

## **Appendix**

### **Scrutiny Review of the Essex Parking Partnerships**

#### **Report of evidence on the Essex Parking Partnerships collated so far by the Place Services and Economic Growth Scrutiny Committee**

Dated 21<sup>st</sup> January 2016

#### **Background**

In June 2014 the Committee considered whether or not to undertake a scrutiny review on the delivery of the original objectives of the Parking Partnerships, and what lessons have been learned to inform more effective partnership working in the future. However, in view of other priorities the review was not included in the Committee's work programme at that time.

More recently an Executive Review has been initiated on the future operation of the Parking Partnerships as required as part of the formal arrangements set out in the Joint Committees' Agreements. Its purpose is to understand Partner Councils' views on the partnership approach, the overall structure and operation of the NEPP and SEPP, and the way forward. Being mindful that the County Council's Cabinet Member for Highways Delivery had indicated that he would invite the Scrutiny Committee's comments before a decision was made (Minute 8 / March 2015), a proposal was developed to perform some pre decision scrutiny of the proposals that will arise from the Partnerships' own Executive Review.

The following terms of reference were agreed for this scrutiny review taking into account the need to co-incide with the timing of critical decisions on the longer term operation of the Essex Parking Partnerships:

'To scrutinise the proposals arising from the Executive review of the North Essex (NEPP) and South Essex (SEPP) Parking Partnerships prior to a decision being reached on the future of those Partnerships.'

A scoping document was drawn up in consultation with Members based upon a two stage approach:

1. Representatives from the Parking Partnerships were invited to provide a briefing and answer questions designed to foster a better understanding of the legal status of the NEPP and SEPP, their organisational structure and current operations, and the purpose of the Executive Review. The onus was upon the Committee to use the briefing as a means to acquire a more informed understanding of the Partnerships as well as identifying the pertinent key lines of enquiry necessary for consideration of the proposals that could emerge the Executive Review.

2. The next stage was intended to focus upon the actual proposals arising from the Executive Review at a formal meeting on 24 March so that the Committee could provide feedback to the Cabinet Member for Highways Delivery and the two Joint Committees before any decisions are made on the future of the Partnerships.

## **Structure of this report**

This report reflects the evidence obtained during the first stage of the scrutiny review that took place on 21 January 2016. It collates the evidence provided by the two Parking Partnerships in line with the key lines of enquiry that they were asked to address by the Committee, and through its cross examination of contributors at the meeting itself.

The report sets out (a) the Parking Partnership's evidence, and (b) summarises those issues that the Committee identified for further consideration given some of its Members' concerns.

The following contributors attended the meeting on 21 January 2016 to share in the delivery of a presentation to the Committee, and answer its Members' questions:

Essex County Council

- Councillor Eddie Johnson
- Liz Burr, Head of Network and Safety/Traffic Manager (Highways)

North Essex Parking Partnership (NEPP)

- Councillor Robert Mitchell, Chairman Joint Committee
- Richard Walker, Group Manager
- Cllr Tony Durcan, Vice Chairman (as an observer)

South Essex Parking Partnership (SEPP)

- Councillor Ron Pratt, Chairman Joint Committee
- Nick Binder, South Essex Parking Partnership Manager

The following background papers were referred to for the purposes of this report:

- Parking Partnerships Website
- Parking Partnerships Briefing Paper and Powerpoint Presentation
- Parking Partnerships Joint Agreements Dated March 2011
- Audio Broadcast of Committee's formal meeting held on 21 January
- Braintree District Council Scrutiny Report dated March 2015

## **The Parking Partnerships**

The following evidence is presented along the key lines of enquiry set out by the Committee for the briefing in order to establish the facts around the set up and operation of the Partnerships.



## The Parking function covers two distinct elements:

### Off- street parking *(car parks)*

This is the responsibility of **borough, city** and **district** authorities



### On-street parking

This is the responsibility of **Essex County Council** as Highway Authority

*(this may also be known as Civil Parking Enforcement)*



**What is the purpose of the two Essex Parking Partnerships (PPs) and the original background as to why they were set up?**

### Historic Arrangements

Between 2002 and 2004 Essex County Council (ECC) arranged twelve Agency Agreements, which delegated responsibility for the enforcement of on-street parking (Civil Parking Enforcement) and waiting restrictions to the District and Borough Councils. ECC, as the Highway Authority, has the ultimate responsibility for on-street Civil Parking Enforcement.

Ten of the Agency Agreements that were in place allowed the Districts and Boroughs to claim deficit support from ECC while the remaining two Agreements were non-deficit (Chelmsford and Brentwood). Deficit support was claimed by the submission of accounts to ECC and once agreed was paid in arrears.

The costs for providing on-street enforcement were offset by the income generated from Penalty Charge Notices (PCNs), the sale of residents' parking permits and, in some instances, charges for parking in on-street bays. The Agency Agreements that were in place prevented any surpluses generated from enforcement activity being used to offset county-wide operations, although the surpluses could be utilised by an individual Enforcement Agent for a limited range of activities with the agreement of ECC.

The original business model for the Agency Agreements projected that the ten deficit support Districts and Boroughs would initially operate at a loss but that a 'break even' point where the operation would become self-financing would be achieved prior to 2008.

In the 2003/04 financial year ECC paid a total of £88,350 in deficit support. By 2007/ 08 – the projected 'break even' year – this figure had increased to £657,000 and to £815,000 in 2008/ 09.

**Table 1 – Total deficit payments made by ECC to district and borough councils**

2003 / 2004	2004 / 2005	2005 / 2006	2006 / 2007	2007 / 2008	2008 / 2009
£88,350	£170,676	£754,302	£567,625	£657,510	£814,580

The figures in the table above would have been even higher were it not for the contributions made by the Enforcing Agents from their off-street revenue accounts to their on-street accounts. In some cases, deficit supported Enforcing Agents choose not to claim the deficit figure and cover the shortfall from their own budgets.

Visits to the District and Borough Councils in late 2008/early 2009 were made by ECC officers to investigate the increasing deficit payments. These visits revealed:

- Limited access to Financial or Management Information
- No ring-fenced budget at the Area Highway Offices
- Inconsistent parking operation
- Inconsistent approach to restrictions
- Inconsistent organisation structure and methodology
- Multiple software systems for Penalty Charge Notices (PCNs)
- Inconsistent roles & responsibilities for Parking Managers
- No Operational Flexibility
- High staffing levels (over 200 staff )

The Districts & Boroughs were vulnerable to fluctuations in staff levels, and overheads were greater than they should be. It was evident that the service could be operated more efficiently and at lower cost.

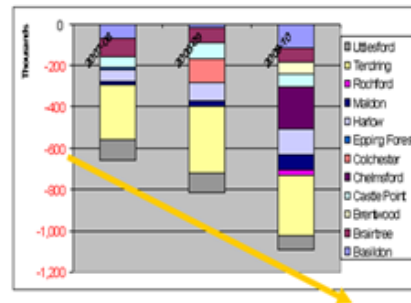
In March 2009 an ECC Cabinet Member Action authorised the termination of all existing Agency Agreements. The agreements had a two-year notice period that expired on 31st March 2011.

In summary -

## Previous Arrangements

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- From 2002 until March 2011 on-street parking management and enforcement was delivered separately by the 12 borough, city and district councils through ECC agency arrangements
- **All deficit was funded by ECC** – in 2008/9 this was over £800k and was projected to increase
- Any surpluses made were used within the authority where they arose



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integrated expertise

**Essex County Council**

### Developing a new model

In June 2010 the ECC Project Team joined with representatives from the District and Borough Councils led by the Chief Executive of Castle Point Borough Council to develop a new target operating model for Civil Parking Enforcement. The Team, supported by consultants Blue Marble, designed a replacement commissioning and operational model to enable the present level of service to continue, albeit with rationalised resources, at a much reduced cost to ECC.

In summary –

### Changes to Arrangements:

- **Deficit could no longer be supported** via ECC

- **ECC gave notice to districts** for arrangements to end 31/03/2011
- **A project group was established**
  - Borough, city and districts involved at both member and officer level
  - Facilitated by independent consultants to look at the options available for delivery of the function

### Project Group Findings:

- **There was scope to IMPROVE**
- **Efficiencies could be made to the on-street parking service if groups of authorities worked together –**
  - Improved “**back office**” efficiency
  - Improved **resilience** for service
  - Improved **clarity of policy** – better **consistency of approach**
  - **Single point of delivery** for new schemes, maintenance and enforcement

The outcome was that two Parking Partnerships were launched on 1<sup>st</sup> April 2011 that are governed by formally constituted Joint Committees – one for South Essex and one for North Essex. Two lead authorities emerged – Chelmsford in the south and Colchester in the north.



### **How were the PPs set up?**

#### **What are the legal ramifications of the agreements that have been entered into by the districts and why was that approach chosen in particular?**

The Partner Local Authorities agreed to form a Joint Committee to manage the Parking Partnerships in accordance with the provisions contained in sections 101 and 102 of the Act, section 20 of the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and The Local Authorities (Alternative Arrangements) (England) Regulations 2001 (as amended) and any other enabling legislation.

This approach was chosen so that ECC could delegate to the Joint Committee the responsibility for on street civil parking enforcement and charging, relevant signs and lines maintenance and the power to make relevant traffic regulation (TROs) in accordance with the provisions contained within the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984 to enable the Joint Committee to carry out a range of functions as set out in the legal Joint Committee Agreement. For example:

- Collection of charges for on street parking within the permitted parking area;
- the administration of residents' parking schemes and the collection of charges for permits;
- issue of Penalty Charge Notices;
- administration of all correspondence, appeals, adjudication and representations to the Traffic Tribunal;
- take steps necessary to recover payments and charges due under these functions;
- determine the levels and nature of fees and charges in respect of on street car parking provisions in South Essex;
- establish and manage the cost of the operation incurred under the Joint Committee;
- decide how any surplus is re-invested in parking services; and
- set local parking policies, ensuring that primary legislation obligations are met.

In response to Committee questioning about on and off street parking enforcement, it was confirmed that although subject to different legislation the processes are similar and are enforced by the same patrol teams. However, the fines collected must be kept separate for accounting purposes.

## **What authority does each PP as a whole have, and what authority do individual councils have as members of a PP?**

The Joint Committee Agreement clearly sets out the functions delegated from ECC. In simple terms the Joint Committee has responsibility for on street civil parking enforcement and charging, relevant signs and lines maintenance and the power to make relevant traffic regulation orders in accordance with relevant legislation.

The level of Joint Committee decision making is clearly set out in Section 14 of the Joint Committee Agreements.

- overseeing the provision of the baseline services;
- agreeing future Annual Business Plans for the Joint Committee;
- agreeing all new, or revised, strategies and processes for the implementation of the Partner Authorities' policies (such as enforcement);
- agreeing the level of service provision through the annual budget setting process and as set out in the Agreement;
- annually agreeing the level of fees and charges pertaining to the Joint Committee (to be proposed to each Partner Authority's appropriate decision-making body for final approval as appropriate);
- agreeing an annual budget proposal to be submitted to each Partner Authority's appropriate decision making body for final approval;
- making decisions relating to the use of funding of end of year deficits and surpluses;
- determining whether the Joint Committee should continue as a member of the British Parking Association and any other partnership arrangements;
- approving an Annual Report to be made available to the Partner Authorities; and
- functions under the Road Traffic Regulation Act 1984.
- The Joint Committee does not have responsibility for staffing decisions which are undertaken by the lead authority.
- Operational details are delegated by the Joint Committee

The strategic priorities of the PPs are as follows:

- ✓ **Safety:**  
For drivers and pedestrians
- ✓ **Business:**  
Clear short term parking, increases potential for local trade; commuters encouraged to use long stay car parks freeing up spaces shoppers;
- ✓ **Residents:**  
Discouraging commuters from parking in permit only areas;
- ✓ **Blue Badges:**  
Increased enforcement improving availability for Badge holders.
- ✓ **Environmentally efficient:**  
Reducing congestion;



- ✓ **Better traffic flow and accessibility:**  
By reducing inconsiderate and dangerous illegal parking
- ✓ **Improved safety:**  
Better Emergency service access; low floor buses will be able to reach the kerb at bus stops
- ✓ **Responsive to the public's needs:**  
The local Council through the Joint Parking Committee controls both provision and management of parking;
- ✓ **Clarity:**  
Single responsibility for parking means greater clarity to the public;
- ✓ **Town Centres:**  
Supporting town centre vitality and renaissance;
- ✓ **Efficient:**  
Supporting the increasing costs of running the parking operation;
- ✓ **Supporting the Local Travel Plan:**  
Encouraging travel outside peak hours;  
Influence supply, demand and congestion;
- ✓ **Fit for purpose:**  
Managing price elasticity and resistance; best mix.

In response to Committee questioning it was confirmed that both Partnerships publish full annual reports as required by law. These reports are published on the Partnerships' website and so provide a means for everyone to monitor their operation.

While a similar level of service on the ground has continued to be provided by the Partnerships in comparison with the situation provided by districts beforehand, attention was drawn to the benefits and increased efficiencies in the 'back office' operation.

### **What is the role and authority of each Joint Committee, are they the same?**

Each of the Partner Authorities appoints one of its Members to be a member of the Joint Committee, and that person must be an executive member in order to be able to vote. Each Partner Authority has one vote at meetings of the Joint Committee or any Sub-Committee. Any question coming before the Joint Committee shall be decided by a simple majority of those present and voting. In the case of equality of votes, the Chairman or in his absence the Vice Chairman or the person presiding over the meeting in their absence, shall have a casting vote.

All Partner Authorities are equal. The Lead Authority assumes some additional responsibilities on behalf of the Joint Committee, including that of employer to Partnership staff.

In summary –

## **New style of Governance**

**JOINT COMMITTEE** supporting the Operation of the Parking Partnerships

- **Membership:**
  - One member from each borough/city/district
  - County member representation
- **Officers:**
  - Managers report to Joint Committee
  - While a Joint Committee cannot employ staff directly, the Lead Authorities have been established and taken in the role of employer for Partnership staff.

**What forms of activity do the agreements cover and how is the mixture of statutory responsibilities managed? E.g. TROs, residents parking, off street parking**

As already stated, in simple terms the Joint Committee has responsibility for on street civil parking enforcement and charging (this include residents parking areas), relevant signs and lines maintenance and the power to make relevant traffic regulation orders in accordance with relevant legislation.

**What are the governance arrangements?**

The Partner Authorities agreed to the formation of a Joint Committee (in accordance with relevant legislation) to manage the Parking Partnerships. Each Partner Authority has a Member representative on the Joint Committee. The Joint Committee Agreement sets out clearly the governance arrangements and the responsibilities of the Joint Committee. The Joint Committee will meet four times a year and members of the public may attend these and ask questions.

The Joint Committee will be operational for seven years from 1<sup>st</sup> April 2011, unless with the written consent of all Partner Authorities, the Operational Period is extended for a further four years.

**Under the existing arrangements, what are the responsibilities of a district council under the agreement, and if a council withdraws how could that be achieved? If a council withdraws, how could services be delivered if no longer a member of a PP? How can a PP be dissolved? What are the consequences?**

All responsibilities sit with the Joint Committee and could function as long as at least three Partner Authorities remain (quorum for meetings is three).

The arrangements for withdrawal of a Partner Authority from the Joint Committee and the termination of the Joint Committee itself are covered within the formal Joint Committee Agreement.

If a Partner Authority decides to withdraw from the Joint Committee the functions would still be delivered within that geographical area by the Parking Partnership but without a member from that Authority being part of the Joint Committee.

In practice if a District Council withdrew from the Partnership it could implement its own legislative responsibility for off street parking, but it would not have the power to deliver an on street parking function.

If the Parking Partnerships are terminated completely, ECC would need to find an alternative delivery model for the functions currently delegated.

## **Finance**

### **What are the financial arrangements?**

ECC paid to each Partnership the sum of £100,000 Implementation Costs and additional Transitional Arrangements Costs incurred by the Joint Committees in setting up the Parking Partnerships (as set out in the original business plans).

During the first year of operation, ECC also allocated to each Partnership the sum of £250,000 for the backlog of signs and lines work and £150,000 for on-going maintenance of signs and lines work. The latter will be an ongoing sum, subject to an Annual Business Plan supporting this level of investment. This has been paid each year to date.

In the first year of operation ECC also paid Chelmsford Borough Council the sum of £52,940 for 1.7 staffing posts to deal with relevant Traffic Regulation Orders (TROs) within the Chelmsford Borough only. From 1<sup>st</sup> April 2012 the SEPP Joint Committee accepted the transfer of the Traffic Regulation Order function from ECC. The cost of staffing and operating the TRO process was funded by ECC until 31<sup>st</sup> March 2015 at an annual budget of £150,000. This function has now been absorbed by and is funded by SEPP.

ECC agreed to meet any deficit incurred by the Parking Partnerships Joint Committees during the first and second year of the Operational Period.

## SEPP



- 2015/16 Business Plan includes funding of Traffic Regulation Order operational costs (£165,000)
- Future outturns, including TRO operational costs, estimated to achieve a modest surplus in the region of £50,000 - £80,000
- Operational enforcement costs are self-sufficient requiring no support from the Partnership local authority general funds
- Any surplus generated will be invested into the operation without the need for capital funding

## NEPP



- 2015/16 Business Plan includes funding of Traffic Regulation Order operational costs (£60,000)
- Future outturns, estimated to achieve a break-even position
- Operational enforcement costs are self-sufficient requiring no support from the Partnership local authority general funds
- Any surplus generated will be invested into the operation without the need for capital funding

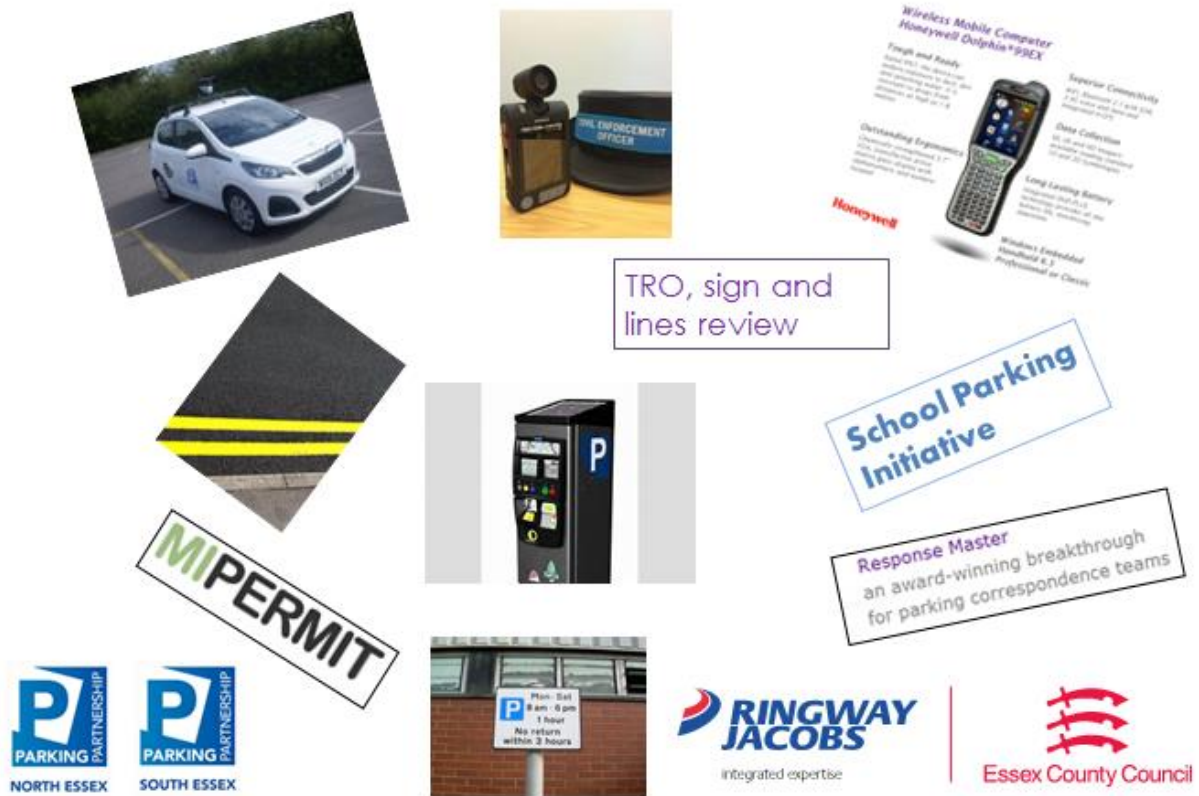


Both Partnerships implement their own individual business cases based on self contained accounts, and are now able to break even and produce modest surpluses.

It was confirmed that staffing forms a large proportion of operational costs. In response to Committee questioning around the timing of enforcement activity, the core hours are between 8am and 8pm, and where particular problems might exist ad hoc enforcement may take place during the evening and at weekends. As part of the annual review process and business plans moving forward, it was confirmed that discussion does take place on staffing levels and the need for adjustments to be made. The onus is upon the Partnerships to act responsibly as if they fall into deficit then the costs have to be borne by the Districts.

All surpluses are reinvested into the operation to develop efficiencies such as reinvesting in the implementation of improved technologies. The slide below illustrates some of the ways that surpluses are being reinvested.

## Investment



Strategically the Partnerships need to continue to be innovative and improve their services while producing increased efficiencies and effectiveness in their operation over the longer term. While modest surpluses may be generated at present, consideration is being given to other services that could be managed and/ or delivered by the Partnerships in order to generate income to cover the costs of their operation.

Given the importance of identifying new streams of income generation, the Partnerships' contributors confirmed that they would welcome suggestions in this matter.

### Work Programme

#### **How are the policies and procedures approved?**

Policies and procedures are prepared and reviewed by the Parking Partnership Managers working in conjunction with Lead Officers from each Partner Authority. These are then submitted to the Joint Committees for consideration and approval.

## Parking Policy

- **ECC has established a parking policy framework with the two partnerships.**
  - ECC will continue to fund any parking schemes (via the LHP) that:
    - are required to address a **safety issue** meeting ECC criteria of **4 accidents in 3 years in 100m ... or...**
    - are required to address a **congestion issue** on a **PR1 or PR2 route** (as defined in the functional route hierarchy)
  - ECC will secure funding via a section 106 or planning agreement for restrictions required for new developments.
- **The Parking Partnerships have established local policies to prioritise requests to address local issues**

The Partnerships have produced flow charts to illustrate the PCN and TRO processes are published on the Essex Parking Partnership website. The link to the TRO flowchart is reproduced here for ease of convenience: [TRO Link](#).

When the Partnerships' representatives presented to the Committee in January 2016, the opportunity was taken to clarify for Members some of the details surrounding the way that these processes work in practice, and how they have been developed more effectively than in the past. It was acknowledged that the design, making and implementation of TROs and other parking schemes can be a lengthy process.

Problems that were inherited by the Partnerships when they were set up have been addressed, and improvements are being implemented in the way that proposals are developed locally including greater engagement with residents.

Similarly there is now greater resilience across the enforcement teams and steps have been taken to ensure that expensive processes have been reduced.

In response to Committee questioning it was confirmed that pavement parking is a Police matter and the current legislation does not provide local authorities in Essex the opportunity to implement a blanket ban on all pavements, and the making of TROs does not provide a practical solution.

### **How is a PP's work programme produced and how do district councils influence that programme?**

The forward plan agreed at each Joint Committee meeting forms the work programme, and there is a strong emphasis upon localism in the content of the programmes and the way that they are developed. All Partner Authorities are able to add items to the

programme. There are also processes in place for residents to put forward proposals for consideration.

In response to Committee questioning it emerged that there is a variety of practice across districts as to how each local council prioritises those local schemes to be put forward for the work programme, and the extent to which local councillors are consulted as part of that process. The inclusion of additional schemes that may be funded by other means does not stop others being implemented. Locally some districts have longer scheme lists than others, and while some may leave all schemes on a list others have chosen to delete those that are not viable. It was acknowledged that there are differences across the Partnership areas partly due to the variety of local conditions that exist.

An area like Epping Forest District has a large list of deferred schemes partly due to the nature of its urbanised areas, and the need to take account of the knock on effects that a scheme in one street would have across the wider area. Nonetheless it was for the District Council to prioritise those local schemes to be put forward for the approval of the Joint Committee.

Uttlesford District Council has a short list of schemes, and its representative on the Joint Committee engages with local Member colleagues as part of a prioritisation process.

Notwithstanding minor local schemes, the Joint Committees also consider major schemes for inclusion in their work programmes such as one on the Clacton Seafront where it was agreed that there were grounds to justify the approval and implementation of a scheme.

The following slide illustrates some of the achievements of the Partnerships.

## TRO Function



- New parking restrictions
- Existing parking restrictions
- New schemes agreed against TRO policy
- Maintaining local influence on parking decisions

## SEPP



- £150k p.a. ECC funding received 2011 to 2016 for maintenance of signs and lines and new TROs, plus one-off £250k backlog fund
- 848,500 approved and allocated by Joint Committee Members
- 593 sign and line maintenance schemes finished or near completion
- 96 new TROs completed or near completion.
- 770 requests for new parking restrictions received
- 10,855 residents informally consulted on new proposals

## NEPP



- £150k p.a. ECC funding received 2011 to 2016 for maintenance of signs and lines and new TROs, plus one-off £250k backlog fund
- Total £1m funds over 5 years approved and allocated by Joint Committee Members
- 432 sign and line maintenance schemes completed
- 163 new TROs completed
- 2 major scheme reviews completed
- 46 Schemes in current programme
- 154 further requests pending



In response to Committee questioning around TROs and enforcement it was acknowledged by the Committee and Partnerships alike that, in practice, it is difficult to balance often competing local demands and produce a scheme that is acceptable to both local residents and motorists.

NEPP has introduced a petitions pathway for residents seeking new schemes, and there is information published on the internet for the public. Furthermore it is developing a database for handling TRO requests, and it was intended that the public should be able to interrogate it to find out at what stage of the process a proposal was at.

### Transparency

#### **What information on the PPs is in the public domain? Joint Committees, websites**

The Essex Parking Partnerships website has been developed to provide all the necessary links and information regarding SEPP / NEPP policies, annual reports, resident permit schemes, TROs, Joint Committee Meetings, and as a convenient portal to challenge or pay a Penalty Charge Notice. The website address is



[www.parkingpartnership.org](http://www.parkingpartnership.org). Individual Partners also provide information on their own websites too and incorporate links to the aforementioned combined Partnership website.

All Joint Committee and Sub Committee meetings are open to members of the public to attend.

The Partnerships refuted criticism voiced by some Committee Members who suggested that Joint Committee meetings were confrontational. While residents may hold strong competing views in favour or against proposals that might be under consideration, the Joint Committee Chairmen described some of the action taken to encourage positive public engagement in the meetings and confirmed high levels of attendance for some cases. It was accepted that opposing views could be voiced at meetings, and individuals can be passionate in the way they express their personal views. Ultimately the Joint Committees will take on board all the views put forward, and consider the options available before reaching a decision.

## **Executive Review**

- What is the purpose of the review, and who is responsible for the review?
- What is the process guiding the review?
- Who will take the decisions?

The Executive Review is required under the formal agreements entered into by all the Partner Authorities, and is being jointly led as illustrated in the slides below.

### **Review Context and Requirement**

#### **Parking partnerships established 1st April 2011**

- **11 year overall term**
  - 7 year initial term, ending 31st March 2018
- 4 year extension available to 31st March 2022
  - Agreement for 4 year extension required not less than 15 months before end of 7 year term**
    - Decision must be made by December 2016

#### **Approach and Starting Point**

##### **Jointly led review, scope and governance**

- Councillor Johnson (ECC), Councillor Mitchell (NEPP chair), and Councillor Pratt (SEPP Chair)

##### **Collaborative and consultative process**

Core review group of lead officers across each partnership and ECC

Consultants, Blue Marble, are providing support to the Parking Partnerships in conducting the review.

On the operational side the Executive Review will take into consideration such matters as:

- Processes and how they work, and comparisons between the Partnerships
- Customer expectations
- Role of Lead Members
- Improved understanding of the Joint Committees

The Committee was advised that the following key areas of consensus that have already been reached:

- The Parking Partnerships are working well
- Original objectives are being met
- We want the Partnerships to continue to succeed
- We want to help the Partnerships to achieve more
- We are seeking agreement to take up the 4 year extension
- The 'all in' area principle still applies

Furthermore there may be a further review focused on looking at opportunities for developing collaboration, innovation and improvements between the Partnerships.

### Strategic Focus

- areas for the review to address

- Future Financial model
- Synergies with related areas (e.g. Highways Panels)
- Commonalities between partnerships
- Operational innovation
- Diversification opportunities





During the briefing the Partnerships confirmed that if Members wished to put forward suggestions for consideration as part of the Executive Review, those suggestions would be considered and the report to be produced by Blue Marble Consultants would indicate why a proposal should or should not be taken forward.

### **Committee's Interim Findings**

The primary aim of the January briefing was to assist the Committee towards making an informed judgement when it came to consider the proposals arising from the Executive Review, and to be able to articulate its findings in a way that would add value to the executive decisions finally reached. It was important that any proposals put forward through scrutiny review should be supported as far as possible with evidence gathered by Members themselves.

The Partnerships' representatives structured their presentation on the key lines of enquiry provided beforehand, and answered Members' questions. The information exchanged is captured in this report.

Although the Committee welcomed the representatives' detailed overview, a key concern of some Members remained that they did not fully understand the Partnerships' activity in their local areas, regardless of the background information shared beforehand and the opportunity to follow up key lines of enquiry at the meeting.

Transparency emerged as a popular theme for discussion, and in particular Members' own understanding and awareness of Partnership activity. There was some criticism voiced that insufficient effort was made to draw their attention to parking proposals that affected their local areas.

The Partnerships can demonstrate that they publish a lot of information about their activities on the internet, including Joint Committee meeting papers, policies and procedures, and annual reports. Nevertheless it was accepted that although the information is accessible to everyone, there is an onus upon the individual to take action to seek out, read and act upon the information.

As a topic parking can be contentious, and councillors are put under pressure by the public to resolve their 'parking problems'.

Aside from a need to enhance overall understanding of the role and responsibilities of the Partnerships, localism plays an important role in the way that parking controls may be proposed and implemented across a district and in doing so contributes to the image of the Partnerships. Similarly it is likely that the approach adopted by the individual Partner Authorities will influence the extent to which local district and county councillors feel more or less aware of parking issues, and in turn their attitudes towards the formal partnerships set up to deliver the on street and off street parking functions in Essex.

- Perceptions on County Council engagement

Aside from the wider considerations of the Executive Review in terms of the future operation of the Parking Partnerships, there was genuine concern on the perceived lack of communication with county councillors on the work of the Joint Committees and parking schemes in their divisions, and a failure to consult them directly whether by the Parking Partnerships or via the individual District in the way proposals are handled locally.

At a strategic level the NEPP and SEPP publish directly a lot of information on the joint website, and have been implementing improvements on an ongoing basis since their original set up to improve public relations through promoting transparency and understanding about their activity with the public. Furthermore Joint Committee meetings provide an opportunity for both the public and councillors to submit their views in person, and reference was made to some surplus monies being invested in new technologies such as databases that will be capable of being interrogated by the public via the internet to find out how schemes are progressing.

At a local level direct engagement with elected councillors varies across the individual Partner Authorities aside from Joint Committee activity itself. In some situations, it is practice for District Ward Councillors to be engaged in the development of local proposals and similarly those County Councillors whose divisions may be affected - albeit it was not clear from those Members present who may or may not have participated in local proposals. There is some evidence to suggest there was variation across Essex as to County Councillor engagement. Applicants who put proposals forward are asked to engage with their local councillors at the earliest stage, and the District Council should keep them updated as it processes the local informal consultation. The planned TRO databases should make this process easier to manage as appropriate stakeholders can be emailed at all stages.

- County Council Role and Responsibilities

The Committee discussed the possibility that a lack of understanding about the Partnerships and local engagement may lead to confusion about the role and responsibilities of the Highways Authority itself, so creating the impression that it may need to reinforce its authority.

The documents that were circulated to the Committee prior to the January meeting included the formal legal agreement that established the NEPP and SEPP, and a briefing paper produced for the meeting. These documents underline the fact that the County Council is working in partnership with the districts in both the NEPP and SEPP, and has delegated its responsibilities for civil parking enforcement to the Joint Committees including operational arrangements. Under the legislation ECC retains ultimate responsibility for the function itself by virtue of the fact it is the Highways Authority, and the agreement takes account of that fact in the way the Partnership arrangements have been established.

The formal agreements are legal documents that all the partners have signed, and so each partner is bound by its provisions. The Agreements set out the relationship between the partners and the Joint Committee as well as how the Joint Committee/ Partnership itself will operate. The County Council is one of the partners in the working partnerships that have been established, and it does not have overall control of the Partnerships. There is one ECC representative on each Joint Committee namely the relevant Cabinet Member.

Attention is also drawn to an in depth scrutiny report published by Braintree District Council in March 2015. It focuses upon the NEPP's relationship with that Council, and the services it provides specifically in relation to policy, strategy and finances, parking enforcement, and TROs. The report is helpful as it is based upon its scrutineers' in depth investigation, and it provides an alternative perception of the NEPP to concerns expressed by Committee Members around transparency and governance, its findings include the following points:

- 'The strategic aims and objectives of the NEPP are clearly defined and its policies, protocols and procedures operate on the core principles of fairness, transparency and consistency.
- The NEPP is a specialist in its field and offers a wealth of experience and knowledge on parking issues.
- The governance process (Joint Committee) is well structured and interaction between Members of the constituent Authorities is good; they have a broad understanding of national, regional and local priorities. However, increasing attendance of the ECC Members at partnership meetings would add a more strategic focus.'

The Braintree Scrutiny Report makes several recommendations to promote greater understanding about the NEPP, and its governance processes.

- Role of the Representatives on the Joint Committee

At the January meeting the Parking Partnership representatives confirmed that the Executive Review would be considering the role and responsibilities of the Partners' executive representatives on the Joint Committees. It was acknowledged that those representatives are an important conduit between the memberships of the individual Councils and the activities of the Partnerships, and it was necessary to review how those relationships could evolve to improve understanding of the NEPP and SEPP. Consequently consideration was being given to the introduction of a job description for Joint Committee representatives.

The Committee supported the development of a job description for Partner representatives on the Joint Committee as a way of defining their roles and responsibilities, and improving transparency. It could include a reference to ensuring that

the elected members of their respective councils are kept informed about NEPP/SEPP activity, and the dates of Joint Committee meetings.

While Councillor Johnson, ECC Cabinet Member, acknowledged the concerns raised about communication with county councillors and would like to be in a position to communicate more, he also drew attention to the existing delegation of powers.

### **‘ Parking Partnership Champions’**

Aside from identifying concerns about their lack of connection with the Parking Partnerships, there was an underlying demand to find a more effective way for elected members to be kept informed about parking matters and how their local residents might be affected.

Given the size of the respective areas covered by NEPP and SEPP it may be difficult for a representative to provide both the strategic and potentially the more limited interests that many local elected members may wish to be kept informed about. If new databases on schemes are published on the Partnerships’ website in due course, it will still rely on individuals being proactive to access local information.

While the Executive Review may consider the introduction of a job description for the role of the Partner Authority representatives to clarify their roles and responsibilities on the Joint Committees, there may be merit in promoting a ‘new role’ whereby an elected member of each Partner Authority has the role of a ‘Parking Partnership Champion’ to raise awareness about the relevant Joint Committee and be responsible for liaising with all elected members in that Authority’s area. Such a role could provide a clearer communications channel between the NEPP/SEPP and elected members. In addition it could provide greater consistency across Partners by encouraging good practice and ensuring that both county and district councillors are sign posted to up to date information.

The Partner Authority representatives on the Joint Committee are a key conduit between elected memberships, and this places a lot of pressure upon their ability to fulfil expectations. However, given that parking is a high profile issue, the task of maintaining effective communication channels with elected members could be onerous, individual Partners Authorities could be encouraged to consider establishing the role of a NEPP or SEPP Champion to exchange information and improve local communication links.

- Partner Authority Perception

While the Committee was considering the topic from a County Council perspective, it was notable that a majority of its membership were also councilors of one other Partner Authority. Consequently their impressions are influenced by their membership of two different councils that may have different priorities. In both situations the Partner Authority representatives will be Cabinet Members where

parking may be a small element of a broader portfolio except in the case of Braintree District Council.

Councillor Mitchell, the Chairman of NEPP, referred to the Partnerships' governance arrangements and advised the Committee that Braintree District Council had in fact amended its Constitution so that its representative had decision making powers for parking, but who was not a full Cabinet Member. This situation arose due to the fact that parking matters had formally been dispersed across more than one portfolio. In practice he confirmed that he had been able to focus upon the parking function and develop a more in depth knowledge of the subject and the operation of the NEPP.

During the presentation the Partnerships referred to current budgetary and performance considerations, and moving forward the need to implement innovative new ways of attracting income to support their operation eg broaden their activities to include services that rely on the use of similar resources in order to develop additional streams of income. It was confirmed that all surplus monies were being reinvested by the respective Partnerships into their operation to improve their services.

The Partnerships' strategies, policies and procedures are public documents and are published on the internet.

In general the Committee welcomed the way that the Partnerships have managed their budgets and are now producing surpluses that will be reinvested into their operation.

It was noted that as part of the Executive Review consideration was being given to a future financial model, synergies with related areas such as the Local Highways Panels, commonalities between partnerships, operational innovation, and diversification opportunities.

- Managing Expectations

Another theme that emerged during discussion was the need to manage public and councillor expectations across all aspects of parking including requests for TROs and enforcement - both in terms of demand for enforcement and on the other hand criticism of individual PCNs issued and demands for a relaxation in enforcement. Again information on these matters can be accessed via the Partnerships' website albeit parking is complex by its very nature.

The NEPP has introduced a petition approach whereby the wider community is engaged in the way that proposals that are developed locally by residents, and it is hoped this approach will develop greater understanding locally of the issues that need to be taken into account before any formal processes may be undertaken. In addition a database is being developed to handle requests and provide information on what stage that request was at.

## **Next Steps - Stage Two**

Following the Committee's briefing on 21 January, Members met to discuss their impressions of the evidence that they had obtained from the Partnerships' presentation and through their own questioning of contributors. For ease of reference this report has been written to provide background for the next stage of the review namely consideration of the proposals that emerge from the Executive Review.

The Committee was keen that the conclusions it reaches should go beyond merely fulfilling its own need to have a better understanding of the NEPP and SEPP, and to be able to influence the future of those bodies, which have been established formally by Essex Local Authorities. Consequently it would be necessary to be able to substantiate any recommendations that the Committee might reach with hard evidence, which placed an onus on its membership to review the evidence available and to produce any evidence where they wanted to propose changes be made.

While the Committee welcomed the fact that the NEPP and SEPP were now producing small financial surpluses, in line with original objectives, it was apparent that their respective operations were still evolving. The Partnerships had reinforced their intentions to embed improved ways of ways of working by referring to various projects including improved engagement with residents. Nevertheless Members felt that more effective communication needed to take place with locally elected members.

As part of the Executive Review it was anticipated that the Committee would have the opportunity to comment upon a broad range of matters from a future financial model, diversification opportunities, operational innovation, synergies with related areas of activity such as the LHPs, and improved practices across the partnerships.

A strong theme that emerged from the first stage was more effective communication and so the Committee would also be interested to learn how the Executive Review proposed to improve the governance of the Joint Committees in so far as broadening engagement with locally elected councillors.

Taking into account these membership engagement concerns one option might be to consider the introduction of 'Parking Partnership Champions'.