

# **Report to Safer, Cleaner, Greener Standing Scrutiny Panel**

**Date of meeting: 10 April 2012**

**Portfolio: Safer, Greener & Highways**

**Subject: Revised arrangements for Local Highways  
Panel**

**Officer contact for further information: J Gilbert**

**Committee Secretary: A Hendry**



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## **Recommendations/Decisions Required:**

- (1) To receive the proposals of the Essex County Cabinet Member for Highways in respect of new arrangements for Local Highway Panels;**
- (2) To agree to join the new arrangements and to recommend to Overview and Scrutiny Committee accordingly; and**
- (3) To recommend to Overview and Scrutiny Committee that meetings of the Local Highways Panel should be held in public and that allocation of membership seats should be referred to the Appointments Panel for discussion prior to the Annual Council meeting .**

## **Report:**

1. When the highways agency reverted back to Essex County Council (the Highways Authority) in 2005, local Highways Panels were established by the County Council to enable liaison between the County and the districts in respect of local highways expenditure and setting priorities. Until May 2011 this process was supported by this Council and Members were appointed to the Panel.

2. During that period the constitution of the Highways Panel was amended from time to time, in the main to enable greater participation by the town and parish councils in the process, including the granting of voting rights. The Panel grew to a membership of 19 and this was perceived to cause difficulties from time to time, with the Panel often getting bogged down in detail and discussions in respect relevant priorities. This situation led in May 2011 to the then new Administration deciding to retain the Panel on the Council's committee structure, but not appointing any members.

3. Throughout 2011/12 the Council has had no formal means of liaison with the County Highways Service although relevant contacts have been maintained. However, this has caused some difficulties and has not enabled the prioritisation of local highways expenditure nor the prioritisation of minor traffic related schemes for consideration by the North Essex Parking Partnership.

### New County proposals

4. The County Council Cabinet Member for Highways has identified a block of money that she intends to devolve to County Members for local prioritisation, within refreshed Local Highways Panels (LHP). Each Panel will have allocated a minimum of £400,000 and a

maximum of £1 million. In addition, the current allowance of £130,000 for Ranger services needs to be added making between £530,000 and £1,130,000 per district.

5. The LHPs will comprise of the local County Division Members and an equal number of District Members. There is no town or parish representation although the terms of reference require Panels to liaise with local councils. Therefore, a LHP for this District would comprise of 7 County and 7 District Members, and would be chaired by a County Member. If the LHP were to be appointed on a pro rata basis the Panel would comprise 5 Conservatives, 1 LRA and 1 Lib Dem. The previous Panel' District Council membership was deemed to be an appointment by the Council rather than the Cabinet. The protocol regarding pro rata distribution of seats on outside organisations is suspended at present with the onus placed instead on the Appointments Panel (which deals with the detail of the Annual Council appointments) to agree a consensus regarding what goes forward to the Council.

6. As this Panel is designed to cover the entire District, there is an argument for distributing the 7 seats to achieve the widest geographical spread. If necessary this could be referred to the Appointments Panel for discussion.

7. The decision to exclude Parish Council representatives was criticised by representatives at the Local Council Liaison Committee meeting on 22.3.12.

8 The LHP would be able to discuss:

- traffic management
- tackling congestion
- safety including casualty reduction
- public rights of way
- cycling programmes
- passenger transport improvement programmes
- minor improvement schemes
- activities of the Ranger service

9. There appears to be no direct reference to traffic regulation orders and interaction with the newly formed parking partnerships.

10. A summary of the County proposals is attached as an appendix to this report.

#### Suggested way forward

11. Whilst it is accepted that the previous LHP arrangements had their difficulties, the proposed arrangements do offer a different way forwards and the opportunity for the Council to be able to exert influence over a substantial sum of highways related budget. It is therefore suggested that the Council should opt in to the proposed arrangements and make appointments at the annual Council in May 2012.

12. Furthermore, if it is the County's intention that the LHPs should not become embroiled in general TRO issues, then the Council shall still require a mechanism for interacting with the North Essex Parking Partnership in respect of lower grade parking restrictions etc. It is therefore suggested that should the Council decide to participate in the LHP, the Members appointed should also form a Portfolio Holder's TRO Advisory Group, to establish TRO and related priorities. This will ensure that there is a mechanism for transparent local decision making on TRO priority recommendations to the NEPP and will also have the benefit of having Members who are engaged in highway matters across the district and who therefore will build expertise.

13. The County guidance suggests that meetings of the LHP could be in private or public. The previous LHP was open to the press and public. However, given that this is a County led panel, County may look for consistency in approach across the County. This Council's preference would normally be for meetings to be open to the press and public.

14. Technical support to the LHP will be provided by County officers. It is unclear from the paper in respect of the administrative support the County is to provide. If it is to be required from this Council, the Democratic Services Manager has indicated that resources would be available.

**Reason for decision:**

To enable the Council to actively participate in setting budget priorities on local highway expenditure.

**Options considered and rejected:**

The only option is to remain outside of the proposed LHP arrangements. This is not recommended given the difficulties that have arisen since May 2011 and the potential sum of money over which influence may be exerted. The note from County (attached) suggests that in any event the local budget will be devolved to local County Members, and without District involvement it appears that they would be able to make spending and priority decisions without District consideration.

**Consultation undertaken:**

None

**Resource implications:**

Budget provision: Core budget provided by Essex County Council  
Democratic Services to provide LHP support if required

Personnel: Within existing resources

Land: Nil

Community Plan/BVPP reference: none

Relevant statutory powers: Highway Acts

Background papers: None

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Ability to influence spending on highway related matters which are important to the District's residents

Key Decision reference: (if required): N/A