

NORTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE FOR ON-STREET PARKING

20 June 2019 at 1.00pm

Grand Jury Room, Town Hall, Colchester Borough Council

Members Present:

Councillor Richard Van Dulken (Braintree District Council)
Councillor Mike Lilley (Colchester Borough Council)
Councillor Robert Mitchell (Essex County Council)
Councillor Danny Purton (Harlow District Council)
Councillor Michael Talbot (Tendring District Council)

Substitutions:

Councillor Alex Armstrong for Councillor Deryk Eke (Uttlesford District Council)

Apologies:

Councillor Nigel Avey (Epping Forest District Council)

Also Present:

Michael Adamson (Parking Partnership)
Lou Belgrove (Parking Partnership)
Richard Block (Colchester Borough Council)
Liz Burr (Essex County Council)
Richard Clifford (Colchester Borough Council)
Emma Day (Parking Partnership)
Qasim Durrani (Epping Forest District Council)
Councillor Mark Goacher (Colchester Borough Council)
Simon Jackson (Uttlesford District Council)
Councillor Brian Jarvis (Colchester Borough Council)
Councillor Cyril Liddy (Colchester Borough Council)
Hayley McGrath (Colchester Borough Council)
Paul Partridge (Braintree District Council)
Miroslav Sihelsky (Harlow Council)
Ian Taylor (Tendring District Council)
Richard Walker (Parking Partnership)

37. Appointment of Chairman

RESOLVED that Councillor Robert Mitchell (Essex County Council) be appointed Chairman of the North Essex Parking Partnership Joint Committee for the ensuing municipal year.

38. Appointment of Deputy Chairman

RESOLVED that Councillor Danny Purton (Harlow Council) be appointed Deputy Chairman of the North Essex Parking Partnership Joint Committee for the ensuing municipal year.

39. Declaration of Interests

No declarations were made.

40. Have Your Say

Councillor Liddy (Colchester Borough Council) addressed the Committee to enquire as to what arrangements and ideas have been discussed by the Parking Partnership regarding a potential government ban on pavement parking.

The Chairman clarified that the main issue concerned obstruction parking, which included parking that prevented the use of pavements. Whilst pavement parking is entirely prohibited in London, it is not banned in counties such as Essex. The Joint Committee wished to avoid a blanket ban on pavement parking, in favour of allowing local areas to set restrictions on where pavement parking should be prohibited (such as where this would leave accessible pavement of less than four feet in width). Furthermore, the Committee was seeking to have the offence of obstruction parking decriminalised so that enforcement action could be carried out by the Parking Partnership's Civil Enforcement Officers (CEOs).

Councillor Purton agreed that the Parking Partnership must be prepared for when new powers or regulations come into force. At least six months should be given to prepare a response and a set process would be needed by which new regulations are introduced and resources allocated.

RESOLVED that the Joint Committee receive a report at its meeting on 3 October to discuss policies which could be put in place to tackle obstruction parking and safeguard safety of pedestrians, especially those who are vulnerable.

Councillor Mark Goacher also raised issues regarding pavement parking, noting existing powers which could be used to tackle this. Councillor Goacher stated to the Committee that there was often confusion between powers held by CEOs and powers held by Police officers. He gave examples of areas where pavement parking caused problems for pedestrians and asked for details of what enforcement the Partnership can conduct, and whether clarification could be given as to the different responsibilities in place for enforcement.

The Chairman explained that Parking Partnership's CEOs could only provide enforcement where there are parking restrictions in place, whether vehicles are parked at the kerbside or on to the pavement. CEOs can only issue Penalty Charge Notices (PCNs) whereas Police officers can issue Fixed Penalty Notices (FPNs). Whilst the Parking Partnership does not currently have powers to conduct enforcement against 'moving-vehicle' offences, the Joint Committee would welcome these, if granted. Councillor Mitchell explained that, should obstruction parking be

decriminalized, and the Parking Partnership be able to commence enforcement action, communications efforts would be made to publicise this.

Richard Walker, Parking Partnership Group Manager, confirmed that the Transport Select Committee was currently conducting an inquiry into the issue of pavement/obstruction parking. Any policy on this subject put in place by the Parking Partnership could not be a blanket policy but would need to consider where pavement parking may be appropriate. Any policy would be discussed and fine-tuned by the Joint Committee.

Mrs Anne Dew addressed the Committee to inform members of infractions against the residential parking scheme in West Stockwell Street, Colchester, and to request information as to how Enforcement Officers could tell which cars were in breach of such schemes, now that paper permits were not issued. She further requested information on what enforcement action is taken when non-permit holders are reported as parking within the area of a residential parking scheme.

It was explained that significant savings have been achieved through no-longer issuing paper parking permits. Richard Walker explained that Enforcement officers' hand-held devices have access to records of all permit holders and can identify cars which are in breach of residential parking areas. Regular patrols are carried out in the Dutch Quarter and Richard Walker agreed to send Mrs Dew the statistics of these. Penalty Charge Notices (PCNs) are still printed and attached to vehicles, and Richard was able to inform Mrs Dew that 20 PCNs had so far been issued in West Stockwell Street during June, with seven already paid.

41. Minutes

RESOLVED that the minutes of the Joint Committee meeting held on 19 March 2019 were confirmed as a correct record.

42. Annual Governance Review and Internal Audit

Hayley McGrath, Corporate Governance Manager at Colchester Borough Council, introduced the report and reaffirmed that whilst it was no longer mandatory for the Joint Committee to approve a governance statement and small-bodies return, the Committee would still be provided with details of control arrangements and assurance as to their effectiveness.

The information and audit report provided to the Committee had been reviewed by Hayley McGrath and Richard Walker, Parking Partnership Group Manager, before being discussed with Client Officers. Members of the Committee were invited to contact Hayley to discuss and questions or concerns which they may have regarding governance matters.

No significant issues were raised in the audit report. Four Level-Two recommendations had been made; these would need to be resolved but were not significant. The audit had confirmed that substantial assurance was in place and that there were no particular governance concerns raised regarding Colchester Borough Council's governance arrangements for the Parking Partnership.

The Committee welcomed the report and the substantial assurance rating awarded. It was noted that some previous reports had not been so positive, and that this was a sign of the organisation's maturity.

In response to questions regarding bailiffs, Hayley McGrath explained that bailiff interactions were not covered under this audit report, but customer complaint handling was covered. The use of bailiffs was examined as part of a separate audit covering Colchester Borough Council, with no concerns being raised.

In response to questions regarding the two recommendations raised on 'Procedures for the Collection of Car Park Fees', Hayley McGrath explained the recommendations as listed at 2.1 and 2.2 of the audit report. She also provided a summary of the audit process. Auditors discuss audit matters with officers before compiling a draft report. This draft is then sent to the relevant manager (in this case, Richard Block, Assistant Director (Environment) at Colchester Borough Council). A management response will be produced where recommendations will be accepted or challenged. Once all recommendations have been agreed, the audit report will be signed off and work will commence to address the recommendations.

A Committee member requested that an annual summary report on complaint performance be brought to the Committee. Hayley McGrath confirmed that regular updates will be provided to cover statistics on complaints regarding the Parking Partnership.

A concern was raised regarding the time it takes for PCN payments to be processed and issues arising should payments be made to the incorrect local authority. Hayley McGrath explained that the audit process would follow a sample of such transactions as far as possible to ensure the correct process is followed and that payment is made to the correct local authority. Collections in the Colchester Borough are also examined as part of a separate audit. She requested that if any Committee members or client officer had any concerns about transactions, they should contact her to request a review by the auditors. It was noted that one such occurrence had been noted, where a PCN charge generated in Uttlesford had then been paid to Braintree District Council, and the money then directed from Braintree District Council to Uttlesford District Council.

The Chairman noted that the 'direction of travel' arrows on page 22 were unclear. It was requested that future reports use clearer arrows/graphics in order to avoid confusion.

RESOLVED that;

- a) The Committee noted the Annual Governance Review of the North Essex Parking Partnership;
- b) The Committee reviewed the Internal Audit report for the North Essex Parking Partnership.

43. Annual Review of Risk Management

Hayley McGrath, Corporate Governance Manager at Colchester Borough Council, introduced the report and briefed the Committee on the risk management arrangements at the Parking Partnership, clarifying the differences between operational risks (assessed and addressed by officers) and strategic risks, which were included on the Strategic Risk Register and overseen and approved by the Joint Committee on Parking. Strategic risks tended to be risks relating to policies, future plans, or issues which critically affect the Parking Partnership. Hayley McGrath confirmed that the Joint Parking Committee received regular updates on the Strategic Risk Register, with an annual summary at the AGM. The Committee oversaw this Risk Register and agreed any changes to it.

No significant changes were recommended, with two risks now scored so low that they could be removed from the Risk Register, and no trend for increases in risk severity. The risk scoring process was explained, with a total risk score for each risk, combining likelihood and potential severity of impact.

Hayley McGrath explained that the Committee was also responsible for reviewing the Risk Management Strategy, and that she reviews this each year prior to the Joint Parking Committee examining and approving it.

A Committee member asked whether there was a risk implication from members of the Committee not being notified of 'near-misses' and whether examples of such 'near-misses' could be provided to the Committee to increase members' awareness of potential issues. The Chairman supported this suggestion and informed the meeting that in practice, potentially-serious near-misses have been reported to the Chairman. He noted that it was positive to see that all-but-one risks were now scored beneath the line of risk tolerance.

Committee noted that although Risk 16 had been removed from the Register, it was still on the Risk Matrix. The Chairman requested that the Matrix be duly amended.

Questions were raised regarding the recommendation that risk 6 be removed from the Register, due to its low risk rating. The Chairman explained that the rating of this risk had been greatly reduced and so the risk itself was no-longer considered to be significant. Hayley McGrath expanded on this to explain that that risk had not reached a 'zero' score, but that the Strategic Risk Register only included on the main concerns facing the organisation. 'Managed' risks and risks which are highly unlikely to occur are managed by officers, but should such risks gain in their severity and/or likelihood, then they may be added to the Strategic Register for the Committee to consider. They will continue to be considered by officers, and local authorities within the Parking Partnership will be briefed on any significant matters relating to them.

RESOLVED that;

- a) The Risk Management Strategy for 2018/19 be endorsed;
- b) The Joint Committee reviewed and commented on the risk register for the North Essex Parking Partnership;
- c) The reference to Strategic Risk 16 be deleted from the Risk Matrix.

44. NEPP Annual Report Data for 2018/19

Richard Walker, Parking Partnership Group Manager, introduced the Annual Report Data for 2018/19 and explained that there was a requirement that the Parking Partnership's performance data be published on DataShare. Quarterly reporting of performance data had been introduced for the Parking Partnership, which was the first such organisation in the UK to do so. The data presented in this report consists of the year-end data for the NEPP. A member of the Committee stressed the importance of providing explanatory content for this data, in order to mitigate the risk that the figures may be used out of context by people external to the NEPP in a way that damages the Parking Partnership's reputation. Richard Walker highlighted the challenges relating to Freedom of Information requests, especially from journalists, where raw data can be provided without an accompanying explanation.

The Committee were informed that the media maintained an interest in parking income. Questions were raised as to the appearance that PCN numbers have increased since 2013. It was noted that 2013 was only two years after the NEPP had been formed, and that in recent years there had been no significant increase in parking charges issued. It was also noted that this was in spite of new parking schemes being introduced each year leading to a greater overall number of schemes and restrictions to be enforced.

It was noted that, on Table 5 of Appendix 1, the 2018/19 figures for on-street and off-street parking were incorrect. The number of Civil Enforcement Officers employed for on-street and off-street enforcement should read 30.6 and 12.4 respectively. Richard Walker explained that the number of parking charge notices issued was affected by good spring weather, which allowed for longer patrols and more intensive enforcement. Poor weather would prevent officers from patrolling so far and in some cases could obscure road markings, preventing them from being enforceable.

In answer to a question regarding appeals to the traffic penalty tribunal, Richard Walker confirmed that there were so few cases appealed that this registers as 0% of cases. The Committee requested that this be amended to give more decimal places in order to show that there are some appeals made.

RESOLVED that the NEPP Annual Report data for 2018/19 be noted.

45. Finance Report – End of Year and Reserves

Lou Belgrove, NEPP Business Manager, introduced the Financial report and explained that almost £260k had been paid into reserves during the year, with no calls being made on the reserve fund. This left the Civil Parking Reserve at £1.3m.

A Committee Member questioned to what the asterisk in Appendix 1 referred. It was explained that this may have been erroneously left in from when the accounting table had referred to projections of totals, rather than the confirmed year-end actuals. Richard Walker agreed to investigate and provide an answer.

In response to questions regarding where the Reserve was located and whether interest was paid, Richard Block, Assistant Director informed the Committee that the Reserve sat in a ring-fenced fund with Colchester Borough Council and did garner

interest. It would be possible to show the treasury management arrangements governing this, and the specific fund locations for the Reserve, should the Committee wish to receive these details.

RESOLVED that:

- a) The financial positions at the end of 2018/19 be approved;
- b) The Reserve fund position be noted.

46. NEPP Medium-Term Plan, Reserve and Work Programme

Richard Walker, NEPP Group Manager, presented the NEPP Medium-Term Plan, Reserve and Work Programme. The report asked the Committee to note the details as set out in the appendix and to decide whether to adopt the recommended approach as set out in the Medium-Term Financial Plan, and whether to delegate powers to the Group Manager regarding the addition of projects to the work programme, which will receive funding from surplus reserve funds.

Richard highlighted that an expected draw upon reserves of £185k for traffic regulation orders (TROs) had not been necessary. Since 2017, the NEPP no-longer received funding for providing its TRO functions, which were budgeted at costing roughly £210k per annum. This indicated that the TRO functions would likely cost approximately £840k for the remaining span of the Partnership Agreement, and this had been budgeted for in the level of reserves held. There has however been no need to draw upon these reserves thus far as the Technical Service responsible for TRO functions has been funded within the annual income instead.

Richard Walker explained that, whilst it had been recommended that a level of reserves be maintained, it had also been recommended that the 'surplus' reserves be used to spend on additional projects and parking schemes. This necessitated a set process for deciding which suggested projects receive funding, for a work programme to be set and a process for populating the programme with the approved projects. Thus, the Committee was requested to approve the process whereby projects are assessed for inclusion on the draft work programme, and for the programme to then be considered by the Committee at its December 2019 meeting.

Richard Walker detailed the types of project which would be considered. These included capital investments such as improving or installing directional or informational parking signage, small-scale projects (e.g. installation of a small number of parking bays) or work to collect data especially in areas where the Partnership and/or local authorities will potentially need to collect data in the future. Larger projects will be considered, although a repayment scheme may need to be put in place to repay funding from the Reserve in these cases. Projects involving one-off funding requirements would also be admissible for consideration.

A Committee member highlighted that past proposals had been made but had been problematic, and further suggested that one possible project could be to install and administer disabled parking bays.

A potential further use for reserve funding was potentially to increase the number of TROs put to the Committee for approval. The Chairman noted that it was currently

the NEPP's policy that it would not consider restrictions within new residential development within the first five years following construction, but that the NEPP had expertise in parking matters and could take an impartial view, compared to developers who often look to maximise the housing density without full consideration of street parking.

A member of the Committee asked whether the NEPP could look at providing charging bays for electric cars, and options as to how they be enforced so as to prevent their use purely as a parking space. Richard Walker informed the Committee that this was already under consideration in Peterborough, that the parking space and charging unit could automatically report on whether the space and charging unit were in use and notify officers if a vehicle was parked but not being charged, thus simplifying enforcement. Richard Walker would investigate whether the payment for using such a parking space would be for use of the space or use of the electricity. Samir Pandya, Operations Policy and Strategy Manager (Braintree District Council) informed the Committee that there was an example in his Council's area where such a charging point was in use and users were charged for the parking bay, rather than the power drawn from the unit (George Yard Shopping Centre).

The Committee then discussed the difficulties in identifying genuinely environmentally-friendly fully electric vehicles from hybrid vehicles, the frequent use of hybrids without charging points being used, and difficulties in siting fast-charging points for electric vehicles.

Richard Walker was asked whether there would be a restated process for the submission of new bids and whether councillors from each local authority could consider the criteria by which bids would be assessed. He was also asked whether the planned visits to each authority by the NEPP Project Officer would still go ahead. Clarification on the bidding process was sought. In response, Richard Walker explained that the window was currently open for bids to be made for potential consideration by the Committee at its December 2019 meeting. The Project Officer post was currently vacant, but interviews were scheduled for 27th June and the successful candidate would arrange to visit each local authority following their appointment.

RESOLVED that the Joint Parking Committee:-

- a) Noted the Medium-Term plan illustration in the appendix;
- b) Noted the likely effects of costs on the operation in future;
- c) Noted the ways the operational service is managing these issues;
- d) Adopted the approach set out in the Medium-Term Financial Plan;
- e) Delegated to the Group Manager the addition of schemes compliant with the scoring system to the Work Programme, reporting to the Joint Parking Committee meeting scheduled for 12 December 2019.

47. Forward Plan 2019-2020

Owen Howell, Democratic Services Officer (Colchester Borough Council) introduced the Forward Plan for 2019-20.

RESOLVED that:-

- a) An item be added to the Forward Plan for 3 October 2019 to allow the Committee to discuss policies which could be put in place to tackle obstruction parking and safeguard safety of pedestrians;
- b) The North Essex Parking Partnership Joint Committee Forward Plan 2019-20 be noted.