	AGENDA ITEM 6
	EDEH/27/12
Committee:	**Economic Development, Environment and Highways Policy & Scrutiny Committee**
Date:	**15 November 2012**
CALL IN OF DECISION TAKEN BY THE NORTH ESSEX PARKING PARTNERSHIP ON CCTV CAR – OPTIONS APPRAISAL	
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Under the North Essex Parking Partnership (NEPP) Joint Committee Agreement 2011this Committee (EDEHPSC) may call in a decision of the NEPP Joint Committee.

At its meeting on 4 October 2012 (Minute 18) it was RESOLVED that the Joint Committee:

i) Considered the report from the Parking Partnership Group Manager outlining the different procurement options and associated risks.

ii) Agreed to the introduction of a Partnership Joint Lease for a period of one year (THREE voted FOR, and ONE (Councillor Stock) voted AGAINST.

iii) Requested that a further, more detailed options appraisal is carried out during the one year trial period of CCTV Car operation.

iv) Requested Essex County Council officers to provide a definitive list of responsibilities for Essex County Council (Traffic Regulation Orders), The North and South Parking Partnerships and the Local Highway Panels.

As a Member of this Committee Councillor Linda Mead called in this decision, and a copy of her Call-In including the reasons for her action is attached at Appendix A.

In line with the County Council's procedure for handling the call in of a decision, an informal meeting was held on 24 October, and a note of that meeting is attached at Appendix B. Following that meeting Councillor Mead agreed to withdraw her Call In on this decision. Therefore the matter has been resolved.

Action required by the Committee:

The Committee is requested to note the activity that occurred in respect of this decision. However, it is not required to take any further action as the Call In has been withdrawn.

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Please note that while this report has been submitted for noting purposes at this time, the Parking Partnerships has been identified as a subject for future scrutiny review in the Committee's Forward Look after May 2013.

Appendix A

Notice of Call in made by Linda Mead on 15 October 2012

I wish to call in the decision taken by the North Essex Parking Partnership as shown in minute 18 (of the meeting held on 4 October).

The officer view, as stated in the minutes makes clear that there is no evidence to back up the claim that parking outside schools is causing accidents:

> “Ms. Vicky Duff (Essex County Council) confirmed to Councillor Stock that in terms of risks, accidents and danger in the 'KEEP CLEAR' areas outside schools, this was in the main anecdotal and not evidence based. There is a widely held view by the public of a perceived problem with regards to child safety, though the evidence available does not support this view."

The Risk Strategy, agreed on the same agenda, highlighted the dangers (risk 1.8) of "Decisions taken on a political basis as opposed to being considered on their own merits".

The decision to introduce a CCTV Spy Car to tackle parking problems was not made on its own merits, it was a decision taken purely on the basis of the potential to generate financial income, not on the basis of tackling congestion or improving road safety. The decision was made without all the facts being available and without other options being considered.

There has been no consultation with members or any of our partners or key stakeholders. A further decision was taken by the NEPP committee to request a definitive list of Traffic Regulations Orders as it is not known how many schools have the appropriate Orders in place, without which the Spy Car will not be able to issue any tickets.

The decision is premature and ill-considered as the main parking problem around most schools is that of inconsiderate parents blocking private driveways and causing congestion; none of these problems will the Spy Car be able to resolve as it will only be able to issue tickets to cars parked on officially designated no-stopping zones, if any actually exist. It will not be able to give tickets to offenders stopping on double-yellow lines or deliberately parking in front of a private driveway, or causing an obstruction.

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Appendix B

Note of an informal meeting regarding the call in of a decision taken by the North Essex Parking Partnership on 4 October 2012 held at County Hall, Chelmsford, on Wednesday, 24 October 2012

Present:
Councillors: Susan Barker, Chairman of the North Essex Parking Partnership; Linda Mead, responsible for calling in the decision; Simon Walsh, Chairman of the Economic Development, Environment and Highways Policy and Scrutiny Committee.

The following officers were present in support throughout the meeting:
Colin Ismay, Head of Scrutiny, Essex County Council
Robert Judd, Democratic Services Officer, Colchester Borough Council
Richard Walker, Parking Partnership Group Manager

Councillor Simon Walsh in the Chair.

1. CCTV car – Options Appraisal

As it was not straightforward in that it involved the call in of a decision taken by the Parking Partnership, the Chairman and Colin Ismay outlined the process to be followed in dealing with this call in. It was explained that the informal process was for the parties to come together and have an honest exchange of views to see if there was any possibility of reaching a position whereby the call in could be withdrawn. If the call were not withdrawn, it would be referred to the Policy and Scrutiny Committee for resolution. The options available to the Committee are:

- to refer the decision back to the decision-maker, in this case the North Essex Parking Partnership, setting out in writing its concerns; or
- to refer the matter to Council also with a record of its concerns;
- if the Committee does not refer the decision to either the decision taker or Council, the decision takes effect at the conclusion of the meeting.

It was clarified that the call in related to decision (ii) of minute 18 of the meeting of the Partnership held on 4 October, i.e. the entering into of a lease for a period of one year for the provision of a CCTV car.

Councillor Mead expanded on the reasons for calling in the decision set out in her notice of call in dated 15 October, attached as the Annex to this note. She was concerned that the car would only be able to issue tickets for cars parked in the Keep Clear zone around schools and would not help with any other issues in terms of keeping the traffic moving and preventing inconsiderate parking. She was concerned that the real reason for the decision was the generation of income. She was also concerned about the potential for the car to take photographs of children.

Councillor Barker explained the history behind the decision. It had been on the Partnership's business plan for a long time. It was first discussed in June when Tendring was not represented at the meeting. At the June meeting further clarification

was sought and this was brought to a meeting on 12 July of the Traffic Regulation Order Group. There was no dissent expressed at that meeting at which Tendring was represented and as a result proposals were brought to the Partnership meeting on 4 October.

Councillor Barker explained that the car would not just deal with cars parked in the Keep Clear Zones outside schools and that it can be programmed to recognise the location of a range of parking restrictions and then to take low level photographs which provide enough context to recognise if there has been an offence committed and the number plates of any vehicles concerned. The car is able to go into situations, such as outside a busy school where it is difficult for officers to take action safely and where there is the potential for conflict with the public. Councillor Barker said that she would be asking Members to identify locations that would benefit from being patrolled by the car. The car itself does not issue parking tickets. The information is reviewed in the office and decisions taken on whether or not a ticket is warranted. The Partnership's decision was to enter into a leasing arrangement to trial it for a year, even though this was not the most economical arrangement. Councillor Barker reminded Councillor Mead that Tendring was part of the Partnership which had been established to reduce the deficit that had accrued to the County Council for dealing with parking enforcement. Councillor Barker felt it would be of benefit to the Partnership and to Tendring if Tendring was consistently represented at meetings so that its representative understood the history leading up to a decision.

Richard Walker further explained how the car would operate. Schools were one of the top two places where there were calls to enforce parking restrictions. When staff are seen to be on site parents conform. The staff's remit is to keep traffic moving safely. The car would be able to patrol 5 – 6 schools in a day whereas staff would only be able to visit one. The car can be used at times of peak demand for staff. The car will not be undertaking covert action as it will be clearly marked. Richard acknowledged that this might look like an excuse for generating income and the expectation is that it will pay for itself but the decision had been taken as a way of responding to demands for action to be taken.

Councillor Mead asked if it was feasible for the pilot year to go ahead without the car being used in Tendring. It was explained that this was not a decision that the Chairman could take now in her own right and that any such proposal would need to be considered by the Partnership. The next opportunity would be in December. Richard Walker advised that if the Partnership accepted this proposal then Tendring could be used as a control for the rest of the North area to help gauge the success of the car. In the meantime the use of other options could be explored for implementation in Tendring. Councillor Barker explained that it was hoped to introduce the car in about April 2013 and review progress after the first three months of operation with a report coming to the Partnership in October 2013. Councillor Mead felt that this would give Tendring an opportunity to understand how the car operates and review its position at that time.

The Chairman summed up the following points:

- the filming of children was not an issue as the camera would only be filming at knee height
- this is not covert action and the van will be clearly visible when in use

- it is not just about patrolling Keep Clear Zones outside schools but will be used on hotspots identified to the Partnership
- the Chairman of the Partnership is willing to take to the next meeting of the Partnership a proposal that the car is not initially used in Tendring and that Tendring will reconsider its position when the first quarter's operation of the car is reviewed in October 2013. In the meantime alternatives to using the car will be considered for introduction in Tendring.

The Chairman asked if Councillor Mead was prepared to withdraw her call in on this basis. Councillor Mead indicated that she was minded to do so but asked that she be given more time to consider her position. Colin Ismay indicated that it would be helpful if she could respond by the end of the week. In the meantime he would prepare and circulate to all parties a note of the discussion.

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