

NORTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE FOR ON-STREET PARKING

**3 October 2019 at 1.00pm
Council Chamber, Uttlesford District Council**

Members Present:

Councillor Nigel Avey (Epping Forest District Council)
Councillor Richard Van Dulken (Braintree District Council)
Councillor Deryk Eke (Uttlesford District Council)
Councillor Mike Lilley (Colchester Borough Council)
Councillor Robert Mitchell (Essex County Council)
Councillor Danny Purton (Harlow District Council)
Councillor Michael Talbot (Tendring District Council)

Substitutions:

None.

Apologies:

None.

Also Present:

Richard Walker (Parking Partnership)
Michael Adamson (Parking Partnership)
Lou Belgrove (Parking Partnership)
Jason Butcher (Parking Partnership)
Danielle Northcott (Parking Partnership)
Lisa Hinman (Parking Partnership)
Shane Taylor (Parking Partnership)
Qasim Durrani (Epping Forest District Council)
Simon Jackson (Uttlesford District Council)
Andy Nepean (Tendring District Council)
Samir Pandya (Braintree District Council)
Miroslav Sihelsky (Harlow Council)
Alexandra Tuthill (Colchester Borough Council)

48. Minutes

RESOLVED that the minutes of the Joint Committee meeting held on 20 June 2019 were confirmed as a correct record, subject to the following amendments:

- a) Page 4, paragraph 5, final sentence: replace 'one such occurrence' with 'several such occurrences';
- b) Page 6, paragraph 2, line 5: replace 'parking charges' with 'PCNs'.

Richard Walker explained the likely circumstances which had led to a number of PCN (Parking Charge Notice) payments being allocated to the incorrect local authority by G4S.

In response to questions regarding the new Project Manager post, Richard confirmed that Jason Butcher had been appointed to the role and that Jason would visit all local authorities within the Partnership in the near future and would be working on the report on 'Use of Reserves', which was due to come before the Joint Parking Committee at its December meeting.

49. Traffic Regulation Order Application Decision Report

Trevor Degville, the Parking Partnership's Parking Technical Manager, introduced the report. The report requests that the Committee consider and approve, defer or reject traffic regulation applications as listed in the report. The report also requested that the Committee note the Traffic Orders Advertised during 2019 and approve the delegation of authority to the NEPP Group Manager for making de minimis amendments to permit scheme catchment areas.

The Chairman explained the scoring process used to assess which traffic regulation orders in this report would go ahead to be designed and implemented. It was noted that the current system was evolving, with a greater dependence on online publication and advertising, where people could view details, rather than printing and distributing paper copies.

The Committee considered the recommendations brought forward by each of the district and borough councils.

The six applications for Uttlesford were all approved by the Committee, being T26554778, T20684908, T24494318, T23597196, T23490214, T30702625. It was explained that the applications for Jordan Close, Saffron Walden, and Chapel Hill, Stansted, were both ready to proceed. The four remaining applications all required some work to address complications before they would be able to proceed. The engagement work done to ascertain local demand for possible restrictions, and to explain what restrictions and schemes may be possible, was discussed by the Committee. This included opportunities for Parish Councils and local residents to meet with County Council representatives and members.

Councillor Deryk Eke briefed the Committee on liaison activities conducted by Uttlesford District Council to engage with Stansted Airport, with issues such as the

transport fund and working group, and efforts to tackle fly-parking having been discussed. The Airport has indicated willingness to commit funding and resources to assist in reducing nuisance parking by users of Stansted Airport. The Parking Partnership was not able to authorise others to carry out enforcement actions, but other options were possible. The Group Manager confirmed that invitations were now being issued to the Parking Partnership to attend meetings of the Stansted Working Group, and offices now attended these meetings. The Chairman agreed with importance placed upon public engagement and pressed the need to show the public that matters regarding parking do affect them and that it is worth being involved in directing solutions. There was also agreement that the liaison work with the Airport was beneficial and should continue.

The five applications which Braintree District Council had recommended for approval were approved, being T17476262, T23452167, T27425993, T24417415, T23349447 and a resident scheme T22376462. The application for Galleys Corner in Braintree [Ref. No. T22803076] had been recommended for deferral, due to more work being necessary to design the restrictions. It was suggested that the Committee could approve this item, as Braintree District Council had only recommended five Traffic Regulation Orders for approval, rather than the maximum of six, (resident schemes not counting in the total) and that the necessary design work could then be carried out before the restrictions are enacted

The Committee noted the success of the 3PR initiative, providing education at schools to minimise car use, and the Chairman noted that it would be useful if it could be shown where the use of 3PR education was decided upon as an alternative to new or expanded parking restrictions.

The Committee were informed that one application had accidentally not been included on the list which had been submitted by Harlow Council. This involved a safety scheme for a ten-metre extension of double yellow lines on Ployters Road [Ref No.: T20474524]; Harlow requested that this be added to the list as an item recommended for approval and, if necessary, to replace one of the existing recommendations for approval. The Committee agreed that this application could be added to those already recommended for approval, which included T27552597, T27569017, T27579626, T27582245, T27585482, T27598358, T27605081, and T27608175.

The Committee were informed that Colchester Borough Council wished to change their recommendation for the Manor Road application [T29664816] from 'Reject' to 'Defer.' The Committee were informed that the application for waiting restrictions on the Willows Estate was recommended for rejection, as it had obtained support from less than 75% of local residents. Schemes approved included T19426606, T24823639, T20559174, T21425492 and T21629143 the latter being a resident parking scheme.

Schemes approved for Tendring District included 50127, T24404654, T19374687, T225129710, T23430708, T27491447.

It was explained that there continued to be problems caused by commuter parking within the district of Epping Forest and that the Council continued to act to address

this. The recommendation to defer decision on the Ladywell Prospect application [60059] was explained. This was based on recommendations from a report and on scoring by the Parking Partnership. It had not been shown that the restrictions would be able to achieve the necessary level of resident support.

Prior to consideration of the Epping Forest applications, a scheme for Buckhurst Hill which had previously been approved by the Joint Committee was discussed. Several objections had been received and Richard Walker, Group Manager of the Partnership, had monitored the situation and requested further information from Epping Forest District Council. Following communication with Essex County Councillor Metcalfe, of Buckhurst Hill and Loughton South Division, the Group Manager would consider how to proceed regarding the scheme in question.

Six schemes from the Epping Forest list were approved, with a further eight Residential Schemes being approved, including 60005/60095, 60058, 60060, 60111, T20578791, T24559422, and resident schemes 60062, 60162, 60175, T17399134, T235843310, T22394138, T239343476, T23416391.

It was confirmed, following enquiries via the chairman, that the application for a resident permit area in Crownfield [60058] was one of those recommended for Committee's approval.

Regarding the recommended decision to approve a delegation of powers to the Group Manager relating to *de minimis* alterations of permit scheme catchment areas, the Group Manager explained that this would only relate to instances where one or two new properties were potentially to be included in existing schemes, that this delegation of powers would save time and that any larger proposed changes would come to the Joint Committee for approval as usual. In answer to the suggestion that this should be brought to the Joint Committee's AGM instead, the Group Manager explained that policy-related decisions were now coming to the Committee on a rolling basis, but avoiding the AGM where the Agenda was already full. The Committee agreed to the proposed delegation, subject to each use of the delegated powers being notified to the Chairman of the Joint Committee, who would authorise their use or direct that the proposed scheme amendment be brought before the Committee for approval.

RESOLVED that: -

All applications recommended for approval by the partner authorities, as included in the agenda, be approved by the Joint Committee and, in addition, that;

- (a) The application for Galleys Corner in Braintree [T22803076] be approved;
- (b) The application for extension of double yellow lines on Ployters Road [Ref No.: T20474524] be approved;
- (c) The application for Manor Road, Colchester [T29664816] be deferred.
- (d) Delegated powers to allow *de minimis* changes to existing parking scheme/restriction coverage, relating to one or two additional properties, be granted to the Group Manager of the North Essex Parking Partnership, subject to the use of the powers then being notified to the Joint Parking Committee's Chairman who would authorise their use or direct that the proposed scheme amendment be brought before the Committee for approval.

50. Draft Obstructive and Footway Parking Policy

The Chairman explained that the potential decriminalisation of obstructive parking, and the Partnership's potential response to this, had been under discussion for the past two years. The Parking Partnership aimed to set the Policy to be ready in the event that decriminalisation occurs, and the government authorises local authorities to carry out enforcement action against obstructive parking. Clarification of the differences between obstructive and footway parking was given, to explain how not all parking on footways was obstructive and that clarity would be needed when giving guidance on footway parking.

The obstruction of lines of sight at junctions was given as a particular hazard caused by some obstructive parking. The addendum to the report, which had been distributed to Committee Members directly before the meeting commenced, was summarised. This detailed the potential ability for a new approach to be taken in the future through use of lines/kerb markings to prevent obstruction at and around junctions and for a reduction in the amount of advertising and consultation which is currently required when the application of such junction markings is considered for use. The rationale for this is that the markings are reminders of requirements already being nationally publicised, as part of the Highway Code.

The Parking Partnership Group Manager gave an overview of the Parliamentary Transport Select Committee's 2019 inquiry into Pavement Parking and explained that the content of his written report was based on the Parking Partnership's evidentiary submission to the inquiry and was in line with representations made by the British Parking Association, which calls for the granting of powers to enforce, rather than a duty/requirement to enforce. A key aim is to avoid reducing obstructive parking on footways, by shifting vehicles into obstructive parking on the carriageway. For more information on the evidence considered by the Select Committee, it was recommended that members of the Joint Committee could view the written evidence submitted and videos of the Select Committee on the parliament.uk website [<https://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/>]. It was noted that the adjudicators of PCN appeals had voiced support for decriminalisation of obstructive parking.

Recommendations put forward included the decriminalisation of obstructive parking, the granting of discretionary enforcement powers to local authorities, and a modernisation of the publicising of consultations and implementation details of traffic regulation orders, with more online publicity instead of a reliance on traditional print media.

The Department for Transport had proposed a timescale of two years for taking action to address the issue of pavement parking, however the Select Committee have proposed that this should be shortened to see action being taken by Summer 2020.

The Joint Committee stressed the importance of ensuring that the rules governing the issuing of PCNs for obstructive parking on footways are clear and easy to follow for officers, and easy to explain to members of the public. In order to address potential problems caused by adopting a system of simple rules, such as the four-

foot rule, it was suggested that a number of options could be considered. These included the use of 'limiting lines' which could indicate where pavement parking is permissible, and to what extent. Use of such measures could show where pavement parking is acceptable to footway users and local communities, such as where older housing had insufficient off-street parking for modern car ownership levels, or where carriageways are too narrow to allow sufficient space for parking. It was noted that PCNs should only be issued where obstruction is caused or where restrictions are in place.

The Committee discussed the need to prevent an increase in obstructive parking in carriageways, especially where roads and/or footways are narrow and present difficulties for any type of parking, or where rural centres' streets do not have footways at all. The Group Manager assured the Joint Committee that the Parking Partnership was mindful of the differences between rural and urban parking and the different challenges faced in different areas. The Partnership's view was that any set of enforcement rules and procedures must be able to accommodate exceptions, where individual circumstances on the ground necessitated an approach tailored to the situation. He highlighted the difficulty caused by the current lack of definition for the term 'obstruction parking' and informed members that the Select Committee had recommended that the Department for Transport produce a standardised national definition.

Committee members articulated the frustration often felt by members of the public when informed that civil enforcement officers (CEOs) currently have no powers to take action against obstructive parking and could only notify the Police, who are then likely not to have sufficient resources to attend and conduct enforcement. This situation was noted as being wasteful of resources, in comparison with giving the CEOs enforcement powers, as they would be best placed to act, and would not require Police action in order to act.

A member of the Committee clarified that any discretionary power granted relating to obstructive pavement parking should be exercised with caution and thought by CEOs, such as where complaints are made by, or danger is caused to, footway users. The pro-active issuing of PCNs should be avoided where no problems have been found or reported. It was stated that footway parking should not be penalised where no obstruction is caused, and that efforts should increase to educate people in the importance of avoiding creating an obstruction. Where enforcement is necessary, the use of cameras can ensure evidence is available to show the level of obstruction caused.

In response to questions regarding expectation management, deciding as to what pavement parking is problematic and establishing and funding an enforcement process, the Group Manager explained that the Parking Partnership already tackled parking across dropped kerbs on request, and that a key element of any future enforcement procedure would be to define 'obstructive parking' and then publicise this and educate road users. Work is being carried out with Suffolk County Council to investigate the possibility of using an online map-based reporting tool to flag up problem parking incidents. The Committee again stressed the need to promote public understanding of any new enforcement powers gained by CEOs, and to manage public expectations, both now and in the event of decriminalisation of

obstructive parking.

The Committee was told that care and attention would need to be given to CEO training on the use of any new discretionary powers. Guidelines would need to be clear and minimise successful challenges when they were exercised. The Chairman underlined the ongoing work to prepare for the potential future decriminalisation of obstructive parking. This included considering the vulnerabilities of all types of road and footway users. A range of exceptional circumstances were being considered, and ways of providing flexibility to cover these were being identified. It was suggested by a Client Officer that options be looked at for providing a quick reference device or app to CEOs for them to check whether a location was subject to any exemption or exceptional circumstances. To gain additional insight from other authorities, a regional forum, including Norfolk and Suffolk, had been proposed.

Lisa Hinman, of the Parking Partnership, briefed the Committee on the likely cost implications regarding creating and maintaining markings and signage to indicate where pavement parking would be possible, training CEOs and advertising the rules applying to pavement and obstructive parking. The Committee was also warned that there would be an expectation of fair and consistent enforcement, with the same rules applied equally across all geographical areas covered by the Parking Partnership. This would also have implications for the resources needed to carry out enforcement operations. The Chairman concurred and stated that there would need to be a transition period, should new enforcement powers become available, when the new approach is brought in, the public informed and expectations managed to match what is realistically possible in terms of enforcement actions.

An idea given by the Committee was for CEOs to attach informative warnings to malefactors' vehicles during the initial six-month transition period, in place of PCNs. Data relating to where these warnings, and then PCNs, are issued for obstructive parking would then help identify problematic locations and show the public that enforcement action is being carried out against obstructive parking. The Group Manager agreed with this approach and explained how data could be collected, logged and used.

Councillor Michael Talbot, Tendring District Council, explained how his council acted to use data in promoting considerate parking within the district. The Chairman emphasised that it would be helpful for the different local authorities to share ideas and effective techniques with all the partner authorities, potentially through the 'Parking News' e-newsletters.

Suggestions were made that trial areas be found for testing any new enforcement protocols and to explore how to identify and approve any necessary exceptions for specific areas.

51. Finance Report – End of P5

Lou Belgrove, Business Manager for the Parking Partnership, presented the report and explained that, owing to the timing of the report, figures could only be provided as at the end of P5 (August) of 2019-20.

The Committee discussed the potential cost of enforcement actions commencing in the future against obstructive parking. It was not felt that this would impact negatively on the Partnership's finances, aside from a short-term cost associated with training staff on their new powers. Members did, however, note that it would likely result in an opportunity cost, should CEO numbers remain at the present level, as CEOs would spend a degree of time on this enforcement activity, reducing their capacity for other elements of their role to inform and enforce.

The Business Manager briefed the Committee on difficulties which had been experienced in recruiting CEOs, including a recruitment day in Harlow where 50 invitations to people who had registered interest had only led eight potential candidates to attend. The Committee discussed whether there were ways to increase the numbers of people with powers to enforce parking restrictions and schemes. It was confirmed that, in order to be able legally to issue a PCN, an individual would need to be directly employed by the Parking Partnership. A Committee member suggested that it might be possible to find volunteers amongst the public who could help the Partnership carry out its work providing information and promoting considerate parking.

The Committee was informed that the asterisk found on the table at page 26 was used as a reminder to show that some PCNs issued in the current financial year would only produce income during the next financial year, owing to the time-lag in payment after issuing. The projected budget for the financial year had been set accordingly to reflect this, and the Group Manager provided a summary of the budget process and the aim to achieve a net-zero budget, the Parking Partnership being a not-for-profit entity.

52. Annual Report 2018/19

Richard Walker, Partnership Group Manager, introduced the Annual Report and explained that the Partnership had a statutory duty to report on its operations and performance. The NEPP had continued to make efforts to further improvements to its reporting and had won awards for the quality of its Annual Report, its 'digital by default' approach, and the clarity and quality of the content produced.

Answering the Committee's questions on the statistics provided, the Group Manager explained that the form that these took was an intentional effort by the NEPP to give detail with context and background. An example of this was the inclusion of information showing whether actual performance is deviating from expectations, and the avoidance of large 'headline' figures which are often covered by the media without their context.

A Committee member requested further detail regarding the NEPP's approach to unpaid PCNs. The Group Manager explained that some PCN payments are received after the publication of the Annual Report statistics, and that those which then remained unpaid were pursued using a debt collection service. The parking industry considered that a collection rate of over 70% was good, and the Group Manager confirmed that the NEPP collection rate had now reached around 80%. It was noted that, nationwide and overall, there had been no discernible difference in performance between parking services operated in-house, and those which had been outsourced.

RESOLVED that the Committee had noted the Report.

53. Forward Plan 2019-20

The Chairman recommended that an update be given on developments regarding obstructive parking decriminalisation at each future meeting on the Forward Plan, to which the Committee agreed.

RESOLVED that the Forward Plan 2019-20 be approved, subject to the addition of an update report regarding obstructive parking being added to the agenda for each future meeting.