

Report to the Cabinet

Report reference: C-032-2021/22

Date of meeting: 25 January 2021



**Epping Forest
District Council**

Portfolio: Customer & Partnerships Services

Subject: North Essex Parking Parking Partnership Joint Committee Agreement.

Responsible Officer: James Warwick (01992 564350).

Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) **To agree the Council's continued membership of the North Essex Parking Partnership (NEPP) Joint Committee with effect from 1 April 2022 up to and including 31 March 2027; and**
- (2) **To agree to delegate authority to the Service Director (Contracts) in consultation with the Customer & Partnerships Services Portfolio Holder to approve the new Parking Partnership Joint Committee Agreement**

Executive Summary:

The purpose of this report is to seek Cabinet agreement to continue Epping Forest District Council's membership of the North Essex Parking Partnership (NEPP) Joint Committee from 1 April 2022.

On 21 September 2021, Essex County Council's (ECC) Cabinet approved the new Joint Committee arrangements with NEPP and SEPP from 1 April 2022 for a five-year period with the option of extending the contract on an annual basis on 3 consecutive occasions (8 years in total to 2030).

At its Cabinet meeting on 17 November 2021, Colchester Borough Council decided to continue to be a part of the Parking Partnership Agreement, part of the Joint Parking Committee, and to continue to be the lead authority for the North Essex Parking Partnership.

This means that a replacement, new, Joint Committee can be formed between Essex and Colchester from 01/04/2022, and a new Joint Parking Agreement made, to which Epping Forest District Council can become party if they so choose.

Richard Walker, the Parking Partnership Group Manager for NEPP attended Overview and Scrutiny on Tuesday 2nd February 2021, to give a comprehensive overview of NEPP's operations and answer any questions.

Reasons for Proposed Decision:

Membership of the North Essex Parking Partnership (NEPP) enables the Council to have a say in the traffic orders which are installed within its area, and to direct the policy of the operational service.

NEPP is considered by other local authorities as being a national leader in parking operations, innovation and enforcement with whom other local authorities consult for best practice advice and has been recognised in its sector for multiple awards at the British Parking Awards, winning seven in three years, with a further PATROL Award in 2019.

Other Options for Action:

If Epping Forest District Council does not join agree to sign up to the new On-Street Agreement, then a baseline level of services would be provided for the on-street part of the operation by the North Essex Parking Partnership.

Epping Forest District Council would have no say or input to how this service is provided. Epping Forest District Council would not have any say or part in determining TRO's (Traffic Regulation Orders), policy, schemes or operation.

Report:

1. In April 2011, Epping Forest District Council joined NEPP whose primary role was to manage the On-Street Civil Parking Enforcement arrangements on behalf of Essex County Council (ECC) via a Joint Committee. The original term of that agreement was for a seven-year contract with an extension period of 4 years (11 years in total). On 1 April 2018, the four-year extension became operational, and this is due to expire on 31 March 2022.
2. Together with the Council, the NEPP consist of Essex County Council, Braintree District Council, Colchester Borough Council, Harlow District Council, Tendring District Council, and Uttlesford District Council (the Partner Authorities), with Colchester Borough Council being identified as the Lead Authority.
3. Over the last six months, discussions have been taking place between officers of the NEPP, the South Essex Parking Partnership (SEPP), Essex Highways and the Partner Authorities, to shape a new contract which builds on the success of the Joint Committee incorporating innovative use of technology to maximise efficiency. The NEPP will continue to meet both ECC and Partner Authorities objectives, including a high quality of service and value for money.
4. At their meeting on 21 September 2021, ECC's Cabinet approved the new Joint Committee arrangements with NEPP and SEPP from 1 April 2022 for a five-year period with the option of extending the contract on an annual basis on 3 consecutive occasions (8 years in total to 2030).
5. The arrangements were considered at the NEPP Joint Committee meeting on 28 October 2021, each Partner Authority agreed to refer the proposals to their respective authorities for formal consideration and to be approved through each respective authority's governance routes.
6. The Joint Committee will consist of one Executive Member appointed from each Partner Authority. The chairmanship will rotate, but the current proposal is that the Lead Authority will have a casting vote if this should be necessary.

7. The Joint Committee will continue to be responsible for all the functions entailed in providing a joint parking service including: -

- Back-office operations
- Parking enforcement
- Strategy and policy development
- Signage and Lines, Traffic Regulation Orders (function to be transferred, over time, as agreed with Essex County Council)
- On-street charging policy
- Considering objections made in response to advertised Traffic Regulation Orders (as part of a sub-committee of participating councils)

8. The Joint Committee is responsible for maximising compliance with parking regulations including enforcement to make our streets safer for all road users, particularly those who are vulnerable, to prevent obstruction and delays (especially for buses and emergency vehicles) and to ensure that parking bays are available for their intended use.

9. Charging levels for residents' parking and on-street pay-and-display are determined at a local level through the Joint Committee, in order to achieve the aim of a balanced budget and in line with legislation. A single financial account is maintained within the NEPP for on-street parking, including resident permits or parking bays (cashless or pay-and-display).

10. The Joint Committee is also responsible for ensuring funding is available for maintaining signs and lines to ensure effective on-street enforcement and compliance with the various regulations. They also consider new Traffic Regulation Orders (TROs) in accordance with the provisions contained within the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984.

11. The Business Plan and Budget each year is set to break even as close as possible. Any surpluses are first reinvested into the service – for instance in parking schemes. In the unlikely event that there is any deficit, this will have to be covered by the partners, under the terms of the Agreement.

12. It is for this reason that the Partnership's lead authority operates in a prudent way and has policies in place to limit its expenditure. This might mean that not all of the desires of the Partners can be fulfilled, either in terms of patrols, schemes, signage or other projects, but the lead authority ensures that a fair share of resources is allocated to each of the Partners.

13. The current Parking Partnership Agreement runs up until 31/03/2022. A new Agreement will be needed from the next day. Essex County Council at its Cabinet on 21 September 2021 decided to set up a replacement Parking Partnership in a similar vein to the existing. ECC, which is the procuring authority, has chosen to set out how the finances differ from the current Partnership, by declaring at an earlier stage any surplus. That surplus will be divided 55:45 between the Partnership and the ECC.

14. The Partnership's 55% share will fund its Parking Scheme's Traffic Regulation Order making operation against a set budget of £329k. Any deficit on that operation will be made up to £329k by ECC; any surplus in the 55% over £329k will be for the Partnership to keep.

15. The spend of the ECC's (45%) share of any surplus, if the £329k is covered, will be decided by a Panel made up of North and South Joint Parking Committee Chairmen, and a representative of the County Council, probably the Portfolio Holder with responsibility for Highways.

16. At its Cabinet meeting on 17 November 2021, Colchester Borough Council decided to continue to be a part of the Parking Partnership Agreement, part of the Joint Parking Committee, and to continue to be the lead authority for the North Partnership.

17. This means that a replacement, new, Joint Committee can be formed between Essex and Colchester from 01/04/2022, and a new Joint Parking Agreement made, to which other Districts can become party if they so choose.

Resource Implications:

The Council does not make a financial contribution to the management and enforcement of the on-street parking provisions under the Joint Committee. This is supported through funding provided by ECC, and through the issuing of fixed Penalty Charge Notices (PCN) etc as part of the enforcement work.

The current NEPP Reserve holds funds of c.£1m, of which around £700k is earmarked for projects (although it may not all be required for committed projects). The balance of the Reserve is to be added to a £100k ECC Cashflow Reserve and the total amount of £400k will be transferred into a separate account for the 'new NEPP' as a buffer to minimise the risk of any deficit to the Joint Committee. If there is additional surplus held in the old NEPP Reserves, it will be for the NEPP Joint Committee to determine how that is allocated going forward.

Any 'new NEPP' surplus after the Joint Committee operating costs is taken into account will be split 55%/45% between the NEPP and ECC respectively. Any identified surplus will be available to spend in the following financial year. The NEPP's 55% will cover the operational and funding costs together with essential maintenance of TROs and parking related signs and lines up to a maximum of £329k in 2022/23. ECC will make up any shortfall up to that amount and the remaining balance will go to the NEPP as a dividend. The financial contribution for TROs will be agreed on an annual basis between the Joint Committee and ECC.

The current intention is that the remaining 45% of the surplus will be allocated to ECC to fund strategic highway projects across the whole of Essex that would not otherwise be funded.

Legal and Governance Implications:

Each Partner Authority appointed Executive Member will be responsible for reporting to its relevant authority according to their respective authorities' separate arrangements, ensuring that each Partner Authority complying with the arrangements for scrutiny of decisions, as laid out in the Agreement

Safer, Cleaner and Greener Implications:

A long-term agreement is proposed of between 5 and up to 8 years, enabling significant investment in electric transport – with the first two NEPP Electric Cars for Park Safe patrols now delivered – and other technology to help rationalise our travel and reduce emissions.

Consultation Undertaken:

N/A

Background Papers:

The ECC Report is available at the link, [here](#).

Risk Management:

N/A

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty

- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details
Your function, service area and team: Contracts
If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A
Title of policy or decision: North Essex Parking Partnership Joint Committee Agreement.
Officer completing the EqlA: James Warwick Tel: 01992 564350 Email: jwarwick@eppingforestdc.gov.uk
Date of completing the assessment: 22/11/21

Section 2: Policy to be analysed	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Continuation of being part of the North Essex Parking Partnership
2.2	Describe the main aims, objectives and purpose of the policy (or decision): Membership of the North Essex Parking Partnership (NEPP) enables the Council to have a say in the traffic orders which are installed within its area, and to direct the policy of the operational service. What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Enables EFDC to have a say in TRO's, policies and on-street parking projects
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? No

	Will the policy or decision influence how organisations operate? Continuation of what is already done.
2.4	Will the policy or decision involve substantial changes in resources? No
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? Supports providing value for money and quality services.

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified?
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	N	L
Disability	N	L
Gender	N	L
Gender reassignment	N	L
Marriage/civil partnership	N	L
Pregnancy/maternity	N	L
Race	N	L
Religion/belief	N	L
Sexual orientation	N	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	
			If 'YES' , use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: *J. Wardle*

Date: 22/11/21

Signature of person completing the EqIA: *J. Wardle*

Date: 22/11/21

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.