

EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – L35 23/24

Decision				
1	Title of decision: Plymouth Upper Tier COMAH Sites External Emergency Plan			
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE (The Leader of the Council)			
3	Report author and contact details: Debbie Brooker-Evans, 01752 307023 debbie.brooker-evans@plymouth.gov.uk			
4	Decision to be taken: To approve the new version of the Plymouth Upper Tier COMAH Sites External Emergency Plan which will enable Plymouth City Council to comply with the Control of Major Accident Hazards Regulations (COMAH 2015) and will replace all previous versions of the plan.			
5	Reasons for decision: The COMAH Regulations has placed a statutory duty on the Local Authority to prepare an external emergency plan since they came into force in April 1999. There is a requirement to review and test these plans at least once every three years and this was delivered via Exercise FireCatte which took place on 6 December 2022. Following the exercise, a multi agency debrief was held and five formal recommendations were identified. Please see briefing paper for further detail. The plan has had an overall revision in line with the exercise recommendation and the new version (v5.0) is ready for publication.			
6	Alternative options considered and rejected: None - The plan is a statutory plan and should be published as per regulations.			
7	Financial implications and risks: None - All work to prepare, review and test the external plan is fully cost recoverable from the site Operators (Greenenergy and Valero) in accordance with the COMAH Regulations 2015.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice) Please type an X into the relevant boxes	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			
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 existence of the external emergency plan will ensure Plymouth City Council complies with COMAH 2015 Regulations. It also demonstrates the Council are a caring council, assuring that people feel safe in Plymouth, whilst also being responsible and co-operative. This plan has been written in consultation with multi-agency partners and relies upon a coordinated response and recovery strategy.	
10	Please specify any direct environmental implications of the decision (carbon impact)		None.	
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)
	Please type an X into the relevant box		No	(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	
	Please type an X into the relevant box		No	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			

13	Date Cabinet member consulted c							
14	Has any Cabinet member declared a conflict of interest in relation to the decision? Please type an X into the relevant box	Yes		If yes, please discuss with the Monitoring Officer				
		No	x					
15	Which Corporate Management Team member has been consulted?	Name	Giles Perritt					
		Job title	Assistant Chief Executive					
		Date consulted	22 November 2023					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS 74 23/24					
		Finance (mandatory)	CH 22.11.23 1724					
		Legal (mandatory)	LS/2681/JP/011223					
		Human Resources (if applicable)						
		Corporate property (if applicable)						
		Procurement (if applicable)						
Appendices								
17	Re	Title of appendix						
	f.							
	A	Upper Tier COMAH Sites briefing paper						
	B	Equalities Impact Assessment						
	C	Plymouth Upper Tier COMAH Sites External Emergency Plan V 5.0 PUBLIC COPY						
Confidential/exempt information								
18 a	Do you need to include any confidential/exempt information? Please type an X into the relevant box	Yes	X	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18 b	Confidential/exempt briefing report title:	X						

Plymouth Upper Tier COMAH Sites External Emergency Plan								
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 I 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 (2010) and those who do not. For further details please see the EIA attached.</p>							
Signature			Date of decision	6 December 2023				
Print Name	Councillor Tudor Evans OBE							