

CABINET

15 JULY 2022

REPORT OF THE LEADER OF THE COUNCIL

A.3 JOINT COMMITTEE AGREEMENT OF THE NORTH ESSEX PARKING PARTNERSHIP

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet endorsement for the decision of the Leader of the Council taken on 30 June 2022 (and published on the 4 July 2022) to sign up to the new Joint Committee Agreement of the North Essex Parking Partnership.

EXECUTIVE SUMMARY

- Essex County Council (ECC) has a statutory responsibility for the delivery of on-street parking enforcement.
- ECC delegates on-street parking management and enforcement to two partnerships consisting of boroughs and districts within Essex. The North Essex Parking Partnership (NEPP) and the South Essex Parking Partnership (SEPP). Tendring is within the NEPP.
- Within each partnership, there is a lead authority responsible for the employment of staff engaged in both frontline and back-office requirements for delivering the service.
- The NEPP was formed in April 2011 and reports to a Joint Committee (JC) of ECC under terms agreed within a Joint Committee Agreement (JCA).
- The original JCA was for seven years with an option for a further four-year extension. The extension was agreed in 2018 and the current JCA expired on 31 March 2022.
- A further three-month extension was agreed subject to provision of a new JCA with individual districts or boroughs expected to sign up to the new JCA by the 30th June 2022.
- On 30 June 2022 the Leader, with the agreement of the Chairman of the Resources and Services Overview and Scrutiny Committee, made an urgent decision to commit to the new JCA in the form appended to this report.
- This report seeks Cabinet endorsement for the decision made by the Leader of the Council to sign up to a new JCA of the NEPP as above, on terms broadly similar to the previous agreement, but this time for five years with options for the Joint Committee to renew annually for up to three further years.

RECOMMENDATION(S)

It is recommended that Cabinet endorse the decision taken by the Leader of the Council for Tendring District Council to sign up to a new Joint Committee Agreement of the North Essex Parking Partnership under the terms proposed.

REASON(S) FOR THE RECOMMENDATION(S)

Failure to sign up to the new agreement within the ECC proposed timescale would exclude Tendring District Council from the partnership then being unable to influence its priorities and actions. Tendring could apply for membership of the Joint Committee later, increasing the risk of additional officer time and including the possibility of a refusal of membership.

ALTERNATIVE OPTIONS CONSIDERED

The Council could choose not to sign up to the new JCA. However, if other authorities signed up, then on-street enforcement services would continue in the District under the proposed arrangements via the NEPP, under the entire control of the partnership and its member authorities, excluding Tendring.

In such an eventuality there is a risk the Council would not be able to influence priorities and actions of the NEPP including requesting new Traffic Regulation Order (TRO) schemes with the same degree of involvement as currently exists.

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

Delivering High Quality Services

- Effective regulation and enforcement of roads will improve services to the community, promoting businesses and tourism.

Community Leadership Through Partnerships

- Joined up public services benefit residents and businesses. The parking partnership will improve public safety and enable the Council to influence and lobby for the benefit of Tendring in the future.

OUTCOME OF CONSULTATION AND ENGAGEMENT

None.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	<input checked="" type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	The proposed decision to be published in the Notice of forthcoming decisions for the Council was made on the 04/02/2022.

The Partner Authorities previously agreed to form a Joint Committee to manage the North Essex Parking Partnership in accordance with the provisions contained in sections 101 and 102 of the Local Government Act 1972, section 9EB (previously quoted as section 20) of the Local

Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and The Local Authorities (Alternative Arrangements) (England) Regulations 2001 (as amended) and any other enabling legislation.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

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FINANCE AND OTHER RESOURCE IMPLICATIONS

There are no direct financial or resource implications arising from this decision over and above those that existed under the previous agreement

At the time of establishment of the NEPP in 2011, there were concerns around the partnership operating at a financial deficit with districts and boroughs required to meet this cost from their own budgets.

The NEPP and SEPP have operated with an annual surplus for a number of years with any surplus being carried forward from the Joint Parking Account at the close of each financial year and overseen by the Joint Committee of the Partner Authorities. Subject to an agreed “deficit reserve” set by the Partner Authorities to offset the possibility of future financial operating deficits, the surplus held in that account is reinvested in accordance with the provisions set out in Section 55 of the Road Traffic Regulation Act 1984.

Specifically, any Surplus achieved during the term of this Agreement will be invested into three key areas referenced as Part 1, Part 2 and Part 3 of the new Joint Committee Agreement.

There are no additional staff or other resources required arising from this decision.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

As was the case under the previous agreement, if there is a structural deficit across the Partnership in any one-year then a liability would accrue for TDC.

However, as confirmed by ECC, any previous deficit was apportioned between the six districts whereas any deficit arising under the new arrangements will be shared across seven authorities, as ECC would now be included. As also confirmed by ECC, there is also a new deficit reserve fund held to meet any deficits in the first instance. Taking the above into account, the financial risks should be lower than under the previous arrangements.

It is also important to mention that the new agreement covers an initial five year period, which provides a timely opportunity to review the financial risks and performance of the Partnership before agreeing any extension to the agreement.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>At the time of the initial JC agreement in 2011 the main concerns around the agreement were in respect of potential financial losses arising from the partnership arrangement.</p> <p>Since that time, the partnerships (both NEPP and SEPP) have consolidated their financial position by means of extending fixed charges in respect of permits for residents parking and visitors to resident parking areas along with new on-street charging in key areas.</p> <p>The partnerships currently and for at least the past five to eight years have each year generated financial surpluses.</p> <p>This is reflected in the new terms proposed by ECC in respect of any future JCA.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,</p>	<p>The NEPP operates under specific legislation , as noted above, and including its management of its finances to provide for reinvestment and potential operating deficits.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>Refer to financial and other resource implications and A) above.</p>
<p>MILESTONES AND DELIVERY</p>	
<p>The new JCA is for five years with an option for a further three years. The option to extend is to be taken annually for a maximum of three years.</p>	
<p>ASSOCIATED RISKS AND MITIGATION</p>	
<p>Risks associated with the JCA and the operation of the NEPP are managed by the lead authority.</p> <p>The financial risk for the Council relates to any deficits incurred by the NEPP, which under the terms of the original JCA were to be shared equally amongst all partners. This term remains within the new agreement.</p> <p>However, the on-street account maintained by the lead authority Colchester Borough Council on behalf of the North Essex Parking Partnership Joint Committee has been in surplus for the last eight financial years and in addition, the NEPP has maintained a reserve fund to cover the possibility of any deficit, or other eventuality.</p> <p>The new terms for distribution and use of any surplus, is to be included in the new JCA.</p> <p>The NEPP via the lead authority does maintain a comprehensive risk register that is reviewed annually by the Joint Committee.</p>	

Failure to join the new partnership would lose influence on on-street parking policy and practice matters within the District which is otherwise entirely in the control of ECC and the membership of the partnership.

EQUALITY IMPLICATIONS

The proposal does not impact on the protected characteristics of any individuals in any currently identifiable way.

SOCIAL VALUE CONSIDERATIONS

None identified

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

Partnership with and participation in decision making and policy for on-street parking and the highway will support proposals and plans in respect of electric vehicles and associated charging infrastructure.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Regulation of the highway supports crime reduction and anti-social behaviour initiatives.
Health Inequalities	None identified
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The NEPP was formed in April 2011 and reports to a Joint Committee (JC) of ECC, initially under a seven-year agreement known as the Joint Committee Agreement (JCA) with an option to extend for a further four years. The six District and Borough Councils in North and West Essex, namely Colchester, Braintree, Uttlesford, Harlow, Epping Forest and Tendring are members of the JC, and Councillors are Executive Members. Essex County Council (ECC) is also represented at meetings.

The JC meets four times a year, with its AGM in June. The NEPP JC receives operational, financial and other relevant reports from officers. The officers are employed by Colchester Borough Council, which is named in the Joint Committee Agreement (JCA) as 'lead authority'. Each of the District and Borough Councils (the "client authorities" of NEPP) has a client officer with whom the NEPP officers maintain regular contact and an officer from ECC also attends the Joint Committee meetings.

ECC has an Agreement with the NEPP JC to delegate the delivery of its on-street parking function. The NEPP provides these services in the districts and boroughs who are members of the JC. ECC has also delegated powers to make parking Traffic Regulation Orders (TRO) to the NEPP. These are the underpinning regulations for the making of parking restrictions/permissions such as "yellow lines" and parking bays and permit areas.

The new JCA will retain the vast majority of its existing clauses. However, the main features of the proposed new Partnership include:

- a) Continuation of the Joint Committee approach for managing operations, and proposing new schemes;
- b) Share of any surplus being paid to a new Essex County Council Panel, which will decide on its investment in either NEPP, SEPP or ECC parking schemes, or other transport projects (in accordance with uses set out in legislation);
- c) A different approach to Traffic Regulation Order (TRO) provision, where this is budgeted in advance and supported from a surplus share underwritten by ECC Highways even in the event of no surplus;
- d) A new option to take on other work for Essex County Council.

The length of the new JCA is proposed to be five years with an option for a further three-year extension.

As noted above, the previous JCA was a seven-year agreement with an option to extend for four years.

Alternative Options

The Council can choose not to sign up to the new agreement. However, if other authorities do, then on-street enforcement services would continue in the District under powers held by ECC and delegated to the partnership, but without TDC membership or influence.

In this eventuality there is a risk the Council would not be able to influence priorities and actions of the NEPP, or request new TRO schemes with the same degree of involvement as currently exists.

The Council has invested a significant amount of time and energy in making the partnership work and influencing how best to make it work in accordance with Tendring's approach to on-street parking.

Some notable successes include the partnership work agreed with the NEPP outside of schools; the improved system for introducing new parking related Traffic Regulation Orders (TRO's), the agreement not to introduce CCTV cars in the Tendring District and a greater understanding of local needs including a desire not to introduce further on-street charging within the District.

Areas in which TDC officers will seek to continue to influence partnership policy and practice include:

- reaction to local parking needs and addressing a perceived one size fits all approach to parking enforcement;
- encouraging a flexible partnership approach to issues that respects local issues rather than policy that is directed at the majority membership on the JC, and;
- extending the delegation of enforcement powers to TDC employed officers to cover areas other than schools.

PREVIOUS RELEVANT DECISIONS

The original decision to sign up to the Joint Committee Agreement for the North Essex Parking Partnership was taken in 2011.

The Council supported the option to extend the original agreement by a further four years in 2018.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Joint Committee Agreement 2022- attached for information as Appendix A

APPENDICES

Appendix A – New Joint Committee Agreement

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