

Report to the Cabinet

Report reference: C-100-2008/09

Date of meeting: 9 March 2009



**Epping Forest
District Council**

Portfolio: Civil Engineering & Maintenance

Subject: Essex "Localism" Initiative - Formation of a Local Highways Panel

Responsible Officer: John Gilbert (01992 564462).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

- (1) That a report be submitted to the Council recommending:**
 - (a) that a draft constitution for the Local Highways Panel based on the principles set out in this report be approved; and**
 - (b) seeking the appointment of 11 District Council members in accordance with the pro rata rules;**
- (2) That the Local Councils' Liaison Committee be approached to secure the nomination of a representative from each of the Area Plans Sub-Committee areas to act as co-opted Parish Council members on the Panel (without voting rights);**
- (3) That, in the meantime, initial comments be invited by the Civil Engineering & Maintenance Portfolio Holder on highway priorities from Parish Councils and ward members in respect of the first review;**
- (4) That arrangements be made for a training session on the new Localism procedure; and**
- (5) That the estimated cost of £2,200 be contained within existing budgets either directly or, if required, through virement in 2009/10.**

Executive Summary:

The County has established a programme of "localism", whereby districts and boroughs will be able to engage more directly and influence decisions locally on matters involving the highway. The County is implementing this initiative on a phased basis, and Epping Forest is being invited to participate in the process from April 2009. In order for this to be implemented, the Council will have to establish a Highways Panel, which will be tasked with engaging with the County and considering options and priorities for local highway works. It is also suggested that the Panel's Terms of Reference also include highway matters that are managed directly by this Council, such as on and off street parking.

This report seeks Cabinet approval for the adoption of the initiative and puts forward recommendations for the make up of and operational arrangements for, the Panel.

This is a key decision

The intention to participate in the localism agenda is one of the Council's key objectives for both 2008/09 and 2009/10.

Reasons for Proposed Decision:

To enable the Council to embrace the County Council's offer of localism within the District and to put into place the constitutional changes and additions required.

Other Options for Action:

The only option is not to embrace the localism agenda at this time and to defer until 2010/11.

Report:

1. Since the Highways Agency was brought to an end in April 2005, the amount of influence that local District and Parish members have had in respect of highways matters has been very limited. There has been a facility to comment upon the County Council's works programmes, but this process has tended to be somewhat late in the overall planning process with little scope available to affect local priorities. The County Portfolio Holder, Councillor Norman Hume, has recognised this, and as part of the County's overall localism agenda, is asking districts whether they wish to be more involved in the delivery of local highway services.

2. The County have undertaken three pilot localism schemes, in Brentwood, Colchester and Castle Point. These have been considered to be a success and the County is seeking to expand the scheme across the County Council as a whole, with this Council being asked whether it wishes to engage in the process from May 2009.

3. The County Council has produced a guide to highways localism, and this is attached to the report as Appendix 1. The guide sets out suggestions for how the process might be managed locally, including the creation of a Highways Panel and its composition and how the Panel will operate and be able to influence decision making on local highways matters.

Resource Implications:

There will be no additional budget provision made available by the County Council as part of this initiative; this is an exercise in influencing the spending of around £2 million of existing highway resources.

The establishment of a Highways panel will have implications for the Council. On the basis of at least 6 meetings per annum, these costs have been estimated as follows:

(i)	agendas, minutes etc:	£1,500
(ii)	staff support:	£ 700
(iii)	Member costs:	£ assumed within existing budgets

Total **£2,200 per annum**

This will be met in 2009/10 through existing resources or if this is not possible through a virement from other budgets.

Legal and Governance Implications:

The establishment of the new Highways Panel will require changes to the Council's Constitution. The County Council's Localism Manual suggests that the Panel should:

- comprise of at least 10 members;
- at least 25% of those members should be non District Council Members;
- membership should be for a minimum of 3 years;
- the Panel quorum should be 50% of its membership; and
- that the meetings be in public

Therefore it is suggested that the Panel be established along the following lines:

- (a) in accordance with "Localism Manual" of guidance from Essex County Council;
- (b) that Parish and Town Councils will be regarded as the Council's consultees on highways matters in their role as community representatives;
- (c) that the number of District Councillors serving on the Panel will total 11, divided among the political groups in accordance with pro rata rules as follows and representing the three geographical areas utilised by the Area Planning Sub-Committees and Safer, Cleaner, Greener (i.e. East, West and South):
 - Conservative – 7;
 - Liberal Democrats – 2;
 - Loughton Residents' Association – 1; and
 - British National Party - 1;
- (d) that on the basis of Essex County Council guidance 3 Parish/Town Council representatives (being 25% of the total number of the total membership of 14) be co-opted onto the Panel and the Essex Association of Local Councils be invited to make the appointments;
- (e) that the Panel will be chaired by the Portfolio Holder for Civil Engineering & Maintenance (or any successor Portfolio Holder) who will be counted as one of the nominees of the appropriate political group;
- (f) that a Vice-Chairman will be appointed from among the other District Councillors;
- (g) that only District members of the Panel will have voting rights;
- (h) that representatives of Parish Councils shall be able to attend panel meetings and speak, provided that they have given advanced notice of matters they wish to raise so that an agenda item is placed before the Panel;
- (i) that other District Councillors shall be able to attend and speak on the same basis as (h);
- (j) that meeting shall be open to the press and public and held in the evenings at the Civic Offices, Epping;
- (k) that a minimum of six meetings shall be held each year;
- (l) that designated County Council Highways shall nominate a lead officer to support the Panel;
- (m) that the Essex County Council Cabinet Member for Highways and Transportation be able to invited to attend when necessary; and

(n) that the agenda and minutes of the Panel be circulated to each District Councillor and to each Parish/Town Council.

It is proposed that a training session be held for the appointed members of the Panel and other interested Councillors.

Safer, Cleaner and Greener Implications:

The community sees the condition of the highways within the District as a key issue. The introduction of the proposed Panel will provide a much-desired ability for the community to express, through its elected representatives, its concerns, aspirations and priorities for the use of highway resource within the district.

The condition of the highway has a direct impact upon matters such as:

- numbers of accidents;
- use of roads by non motorised traffic;
- the ability of people to move safely around on foot, particularly important for the elderly, those with disabilities and other disadvantaged groups;
- economic growth; and
- sustainability.

Consultation Undertaken:

None.

Background Papers:

Localism Manual – attached at Appendix 1.

Impact Assessments:

There is a risk that localism will be seen as a slightly different version of the former Agency Agreement, in that whilst the District and Parishes through the Panel will be able to seek to influence the County Council's use of resources locally, the final decision will rest with the local Highway Managers. This could result in the Council "taking the blame" for decisions made elsewhere. However, it is considered that this risk is sufficiently outweighed by the benefits of much closer working with the County and its officers, and the ability to influence priorities.

There are no equalities issues other than those set out under Safer, Cleaner, Greener above.