

**SOUTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE**

**14 March 2023**

**AGENDA ITEM 8**

<b>Subject</b>	Delegation of the Joint Committee decision to consider representations against an advertised Traffic Regulation Order to the South Essex Parking Partnership Manager or nominated deputy of the Lead Authority.
<b>Report by</b>	South Essex Parking Partnership Manager

**Enquiries contact:** Nick Binder, 01245 606303, [nick.binder@chelmsford.gov.uk](mailto:nick.binder@chelmsford.gov.uk)

**Purpose**

For the Joint Committee to approve the delegation to the South Essex Parking Partnership Manager (or nominated deputy of the Lead Authority) the function of considering representations received in respect of an advertised proposed Traffic Regulation Order and determining whether to proceed with the making of such Traffic Regulation Order (with or without modifications) or to withdraw the proposed Traffic Regulation Order in its entirety. Such decision to be taken after consultation with the Chair of the Joint Committee and one other Joint Committee member (who will normally be the Joint Committee member for the local authority in whose district the proposed TRO relates)

**Options**

The Joint Committee can approve, amend or reject the recommendation

**Recommendation(s)**

1) That the South Essex Parking Partnership Manager (or nominated deputy of the Lead Authority) be delegated the standing authority to -

i) consider representations received in respect of an advertised proposed Traffic Regulation Order; and

ii) after consultation with the Chair of the Joint Committee and one other Joint Committee member (who will normally be the Joint Committee member for the local authority in whose district the proposed TRO relates) to take one of the following steps:

- Make the proposed TRO as advertised:
- Make the proposed TRO as advertised but subject to modifications (which are less

restrictive); or

- Withdraw the proposed TRO in its entirety (i.e. not proceed with the making of such TRO).

2) The Terms of Reference of the Joint Committee’s TRO Sub-Committee be amended to reflect the above delegation – that is to say, to make it clear that the Sub-Committee shall only exercise its functions in those cases where the South Essex Parking Partnership Manager (or nominated deputy of the Lead Authority) after consultation with the Joint Committee Chair and the Joint Committee Member for the local authority in whose district the proposed TRO relates determines that the proposed TRO should be referred to the Sub Committee.

<b>Consultees</b>	Lead officers from each of the Partner Authorities as set out in Appendix B of the Joint Committee Agreement 2022.
-------------------	--

1.	<u>Introduction</u>
1.1	Essex County Council has delegated to the Joint Committee the responsibility for on-street civil parking enforcement and responsibility for relevant sign and lines maintenance and the power to make relevant traffic regulations in accordance with the provisions contained within the Traffic Mangement Act 2004 (TMA 2004) and the Road Traffic Regulation Act 1984 (RTRA 1984)
1.2	When making a proposal to introduce a new Traffic Regulation Order ('TRO') the Authority is required to publish a statutory Notice of Proposal which provides for a statutory 21 day period for members of the public to send in a representation either supporting the proposal or objecting to the proposal. The Authority is required to consider any unresolved objections before making a final decision. On consideration of the representations the Authority has the option to make the proposed TRO as advertised, make the proposed TRO with modifications which are less restrictive or to withdraw the proposed TRO in its entirety
1.3	<p>The Joint Committee currently has a Sub Committee to consider objections against an advertised TRO under the following terms of reference:</p> <p style="text-align: center;"><b><u>South Essex Parking Partnership</u></b>  <b><u>Sub – Committee to consider objections against an advertised Traffic Regulation Orders (TRO)</u></b></p> <p><b>1. Membership</b></p> <p style="padding-left: 40px;">The Chair or Vice Chair and two other members of the Joint Committee chosen based on the local authority area affected by the Orders.</p> <p style="padding-left: 40px;">This Committee requires a Quorum of two members present to consider objections.</p> <p><b>2. Terms of Reference for the Sub Committee</b></p> <p>To consider representations from members of the public against an advertised TRO with the option to:</p> <ul style="list-style-type: none"> <li>• Make the Order as advertised</li> </ul>

	<ul style="list-style-type: none"> <li>• Make the Order as advertised with modifications which are less restrictive</li> <li>• Withdraw the Order in its entirety</li> </ul> <p><b>3. Meeting frequency</b></p> <p>To ideally coincide with the Joint Committee Meetings held in June, September, December, and March. This will be dependent on the volume of work to be considered and may require alternative meetings to be arranged.</p>
1.4	<p>Members of the public who send in a representation during the 21 day consultation period are currently invited to attend the Sub Committee Meeting with the option to speak to the Sub Committee Members. (If a member of public chooses not to attend their written representation will, of course, still be taken into account by the Sub Committee when making its determination.) There is, however, no statutory or other legal requirement to hold a public meeting to consider objections. The holding of a public meeting is something the Joint Committee currently chooses to do.</p>
1.5	<p>A high percentage of the TROs advertised are merely reinforcing the guidance taken from the Highway Code where people should not be parking in any event. These types of schemes include parking too close to a junction, obscuring sightlines on a bend or causing an obstruction of the highway or footpath. The proposed delegation set out in this report will negate the need to arrange regular Sub Committee Meetings to consider such schemes and will significantly reduce the amount of time spent by Joint Committee Members and Officers in arranging and attending these meetings; there is also the added benefit of reducing the amount of time taken from advertising a proposal to making a final decision should objections be received.</p> <p>It is also worth noting that the North Essex Parking Partnership also rely on a delegation to officers to consider an objection against a TRO and by adopting the same approach will bring further consistency across the two partnership areas.</p>
	<p><u>Proposed delegation</u></p>
2.4	<p>Section 10 of the 2022 Joint Committee Agreement sets out the functions to be exercised by the Joint Committee</p> <ul style="list-style-type: none"> <li>• <i>10.1 The Joint Committee shall exercise the functions as set out in Appendix A</i></li> </ul> <p>The relevant section from Appendix A in terms of this report being:</p> <p><b>14. Make relevant traffic regulation orders as permitted under the Road Traffic Regulation Act 1984 and in line with the agreed Parking Management Policy Framework and other local policies.</b></p> <p>10.4 of the new Joint Committee Agreement enables the provision for the delegation of functions.</p> <ul style="list-style-type: none"> <li>• <i>10.4 The Joint Committee is authorised to delegate any of its functions (including for the avoidance of doubt the enforcement and/or cancellations of PCN's) to the South Essex Parking Partnership Manager or nominated deputy of the Lead Authority.</i></li> </ul>

2.5	<p>It is proposed under the above clause that the Joint Committee delegate the decision to consider representations received against an advertised TRO and to the South Essex Parking Partnership Manager or nominated deputy of the Lead Authority.</p> <p>The decision whether to proceed with the making of the proposed TRO (either in its entirety or with modifications) would be taken by the South Essex Parking Partnership Manager (or nominated deputy of the Lead Authority) under this delegation but only after consultation with the South Essex Parking Partnership Joint Committee Chair and one other Joint Committee member (who will normally be the Joint Committee member for the local authority in whose district the proposed TRO relates).</p> <p>Under this delegation the option will also remain to refer a decision to TRO Sub Committee if considered necessary or appropriate to do so after consultation with the Joint Committee Chair and the Joint Committee Member for the local authority in whose district the proposed TRO relates.</p>
3	<p><u>Recommendation</u></p>
3.1	<p>1) That the South Essex Parking Partnership Manager (or nominated deputy of the Lead Authority) be delegated the standing authority to -</p> <p>i) consider representations received in respect of an advertised proposed Traffic Regulation Order; and</p> <p>ii) after consultation with the Chair of the Joint Committee and one other Joint Committee member (who will normally be the Joint Committee member for the local authority in whose district the proposed TRO relates) to take one of the following steps:</p> <ul style="list-style-type: none"> <li>• Make the proposed TRO as advertised:</li> <li>• Make the proposed TRO as advertised but subject to modifications (which are less restrictive); or</li> <li>• Withdraw the proposed TRO in its entirety (i.e. not proceed with the making of such TRO)</li> </ul> <p>2) The Terms of Reference of the Joint Committee's TRO Sub-Committee be amended to reflect the above delegation – that is to say, to make it clear that the Sub-Committee shall only exercise its functions in those cases where the South Essex Parking Partnership Manager (or nominated deputy of the Lead Authority) after consultation with the Joint Committee Chair and the Joint Committee Member for the local authority in whose district the proposed TRO relates, determines that the proposed TRO should be referred to the Sub Committee.</p>
<p><u>List of Appendices</u></p> <p>None</p>	

Background Papers

South Essex Parking Partnership Joint Committee Agreement June 2022