

North Essex Parking Partnership Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Tuesday, 10 August 2021 at 17:00

Meeting of the North Essex Parking Partnership Joint Committee

Please note, this is a placeholder 'agenda' document included in order to allow for live audiostreaming of the meeting in question.

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**North Essex Parking Partnership
Tuesday, 10 August 2021 at 17:00**

**AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)**

Please note that the agenda is provided on the following pages.

NEPP JPC Agenda 10 August 2021

5 - 20

**Part B
(not open to the public including the press)**



North Essex Parking Partnership

Joint Committee On-Street Parking

Grand Jury Room, Town Hall
High Street, Colchester CO1 1PJ
10 August 2021 at 5.00pm

The vision and aim of the Joint Committee are to provide a merged parking service that provides a single, flexible enterprise of full parking services for the Partner Authorities.

Information for Members of the Public

Access to information and meetings

- You have the right to observe meetings of the Joint Committee, including those which may be conducted online such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the Joint Committee's future meetings are available here:
<http://www1.parkingpartnership.org/north/committee>.
- Occasionally certain issues, for instance commercially sensitive information or details concerning an individual, must be considered in private. When this is the case an announcement will be made, the live broadcast will end, and the meeting will be moved to consider the matter in private.

Have Your Say!

- The Joint Committee welcomes contributions from members of the public at most public meetings. For online meetings of the Joint Committee, a written contribution to each meeting of no longer than 500 words may be made by each person which should be submitted via the form accessed by this link, before noon on the working day before the meeting date:
[North Essex Parking Partnership Have Your Say!](#)
- Members of the public may also address the Joint Committee directly, for up to three minutes, if they so wish. If you would like to know more about the Have Your Say! arrangements for the Parking Partnership's Joint Committee, or request to speak, please email:
democratic.services@colchester.gov.uk

If you wish to address the Joint Committee directly, or submit a statement to be read out on your behalf, the deadline for requesting this is noon on the working day before the meeting date.

North Essex Parking Partnership

Terms of Reference of the Joint Committee

The role of the Joint Committee is to ensure the effective delivery of Parking Services for Colchester Borough Council, Braintree, Epping Forest, Harlow, Tendring and Uttlesford District Councils, in accordance with the Agreement signed by the authorities in April 2011, covering the period 2011 – 2018.

Members are reminded to abide by the terms of the legal agreement: “The North Essex Parking Partnership Joint Committee Agreement 2011 ‘A combined parking service for North Essex’ ” and in particular paragraphs 32-33.

Sub committees may be established. A sub-committee will operate under the same terms of reference.

The Joint Committee **will be responsible for** all the functions entailed in providing a joint parking service including those for:

- 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 insofar as this falls within the remit of local authorities (excepting those certain fees and charges being set out in Regulations)
- Considering objections made in response to advertised Traffic Regulation Orders (as part of a sub-committee of participating councils)
- Car-Park Management (as part of a sub-committee of participating councils)

The following are **excluded** from the Joint Service (these functions will be retained by the individual Partner Authorities):

- Disposal/transfer of items on car-park sites
- Decisions to levy fees and charges at off-street parking sites
- Changes to opening times of off-street parking buildings
- Ownership and stewardship of car-park assets
- Responding to customers who contact the authorities directly

The Joint Committee has the following specific responsibilities:

- the responsibility for on street civil parking enforcement and charging, relevant signs and lines maintenance and the power to make relevant traffic regulation orders in accordance with the provisions contained within the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984

Strategic Planning

- Agreeing a Business Plan and a medium-term Work (or Development) Plan, to form the framework for delivery and development of the service.
- Reviewing proposals and options for strategic issues such as levels of service provision, parking restrictions and general operational policy.

Committee Operating Arrangements

- Operating and engaging in a manner, style and accordance with the Constitution of the Committee, as laid out in the Agreement, in relation to Membership, Committee Support, Meetings, Decision-Making, Monitoring & Assessment, Scrutiny, Conduct & Expenses, Risk and Liability.

Service Delivery

- Debating and deciding
- Providing guidance and support to Officers as required to facilitate effective service delivery.

Monitoring

- Reviewing regular reports on performance, as measured by a range of agreed indicators, and progress in fulfilling the approved plans.
- Publishing an Annual Report of the Service

Decision-making

- Carrying out the specific responsibilities listed in the Agreement, for:
 - Managing the provision of Baseline Services
 - Agreeing Business Plans
 - Agreeing new or revised strategies and processes
 - Agreeing levels of service provision
 - Recommending levels of fees and charges
 - Recommending budget proposals
 - Deciding on the use of end-year surpluses or deficits
 - Determining membership of the British Parking Association or other bodies
 - Approving the Annual Report
 - Fulfilling obligations under the Traffic Management Act and other legislation
 - Delegating functions.

(Note: the Committee will not have responsibility for purely operational decisions such as Staffing.)

Accountability & Governance

- Reporting to the Partner Authorities, by each Committee Member, according to their respective authorities' separate arrangements.
- Complying with the arrangements for Scrutiny of decisions, as laid out in the Agreement
- Responding to the outcome of internal and external Audits

**North Essex Parking Partnership
Joint Committee Meeting – On-Street**
Tuesday 10 August 2021. Meeting held in the Grand Jury
Room, Town Hall, High Street, Colchester CO1 1PJ

Agenda

Attendees

Executive Members:-

Cllr Simon Crow (Colchester)
Cllr Richard Freeman (Uttlesford)
Cllr Alistair Gunn (Harlow)
Cllr Sam Kane (Epping Forest)
Cllr Sue Lissimore (Essex County)
Cllr Michael Talbot (Tendring)

**Members to attend [non-voting
as stands, subject to expected
counsel's advice]**

Cllr Richard van Dulken (Braintree)

Officers:-

Lou Belgrove (Parking Partnership)
Liz Burr (Essex County Council)
Jason Butcher (Parking Partnership)
Rory Doyle (Colchester)
Owen Howell (Colchester)
Linda Howells (Uttlesford)
Hayley McGrath (Colchester)
Samir Pandya (Braintree)
Miroslav Sihelsky (Harlow)
Ian Taylor (Tendring)
Alexandra Tuthill (Colchester)
Richard Walker (Parking Partnership)
James Warwick (Epping Forest)

Introduced by Page

- 1. Appointment of Chairman**
- 2. Appointment of Deputy Chairman**
- 3. Welcome & Introductions**
- 4. Apologies and Substitutions**
- 5. Declarations of Interest**
The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda.
- 6. Have Your Say**
The Chairman to invite members of the public or attending councillors if they wish to speak either on an item on the agenda or a general matter.
- 7. Minutes**
There are no minutes to approve at this meeting.

Continues overleaf

North Essex Parking Partnership

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| 8. Application T13419282; Approval of scheme details The report asks the Joint Committee to decide whether a single yellow line waiting restriction, or a resident permit scheme, should be designed and advertised after approval of application T13419282. | Trevor Degville | 7-14 |
| 9. Consideration of Single Yellow Line Commuter Restrictions The Joint Committee is to consider whether to direct that the NEPP cease offering single yellow line restrictions (restricted parking) to prevent commuter parking issues and instead to only offer resident permit parking (permitted parking). | Trevor Degville | 15- 16 |



North Essex Parking Partnership

10 August 2021

Title: Application T13419282; Approval of scheme details

Author: Trevor Degville

Presented by: Trevor Degville

To consider what restriction, if any, should be designed and advertised following the JPC approval of application T13419282

1. Decision(s) Required

- 1.1. To decide whether a single yellow line waiting restriction, or a resident permit scheme, should be designed and advertised after approval of application T13419282.

2. Reasons for Decision(s)

- 2.1. A request has been made to consider whether a waiting restriction or permit parking should be introduced in Purlieu Way, Theydon Bois. There is disagreement between the applicant and officers over which type of restriction would best suit the location.

3. Alternative Options

- 3.1. To stop the traffic regulation order process and not advertise and proposals.

4. Background

- 4.1. At the October 2020 Joint Parking Committee application T13419282 was approved to progress to the next state of the process. The application was for a waiting restriction to prevent commuter parking issues.
- 4.2. The officer report on the application that is provided prior to the application being prioritised had made it clear that in the NEPP officers opinion a one-hour single yellow line restriction would not be appropriate. Instead, there was a recommendation made that either a restriction of a longer operational time or permit parking should be considered.
- 4.3. In February 2021 a meeting took place between NEPP, Epping Forest District Council officers, the applicant, and another resident. This meeting did not result in an agreement, with the residents considering that only a single yellow line solution would be appropriate.
- 4.4. Despite further e-mail exchanges, it has not been possible to find an agreed solution. In June 2021 Epping Forest District Council officers suggested that the matter be deferred for 4 months so that the effect of the removal of most Co-vid restrictions on motorist's behaviour in the road can be evaluated. This suggestion has been rejected and it has been requested that the matter is considered as soon as possible.

- 4.5. Copies of the latest correspondence between the applicant and Epping Forest District Council representatives are shown in documents A and B.

5. The JPC Decision

- 5.1 The decision at JPC (albeit one with a type of restriction in mind) does not mean that this type of restriction will actually be implemented at all, or it may be different when the time comes to implementation.
- 5.2 The situation regarding T13419282 is not unique, with other applications approved at the October 2020 JPC resulting in a different type of restriction than that on the application eventually being implemented.
- 5.3 The Joint Parking Committee decision is one to proceed to develop a scheme for implementation. There is a legal process that must be followed before a scheme can be implemented, which includes consultation with all road users. It cannot be guaranteed that the type of restriction that is requested on an application is eventually introduced. It may be the case that applications approved by the JPC are not introduced due to objections and other comments that are made during the consultation process.
- 5.4 The role of NEPP is, therefore, to design a scheme that will stand up to consultation and be fit for purpose. Unfortunately, this does mean that there will be occasions when the solution to the problems that have been highlighted in an application are not what the applicants were initially hoping for.

6. Other Considerations

- 6.1 Since the request for the matter to be considered at this EJPC, NEPP have received further correspondences from other residents in the area. These correspondences have not been supportive of restrictions in the road. An example can be seen in Document C.
- 6.2 A proposal has not yet been advertised. Nonetheless, it may be considered concerning that NEPP is receiving correspondences already which are likely to result in objections being received if a proposal is advertised. It is unlikely that any order would be made if there is sufficient weight of objection during the formal consultation period, particularly if residents are suggesting that a scheme intended to help would have the effect of causing them inconvenience.
- 6.3 There is no legal requirement for NEPP to make traffic regulation orders and no recourse for motorists against NEPP if restrictions are not introduced. In some circumstances there can be recourse at the High Court if a restriction is made, although this is rare.

Dear Councillor Kane

Your early response is appreciated and I can confirm that your stated assumptions are correct. Naturally I am disappointed, but certainly not discouraged, because several aspects immediately arise:-

- (a) The fact that a policy change occurred after a firm favourable decision had been made by the Joint Committee on 1st October 2020 – without immediate notification and explanation to those concerned – is surely reprehensible.
- (b) The decision that 'single yellow lines are no longer viewed as a viable restriction..' was advised to us by EFDC email on 15th January this year. This decision was presumably made by NEPP covering their overall area of responsibilities, and had not gone through the Joint Committee.
- (c) Any schemes already approved by the Committee, should be allowed to stand. Only new Applications from a valid decision date (or those already received from Applicants who had been warned that a review was being undertaken) should be affected by the decision. That is common sense and correct business practice.
- (d) The new policy here fails in that existing schemes naturally cannot just be ignored – in the Purlieu Way situation every other street in the vicinity (bar one short road) has the single line/one hour restriction. It would be quite illogical, impractical and unfair to leave Purlieu Way residents at a serious disadvantage. If the single line/one hour concept is wrong for this part of Theydon Bois, then clearly the status of those other roads should be amended.

You have mentioned that the next NEPP Joint Committee Meeting is in September, but I believe that the date has been moved to 28th October. If there is absolutely no other avenue for the wishes of Purlieu Way residents to be met, I and another householder would be prepared to attend that meeting, and with the agreement of the Chairman, I would address the Committee (within the permitted three minutes).

You will have gathered that I and colleagues are desperately disappointed at the progress of this case so far, and you will understand our determination to go all the way if necessary. I do welcome the support of yourself and Cllr Nigel Avey, in our quest for a fair and proper outcome.



PS The commuter vehicles have been coming back, and we have even had several householders from other nearby roads leaving their cars in Purlieu Way all day, overnight and in at least two cases, when going on holiday! It is absolutely insufferable. Frustration here is mounting, and I have to drive on.

From:

Sent: 07 July 2021 23:51

To: 'cllr.s.kane@eppingforestdc.gov.uk'

Cc:

Subject: Parking in Purlieu Way, Theydon Bois (Ref No. T 13419282)

Dear Councillor Kane

I understand you have recently taken on the Portfolio that includes oversight of street parking. We have a particular problem in Theydon Bois, for which we need your help to resolve. In summary:-

- I submitted an application to NEPP on 20th July 2020, for a scheme essentially to control commuter parking in Purlieu Way.
- 78% of the householders here (representing 37 houses) had supported a single yellow line/one hour restriction.
- Opinion on the alternative of a Residents Parking Scheme had been tested, but received little support.
- My Application was received by NEPP, under the Rules applicable at the time.
- Having followed-up with EFDC for news, I was advised in January 2021 that 'single yellow lines are no longer viewed as a viable restriction', but offering a Residents Parking Scheme (which I had already stated was unacceptable for Purlieu Way residents). All other roads in the vicinity (bar one) are already yellow-lined.

I immediately challenged the decision through a Zoom meeting on 10th February with James Warwick and Shane Taylor. In particular, another resident and I had traced a Minute of the Joint Committee for On-Street Parking on 1st October 2020, recording APPROVAL of my Application (under T13419282), together with others. We were amazed that there was any dispute at that late stage.

However, in the face of this clear official approval, all sorts of arguments were put-up by NEPP, although Shane Taylor took on board our absolute rejection of any RPS, and undertook to talk further with his colleagues. Despite my pressing in correspondence over several months for confirmation that we could proceed, it was only on 24th June that I received the email from James Warwick effectively kicking the Application into the long grass. Again I issued an immediate and detailed rejection of any further delay for implementation of the Committee's approval. Finally as a last straw, I received James Warwick's email of 2nd July. I advised him that the NEPP position is untenable and totally unacceptable.

Frankly, I am nearly lost for words. A properly formulated Application was received by NEPP without any prior change of policy and no notification of any problem. The controlling Committee approved the Application and then staff failed to implement the decision. Surely this cannot be right – a mistake has been made to the prejudice of the public and can now be corrected on the approved basis.

I am very willing to discuss any aspects of this matter with you and colleagues, and look forward to your response.

From:

Sent: 29 July 2021 14:30

To: Parking <Parking@colchester.gov.uk>

Subject: Objection to Parking restrictions in Purlieu Way Theydon Bois, Essex

This message originated **Externally**. Do **not** click links or open attachments unless you recognise the sender, were expecting it and know that the content is safe.

To whom it may concern

Am writing to object to the proposed parking restrictions for Purlieu Way, Theydon Bois, Essex. An application for a single yellow line/one hour parking restriction has been submitted to NEPP by XX XX from Theydon Bois. On 15th January 2021 NEPP informed XX XX the single/one hour control was no longer viewed as an viable restriction and he is now pursuing an objection to the NEPP decision.

Please also note that XX XX has withheld this information from a number of Purlieu Way residents who were not aware of these developments.

I would like to make my objection to these parking restrictions clear. If the proposed yellow lines are enforced upon residents our visitors will have nowhere to park in the restricted time and will have to move their cars which would be an inconvenience. We would also have to look for alternative parking for our own car.

Care workers visiting the elderly will have a problem with parking. There are several elderly people on our road, as well as my next-door neighbour, who make use of carers and NHS medical staff. It will severely complicate matters for them. I do not believe there is a major issue with commuters parking their cars here for the whole day. I believe that the parking restrictions will be an added hindrance to parking in the area for the residents and visitors of Purlieu Way. If a permit scheme is introduced, there is the added cost of permits should visitors come, or should other family cars need permits. I therefore object".

Yours sincerely



North Essex Parking Partnership

10 August 2021

Title: Consideration of Single Yellow Line Commuter Restrictions
Author: Trevor Degville
Presented by: Trevor Degville

This report concerns the use of single yellow line restrictions to prevent commuter parking issues. Members are asked to decide whether NEPP should only offer resident permit schemes where residents are inconvenienced by commuter parking.

1. Decision(s) Required

- 1.1. The Joint Committee is to consider whether to direct that the NEPP cease offering single yellow line restrictions (restricted parking) to prevent commuter parking issues and instead to only offer resident permit parking (permitted parking).

2. Reasons for Decision(s)

- 2.1. To clarify to members of the public and councillors what options are available from NEPP when residents feel that they are being inconvenienced by commuter and other types of invasion parking.

3. Alternative Options

- 3.1. To continue to offer the option of single yellow line restrictions.

4. Single yellow lines

- 4.1. Historically local authorities have used a one-hour or similar timed single yellow line as a way of preventing commuter or other invasion parking. Examples can be seen in most authority areas where NEPP operates ie no waiting 10 – 11 am Monday to Friday or similar.
- 4.2. The perceived advantage of this type of restriction was that residents could park outside of the restricted times whilst commuters would not be able to return during the operational hours and so risked receiving a penalty charge notice. However, it should be remembered that waiting restrictions apply to all motorists including residents so any resident who parked during the operational hour could also receive a penalty charge notice unless there is never going to be a time that they need to park on the restriction.
- 4.3. Residents were sometimes in favour of this type of restriction as there were no costs involved for residents and many could avoid parking on the waiting restrictions either due to having off-street parking on their property or by not being in the area during the operational hours (i.e. going to work).

- 4.4. It is suggested that single yellow line restrictions are no longer appropriate to deal with this type of issue.
- 4.5. It has long been appreciated that restricted parking does not suit all residents. However, during the pandemic changes that were gradually happening over time have increased speed. It became clear that the single yellow lines which in effect are used as no fee resident parking schemes have little flexibility when it came to the new demands on the roadside and restrictions that were initially installed to help save residents from inconvenience could be causing them problems. For example, more residents are now working from home, who were not always able to move their cars during the single hour restriction. As previously mentioned, restricted parking applies to all residents, no permit exists for yellow line restrictions.
- 4.6. There are other problems which single yellow lines can cause residents. If there are more vehicles at the property than off-street parking spaces, residents will face problems trying to avoid parking on the restricted parking during the operational hours. Residents can face similar issues if they need traders to work on their properties.
- 4.7. The move towards flexible working hours means that the effectiveness of one-hour restrictions in some areas is debatable as motorists may be able to plan their travelling around the restrictions to be able to park.
- 4.8. In some schemes having differing times of restriction has been attempted to allow residents to move between yellow lines during the day ie 10 – 11am on side of the road 1 – 2pm on the opposite side or similar. Nonetheless, this type of scheme can still cause problems for residents as they must remember to move their vehicles (if commuters are nearby, they too can move their vehicles). It is also encouraging more vehicular movements than is necessary.

5. Resident Permit Parking

- 5.1 Permitted parking has benefits for residents and their visitors which restricted parking does not allow. Priority parking is provided for permit holders whilst non-permit holders risk receiving a penalty charge notice if they choose to park in the permit area during the operational hours.
- 5.2 Permit holders do not need to move their vehicles during the permit schemes operational hours i.e. Permit holders are allowed to park if a permit scheme is introduced rather than being prevented from parking if waiting restrictions are used. This gives those residents with no off-street parking facilities an opportunity (but not a guarantee) to park near to their homes and to provide visitor permits for traders and any other visitors allowing parking at any time.

6. Cost implications

- 6.1 There are costs associated with the introduction, operation and maintenance of either a single yellow line or resident permit schemes. However, in some cases it is possible to introduce resident permit schemes using only signage, so saving on lining costs, both initially and on-going.
- 6.2 The cost of single yellow lines is usually paid for by NEPP public funds. With resident permit schemes any resident who chooses to purchase a permit contributes towards the costs of the scheme through the resident permit fees.