

## **Report to the Cabinet**

**Report reference:** C-028-2009/10  
**Date of meeting:** 8 October 2015



**Portfolio:** Safer, Greener and Transport

**Subject:** Deed of Variation to the Agreement with North Essex Parking Partnership

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

**Democratic Services Officer:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) To agree to the transfer of £100,000 from a ring fenced account of the North Essex Parking Partnership for the purpose of additional resource to make and implement traffic regulation orders across the Partnership;**
- (2) Subject to recommendation (1), to enter into the consequent Deed of Variation to the Joint Committee Agreement of 2011; and**
- (3) To give delegated authority to the Portfolio Holder for Safer Greener and Transport, to agree future minor amendments to the Deed of Variation, in consultation with the Director of Neighbourhoods.**

### **Executive Summary:**

The Essex County Council (as Highway Authority) transferred delegated authority from Epping Forest District to the North Essex Parking Partnership (NEPP) in respect of on-street civil parking enforcement. The Council joined the NEPP along with Braintree, Harlow, Tendring and Uttlesford District Councils and Colchester Borough Council by entering into the Joint Committee Agreement in April 2011. The Joint Committee consists of Executive Cabinet Members from each district and the County Council Cabinet Member for Highways.

The Committee has recently voted to seek agreement to utilise the £100,000 allocated by Essex County Council, for cash flow purposes, at the time the Partnership was set up, towards carrying out some of the traffic regulation order functions.

### **Reasons for Proposed Decision:**

The Joint Committee Agreement 2011 is a legal contract between the six Local Authorities and County Council which requires each member authority to agree any amendment under its own governance arrangements.

### **Other Options for Action:**

To not agree to the Partnership's use of the £100,000, currently sitting in a holding account, for the making of traffic regulation orders and the maintenance of signs and lines across the Partnership. This may reduce the Council's ability to benefit from reallocated resources

and/or ultimately in the sum being returned to County.

**Report:**

1. NEPP was created on 1 April 2011 under delegated authority from the Essex County Council (ECC) and it consists of: Braintree, Epping Forest, Harlow, Tendring and Uttlesford District Councils, and Colchester Borough Council.

2. Colchester Borough Council is the host authority for NEPP and employs all the staff. The Joint Committee, which consists of an Executive Cabinet Members from each of the six districts and County Council, manages the Partnership. The basis of this arrangement is a formal legal agreement between all the Districts and County Council.

3. The Agreement defines the responsibilities and liabilities for all the members. It consists of funding arrangements from the County Council as well the risks that reside with the Districts should the Partnership be in deficit. For instance should the Partnership have a deficit budget outcome in a financial year then it would be for the individual Districts to cover the deficit between them.

4. At the time of setting up the Partnership, to help with cash flow arrangements, the County Council made available to NEPP a sum of £100,000. This fund remains in a ring fenced account and the Partnership has not had to utilise it for its intended purpose, primarily because the deficit which it inherited at its inception has been made up, and the Partnership is now operating in surplus. There is a risk that if the NEPP does not agree a suitable alternative use for the funding and make the consequential change to the Agreement then this fund is likely to be returned to the County Council at the end of the Agreement in March 2018.

5. All six Member authorities of the Joint Committee, via their respective portfolio holders and after consultation with the County Council, agreed that it would be useful if the £100,000 could be transferred from the current ring fenced account to enable its use to support the traffic regulation order function and the maintenance of signs and lines.

6. NEPP receives funding for carrying out minor parking schemes across its geographical area, either directly from the County Council, member Districts, or any surpluses it generates from its operations. The provision of additional £100,000 will enable more repairs to signs and lines and support the process of making new traffic regulation orders across the Partnership.

7. In order to satisfy the necessary governance requirements of this Council and the legal agreement Cabinet's formal approval of the proposal described above and the resultant Deed of variation is sought.

8. Controversial or significant changes to the original legal agreement quite rightly requires a report to Cabinet but it is suggested that straightforward, minor or consequential changes should be delegated to the Portfolio Holder for Safer Greener and Transport, in consultation with the Director of Neighbourhoods, in order to deal efficiently with such matters and enable the Council to respond quickly, especially in seeking value for money in relation to funds.

**Resource Implications**

A sum of £100,000 is available to NEPP. No additional resource is required from Epping Forest District Council.

**Legal and Governance Implications:**

The Joint Committee of the Partnership exercises the County Council's Executive Highway functions.

**Safer, Cleaner and Greener Implications:**

By keeping road signs and lines in good state of repair enables: enforcement and addresses the safety of all road users, tackling inconsiderate parking, preventing congestion and its effects on local air quality etc

**Consultation Undertaken:**

Officers of NEPP have consulted with the County Council

**Background Papers:**

Previous Cabinet reports, The Joint Committee Agreement 2011.

**Impact Assessments:**Risk Management

The sum of £100,000 is currently sitting in a ring fenced account and if not availed by NEPP will be transferred back to the County Council at the end of NEPP in March 2018.

# 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.

<b>Date / Name</b>	<b>Summary of equality analysis</b>
	There is a potential to assist those who through their protected characteristic benefit from clearer to distinguish road signage , traffic regulation which makes parking more accessible/available to certain groups or deters/enforces against Illegal parking.