

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Monday, 27 April 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.27 pm

Members Present: Councillors R Morgan (Chairman, Overview and Scrutiny Committee) (Chairman) K Angold-Stephens (Vice-Chairman) K Chana, T Church, D Dorrell, L Girling, J Knapman, J Lea, A Mitchell MBE, B Rolfe, Mrs M Sartin, Mrs G Shiell, B Surtees and D Wixley

Other Councillors: Councillors K Adams, R Bassett, Mrs A Grigg, Mrs H Kane, Ms Y Knight, A Lion, J Philip, C C Pond, Mrs C P Pond, D Stallan, Ms S Stavrou, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Apologies: Councillors G Chambers, P Keska, S Murray and A Watts

Officers Present: D Macnab (Deputy Chief Executive and Director of Neighbourhoods), K Durrani (Assistant Director (Technical Services)), S G Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager), T Carne (Public Relations and Marketing Officer), M Jenkins (Democratic Services Assistant) and A Hendry (Democratic Services Officer)

71. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

72. APOLOGIES FOR ABSENCE

It was noted from the Cabinet that Councillor W Breare-Hall had tendered his apologies.

73. SUBSTITUTE MEMBERS

It was noted that Councillor J Knapman was substituting for Councillor P Keska.

74. MINUTES

RESOLVED:

That the minutes of the last Committee meeting held on 23 March 2015 be agreed.

75. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

76. PRESENTATION FROM THE NORTH ESSEX PARKING PARTNERSHIP

The Committee received a presentation from officers of the North Essex Parking Partnership (NEPP), namely Mr R Walker, Parking Partnership Group Manager, Mr M Adamson, Area Manager Western District and Mr M Young, Head of Operational Service.

NEPP officers outlined the background to their organisation:

(a) Essex County Council decriminalised parking functions between 2002-2004, which led to them being policy makers with 12 agencies in districts and boroughs running parking enforcement.

(b) A growing deficit reaching £900,000 across the county led, in 2009, to the County Council ordering district and boroughs to cancel all agencies.

(c) The agencies were replaced by North and South Essex Parking Partnership. The North was responsible for Epping Forest, Harlow, Uttlesford, Braintree, Colchester and Tending, the South were responsible for Brentwood, Basildon, Chelmsford, Maldon, Rochford and Castle Point.

(d) The strategic priorities for the NEPP were:

(i) Improving safety;

(ii) Improving business opportunities through better parking policies;

(iii) Increasing enforcement to improve availability for Blue Badge holders; and

(iv) Greater environmental efficiency.

(e) The NEPP Business Plan was to improve on efficiency and be financially sustainable. The NEPP had inherited a deficit of £574,301, currently they had a small surplus of £80,000.

Questions from the Committee

Officers had requested questions from District Council members in advance of the meeting, as far as possible, so that NEPP representatives could prepare answers. Member questions were as follows:

(a) Could NEPP wardens take action in cases where vehicles were parked on verges and green areas?

Supplementary Question – If wardens could take action, was this jurisdiction restricted to land administered by Essex County Council, the District Council or even Epping Forest itself?

NEPP representatives replied not yet. The Committee was advised of the Essex Act, peculiar to this county, which allowed for enforcement. In cases where land was owned by an authority, it was advised that legislation should be checked first. Highways owned land required an S50 application for entering the highway to carry out mowing. Each licence needed to be applied for separately, by the authority carrying out the mowing work, and each area needed proof that it was kept in the condition to which the law related. Enforcement could then be carried out by notice. A trial had been carried out in Braintree with successful results.

It was felt that in the medium to longer term, better enforcement could be achieved with this legal mechanism.

(b) Were wardens aware of the different land ownerships involved?

NEPP representatives replied that wardens were aware of different land ownerships.

(c) Could the wardens also take action regarding obstructive parking on pavements or was this solely a matter for the police?

It was advised that unnecessary obstruction of the footway, where there was no other parking restriction, was a matter for the police. Driving on the footway was an offence as was "pavement" parking.

(d) Did the NEPP have comprehensive data on where all yellow lines were, and did the NEPP have a work programme to monitor those lines and re-paint them where necessary?

The NEPP officers confirmed that they did have a comprehensive database. It was advised that there was limited funding to cover maintenance of all lines across NEPP (£150,000 for the whole area) and so maintenance was done by priority. NEPP informed the Committee that lines were made of plastic which bonded with the road surface, it could only be laid during the summer months.

(e) Was NEPP responsible for dealing with requests for yellow lines and with the legal requirements to get them installed?

Supplementary Question - Did it have a record of historical requests for yellow lines and a way of communicating whether or not it intended approving such requests so that Councillors could be kept informed?

NEPP officers replied that either NEPP or ECC could deal with Traffic Regulation Orders depending on what the status of the road was. Safety and congestion schemes would first fall to ECC as were new developments, the rest fell to NEPP.

The NEPP representatives had a list of schemes which had been passed to it, with schemes being progressed by Essex County Council as Area Reviews. It was advised that there was no funding for NEPP, new schemes were scored and given a priority.

(f) Contacting NEPP in the past had not been a satisfactory experience for some residents, please could you comment?

NEPP officers had brought with them copies of a "Who's Who" of their staff and contact details. Members asked for the staff guide to be circulated via the Council Bulletin.

(g) What were the working hours for wardens as it had been noticed that vehicles left overnight on double yellow lines without any action being taken. Although this may have been the case because lines were sometimes so worn as to be barely visible.

NEPP advised that enforcement times varied. However, if there was an area which required more enforcement then Members could notify the Area Enforcement Manager. If there was a clear system of lines and signs in place then action could be

taken, however if lines were very worn then enforcement action may not have a chance of success.

(h) Members asked NEPP to outline the stages that a request for a resident's parking scheme went through, once the scheme had been agreed.

How many officers were there to undertake the work at each stage and what was the timescale for each stage?

NEPP officers advised that a new Traffic Road Order (TRO) could take up to two years to implement. NEPP had two officers who could write and implement new TROs and a further five officers who carried out work on site and with contractors.

(i) Recently notices had been displayed and put on cars in Allnutts Road, Epping stating that no cars were to park at the Bower Hill end as work was taking place on 23/24 April. However no work took place and the notices removed. What work was expected and why wasn't it undertaken?

NEPP officers explained that some re-lining works were planned but did not take place. These works would be re-scheduled later in the lining season. Three new orders have been planned for this year including the St. John's/Ashlyn Road scheme which also included Chapel Road.

(j) In some areas, signage indicating parking restrictions was not as clear and obvious as it was in the district. What steps did NEPP take to ensure that a minimum standard of clarity was achieved to ensure road users did not inadvertently park in restricted areas?

NEPP advised that the minimum standard for signage and lines was covered in the national rules. All enforcement had to be of a sufficient standard to withstand an appeal. The rules for signage were presently being reviewed for implementation this year, the intention being to reduce signage wherever possible. Councils were being encouraged to use "zone" systems to reduce the amount of signage in place.

(k) On occasions Enforcement Officers intervened effectively to support road users by managing local congestion or difficulties caused by vehicle breakdown, at other times they refused to do so. Was there an agreed policy that should be adhered to by NEPP staff?

NEPP officers were, first and foremost, Parking Enforcement Officers and not Traffic Police. Although some staff had Police Accreditation and were able to assist with some traffic matters.

(l) Corresponding on general matters not connected with contesting enforcement notices could take a long time in receiving a response and reminders were sometimes necessary before a query was answered. Were there any existing or planned targets for the timely response to enquiries?

NEPP replied that the timescale for responses varied depending on the complexity of the question/response and level of work. In some cases, such as where comments related to new schemes being consulted upon, all responses would be left until the end of the statutory consultation period and included in the final report.

(m) The Committee asked about the monitoring of parking around schools and the availability of officers, at short notice, to attend to illegal parking outside schools.

NEPP representatives replied that CCTV cars toured school areas and officers were posted to schools on a rota, they could build on this, if requested. They added that their officers were verbally abused by parents on occasion.

(n) A Councillor complained of the parking situation at Abridge, whereby he claimed that some teachers were breaking parking regulations at schools.

NEPP replied that they could undertake a site visit to the place concerned, if the Member could send NEPP an email on this.

(o) Another Committee Member asked about parking in their area around a corner shop which needed enforcement.

NEPP responded that they could undertake separate action, could the Councillor email them regarding this.

(p) The Committee asked about the strategic direction of NEPP in terms of Government thinking on localism, when they were based in Colchester, beyond Chelmsford, the local authority base for the county. Was there an element of cross subsidisation going on whereby in Buckhurst Hill, 1,000 parking tickets were issued and in Chigwell, 100 were issued.

The NEPP officers replied that their service was delivered on behalf of Essex County Council. Deficit problems were for the county to solve. The NEPP had an office in Harlow, not far from Epping, they had staffing shortages with 6 vacancies in one area. There was a lack of people applying for NEPP positions. The NEPP felt that cross subsidisation made operation more efficient.

NEPP officers said they would like to organise a sit visit to Chigwell to discuss parking enforcement there.

(q) A Committee Member suggested that the 10 minute parking rule near schools was being sidelined. Did this apply to schools?

The NEPP said that this rule did not apply to yellow lines or the areas outside schools. The Member had made numerous complaints to the NEPP about parking near a school in his ward. NEPP officers advised that it was illegal to pull up near a school. The Member said that this was not enforced which over time may have made this behaviour acceptable. There was a problem with the number of enforcement officers involved as they travelled to various locations by bus. The NEPP officers said that they did not have the resources to cover the entire district, their officers also travelled by underground to district locations.

(r) The Committee asked about taxis parking in Waltham Abbey causing congestion.

The NEPP advised that their enforcement officers tried to move taxis on rather than issue tickets.

Following questions from Committee Members, the Chairman asked for questions from the non-Committee Members present.

(i) Members asked about the length of time taken before Road Traffic Orders were made. NEPP advised that it took two years for a road traffic regulation order to be formulated.

(ii) The Vice-Chairman mentioned difficulties experienced by nurses caring for elderly residents who could not park locally to their patients. There was apparently a long waiting list.

NEPP advised that Blue Badges were issued by the County Council, there were perhaps 250 schemes on-going to assist with parking.

(iii) A Member from Chigwell asked about cars parking outside flats in Manor Road, Chigwell, representations had been made requesting double yellow lines, however nothing had occurred.

The NEPP representatives advised that a list was published by them on the Internet, indicating the order in which schemes were approved.

(iv) A Member from Loughton asked about enforcement in the Loughton area after 6.30p.m. and on Sundays.

The NEPP officers replied that the later shift end at 7.00p.m. but shifts could be changed to deal with certain problems, he confirmed that they work weekends. The NEPP suggested putting their work rotas on their website. However it was felt better for them not to advertise where their operatives would work.

(v) The Committee asked how many parking spaces have been created by the NEPP?

The NEPP representatives advised that it was the District Council which administered car parks.

(vi) The Leader of the Council asked about NEPP's ability to undertake their tasks.

NEPP replied that they hoped for public confidence, but everything done was with their partners.

The Deputy Leader said that the NEPP were doing the best they could with the resources at their disposal. Smaller, localised working was best. However, she felt the current model did not work.

The NEPP officers offered Councillors an opportunity to accompany their enforcement team on patrols.

The Chairman thanked the NEPP officers for attending the meeting.

77. OVERVIEW AND SCRUTINY DRAFT ANNUAL REPORT

The Democratic Services Manager presented to the Committee the Overview and Scrutiny Draft Annual Report for 2014-15. It was noted that it was currently incomplete as not all scrutiny panels had held their last meetings for this year at the time of going to print. It was still possible to submit comments by 15 May 2015. The final report would be submitted to the next Overview and Scrutiny Committee on 9 June 2015 for endorsement and onward recommendation for approval to the nearest Full Council meeting.

78. GRANT AID REVIEW TASK AND FINISH PANEL - INTERIM REPORT

The Committee received an interim report regarding the Grant Aid Review 2014/15.

Members noted that the Grant Aid Budget for 2015/16 had been reduced by £11,517, which had reduced the overall budget to £83,543 in the next financial year. It was advised that £43,457 was committed to three year agreements. In effect, this left £40,000 for the consideration of applications for one-off major grants.

The Committee was asked to consider any amendments or additions required. At this stage, there was no specific section dealing with "Acknowledgements" for those assisting in carrying out the review. This was awaiting the completion of Part 2 of the review in respect of Service level Agreements, which was intended to be carried out in 2015/16.

Councillor C Pond reported that the interim and final recommendations of the Panel would be made to the Cabinet later in the year.

The Committee thanked Councillor C Pond for her chairmanship of the Task and Finish Panel. It was advised that this interim report would be put before the Cabinet.

RECOMMENDED:

That the interim report regarding the Grant Aid Review 2014/15 be noted.

79. WHIPPS CROSS UNIVERSITY HOSPITAL

The Democratic Services Manager advised that the Overview and Scrutiny Committee Chairman's letter to the Chairman of Barts Health NHS Trust regarding the recent CQC report on the inadequate rating of Whipps Cross Hospital, had not yet received a reply. A further letter had been sent. There was a joint scrutiny committee the Outer North East London Joint Health Overview and Scrutiny Committee (also involving Redbridge and London Borough of Waltham Forest) looking at healthcare at Whipps Cross and it would be useful to have the District Council represented.

The Committee was advised by Councillor C C Pond that the joint scrutiny committee had met last week and there had been 6 representatives at the meeting. Waltham Forest Council would continue to monitor the situation and said they would keep the Councillor informed of developments.

80. WORK PROGRAMME MONITORING

(a) Overview and Scrutiny Committee

The Committee noted their work programme to date which was now complete. An outturn report in respect of Item 6 Key Objectives 2014/15 was due in July 2015.

(b) Scrutiny Panels

(i) Housing Scrutiny Panel

The Panel Chairman had tendered his apologies for this meeting. It was noted that the Panel had made good progress during the year, some unfinished items were being transferred to the new Housing Select Committee.

(ii) Constitution and Member Services Scrutiny Panel

The Panel Chairman advised that this Panel would cease to exist at the end of this municipal year, but its current work regarding the review of the Constitution would be continued by the new Constitution Working Party reporting directly to Council.

(iii) Safer Cleaner Greener Scrutiny Panel

The Panel Chairman advised that their last meeting would have representatives from Thames Water in attendance.

(iv) Planning Scrutiny Panel

The Panel Chairman advised that the Panel met for the last time on 14 April 2015. They discussed the progress made on the management of electronic information and systems. Work was on-going with scanning paper files and in converting to an electronic database historical microfiche planning records.

They received an update on the Local Plan, advising that the consultant's final report on updating the Strategic Housing Market Assessment had been delayed as new household projections had been published by the Government. The draft final report was expected very soon.

A Member workshop was being scheduled for May to report on policy choices for the Community Infrastructure Levy and S106 Agreements.

There would be an extra meeting of the Local Council's Liaison Committee on 15 June 2015 to discuss the Phase 1 report of the Green Belt Review.

The Panel was notified that there were three Neighbourhood Plans being consulted on or considered. New regulations stipulated that future designations would need to be made within 8 weeks. The District Council would be writing to all local councils outlining the level of support, guidance and funding available, to those progressing Neighbourhood Plans.

The District Council were objecting to the proposed scheme by Enfield Borough Council regarding the North Gateway Access Road and would be attending the examination at the end of this month with local council's representatives as well.

The Planning Policy Portfolio Holder advised that he had attended a liaison meeting held at City Hall in London regarding the strengthening of communication between agencies in planning and development matters. This would be a regular fixture in the future.

The Chairman said that the Planning Scrutiny Panel had completed its Work Programme for this municipal year.

Members asked about placing an item in the Bulletin about a Local Plan workshop scheduled for 19 May 2015. Officers advised they could do this although a letter had been sent to each Councillor notifying them of the workshop.

(v) Finance and Performance Management Scrutiny Panel

The Panel Chairman updated the Committee on its work. They had their last meeting in March, when, they had completed most of their Work Programme. There were

three items which should be carried over to the new Select Committee representing this area, these were:

- Item 11 Sickness Absence
- Item 14 Call response/handling performance indicator
- Item 15 Use/cost of consultants

(c) Task and Finish Panels

(i) Grant Aid Review Task and Finish Panel

The Panel's Terms of Reference had been agreed at the last Committee meeting, they would now carry over into the new municipal year when they would be looking at the Citizens Advice Bureau and Voluntary Action Epping Forest.

(ii) Youth Engagement Task and Finish Panel

It was reported that this Panel had met on 20 April and would be meeting again on 18 May. Their terms of reference would be going to the next Overview and Scrutiny Committee for agreement.

(d) Reserve Programme

The Members were reminded that they should use the established PICK form for submitting new items of scrutiny work.

81. REVIEW OF CABINET FORWARD PLAN

The Committee noted the Cabinet's Forward Plan for March 2015. They had no specific items they wished to consider.

82. LAST OVERVIEW AND SCRUTINY COMMITTEE MEETING OF THE MUNICIPAL YEAR

The Chairman reminded the Members that this was the last meeting of the Overview and Scrutiny Committee for this municipal year. He thanked Councillors and officers for their work over the past year.

CHAIRMAN

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North Essex Parking Partnership

Matthew Young, Head of CBC Operational Services
Richard Walker, NEPP Group Manager

Introduction



History of decriminalised parking in Essex

Strategic Overview

Functions of the North Essex Parking Partnership (NEPP)

Policies and Processes

History



Essex decriminalised parking functions between 2002-4

Essex County Council (ECC) policy-makers with 12 Agencies in Districts and Boroughs to run parking enforcement

4 area offices and other agencies/contractors

- Engineering,
- Traffic Regulation Orders; and
- Maintenance

Growing deficit reached £900,000 countywide

In 2009 ECC issued notice to District & Boroughs to cancel agencies

Strategic Priorities



Safety: for drivers and pedestrians

Business: clear short term parking, increases potential for local trade; commuters encouraged to use long stay car parks freeing up spaces shoppers;

Residents: discouraging commuters from parking in permit only areas;

Blue Badges: increased enforcement improving availability for Badge holders.

Environmentally efficient: Reducing congestion; better traffic flow and accessibility by reducing inconsiderate and dangerous illegal parking

Improved safety, better Emergency service access; low floor buses will be able to reach the kerb at bus stops

Strategic Priorities



Responsive to the public's needs: the local Council through the Joint Parking Committee controls both provision and management of parking;

Clarity: Single responsibility for parking means greater clarity to the public;

Town Centres: Supporting town centre vitality/renaissance;

Efficient: Supporting the increasing costs of running and refurbishing car parks;

Supporting the Local Travel Plan:

- Encouraging travel outside peak hours;
- Influence supply, demand and congestion;

Fit for purpose: Managing price elasticity and resistance; best mix.



NEPP Business Plan



All parking matters brought into one place – single business case

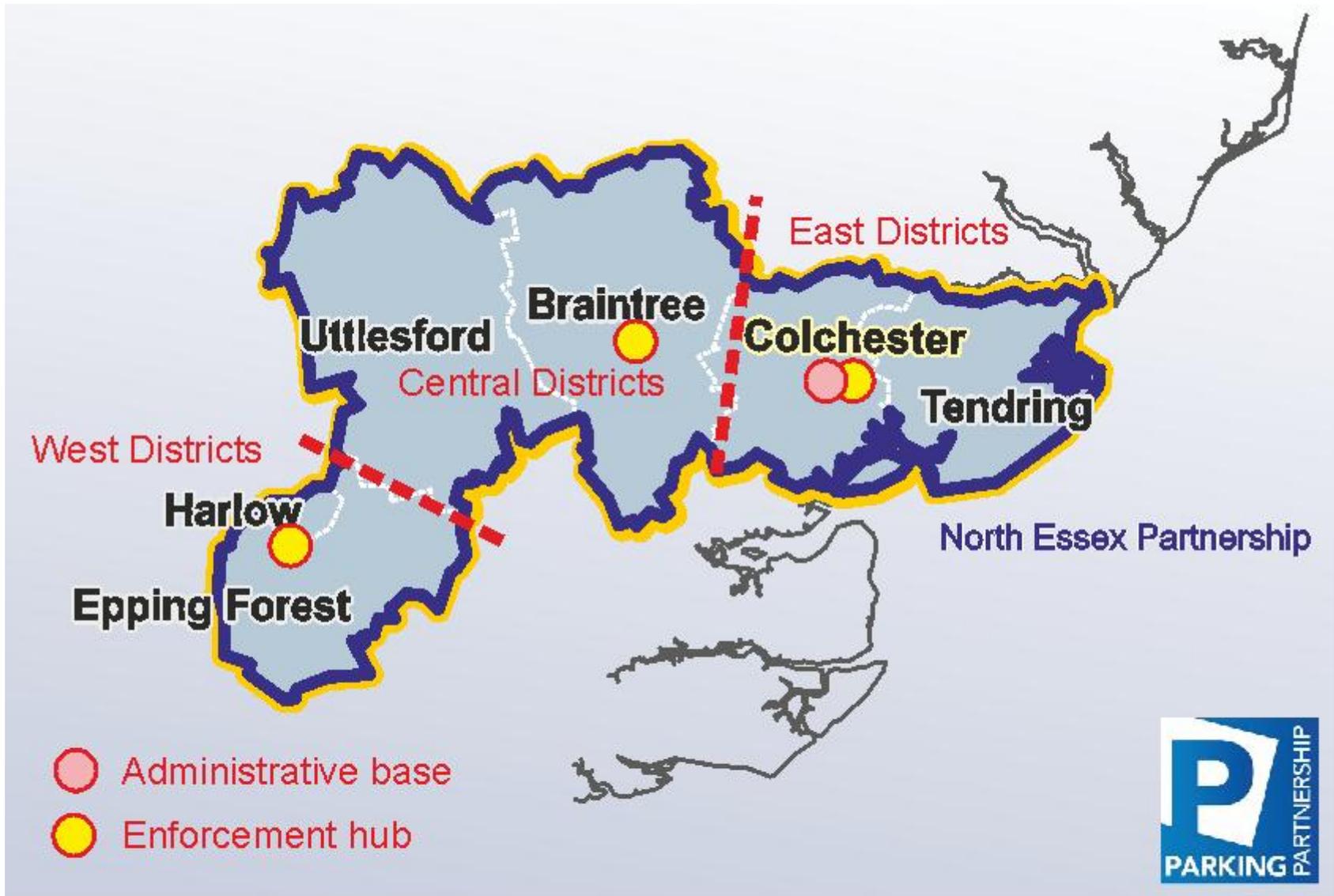
Signage and restriction backlog improvement – budget agreed

Maintenance of signs and lines passed to Partnerships

Sign up to *off-street* services is optional

The NEPP Arrangements:

- Maintain income from PCNs as far as possible, within policy
- Provide improved enforcement and follow-up of PCNs
- Council shared service, not client/contractor
- Make efficiencies in whole operation to eliminate deficit
- Make savings from reduced management, overheads and accommodation.



Summary of Legislative and Policy Background

Restrictions

- Road Traffic Regulation Act 1984
- Traffic Regulation Orders made under RTRA1984 (yellow lines, bays)
- The Essex Act 1987 (verges etc.)
- Bus Stop Clearway Circular & SI
- Decriminalised Parking SI
- Circular 1/95 (superseded)
- Dropped Kerb Enforcement Circular/SI
- ECC-NEPP Agreement
- NEPP TRO Policy
- Traffic Signs Manual (Ch3, 5), TSRGD
- The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

Enforcement

- Traffic Management Act 2004
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007;
- The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (made under TMA2004)
- The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015
- The Civil Enforcement of Parking Contraventions Regulations (England) General (Use of Approved Devices Amendment) Regulations 2015
- Secretary of State's statutory guidance to local authorities on the civil enforcement of parking contraventions
- Operational guidance to local authorities: parking policy and enforcement
- ECC-NEPP Agreement
- NEPP Parking Enforcement Policy
- NEPP Parking Operational Protocol
- NEPP Parking Policies (Discretion, Cancellation, etc.)
- *Right to challenge parking policies - Traffic Management Act 2004: network management duty guidance*

See website for details

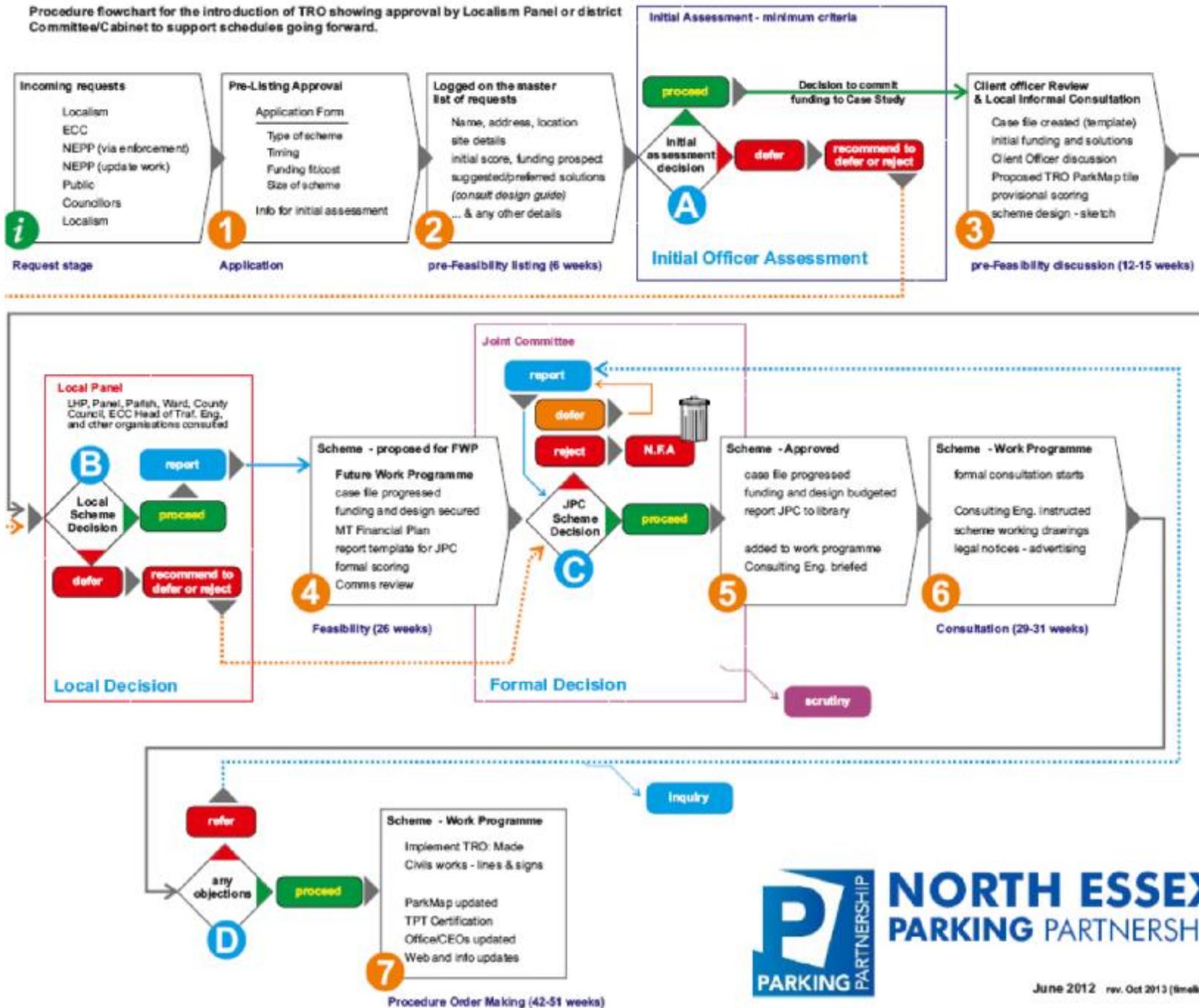
Financial



£	Income	Expend	
2011-2012	1579	1638	- 59 dr
2012-2013	2163	2223	- 60 dr
2013-2014	2244	2092	152
2014-2015	2233	2145	88

In the previous financial year, under the old arrangements for the separate North districts, there was a combined total of £574,301 deficit.

Procedure flowchart for the introduction of TRO showing approval by Localism Panel or district Committee/Cabinet to support schedules going forward.



Any questions or comments?

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