assessment	
Confidential/exempt information			
I8a	Do you need to include any confidential/exempt information?	Yes	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
18b	Confidential/exempt briefing report title:							
Background Papers								
19	<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
Cabinet Member Signature								
20	<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 and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision	07/03/2022			
Print Name	Councillor Jonathan Drear, Cabinet Member for Transport							



MILLBAY ROAD

1. INTRODUCTION

This report seeks delegated authority to implement amendments to The City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004 in association with the Millbay Road TRO.

2. TRAFFIC REGULATION ORDERS REQUIRED

2.1 The elements that need a Traffic Regulation Order are as follows:

Permit Parking at Any Time

- (i) Millbay Road, the north side from a point 18.5 metres west of its centre line of Phoenix Street for a distance of 20 metres in a westerly direction
- (ii) Millbay Road, the north side from a point 12 metres east of its centre line with Hobart Street for a distance of 33 metres in an easterly direction

Revocations:

Permit Parking at Any Time

Millbay Road, the north side, from a point 10 metres east of its junction with Hobart Street for a distance of 59 metres in an easterly direction

3. STATUTORY CONSULTATION

Proposals

The proposals for the Millbay Road TRO were advertised on street, in the Herald and on the Plymouth City Council website on 1st February 2022. Details of the proposals were sent to the Councillors representing the affected wards and statutory consultees on 26th January 2022

There has been 1 representation relating to the proposals included in the Traffic Regulation Order.

Consultation	Comments
<p>I wish to object to the above order and the amendment it entails on two grounds. The first reason is that the statement of reasons says that the area is under-subscribed - that particular bay is ALWAYS full in the evening. I know this as I frequently need to load items in and out of my car and more often than not is completely full. I attach a photograph taken at 6pm on 31st January, following on from my reading of the notice (interesting to see that the notice placed outside was dated 1st February). This demonstrates that the bay is</p>	<p>Standard response sent:</p> <p>Thank you for your recent comments towards the proposals – 2022.2137275.</p> <p>Your comments have been logged on our records and will be considered as part of the final decision making process. At the end of the consultation period, a report will be prepared summarising any concerns that have been raised and making recommendations. In line with the statutory process, the decision on</p>

always used overnight. One space does make a difference.

I would also like to object on safety and security grounds. People alighting from a bus in that position, will not walk down the road to the crossing (human nature is that we are a fairly lazy species) - meaning they will be emerging from a row of parked cars, making it more difficult for passing motorists to see them. As far as the security is concerned - a double decker bus stopping outside the properties will mean that people will be overlooked by passengers on the top deck - causing possible security problems. The bus stop, in its current location, is only overlooked by the school - which is set well back from the road. If the bus stop is to be moved, it would be better located outside the Murray VW Garage - meaning no properties are overlooked and no spaces have to be removed from use for the local residents. There is also a health and safety aspect as buses stopping outside residential properties will be omitting harmful gases - with the stop in its current position, there is a little more distance from any property.

whether or not to proceed with these proposals will be made by the Cabinet Member for Transport.

You will be notified if and when the proposals will be implemented

Further comments:

The Zone in which the bay is located is undersubscribed and there is no shortage of parking bays available in the area for permit holders and for those wishing to Pay and Display.

There is a need to move the bus stop because of the new Zebra Crossing being constructed to the west of Mill Bay Roundabout. There are no safe suitable locations in the area so it is necessary to create one. A Bus Stop is needed in the area to service the Mill Bay Academy and this is also the closest bus stop to the Ferryport.

A Zebra Crossing across Phoenix St is also part of the scheme completing the safe pedestrian route to the School Entrance.

It is not anticipated that pedestrians will cross directly at the Bus Stop as there is a pedestrian Island some 30m away from the location and anyone wishing to access the bus stop on the other side of the road or access the Ferryport will be able to use the new Zebra Crossing which is conveniently located for both.

The suggested location is too far away from the Academy and would involve children crossing another road before accessing the School safely.

The proposed bus stop is in the carriageway over 5m away from the frontage of the building and also raised from footway level. This is much further away than at many bus stops in residential areas.

It is noted that all of the properties currently utilise Blinds, presumably because it is already possible to see into the rooms from across the road if the blinds were not deployed and as this is a bus route the issue of upper deck passengers being able to see into the rooms is one that residents are already aware of.

4. RECOMMENDATION

It is recommended to proceed with the original proposals as advertised and make the Traffic Regulation Order

5. LEGAL CONSIDERATIONS

The lawful implications and consequences of the proposal have been considered and taken into account in the preparation of this report.

When considering whether to make a traffic order it is the Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 (as amended) that sets out that it is the duty of a local authority, so far as practicable subject to certain matters, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. It is considered that the proposals comply with Section 122 of the Act as they practically secure the safe and expeditious movement of traffic in and around Plymouth and provide for suitable and adequate associated parking facilities.

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EQUALITY IMPACT ASSESSMENT

Policy and Intelligence Team



EQUALITY IMPACT ASSESSMENT

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Amy Neale	Department and service:	Traffic Management Team – Plymouth Highways	Date of assessment:	23/02/2022
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Mike Artherton	Signature:		Approval date:	04/03/2022
Overview: Please use this section to provide a concise overview of the proposal being assessed including: <ul style="list-style-type: none"> ▪ Aims and objectives (including rationale for decision) ▪ Key stakeholders ▪ Details of any engagement activities 	As a consequence of a new scheme on Millbay Road which introduces x3 new pedestrian crossing facilities, the bus stop on Millbay Road will need to be relocated. The new location will remove x1 permit parking space. This area is under-subscribed on permits and therefore will not affect parking in the area.				
Decision required: Within this section, you must be clear on any decision being made and how/when, it will be taken.	To implement the following amendments to The City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004 The effect of the order shall be to amend the Permit Parking At Any Time on lengths of the following road: Millbay Road				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	√
Potential internal impacts:	Yes		No	√

Does the proposal have the potential to negatively impact Plymouth City Council employees?			
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No ✓
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	We are proposing to remove x1 permit parking space, in an under-subscribed area. Consultation has taken place and we received only 1 objection to the proposal as set out in the briefing report.		

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
	<p>Provide examples of the data that you have used to inform your decision. Examples include census data, service feedback, consultation responses and information collected via demographic monitoring etc.</p> <p>The boxes below provide examples of the types of data you may wish to use.</p>	<p>Please use this column to identify where your decision may cause an adverse impact on those with protected characteristics. You can read the EIA Toolkit for guidance on how to make judgement.</p> <p>Where there is no adverse impact, please type 'not applicable'.</p>	<p>Please use this column to detail any mitigation action you plan to take to limit any identified adverse impacts. Where it is not possible to mitigate against an adverse impact you must make this clear. You can read the EIA Toolkit for guidance.</p>	<p>Please use this column to provide the timeframe for implementing any mitigation activities. You must include the lead department.</p>
Age	No issues raised in consultation			
Disability	No issues raised in consultation			
Gender reassignment	No issues raised in consultation			
Marriage and civil partnership	No issues raised in consultation			

Pregnancy and maternity	No issues raised in consultation			
Race	No issues raised in consultation			
Religion or belief	No issues raised in consultation			
Sex	No issues raised in consultation			
Sexual orientation	No issues raised in consultation			

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
If your proposal may impact on the Council’s ability to ensure human rights, please specify the relevant article in the boxes below – add more rows if required. Only complete this section if it is relevant to your decision. If it is not relevant, please type ‘not applicable’.	No adverse impact has been identified.		

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.	No adverse impact has been identified.		
Pay equality for women, and staff with disabilities in our workforce.	No adverse impact has been identified.		
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	No adverse impact has been identified.		
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	No adverse impact has been identified.		
Plymouth is a city where people from different backgrounds get along well.	No adverse impact has been identified.		

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EXECUTIVE DECISION

made by a Cabinet Member



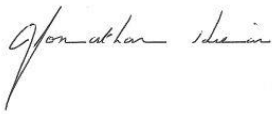
REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – T29 21/22

Decision				
1	Title of decision: Vehicle Immobilisation and Removal			
2	Decision maker (Cabinet member name and portfolio title): Councillor Jonathan Drean, Cabinet Member for Transport			
3	Report author and contact details: Mike Artherton – 01752 305582			
4	Decision to be taken: To approve enacting the powers to immobilise and remove vehicles			
5	<p>Reasons for decision: To support the Council to help keep roads safe, providing greater powers to address hazards and obstructions caused by inconsiderate motorists</p> <p>To support the Council in the delivery of essential maintenance to the transport network, preventing vehicles from obstructing works that may otherwise cause inconvenience to other road users and added cost in having to revisit or extend works.</p> <p>To support the Council in the delivery of world class events, helping to keep routes clear and visitor safe</p> <p>To support the Councils in seeking to recover unpaid and unchallenged fines where recovery has not been possible due to registered keepers not updating registered keeper records</p> <p>To support the Council and motorists in encouraging motorists to either pay fines, or appeal under the statutory appeals process, but not ignore any fine.</p>			
6	<p>Alternative options considered and rejected:</p> <p>Not to enact the powers to immobilise and remove vehicle which would not support the Council in managing the challenges and hazards resulting caused by vehicles committing civil parking contraventions</p>			
7	<p>Financial implications and risks:</p> <p>Any financial implications associated with undertaking the immobilisation and removal of vehicles is expected to be favourable, as this is expected to help to reduce future contraventions, improve future recovery rates and reduce future parking debts. Removing a persistent evader vehicle will not generate additional income, or enable any previous outstanding PCN fees to be recovered. In securing the release of a vehicle, the registered keeper is only required pay the PCN issued on the day the vehicle was removed.</p>			
8	Is the decision a Key Decision?	Yes	No	Per the Constitution, a key decision

	(please contact Democratic Support for further advice)			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			
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:	<p>This proposals within this report support the Councils values as a Democratic Council, ensuring that we respond to residents' concerns over poor parking practices across the city with a transparent legal framework for the enforcement of this area,</p> <p>The proposals within this report supports the Councils values as a Responsible Council, ensuring the delivery of Civil Enforcement Powers meets the needs of our city, by removing those vehicles which persistently ignore parking contraventions and create a danger to our highways and also protect revenue with the appropriate collection of unpaid Penalty Charge Notices</p> <p>The proposals within this report support the Councils values as a Fair Council, adopting the powers provides a clear and transparent process, which includes legislative appeal routes.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	Any impact is expected to be favourable as it is likely that a number of vehicles, which are immobilised and removed, will be scrapped and thus removed from use/further generation of emissions.		
Urgent decisions				
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)
12a	Reason for urgency:			

I2b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
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	28 February 2022	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS127 21/22	
		Finance (mandatory)	djn.21.22.297	
		Legal (mandatory)	LS/38217/JJP/090322	
		Human Resources (if applicable)		
		Corporate property (if applicable)		
		Procurement (if applicable)		
Appendices				
I7	Ref.	Title of appendix		
	A	Briefing report for publication		
	B	Equalities Impact Assessment		
	C	Immobilise and Remove Policy		

Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes		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	x					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
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		9.3.22		
Print Name		Councillor Jonathan Drea (Cabinet Member for Transport)						

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**IMMOBILISATION AND REMOVAL OF
VEHICLE POLICY**

Plymouth Highways



PLYMOUTH
CITY COUNCIL

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I. Introduction to Policy

I.1. Scope of Policy

Plymouth City Council undertakes civil parking enforcement (CPE) within the city of Plymouth. This includes restrictions within any of the Plymouth City Council's off-street car parks and all on-street locations

In addition, the Council has a legal responsibility to deal with motor vehicles that have been abandoned on the road or on land in the open air within the City of Plymouth and powers to penalise anyone who commits the offence of abandoning a motor vehicle or anything which formed part of it.

This Policy is designed to deal with vehicles that:

- A. Are deemed to be abandoned by an authorised officer of the Council, or
- B. Have been issued with a Penalty Charge Notice and deemed to be:
 - Vehicles which have outstanding (3 or more) Penalty Charge Notices and/or
 - Parked dangerously or causing an obstruction on the public highway and/or
 - Vehicles that are parked in such a manner so as to impede Highways works or events and/or
 - Displaying an invalid Blue Badge

This Policy sets out the Council's approach to vehicle Immobilisation and removal. It applies within the boundaries of the City of Plymouth.

This Policy does not determine operational guidance to officers involving in making day to day decision on the use of these powers as this will be covered within operational documents.

I.2. Policy Definitions

Within this Policy the following terms will be defined as follows and where this refers to legislation will include any subsequent legislation that amends or replaces the legislation in question:

- "Abandoned" means given up by the owner with no intention to recover or accept responsibility for a vehicle". Abandoned vehicle" is, for the purpose of this Policy, one, which, in the opinion of the Council, appears to have been abandoned.
- "Authorised Officer" means an officer of the Council with delegated authority to undertake any functions relating to the Immobilisation or removal of vehicles.
- "CEO" means a Civil Enforcement Officer.
- "Enforcement Supervisor" means a Team Leader, or other Supervisor or Manager of a Civil Enforcement Officer.
- "Fixed Penalty Notice" means a legal notice given by an authorised officer of the Council to a person who has committed an offence of abandoning a motor vehicle (or anything which formed part of it) offering them the opportunity to avoid prosecution for the offence by paying a fixed penalty instead.

- “Higher level contraventions” is as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.
- “Highway” is defined in Section 328 of the Highways Act 1980. For the purposes of this Policy it is also to include a way over which all members of the public have a legal right to pass and re-pass, including carriageways, footways, verges, footpaths, bridleways, byways open to all traffic (BOATs) and cycle tracks.
- “Lower level contraventions” means any parking contravention that is not a “Higher level contravention”. When a vehicle is parked in contravention of parking restrictions and a Penalty Charge Notice is issued the level of the fine will either be a higher amount (currently £70 but reduced to £35 if paid within 14 days) or a lower amount (currently £50 but reduced to £25 if paid within 14 days) depending on the exact nature of the contravention. This is set down in law and means that contraventions that are considered to be a more serious breach of the rules will result in a higher fine than those that are considered to be a less serious breach of the rules.
- “Observation period” the time that a Civil Enforcement Officer has to wait before a Penalty Charge Notice can be issued
- “Obstruction” and “Hazard” mean any circumstances in which a vehicle has been left or caused or permitted to be left parked in such a manner that is considered in the reasonable opinion of an Authorised Officer of the Council to be causing an obstruction or a danger to traffic, pedestrians, emergency service vehicles or any other road user.
- “Off-Street” in respect of a parking place means a parking place not on the highway but incorporated in any of the Council’s Off-Street Parking Places Orders as may exist and have been provided and regulated in accordance with the Road Traffic Regulation Act 1984.
- “On-Street” in respect of a parking place means a designated parking place on the highway
- “Owner” in relation to a vehicle shall, unless proven otherwise, mean the registered keeper of the vehicle as recorded by the Driver and Vehicle Licensing Agency (DVLA).
- “Parking Place” is as defined in the Road Traffic Regulation Act 1984.
- “Penalty Charge Notice (PCN)” means a legal notice given by a Civil Enforcement Officer of the Council against a vehicle whose driver has committed a contravention of civil parking restrictions (i.e. a fine for breaking parking restrictions).
- “Road” is as defined in the Road Traffic Regulation Act 1984.
- “Trailer” is as defined in the Road Traffic Regulation Act 1984.
- “Vehicle” or “Motor Vehicle” means ‘motor vehicle’ as defined in the Road Traffic Regulation Act 1984 and includes any “Trailer” attached to it.
- “Vehicle only fit for destruction” is a description used in and affected by procedures specified under the Refuse Disposal (Amenities) Act 1978. It is for the Local Authority to define this description and this will be assessed on the fact and degree of the vehicles condition as identified in the definition of ‘abandoned vehicle’. The DVLA sets this limit as a vehicle worth less than £2,000. The Council defines these vehicles as having a trade value of less than £2,000 as defined in the Parkers Price Guide (using the ‘good/average’ category in the guide). means ‘motor vehicle’ as defined in the Road Traffic Regulation Act 1984 and includes any “Trailer” attached to it.

1.3. Relevant Legislation

In exercising immobilisation and removal functions, the Council will comply with the applicable legislation, which includes:

- The Road Traffic Regulation Act 1984
- The Traffic Management Act 2004
- The Removal and Disposal of Vehicles Regulations 1986
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- The Refuse Disposal (Amenity) Act 1978 (as amended)
- The Clean Neighbourhoods and Environment Act 2005
- Nuisance Parking Offences and Abandoned Vehicles, Guidance on Nuisance Parking and Abandoned Vehicle Legislation, Defra, 2006
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008
- Removal, Storage and Disposal of Vehicles Legislation (2008).

The Council will also have regard to the statutory guidance issued by the Department for Transport on behalf of the Secretary of State under the Traffic Management Act 2004.

2. Vehicle in Contravention of a waiting Restriction or Prohibition

1.1. Circumstances for vehicle removal when in contravention

A Parking contravention involves the parking of a vehicle contrary to a prohibition or restriction. Where this occurs, a PCN will be issued in respect of that vehicle. The PCN has a relevant contravention code assigned to it when it is issued. The principal specific definitions of Contraventions and nationally used codes that apply in respect of this Policy are detailed in Tables 1a, 1b, 1c and 1d.

Table 1a - On-Street higher-level contravention codes

Code	Definition	Observation Period	Exceptions / Comments	Exemptions
01	Parked in a restricted street during prescribed hours	5 minutes	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
12	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
16	Parked in a permit space without displaying a valid permit	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
21	Parked in a suspended bay or space or part of a bay or space	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).

23	Parked in a parking place or area not designated for that class of vehicle	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
25	Parked in a loading place during restricted hours without loading	5 minutes	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
26	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place.	None	If there is evidence of loading/unloading, CEO to log for minimum of 5 minutes casual observation. If there is evidence of setting down/picking up passengers and luggage, then casual observation to be followed. Removal only to be considered where the vehicle is obstructing the highway.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway.	None	This can be a driveway or a pedestrian/cycle ramp for example, where any part of the dropped crossing is blocked, subject to a complaint from the owner or occupier of the property at the time.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
40	Parking in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc). Blue badge holders provided blue badge is on display and if in a resident's allocated disabled bay then the blue badge or disabled bay permit is displayed.
42	Parked in a parking place designated for police vehicles	None	Police vehicles	Police vehicles
45	Parked on a taxi rank	None	Licensed hackney carriages	Licensed hackney carriages

46	Stopped where prohibited (on a red route or clearway)	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
47	Stopped on a restricted bus stop or stand	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
48	Stopped in a restricted area outside a school.	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
49	Parked wholly or partly on a cycle track	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
56	Parked in contravention of a commercial vehicle waiting restriction	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).

Table 1b - On-Street lower level contravention codes

Code	Definition	Observation Period	Exceptions Comments	Exemptions
05	Parked after the expiry of paid for time	10 minute grace period	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
06	Parked without clearly displaying a valid pay-and-display ticket or voucher	None	Where a valid electronic ticket or electronic season ticket is in use	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
11	Parked without payment of the parking charge	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
19	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay-and-display ticket	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
24	Not parked correctly within the markings of the bay or space	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
30	Parking for longer than permitted	10 minute grace period	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).

Table 1c - Off-Street higher-level contravention codes

Code	Definition	Observation Period	Exceptions/Comments	Exemptions
81	Parked in a restricted area within a car park	5 minutes	Usually denoted by yellow lines or hatchings	As on-street and also where IBC have permitted the vehicle to be so parked
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
91	Parked in a car park or area not designated for that class of vehicle	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
92	Parked causing an obstruction	None	None	As on-street and also where IBC have permitted the vehicle to be so parked

Table 1d - Off-Street lower level contravention codes

Code	Definition	Observation Period	Exceptions / Comments	Exemptions
73	Parked without payment of the parking charge	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
80	Parked for longer than the maximum period permitted	10 minute grace period	None	As on-street and also where IBC have permitted the vehicle to be so parked
82	Parked after the expiry of paid for time	10 minute grace period	None	As on-street and also where IBC have permitted the vehicle to be so parked

83	Parked in a car park without clearly displaying a valid pay-and-display ticket or voucher or parking clock	None	Where a valid electronic ticket or electronic season ticket is in use	As on-street and also where IBC have permitted the vehicle to be so parked
86	Parked beyond the bay markings	None	Larger vehicles that are within the class of vehicle for the bay in question and a vehicle with a trailer attached may park across two bays if two tickets have been purchased and displayed	As on-street and also where IBC have permitted the vehicle to be so parked
93	Parked in a car park when closed	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	None	None	As on-street and also where IBC have permitted the vehicle to be so parked

1.2. Persistent Evaders

The statutory guidance provides a definition of a 'persistent evader', which can be summarised as someone who has 3 or more Penalty Charge Notices (PCNs) unpaid and unchallenged.

The process shown in Table 2a sets out that a vehicle owned by a persistent evader, which has been issued with a PCN, is liable, to be immobilised or removed no later than 15 minutes after the PCN is issued. The Council reserves the legal right to remove a vehicle immediately following the issue of a PCN in circumstances where an Authorised Officer of the Council deems it appropriate.

1.3. Hazards or obstructions

The Council has the powers to immobilise or remove a vehicle if it is causing a hazard or obstruction where a civil parking contravention has occurred and a PCN can be and has been issued. In certain circumstances' enforcement can only be by the police for the offences of causing an unnecessary obstruction of a road or of leaving a vehicle in a dangerous position i.e. where there are no yellow lines or signs prohibiting parking.

1.4. Preventing or restricting works or authorised events

Where a legal order has been made to temporarily prohibit parking in order to allow works to take place on the highway or for an authorised event to be held, the Council may issue a PCN to any vehicle parked in contravention of the restrictions and may also remove it to the compound.

In certain circumstances (i.e. where the vehicle is displaying a valid Blue Badge or where an event is taking place) the vehicle might be relocated in the immediate area as close to the original parking location as possible, but outside the area affected by the event or the planned Highways works. This does not affect the right of the Council to remove the vehicle to a storage compound in circumstances where an authorised officer of the Council considers that this is justified.

1.5. Vehicles displaying an invalid Blue Badge

Vehicles that have had a PCN issued to them and are displaying an invalid disabled Blue Badge will be liable for immediate removal. An invalid disabled Blue Badge will include badges that:

- Are fraudulent or an unauthorised copy;
- Have had the badge details changed;
- Are no longer valid because the Blue Badge holder is deceased or is no longer authorised to use the Blue Badge; or
- Have been reported as stolen

1.6. Process

The Council will ensure that the powers to immobilise or remove vehicles shall be applied in a fair and consistent manner. A summary of the processes is shown in Tables 2a, Table 2b (removal/relocation only) and Table 2c (invalid blue badges).

Where a vehicle is virtually immobilised then a notice will be attached to the vehicle or sent to the known last registered keeper by the council in accordance with legal requirements. This will explain how the owner of the vehicle can arrange for it to be released.

Where a vehicle is parked in a manner that prevents or restricts works taking place on the highway or the holding of authorised events, in either case where a legal order has been made closing the road or prohibiting parking, then the Council may, at its discretion, decide to relocate the vehicle to another location in the vicinity of where it has been parked rather than immobilising it or removing it to a storage compound. Where this is the case a summary of the process that shall be followed is as per Table 2c.

Table 2a - Summary of process for immobilisation and removal of vehicles in contravention of a waiting restriction or prohibition (Persistent Evader)

Process	Detail
Issue of Penalty Charge Notice (PCN)	Civil Enforcement Officer (CEO) issues PCN for contravention of waiting restriction or prohibition.
Allow time for vehicle to depart	Where vehicle is identified as a 'persistent evader' allows 15 minutes.
CEO contacts Enforcement Supervisor	If the vehicle is still present after the time has elapsed CEO will contact the Enforcement Supervisor and photograph the vehicle prior to virtual immobilisation.
Council approval	Enforcement Supervisor checks ICT system for appeal and/or payment if a Persistent Evader. If system verifies neither, authorisation given to immobilise.
Immobilisation period elapses	CEOs remains on site to check the immobilisation and updates Enforcement Supervisor.
Council approval	Enforcement Supervisor checks ICT system for appeal and/or payment. If system verifies neither, authorisation given to remove and call followed by email to contractor to request removal.
Remove to compound	Vehicle removed to secure storage compound. CEOs confirm vehicle removal including photographic evidence to Enforcement Supervisor.
Police informed	The Police will be advised that the vehicle has been removed in case the vehicle owner makes contact. Plymouth City Council will retain a record of the vehicle removal that can be retrieved by an officer if a vehicle owner enquires to PCC
Contact Keeper	Where the Registered Keeper is identifiable they will be contacted as soon as practicable after the vehicle is removed to storage and they will be liable for any costs incurred.
Storage of vehicle	Vehicle stored for 28 days, which commences after midnight of the day of removal.

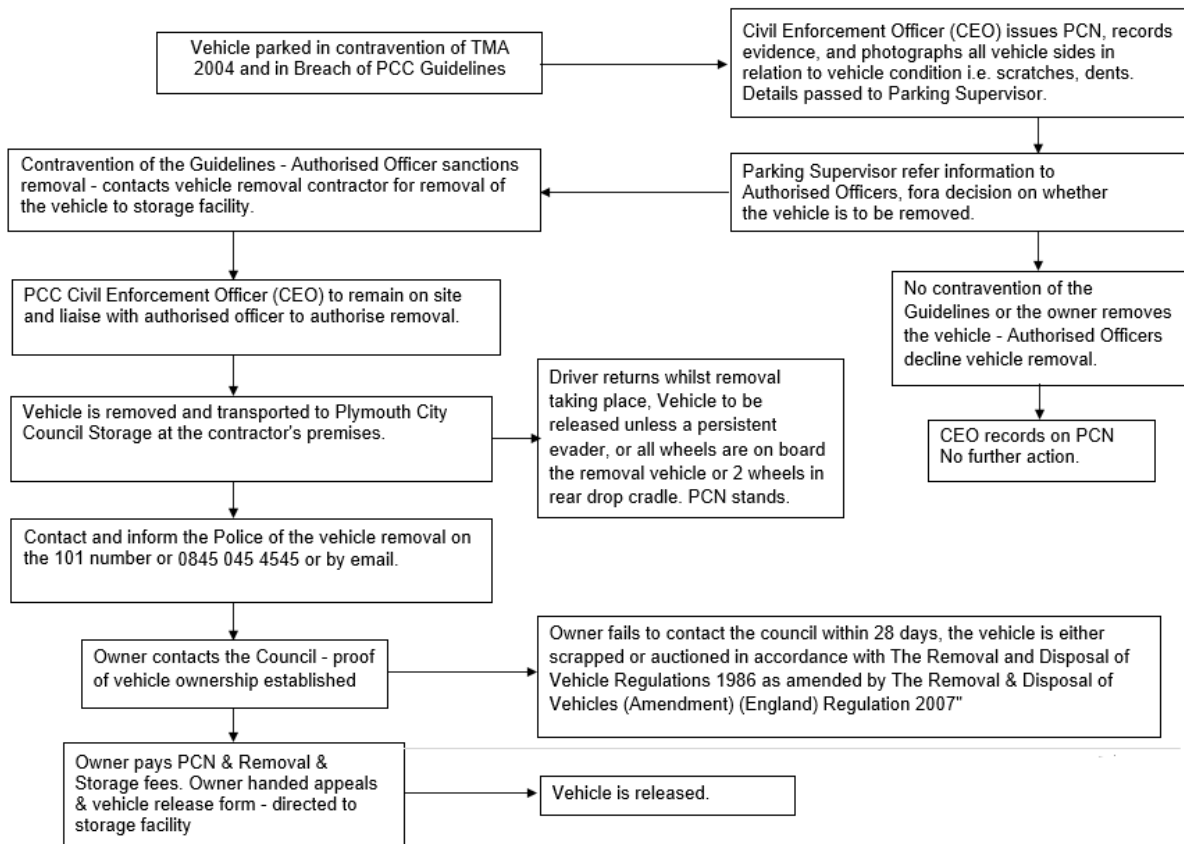
Table 2b- Summary of process for removal/relocation of vehicles in contravention of a temporary waiting restriction or prohibition (road works)

Process	Detail
Vehicle in contravention	Road works supervisors, calls Parking Supervisor, Civil Enforcement Officer (CEO) dispatched
Issue of Penalty Charge Notice (PCN)	CEO issues PCN for contravention of temporary prohibition.
Allow time for vehicle to depart	Where vehicle is impeding an event or highways maintenance work from being undertaken CEO allows 5 minutes.
CEO contacts Enforcement Supervisor	If the vehicle is still present after the time has elapsed CEO will contact the Enforcement Supervisor and photograph the vehicle prior to removal.
Council approval	Enforcement Supervisor checks if a Persistent Evader and if vehicle has Blue Badge and/or Dispensation*. Once records checked, call made to removal contractor authorisation given to remove.
Remove to compound	Vehicle removed to secure storage compound or nearest safe location as approved by Parking Supervisor. CEOs confirm vehicle removal including photographic evidence to Enforcement Supervisor.
Police informed	The Police will be advised that the vehicle has been removed in case the vehicle owner makes contact. Plymouth City Council will retain a record of the vehicle removal that can be retrieved by an officer if a vehicle owner enquires to PCC
Contact Keeper	Where the Registered Keeper is identifiable they will be contacted as soon as practicable after the vehicle is removed to storage and they will be liable for any costs incurred.
Storage of vehicle	Vehicle stored for 28 days, which commences after midnight of the day of removal.
<p>* In certain circumstances (i.e. where the vehicle is displaying a valid Blue Badge) the vehicle might be relocated in the immediate area as close to the original parking location as possible, but outside the area affected by the event or the planned Highways works</p> <p>There will be a £200 per lift charged to the highway contractor for any service provided.</p>	

Table 2c - Summary of process for removal of vehicles displaying an invalid disabled persons Blue Badge

Process	Detail
Investigate invalid Blue Badge	Civil Enforcement Officer (CEO) to liaise with Enforcement Supervisor to investigate with the Blue Badge issuer and Parking Services system. If Blue Badge confirmed as invalid, Enforcement Supervisor instructs for PCN to be issued.
Issue of Penalty Charge Notice (PCN)	CEO issues PCN for contravention.
CEO contacts Enforcement Supervisor	CEO contacts Enforcement Supervisor to advise PCN has been issued to vehicle
Council approval	Enforcement Supervisor checks and adheres to 'Workflow 1 - for wait times only section'. If none of the conditions in Workflow 1 apply, then immediate removal authorised. If one of the conditions does apply, then the appropriate wait time will be followed, and authorisation given to remove after time has elapsed.
Remove to compound	Vehicle removed to secure storage compound. CEOs confirm vehicle removal including photographic evidence to Enforcement Supervisor.
Police informed	The Police will be advised that the vehicle has been removed in case the vehicle owner makes contact. Plymouth City Council will retain a record of the vehicle removal that can be retrieved by an officer if a vehicle owner enquires to PCC
Contact Keeper	Where the Registered Keeper is identifiable they will be contacted as soon as practicable after the vehicle is removed to storage and they will be liable for any costs incurred.
Storage of vehicle	Vehicle stored for 28 days, which commences after midnight of the day of removal.

Vehicle Removal Workflow Process



I.7. Disposal of vehicles and recovery of proceeds

In accordance with the vehicle owners' legal rights, once the owner has made contact with Plymouth City Council and sufficient proof of ownership is supplied the vehicle will not be disposed of for a minimum period of 7 days, thereafter the owner may still claim it at any time before it is subsequently disposed of. If the 7 days exceeds the 28 days of storage, then the vehicle owner will also be charged for the additional storage days.

Where a vehicle that has been removed is subsequently disposed of, whether by sale or by being scrapped, the owner is entitled in law to the proceeds, less the outstanding charges for immobilisation, removal, storage, disposal and any PCN against which the vehicle was immobilised and/or removed, provided that they apply within 1 year of the date on which the vehicle was sold or scrapped.

3. Abandoned vehicles

2.1. When is a vehicle 'abandoned'?

There is no legal definition of 'abandoned', however, for the purposes of this Policy; the Council considers that any vehicle that has been left 'without lawful authority' on any land in the open air or any land forming part of the highway is potentially abandoned.

Authorised Council Officers will form an opinion by reviewing information provided to them and/or gathered through inspection of the vehicle. The authorised officers will consider a number of factors during inspection that will help them determine whether to consider a vehicle 'abandoned'. The vehicle will be determined 'abandoned' when the relevant authorised officer decided that it is.

Factors used to determine if a vehicle is abandoned include, but are not limited to:

- The vehicle being stationary for a significant length of time
- The vehicles overall age, condition and appearance
- The vehicle being significantly damaged, run down or being un-roadworthy (this can include vehicles with flat tyres, wheels removed or broken windows)
- The vehicle being burnt out
- The vehicle lacking one or more of the registration number plates
- The vehicle containing waste materials
- The vehicle not having a valid road fund licence (road tax)
- The vehicle having no current vehicle keeper on the DVLA record
- The vehicle being unsecure or unlocked

The following will be taken into consideration when looking at the factors listed above:

- A. The inspected vehicle does not have to display the full list to be considered abandoned, but it should not be considered solely on the grounds that it is untaxed
- B. The inspected vehicle can have an owner and still be considered abandoned. The owner may have decided that they no longer want the vehicle. However, the registered keeper has a legal responsibility to keep untaxed, SORN (Statutory Off-Road Notification) or damaged or dangerous vehicles off the public highway. In the event a vehicle is removed to storage the owner will be required to demonstrate that they have legal entitlement to the vehicle and to meet release costs before the vehicle can be re-claimed.
- C. Taxed vehicles can be deemed abandoned by the inspecting authorised officer in certain circumstances, and providing the Council takes reasonable steps to find and inform the last registered keeper of it being deemed abandoned, can remove the abandoned vehicle after the notice period has expired.

2.2. Land to which the Policy applies

The Council has a statutory duty to investigate reports of, and if satisfied they are abandoned, remove a vehicle from any location in the open air so long as the vehicle is easily accessible without excessive cost. (Refuse Disposal (Amenity) Act 1978, Removal & Disposal of Vehicle Regulations 1986.)

In practice, the power of the local authority applies to all roads, footways and open land adjacent to the highway including verges, public open spaces, parking bays, garage areas and car parks. The land upon which the vehicle has been abandoned does not have to be in public ownership, as the 'land open to the air on at least one side' definition will also apply to some land in private ownership.

The duty does not apply if the cost of removal from land would be unreasonably high.

The Council will only remove vehicles from private land with the written consent of the owner of the land, or on expiry of any Notice served upon the owner.

Where vehicles are parked or stationed inappropriately on other sites such as the highway, on private land or in any other circumstances not specified under the Council's statutory duties or role as landowner described above, the Council will work in partnership with the Police, the County Council and other relevant agencies to secure the removal of such vehicles. In respect of persistent activities deemed inappropriate or giving rise to complaint the Council may use additional legislation (i.e. Clean Neighbourhoods Act 2005) to control such activities (i.e. vehicles stationed on the highway or verge for sale, the carrying out of vehicle repairs or the operation of other similar or related business activity.)

2.3. Identification of owner

The Council will use its direct link to the DVLA database to identify the last registered keeper of any vehicle abandoned, which is carrying a GB registration mark.

The registration marks (if known) of all vehicles suspected of being involved in a crime (e.g. hotwired, smashed glass, burnt out etc..) will be passed to the police in order to secure any information that may lead to the identification of the owner and to ensure that the vehicle is not subject to criminal investigation or other legitimate activity.

For the purpose of enforcement, and in the absence of any other information to the contrary, the Council will consider the last registered keeper to be the owner or person responsible for the vehicle. It will be for that person to provide evidence to the contrary.

2.4. Vehicles abandoned on Council Land

The Council may grant or refuse permission for persons to park or store vehicles on its own land. This may include Council owned Car Parks, some verges and areas of open space, service areas to commercial precincts and industrial estates. On its own land, generally, the Council will require persons to provide proof of ownership of a vehicle if requested, and require that the vehicle:

- Has current road tax

- Be in a roadworthy condition
- Does not present a risk to public health, safety or the environment.

On land where the council acts as Landlord, abandoned vehicles may be referred for removal under the instruction of an authorised officer.

2.5. Vehicles abandoned on Private Land

Where vehicles have been abandoned on private land, the council is able to remove them, having served notice on the landowner of its intention to enter the land to remove the vehicle.

Where a landowner has reported that a vehicle has been abandoned on their land, the council will adopt the following procedure:

- The landowner is required to write to the council, giving authorisation for the council to enter the land for the purpose of removing the vehicle;
- S/he will state the details of the vehicle i.e. Registration number if known, make and description;

Where a member of the public/person who is not the landowner reports a vehicle, a 15-day notice will be attached to the vehicle, informing the landowner of the council's intention to enter his/her land to remove it. If a landowner can be traced, they will be contacted in writing to inform them that the Council has had a report that a vehicle may be situated on their land and request that they contact the Council to discuss the matter

If the landowner has no objections to the Council entering the land, the process for vehicle removal will be undertaken. If the landowner objects to the removal of the vehicle, no further action can be taken. If the landowner does not make contact with the Council and the Registered Keeper does not come forward and/or remove the vehicle, the vehicle will be removed after the expiry of the 15-day notice.

2.6. Dangerous Vehicles

Vehicles deemed to be dangerous by the council may be immediately removed from land where the council acts a landlord in order to meet its obligations under the Occupiers Liability Act. This applies only to land which the council owns. On all other land a 24-hour notice may be affixed. The Council will act under powers defined in section 2 of the Local Government Act 2000.

Vehicles may be deemed dangerous if they exhibit one or more of the following characteristics:

- Parked so as to cause a potential obstruction to emergency vehicles
- Parked on/near a junction
- Parked in an area known for vandalism/arson and in such a condition so that the council believes it may be a target
- Leaking fuel
- Smashed windows/glass
- Vehicle unlocked and inside wrecked
- Burnt out
- Badly damaged

The Registered Keeper will be informed in writing that the council have the vehicle in their custody and will be invited to claim the vehicle within 7 days. If unclaimed, the vehicle will be disposed of. The DVLA will be informed.

2.7. Fixed penalty notice

Under section 10 of The Clean Neighbourhoods and Environment Act 2005 and section 2 of the The Refuse Disposal (Amenity) Act 1978 (as amended) a Fixed Penalty Notice can be served on a person who has knowingly left a vehicle with no intention of looking after it. The sum is set at £200.

2.8. Process

On satisfying itself that the vehicle appears to be abandoned and having taken all reasonable steps to identify and notify the registered keeper of the vehicle, including expiry of any notices served, the vehicle will be deemed abandoned and be removed on behalf of the Council.

The vehicle will be stored for 7 days in order for the owner to make a claim. If unclaimed, the vehicle will be disposed of in accordance with this Policy. If the vehicle is claimed by the registered keeper, it will only be returned to its owner following payment of any fees and outstanding charges.

Vehicles which have no registered keeper with the DVLA or which do not display a registration mark may be destroyed immediately.

A Certificate of Destruction will be issued by the recycler and should be placed on file for 12 months.

The Council has the right to refuse to remove a vehicle if the costs are unreasonably high.

The Council will ensure that the duties and powers regarding abandoned vehicles shall be applied in a fair and consistent manner. A summary of the process is as shown in Table 3a (Summary of process on public land or any land forming part of the highway) and Table 3b (Summary of process on private land).

Table 3a - Summary of process for abandoned vehicles on public land in the open air or any land forming part of the Highway

Process	Detail
Report of potentially abandoned vehicle	Received and logged by the Council
First inspection	Authorised Officer will make initial inspection and begin enquiries, photographs taken, and where suspected abandoned but not considered 'dangerously abandoned' a 7-day notice affixed to vehicle.
DVLA check and letter to registered keeper	DVLA check undertaken to ascertain registered keeper. Where the registered keeper is traced, a letter will be sent requesting they claim the vehicle within 7 days.
Second inspection	Authorised Officer will revisit as close to 8th day as feasible, and if still present and no contact from the owner, the vehicle is deemed 'abandoned'.
Vehicle considered 'dangerously abandoned'	If the vehicle is considered 'dangerously abandoned' the process for immediate removal can be followed. The Police will be contacted to check whether the vehicle is reported stolen or they have an interest in the vehicle.
Removal	Once deemed 'abandoned' the vehicle will be removed to storage for 7 days.
Disposal	If no response or the registered keeper does not want the vehicle, the vehicle can be disposed of. A certificate of destruction will be issued and kept on file. The DVLA will be informed.

Table 3b - Summary reported by the process for abandoned vehicles on private land in the open air

Process	Detail
Report of potentially abandoned vehicle	Received and logged by the Council
First inspection	Authorised Officer will make initial inspection and begin enquiries, photographs taken, and where suspected abandoned but not considered 'dangerously abandoned' a 15-day notice is issued to the land owner or occupier (or affixed to vehicle/land).
DVLA check and letter to registered keeper	DVLA check undertaken to ascertain registered keeper. Where the registered keeper is traced, a letter will be sent requesting they claim the vehicle within 7 days.
Second inspection	Authorised Officer will revisit as close to 16th day as feasible, and if still present and no contact from the owner, the vehicle is deemed 'abandoned'.
Objection to removal	In the event the land owner or occupier objects in writing to the removal of the vehicle the process will cease, and no further action can be taken by the Council.
Agreement to removal	In the event the land owner or occupier gives permission in writing for the vehicle to be removed (i.e. the vehicle is on the land owner's land without their permission) and have completed any removal request process required by the Council then the vehicle may be deemed abandoned.
Removal	Once deemed 'abandoned' the vehicle will be removed to storage for 7 days.
Disposal	If no response or the registered keeper does not want the vehicle, the vehicle can be disposed of. A certificate of destruction will be issued and kept on file. The DVLA will be informed.

2.9. Disposal of vehicles and recovery of proceeds

In accordance with the vehicle owners' legal rights, once the owner has made contact with Plymouth City Council and sufficient proof of ownership is supplied the vehicle will not be disposed of for a minimum period of 7 days, thereafter the owner may still claim it at any time before it is subsequently disposed of. If the 7 days exceeds the 7 days of storage, then the vehicle owner will also be charged for the additional storage days. All unroadworthy vehicles will not be permitted to be driven and the registered keeper will need to make arrangements for the vehicle to be hauled to their preferred destination.

Where a vehicle that has been removed is subsequently disposed of, whether by sale or by being scrapped, the owner is entitled in law to the proceeds, less the outstanding charges for removal, storage and disposal of the vehicle, provided that they apply within 1 year of the date on which the vehicle was sold or scrapped.

4. Authorised Officers

The final decision to authorise the immobilisation or removal of a vehicle can only be taken by Officers with specific delegated authority granted in accordance with Plymouth City Council's Constitution.

The removal of any vehicle will be carried out by an appointed contractor working on behalf of the Council and only in accordance with instructions issued by authorised officers to do so.

The sale or scrapping of a vehicle can only be authorised and arranged by the Council's Highway Managers

5. Requirements for claiming vehicles removed to a storage compound

Where a vehicle has been removed to a storage compound operated on behalf of the Council, the owner can retrieve the vehicle provided they pay any associated fees and charges, including any outstanding fixed or penalty charges, for which the vehicle was removed.

Proof of ownership of the vehicle and proof of identity and address for the owner must also be provided at the time of payment, and the Council will accept any the following as forms of proof:

For proof of vehicle ownership:

- Current Vehicle Registration document;
- Valid Certificate of Motor Insurance for the vehicle (in date and not cancelled); or
- Receipt of purchase for the vehicle

For proof of identity and address: (any two)

- Valid UK or recognised international Driving Licence;
 - Valid UK or recognised Passport combined with either:
 - Bank statement*
 - Utility bill*
 - Letter issued by the Department for Work and Pensions*
- *must be dated within the last 3 months

6. Appeals

The owner of the vehicle is entitled to appeal against a decision by the Council to immobilise or remove a vehicle following the issue of a PCN. The process for this will be set out on the documentation issued to the owner at the time. Where an appeal is successful the owner will be refunded all fees for the removal and storage of the vehicle in full.

The recipient of an FPN for abandoning a vehicle can make a representation against the FPN in writing. The process for this will be set out in the documentation issued to the owner

7. Schedule of Charges

There are prescribed charges that apply to the immobilisation, removal, storage and disposal of vehicles, these are:

("MAM" means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles)

Charges in relation to the immobilisation, removal, storage and disposal of vehicle in contravention of waiting restrictions or prohibitions*

Type of charge	Amount of charge	Notes
Vehicle removal	£105	
Vehicle storage	£12 per day or part of day the vehicle is impounded	Storage charges not applied until midnight on the day following removal
Vehicle disposal	£50	

*Section 9, Traffic Management Act 2004 provides for the setting of levels of charges and the *Civil Enforcement of Parking Contraventions (Guidelines of Levels of Charges) (England) Order 2007* governs the charges that are currently set.

Charges in relation to the storage of abandoned vehicles

Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
£50	£75	£100	£125	£150

The prescribed sum or prescribed scale in respect of storage, for the purposes of sections 101A(3), 101A(4) and 102(2)(b) of the 1984 Act and sections 4(5), 4(6) and 5(1)(b) of the 1978 Act, for each period of 24 hours or a part thereof during which the vehicle is in the custody of the chief officer of a police force or the local authority as the case may be

The Road Traffic Regulation Act 1984 and Refuse Disposal (Amenity) Act 1978 allow charges to be prescribed for the removal, storage or disposal of vehicles that are illegally, dangerously or obstructively parked, or broken down, or abandoned. These powers are exercised through the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

Charges in relation to the disposal of abandoned vehicles

Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
£50	£75	£100	£125	£150

The prescribed sum for determining the charges recoverable for the disposal of vehicles for the purpose of section 4(6) of the 1978 Act in respect of vehicles set out in row 1 of the above Table shall be the sum specified in relation to those vehicles in row 2 of that Table

The prescribed manner for determining the charges recoverable for the disposal of vehicles for the purposes of sections 102(2)(c) of the 1984 Act and 5(1)(c) of the 1978 Act in respect of vehicles set out in row 1 of the above Table shall be by reference to a single sum specified in relation to those vehicles in row 2 of that Table

The Road Traffic Regulation Act 1984 and Refuse Disposal (Amenity) Act 1978 allow charges to be prescribed for the removal, storage or disposal of vehicles that are illegally, dangerously or obstructively parked, or broken down, or abandoned. These powers are exercised through the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

Charges in relation to the removal of abandoned vehicles*

Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen - £2000	Unladen - £3000
			Laden - £3000	Laden - £4500
Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen - £1000	Unladen - £1500
			Laden - £1500	Laden - £2000
Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen - £3000	Unladen - £4500
			Laden - £4500	Laden - £6000

The prescribed sum in respect of removal, for the purposes of sections 101A(3), 101A(4) and 102(2)(a) of the 1984 Act and sections 4(5), 4(6) and 5(1)(a) of the 1978 Act, in respect of vehicles set out in column 1 of the above Table 1 shall be the sum specified in relation to those vehicles in columns 2 to 5 of that Table, the particular sum to be determined by reference to the MAM of the vehicle as described in row 1 of that Table and, for vehicles exceeding 7.5 tonnes MAM and not falling within row 2, whether the vehicle is laden or unladen.

The Road Traffic Regulation Act 1984 and Refuse Disposal (Amenity) Act 1978 allow charges to be prescribed for the removal, storage or disposal of vehicles that are illegally, dangerously or obstructively parked, or broken down, or abandoned. These powers are exercised through the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

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BRIEFING REPORT

1. INTRODUCTION

- 1.1. This report sets out a proposal for the Council to enact powers that are already available to the Council to immobilise and remove vehicles.
- 1.2. The proposals within this report will support the Council to keep roads safe, support city events, support the delivery of highway maintenance and discourage accumulation of parking fine debts
- 1.3. The proposals within this report support the Councils Commitments, specifically commitment 73, to step up enforcement through the removal of vehicles with outstanding parking fines.

2. CORPORATE VALUES AND PRIORITIES

- 2.1. The proposals within this report support the Councils values as a **Democratic** Council, ensuring that we respond to residents' concerns over poor parking practices across the city with a transparent legal framework for the enforcement of this area,
- 2.2. The proposals within this report support the Councils values as a **Responsible** Council, ensuring the delivery of Civil Enforcement Powers meets the needs of our city, by removing those vehicles which persistently ignore parking contraventions and create a danger to our highways and also protect revenue with the appropriate collection of unpaid Penalty Charge Notices (PCN's)
- 2.3. The proposals within this report support the Councils values as a **Fair** Council, adopting the powers provides a clear and transparent process, which includes legislative appeal routes.

3. BACKGROUND

- 3.1. The Councils Parking Service is responsible for the delivery of decriminalised parking enforcement, encouraging compliance and supporting the management of Plymouths transport network through the issuing of PCN's to vehicles contravening traffic regulation orders. The Council has the authority of the Secretary of State to immobilise and remove vehicles; however, has not enacted these powers to date.
- 3.2. The Council experiences considerable challenges relating to vehicles committing civil contraventions, specifically the impact of these actions, where the issuing of PCN's has limited ability to address poor behaviours and/or adequately address these challenges, these include:

Persistent Evaders

- 3.3. Department for Transport (DfT) statutory guidance defines a 'persistent evader' as someone who has 3 or more PCNs unpaid and unchallenged.
- 3.4. Whilst being a legal requirement to do so, a vehicle becomes a persistent evader due to the vehicle not being registered correctly or not registered on the DVLA database. It is also possible that the registered keeper simply fails to respond to any of the various legal notices and correspondence.
- 3.5. Persistent evaders present several challenges to the Council: -
- Vehicles can be left in a manner to cause inconvenience to other motorists and/or present a safety concern to other road users.
 - Inability of the Council to recover debts, leading to reduced income, where all surplus from parking fines is reinvested back into maintaining Plymouths highway and in the delivery of transport services.
 - Reputational damage where law-abiding road users observe persistent evader's vehicles receive parking fines, however such fines go unpaid and consequently do not encourage change in poor and illegal behaviours.
- 3.6. The Council is unable to immobilise or remove such vehicles where persistent evaders debts remain unrecovered and poor behaviours continue.

Vehicles Preventing or Restricting Works or Authorised Events

- 3.7. Temporary traffic orders are applied to prohibit parking in order to allow works to take place on the highway, or for an authorised event to be held. Regrettably, some vehicles ignore these prohibitions, parking in a manner to restrict works or impede events. This can lead to additional cost where a road has to be revisited, or works delayed, such as returning to resurface a section of road previously obstructed by a vehicle. The Council can currently issue a PCN to any vehicle contravening a restriction; however, the Council is unable to remove the offending vehicle/s.

Vehicles Causing Hazards or Obstructions

- 3.8. The Council is able to issue a PCN to a vehicle that is causing a hazard or obstruction where a civil parking contravention has occurred. Whilst this may lead to the offending motorist to change future behaviours, this does not address the immediate hazard or obstruction and the Council is unable to remove the vehicle.

4. CURRENT POSITION

Persistent Evaders

- 4.1. As of 28th February 2022, 692 vehicles would have obtained 'persistent evader' status under the DfT's definition. These vehicles currently have 4,702 outstanding PCNs, where 50% of these notices are over a year old.
- 4.2. The Council has appointed enforcement agents (previously known as bailiffs), but there are limitations on the powers that they can use. They are unable to seize a vehicle that, for example, is subject to a hire purchase agreement, parked on another's property (e.g., even within a council car park) or where the vehicle is a 'tool of the trade' (e.g., a taxi, ice cream van or tradesperson's van).
- 4.3. The Council is limited in its ability to seek to recover these debts, but also prevent future motorists from accumulating such debts. The Council incurs a contractual fee for each PCN issued; therefore, where persistent evaders continue to park in contravention and receive fines, this can have an adverse impact to the Council until such fines are paid or debts recovered.

Vehicles Preventing or Restricting Works or Authorised Events

- 4.4. Plymouth Highways will be continuing the delivery of a range of maintenance works on the highway, from gully cleansing through to resurfacing roads. Despite works being subject to traffic orders, prohibiting parking where access is crucial to undertake the work, the Council's inability to remove vehicles contravening such prohibitions, mean risks remain that vehicles doing so may impact the delivery of these works, the costs of works and/or inconvenience to road users. Similarly, as the city prepares to deliver a programme of world class events, risks remain that vehicles parked in contravention to traffic orders for authorised events may adversely affect events and/or cause security concerns.

Vehicles Causing Hazards or Obstructions

- 4.5. The Council has a limited ability to respond to vehicles causing a hazard or obstruction, the limit of the Council's powers is to issue a PCN where a civil contravention has occurred. In such a situation, whilst the issuing of a PCN should encourage compliance, the inability to remove the vehicle does not address the hazard or obstruction. In certain circumstances' enforcement can only be by the police for the offences of causing an unnecessary obstruction of a road or of leaving a vehicle in a dangerous position i.e., where there are no yellow lines or signs prohibiting parking.

5. PROPOSAL

- 5.1. In response to these challenges, it is proposed that the Council enact the powers already available to the Council and as set out within the Road Traffic Regulation Act 1984, to immobilise and remove vehicles. This immobilisation and removal of vehicles would be undertaken in accordance with the Councils 'Immobilisation and removal policy' (appendix A).
- 5.2. In summary, the process would involve the following activity:

Persistent Evaders

- A. Persistent evader identified committing a civil contravention.
- B. Penalty charge notice issued, and check is undertaken to confirm it is a persistent evader.
- C. Vehicle removed to secure compound
- D. Council notifies police of vehicle removal and letter sent to registered keepers' last recorded address.

Vehicles Preventing or Restricting Works or Authorised Events and Vehicles Causing Hazards or Obstructions

- A. Vehicle identified committing a civil contravention
 - B. Penalty charge notice issued
 - C. Vehicle removed to secure compound
 - D. Council notifies police of vehicle removal and letter sent to registered keepers' last recorded address.
- 5.3. Vehicle removals would be undertaken by a contractor, where the existing contract relating to the removal of abandoned vehicles allows for the removal of vehicles.
- 5.4. For a vehicle to be released, the registered keeper is required to pay a recovery fee, a storage fee and the parking fine issued prior to the removal of the vehicle. The registered keeper is also required to provide proof of ownership, proof of identify and proof of address.
- 5.5. The Council is not required to consult on the adoption of these powers; however, the Council is required to introduce signage that informs motorists that Plymouth had adopted such powers.
- 5.6. The adoption of the powers to immobilise and removal vehicles does not impact on a motorist's right to appeal a parking fine.

6. . FINANCIAL IMPLICATIONS

- 6.1. Any financial implications associated with undertaking the immobilisation and removal of vehicles is expected to be favourable, as this is expected to help to reduce future contraventions, improve future recovery rates and reduce future parking debts. Removing a persistent evader vehicle will not generate

additional income, or enable any previous outstanding PCN fees to be recovered. In securing the release of a vehicle, the registered keeper is only required to pay the PCN issued on the day the vehicle was removed.

6.2. Section 9, Traffic Management Act 2004 prescribes the fees associated with the removal, storage or disposal of vehicles that are illegally, dangerously or obstructively parked, or broken down, or abandoned. Under this legislation, the fees charged for the release of a vehicle are set as:

- Release fee of £105.00
- Storage fee of £12 per day

6.3. There is no charge to the Council for the contractor to remove a vehicle; the contractor retains both the recovery fee and storage fees. Should a vehicle not be claimed within 35 days, the contractor is responsible for the disposal of the vehicle, as set out within legislation, which can include the scrapping or sale of the vehicle.

6.4. There are costs of £5,000 associated with the placement of required signage in the city, which will be funded through the Parking On Street Trading Account.

7. RECOMMENDATION

7.1. It is the recommendation of this report for the Council to enact the powers of immobilisation and removal as set out within this report and in accordance with the accompanying policy.

7.2. The adoption of immobilisation and removal will:

- Support the Council to help keep roads safe, providing greater powers to address hazards and obstructions caused by inconsiderate motorists
- Support the Council in the delivery of essential maintenance to the transport network, preventing vehicles from obstructing works that may otherwise cause inconvenience to other road users and added cost in having to revisit or extend works.
- Support the Council in the delivery of world class events, helping to keep routes clear and visitor safe
- Support the Council in seeking to recover unpaid and unchallenged fines where recovery has not been possible due to registered keepers not updating registered keeper records
- Support the Council and motorists in encouraging motorists to either pay fines, or appeal under the statutory appeals process, but not ignore any fine.

- 7.3. It is also the recommendation of this report that these powers become operational from 1st May 2022, following the placement of all statutory signage and mobilisation of vehicle immobilisation and removal services.

**EQUALITY IMPACT ASSESSMENT TEMPLATE
AND GUIDANCE**

Policy and Intelligence Team



EQUALITY IMPACT ASSESSMENT TEMPLATE

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Mike Artherton	Department and service:	Place	Date of assessment:	02/03/2022
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Mike Artherton	Signature:	Mike Artherton	Approval date:	02/03/2022
Overview: Please use this section to provide a concise overview of the proposal being assessed including: <ul style="list-style-type: none"> ▪ Aims and objectives (including rationale for decision) ▪ Key stakeholders ▪ Details of any engagement activities 	<p>Adopting a persistent evaders of Civil Parking Enforcement Policy.</p> <p>The service has been monitoring the number of vehicles with a pattern of repeat contraventions, DVLA returns of no known keeper, and foreign vehicle registrations, identifiable as persistent evaders over the past four years. PCC currently retains the services of debt enforcement companies to recover outstanding parking fine debts.</p> <p>Some debtors avoid engaging with current enforcement agents, and some activity evade any engagement by not maintaining or falsifying DVLA records. The vehicle owner/keeper often continuing to park in contravention of parking restrictions, blocking genuine residents or customer of local businesses accessing much needed parking.</p> <p>There is no current mechanism to take meaningful action to such individuals other than to share the data with the Police, which the council does on a monthly basis. However, whilst information is not provided on any subsequent Police action, many vehicles continue to accrue further parking fines.</p>				
Decision required: Within this section, you must be clear on any decision being made and how/when, it will be taken.	<p>Our persistent evaders policy seeks to address these behaviours. By taking a more proactive stance to remove persistent evaders from the road network, this should prevent a single vehicle owner/keeper from amassing large numbers of parking fines which largely will go unpaid, and act as a deterrent to other vehicle owners/keepers from also disregarding their responsibilities.</p> <p>It is proposed that this policy is adopted and delivered using an appointed contractor who will recover and store any vehicle that is in accord with the Secretary of State's Statutory Guidance and persistent evaders policy. The introduction of this policy to tackle persistent evaders and offenders may also improve compliance with restrictions and reduce the amount of unrecoverable income that has to be written off.</p>				

SECTION TWO: EQUALITY IMPACT ASSESMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No	
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.				

SECTION THREE: FULL EQUALITY IMPACT ASSESMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
	<p>Provide examples of the data that you have used to inform your decision. Examples include census data, service feedback, consultation responses and information collected via demographic monitoring etc.</p> <p>The boxes below provide examples of the types of data you may wish to use.</p>	<p>Please use this column to identify where your decision may cause an adverse impact on those with protected characteristics. You can read the EIA Toolkit for guidance on how to make judgement.</p> <p>Where there is no adverse impact, please type 'not applicable'.</p>	<p>Please use this column to detail any mitigation action you plan to take to limit any identified adverse impacts. Where it is not possible to mitigate against an adverse impact you must make this clear. You can read the EIA Toolkit for guidance.</p>	<p>Please use this column to provide the timeframe for implementing any mitigation activities. You must include the lead department.</p>
Age	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe		

		movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Disability	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Gender reassignment	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Marriage and civil partnership	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe		

		movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Pregnancy and maternity	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Race	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Religion or belief	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe		

		movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Sex	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.		
Sexual orientation	None – additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies, the effectiveness of enforcement is increased, thus improving compliance to severe overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.		

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
If your proposal may impact on the Council's ability to ensure human rights, please specify the relevant article in the	Please use this column to identify where your decision may cause a negative impact on the Council's ability to ensure	Please use this column to detail any mitigation action you plan to take to limit any negative impacts.	Please use this column to provide the timeframe for implementing any mitigation activities.

boxes below – add more rows if required. Only complete this section if it is relevant to your decision. If it is not relevant, please type ‘not applicable’.	human rights. Where there is no impact, please type ‘not applicable’.	Where it is not possible to mitigate against a negative impact you must make this clear.	You must include the lead department.

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
	Please use this column to identify where your decision may cause a negative impact on the Council’s ability to meet its equality objectives. Where there is no impact, please type ‘not applicable’.	Please use this column to detail any mitigation action you plan to take to limit any negative impacts. Where it is not possible to mitigate against a negative impact you must make this clear.	Please use this column to provide the timeframe for implementing any mitigation activities. You must include the lead department.
Celebrate diversity and ensure that Plymouth is a welcoming city.			
Pay equality for women, and staff with disabilities in our workforce.			
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024			
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.			

Plymouth is a city where people from different backgrounds get along well.

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