

Report to the Cabinet

Report reference: C-074-2014/15

Date of meeting: 9 March 2015



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport

Subject: Nomination of Minor Parking Restriction Schemes to North Essex Parking Partnership

Responsible Officer: Qasim (Kim) Durrani (01992 564055).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To delegate authority to the Portfolio Holder for Safer, Greener & Transport to nominate minor parking and waiting restriction schemes for consideration by the North Essex Parking Partnership (NEPP), subject to the following:

- (a) greater consideration is given to local factors in addition to NEPP priority ranking;
- (b) consultation with relevant ward Councillors and Town/Parish Councils and only nominate schemes for which sufficient local support exists; and
- (c) publication of the schemes submitted to NEPP in the Council Bulletin; and

(2) To delegate authority to the Portfolio Holder for Safer, Greener & Transport to rationalise the existing long list of schemes under the above criteria if approved and following consultation as above.

Executive Summary:

The County Council (as Highway Authority) has provided delegated authority to the North Essex Parking Partnership (NEPP) in respect of on-street civil parking enforcement and powers to make new traffic regulation orders. This Council is a member of NEPP along with Braintree, Colchester, Harlow, Tendring and Uttlesford District Councils.

The Partnership has a Joint Committee that considers all matters relating to Traffic Regulation Orders (TROs). The Committee consists of Executive Cabinet Members from each district as well as the County Council Cabinet Member for Highways.

Each district puts forward minor parking and waiting restrictions schemes to NEPP, funding for which is provided by NEPP and ECC. The schemes are investigated by NEPP officers who carry out feasibility studies and score each scheme under a set of criteria approved by the Joint Committee of NEPP. Lists of schemes ranked in the order of their score, highest to lowest, are then submitted to districts for consideration. Each district has to then nominate its top schemes to the Joint Committee for approval.

In order to give due regard to local factors and not rely solely on the NEPP score the report suggests that the Portfolio Holder be given delegated authority to only put forward schemes where sufficient local support is available.

Reasons for Proposed Decision:

Nomination of schemes to NEPP is at the discretion of the District. At present only those schemes are nominated that score highest under NEPP criteria, with some consideration for local support. This means that lower scoring schemes cannot be nominated even when there is high level of local support.

By agreeing to delegate authority to the Portfolio Holder to nominate schemes using a combination of: scoring under NEPP criteria, greater consideration of local factors and establishing support by local consultation, the Council will be able to nominate schemes in time and avoid the risk of missing out on funding opportunities and ensure the delivery of highest priority schemes across the District.

Other Options for Action:

Joint Committee of NEPP considers schemes at various times during the year and whereas it would be possible to nominate schemes by a Portfolio Holder Decision, however if a decision was called in and an approval was not obtained in time for the Joint Committee meeting then the Council would lose the funding for the scheme and it is likely that the funds earmarked for the Council could be made available to another District within NEPP.

To nominate schemes based entirely on NEPP scoring, but without consideration of local needs and requirements. The Council could be accused of not having due regard for local needs and priorities.

Report:

1. NEPP was created on 1 April 2011 and has delegated authority from the Essex County Council (ECC) to make on street traffic regulation orders such as limited waiting (single yellow line) or no waiting (double yellow line). ECC has made available funding for the physical works whereas all costs associated with officer time are covered by NEPP.
2. NEPP investigates a large number of on street scheme requests from member districts (Braintree, Colchester, Epping Forest, Harlow, Tendring and Uttlesford). Each request is investigated by technical officers at NEPP.
3. NEPP then submits a report to the relevant district on the schemes considered including an officer recommendation for further action. It is for the districts to then nominate schemes to the NEPP Joint Committee for approval. The numbers of schemes that can be nominated by a district can vary depending on the scale of the scheme. To date a total of 26 schemes have been nominated by Epping Forest, out of these 7 have been completed and 19 are at various stages of implementation.
4. To achieve consistency of approach in vetting schemes, NEPP has developed an assessment methodology. This consists of scoring each scheme out of a total of 100 points based on a range of technical criteria. The scoring is based on aspects including road accident statistics, compliance with ECC policies etc. adherence to NEPP scoring criteria ensure that all schemes are technically sound and comply with County Council and NEPP policies and criteria.
5. The NEPP scoring criteria does not take into account the full extent of local factors.

For example the creation of a taxi rank will not score highly enough to rank at the top of NEPP scored schemes. However the lack of a taxi rank can be a serious issue locally and the Council may wish to nominate such like sites ahead of other schemes that scored higher under the NEPP criteria. **(recommendation 1 (a))**

6. Before nominating a scheme to NEPP the Portfolio Holder will satisfy himself that adequate local consultation has been carried out. In practice, this will involve providing information about the proposed scheme to relevant ward Councillors and Town/Parish Councils to ensure that there is sufficient local support for any scheme being nominated **(recommendation 1 (b))** In addition, where feasible, the local resident/s who may have originally promoted the scheme will be contacted.

7. All schemes submitted by the Council to NEPP shall be publicised in the Members Bulletin **(recommendation 1 (c))**

8. The current list of schemes, ranked on the basis of NEPP score, consists of 110 schemes. Some of these schemes have a nil score. It is recommended that the Portfolio Holder, subject to the above criteria and after due consultation, rationalise the list to bring it down to a realistic and manageable size. **(recommendation 2)**

Resource Implications:

NEPP has access to funding for carrying out minor parking schemes across its geographic area. This includes all costs associated with implementation of schemes, necessary public consultation, advertising and signing and lining etc.

Any associated consultation with District Members, Town and Parish Councils will be carried out from within existing staffing resources of the Neighbourhoods Directorate.

Legal and Governance Implications:

The Partnership exercises the County Council's Executive highway functions and the Partnership's decisions are subject to the County Council's call in arrangements.

Safer, Cleaner and Greener Implications:

Addressing the safety of all road users, tackling inconsiderate parking, preventing congestion and its effects on local air quality etc

Consultation Undertaken:

NEPP officers carry out some consultation as part of their investigation and feasibility. This includes site visits and in some instances meetings with residents and/or elected members.

It is proposed that once NEPP provides a ranked scheme list the Safer Greener and Transport Portfolio Holder, through officers of the Council, will carry out consultations with relevant County and District Members and Town/Parish Councils to establish local support before nominating the highest scoring schemes.

Once schemes are approved by NEPP wider public consultations are carried out under the TRO making process, for example public notices displayed in the vicinity of proposed restrictions.

Background Papers:

Previous Cabinet reports

Impact Assessments:

Risk Management

If no regard is given to local considerations and schemes are nominated solely on the basis of NEPP scores then NEPP could implement schemes in the District that lack local community's support. This can present a reputational risk for the Council as an Executive Member sits on NEPP Committee and the Council could be accused of not paying due attention to local views.

Moving away from solely NEPP's criteria may potentially lead to allegations of bias unless the local criteria and weight are set out clearly and applied consistently.

If a decision is not made to authorise the Portfolio Holder to nominate schemes then an executive decision will be required before every NEPP meeting. Due to lack of sufficient time it may not always be possible to get a Cabinet or Portfolio Holder Decision. If this were to happen then an opportunity to implement schemes in the District would be lost and the funding allocated elsewhere in NEPP.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?



Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at 'formative stages' of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
	None of the specific group or characteristics that the Council has a legal duty to have due regard for will be affected by the proposals in this report