

EXECUTIVE DECISION

made by a Cabinet Member



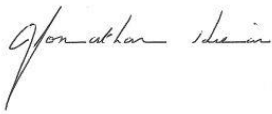
REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

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:			

12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	<input checked="" type="checkbox"/>	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			
13c	Date Cabinet member consulted			
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	<input checked="" type="checkbox"/>	
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)	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				
17	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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