NORTH ESSEX PARKING PARTNERSHIP
JOINT COMMITTEE FOR ON-STREET PARKING

9 November 2023 at 1.00pm
Committee Room, Town Hall, Station Road
Clacton-On-Sea CO15 9SH.

Members Present:

Councillor Mick Barry (Tendring District Council)
Councillor Tom Cunningham (Braintree District Council)
Councillor Goss (Colchester Borough Council)
Councillor Neil Hargreaves (Uttlesford District Council)
Councillor Dan Land (Essex County Council) [Chairman]
Councillor Nicky Purse (Harlow District Council)

Substitutions:

There were no substitutions at the meeting.

Apologies:

Apologies received from Councillor Sam Kane (Epping Forest District Council).

Also Present:

Richard Barrett (Tendring District Council)
Jason Butcher (Parking Partnership)
Richard Clifford (Colchester City Council)
Jake England (Parking Partnership)
Councillor Alan Goggin (Tendring District Council)
Chris Hartgrove (Colchester City Council) [Attended remotely via Zoom]
Amelia Hoke (Epping Forest District Council
Owen Howell (Colchester City Council)
Dean James (Harlow District Council)
Michael Kelly (Harlow District Council)
Angela Knight (Uttlesford District Council) [Attended remotely via Zoom]
Hayley McGrath (Colchester City Council)
Andrew Nepean (Tendring District Council)
Samir Pandya (Braintree District Council)
Mel Rundle (Colchester City Council)
Richard Walker (Parking Partnership)

156. Minutes

A member of the Joint Committee noted that the minutes held a record of actions requested by the Joint Committee, and that these needed following up on, to ensure that they were completed.

RESOLVED that the minutes of the meeting held on 22 June 2023 be approved as an accurate record.

157. Financial Report

The Chairman informed the Joint Committee that the Financial Report would be considered before the Traffic Regulation Report which preceded it on the agenda for this meeting.

Richard Walker, Group Manager, summarised the challenging year being experienced, and the improvement in Penalty Charge Notice [PCN] income base compared to the previous year. The issuing of PCNs represented the biggest cost and income stream for the NEPP. Other income streams were from fees and charges, and form on-street pay and display.

Recruitment had been a struggle, but this had improved, including recruitment to Civil Enforcement Officer [CEO] positions. Some posts had remained unfilled, and a vacancy saving realised.

A rescue plan was being put in place to remedy the budget deficit and to rebuild the NEPP's reserves. The details had been gone through with all Client Officers, with projections that the NEPP would reach year end on budget. This assumed a four percent rise in the total cost of salaries for the year. Client Officers had requested a 'worst case' scenario to be given. This was the reason for the laying out of the impact should the salary bill increase by four percent, seven percent and eleven percent. An increase in the total salary cost of eleven percent was predicted to cause a deficit of £160k for the NEPP.

The Group Manager refenced questions and concerns about the NEPP Agreement, giving his view that Appendix E dealt with matters of financial performance and activities in retrospect, whilst Appendix F looked forward into actions in future years, such as the cessation of discretionary Traffic Regulation Order [TRO] works in the event of a budget deficit developing. The Group Manager stated that the Agreement dictated that, as soon as a budget deficit was encountered, this should be reported to the next meeting of the Joint Committee, which would officially be this meeting. Then plans would need to be presented to the following quarter's meeting, to lay out how the partner authorities in deficit would act to return the NEPP to a balanced budget. Then the plans would be put into action and would have twelve months to be carried out. Formal legal guidance and interpretation of the Agreement's content on this was being sought.

The Group Manager was asked who held the position of Treasurer for the NEPP,

as referred to within the NEPP Agreement. The Group Manager surmised that the Treasurer role was carried out by the Section 151 Officer for Colchester City Council, the Lead Authority. Chris Hartgrove, Deputy Head of Finance and Deputy Section 151 Officer for Colchester City Council, agreed to get clarification, stating that it was reasonable to assume that he would be Deputy Treasurer to the NEPP. The Deputy Head of Finance also agreed to get answers regarding the process for signing off the NEPP accounts and would confirm these with the partners. A member of the Joint Committee expressed surprise that there was not certainty regarding the role of Treasurer, and concern that questions put to the Lead Authority's Section 151 Officer had not been answered. The current financial position was described by the Joint Committee member as being difficult and unsustainable, with a lack of information being given on the finances and accounting.

Richard Barrett, Section 151 Officer to Tendring District Council, stated that information was needed to enable informed decision making. Questions about the finances and NEPP Agreement included questions as to how the NEPP and its partners discharged their functions, with partners needing to decide what funding to set. The Group Manager and Colchester's Deputy Head of Finance were asked to confirm whether there was confidence in the financial position presented to the Joint Committee. The Chairman gave assurances that every effort would be made to get the required answers to questions.

A Committee member raised the expected budget deficit and reserves situation and requirements, under the NEPP Agreement. The Committee was being asked, at this meeting, to approve further spending on Traffic Regulation Orders [TROs]. The Committee member stated that the NEPP Agreement said that such spending should be halted, if the Partnership were to find itself with a budget deficit, and that the Committee was being asked to decide to authorise such spending. A request was made by the Joint Committee member for the Section 151 Officer of Colchester City Council to release a statement to all Section 151 Officers of the partner authorities, to state that the NEPP was operating outside of the Agreement and to provide information of the effect on NEPP finances and on the expected end-of-year position. The Group Manager agreed that this could be done.

Officers were asked as to when the NEPP accounts had last been audited, as there was no audit statement with the Financial Report. The Deputy Head of Finance and Deputy Section 151 Officer for Colchester City Council suggested that a meeting be held with all relevant Section 151 Officers to give a response to the questions and concerns, and to bring a report to the next meeting [on 21 December 2023]. This would include a discussion on how any deficit would be shared between the local authorities. Regarding auditing, the NEPP had been affected by the sector-wide backlog in external audit work, alongside other local government organisations. The Chairman noted that this was not the first time that concerns had been raised, and pushed for a quick response to give clarity and certainty to the partners.

A Committee member emphasised the importance of clarifying whether the scheduled approval of TROs, due to happen at this meeting, was outside of the

terms of the NEPP Agreement. The Group Manager explained that the cessation of TROs was covered within Appendix F of the NEPP Agreement, talking of new TRO plans, to be designed in the future and covered under future years' business plans, rather than the TROs which had been tabled for decision at this meeting. Uncertainty still applied to these future business plans, as the decision on the pay award for 2023-24 was still outstanding. The Group Manager suggested that it may be prudent not to approve TROs at this stage, as they would have an impact on the NEPP's finances in future years. The TROs under consideration on this agenda had a total value of around £42k, which was not substantial, but was a meaningful amount in regard to the overall level of deficit.

A Committee member disagreed with the Group Manager's interpretation of Appendices E and F to the NEPP Agreement, asking for clarity before any decision be taken on approving new TROs and cautioning that they did not have confidence that the recovery plan would return the NEPP finances to a balanced budget and required level of reserves. The Agreement stated that the NEPP must maintain a set deficit reserve fund level of £400k, which would need to be rebuilt, in addition to eradicating the budget deficit.

Joint Committee members suggested waiting until the JPC meeting of 21 December 2024 to decide whether to approve the TROs recommended for approval by the partner local authorities.

RESOLVED that a meeting be set up for the NEPP partners' Section 151 Officers to meet, to discuss and gain assurances regarding the questions and concerns raised as to the financial position and accounting of the NEPP, and the relevant parts of the NEPP Agreement.

158. Traffic Regulation Order Update and Application Decision Report

Mr Ireland attended the meeting and, with consent from the Chair, addressed the Joint Committee in support of potential Traffic Regulation Order [TRO] T23516631 [Resident Permits for The Street, Takeley]. Mr Ireland outlined the local support for this suggested TRO, with a petition having been carried out to inform residents and collect support. The background was given, with houses on one side of The Street having parking areas, and the setting out of parking bays for houses with no parking. Mr Ireland described the interactions with officers, followed by the collecting of local support, stating that 84% of residents were in favour, with only one resident found who did not support the proposal. Mr Ireland explained that there was a consensus amongst residents that they would be willing to fund any deficit that the scheme incurred, if approved. Mr Ireland explained that the Street experienced heavy parking at times, with surveying showing full parking usage during holidays and Christmas.

A statement was read out on behalf of Mr Geoff Smith, regarding potential TRO T15499454, relating to The Summit, Loughton. Mr Smith to welcome the inclusion of waiting restrictions, and to suggest that waiting restrictions should apply to the main entrance of The Summit, from Baldwins Hill, up to the houses facing on to The Summit, and to the narrower part of the road, with three houses. Mr Smith advocated for a Monday to Friday two-hour parking restriction.

Jason Butcher, Group Development Manager, explained that TRO T15499454 only included red line restrictions.

RESOLVED that this item be deferred and be brought back for consideration at the Joint Committee meeting scheduled for 21 December 2023.

159. Civil Enforcement Discretion and Cancellation Policy

Jake England, Group Operating Manager, introduced the updated Policy, reviewed and updated as part of the ongoing updating of policies, as recommended by internal audit. This policy represented an amalgamation of the Penalty Charge Notice [PCN] Cancellation Policy and the Enforcement Discretion Policy. An explanation was given of the difference between the cancelling of PCNs [where the law dictates cancellation being necessary] and the waiving of PCNs [where mitigating circumstances lead to discretionary action not to enforce restrictions in specific cases.

Officers were asked, in future, to show tracked changes to policies being reviewed and updated, to show where changes were being recommended. A request was also made for the removal of outdated language, such as ‘feeding a meter’ and reflect new technology, such as ‘phone apps, and the scenarios they present.

RESOLVED that the updated Civil Enforcement Discretion and Cancellation Policy be approved.

160. Obstructive Parking update

Richard Walker, Group Manager, confirmed that there had been no progress made, by Government, on this issue.

161. Forward Plan 2023-2024

Councillor Nicky Purse noted that, on 19 December 2022, there had been consideration of changes to the scoring of Traffic Regulation Orders [TROs], but no decision made. Councillor Purse queried whether the changes had been agreed, and Jason Butcher, Group Development Manager, explained that they had been approved by the Joint Committee at its meeting in March 2023. Councillor Purse requested that the scoring system be reviewed by Joint Committee members and officers.

A query was raised regarding Essex County Council’s [ECC’s] ability to impose TROs directly, rather than via the NEPP. Richard Walker, Group Manager, explained that ECC retained the ability to use powers where these had been delegated to the NEPP Joint Committee, and that there were instances ECC needed to use retained powers to set TROs.

RESOLVED that the Forward Plan be approved, subject to the report on TRO setting being rescheduled to the Joint Committee meeting on 21 December 2023.