

**REPORT OF THE SCRUTINY PANEL – INVESTIGATION INTO THE
EFFICIENCY AND EFFECTIVENESS OF TRAFFIC MANAGEMENT
LIAISON PANELS**

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REPORT OF THE SCRUTINY PANEL – INVESTIGATION INTO THE EFFICIENCY AND EFFECTIVENESS OF TRAFFIC MANAGEMENT LIAISON PANELS

1. BACKGROUND AND TERMS OF REFERENCE

Background

The Traffic Management Liaison Panels (TMLP's) are run by Essex County Council and there is one each for Braintree, Halstead and Witham. They were originally set up in 1985 to replace the Road Safety Panels, and give local elected members an opportunity to discuss traffic management matters with officers from the highway and planning departments and with the police. They also allow a useful interchange of views between County, District and Parish Councillors.

The Panels are unique to this District – there are no similar forums in other parts of the County.

Originally there was no formal constitution for the Panels as such, but the arrangements were reviewed in 1992 in association with the County Council and since then the following arrangements have applied. We have referred to these arrangements as the “constitution” throughout this report.

1. Each Panel meets three times a year to discuss highway safety and traffic management problems within the District (*Post 1992, the number of meetings for the Braintree Panel was reduced to two a year*);
2. The meetings have no executive powers, but act in an advisory capacity only;
3. County Councillors are nominated to attend following their respective County Council elections for a period of four years. District, Town and Parish Councillors are nominated to attend for a period of one year;
4. The County Council nominates the Chair for each meeting of the respective Panel;
5. The number of County, District, Town and Parish Councillors nominated and the processes followed are as follows:-
 - * The respective local County Councillors will attend the relevant Area Panel (three members for Braintree Area and two respectively for Halstead and Witham Areas);
 - * The District Council's Braintree, Halstead and Witham Area Committees will each appoint annually 5 District Councillors to attend the relevant Area Panel. When appointing representatives to the relevant Panels, the Area Committees to ensure, where possible, that a reasonable geographical spread of District Council representation is

achieved;

- * Following the District Council appointments, the District Council will request:-

Halstead and Witham Town Council to appoint one representative each and will request the Braintree District Association of Local Councils to contact its members to obtain five Parish Nominations for the Braintree Area Panel, four for the Witham Area Panel and eight for the Halstead Area Panel (to reflect the far greater number of parishes within that area). These nominations should be on the basis that villages of over 3,000 population (i.e. Great Notley, Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon/Feering, Sible Hedingham and Silver End) which do not already have a District Council representative will take priority, followed by other villages which do not already have a District Council representative;

6. If District Council members serving on the meetings resign during their term of office, the appropriate Area Committee should be informed of the existing ward and Parish coverage at that meeting when making their decision on the appointment of a replacement District Council member. Parish Councils whose members resign during their term of office will be requested by the District Council to replace them by a nominated member from the same Parish;
7. District, Town and Parish Council members who are unable to attend may send a substitute from within that Traffic Management Liaison Area;
8. District, Town and Parish Council members other than nominated members, who are not acting as a substitute for an absent member, may only attend for specific items relating to their ward or Parish with the specific approval, prior to the meeting, of the Chairman;
9. Officers from County Highways, the Police, the District Council's Planning Department and other officers as appropriate, are invited to attend. The meetings are serviced by officers from the County Highways Department;
10. The press and public are not invited to attend the meetings although the minutes of the meetings are public documents (the minutes are reported to the District Council's Area Committees). Any confidential items are specified on the Panel agendas, but all other items may be freely discussed outside the meeting and reported to the press;
11. Agendas and minutes are circulated to members of the meetings only. Any District, Town or Parish Council member who wishes to place an item on the agenda should write to the Area Highways Manager, Highways and Transportation Office, Essex County Council, 2 New Dukes Way, Chelmsford, Essex CM2 6PS.

Given that it is simply not manageable for all Parish Councils to attend the Panels, the constitutional arrangements generally appear to have worked reasonably well over the years. However, there have been some instances where Parish Councils have raised concerns regarding their representation on the Panels, most recently from Cressing Parish Council and Rivenhall Parish Council in 2003 and 2004 respectively. See correspondence attached in Appendix A.

We received by way of further background information the agenda and minutes for the meetings of the TMLP's held on 26th May 2004 (Braintree), 21st June 2004 (Halstead) and 8th June 2004 (Witham) so that all members had a good appreciation of the type of matters that are raised, discussed and actioned. Some members of the Scrutiny Panel already serve on the TMLP's.

Terms of Reference

Our specific terms of reference were to:-

1. Consider the efficiency and effectiveness of the Area Traffic Liaison Panels;
2. Make recommendations to the Cabinet (**for forwarding to the Essex County Council**) on any improvements that can be made to the existing arrangements.

2. **METHODOLOGY**

Our investigation commenced with the submission of a Background/Issues report prepared by Steve Bore, Scrutiny Manager which was considered by the Panel at its meeting on 16th September 2004.

A letter was then sent to a number of potential internal and external witnesses to seek their written comments on their experiences and involvement in TMLP's, as listed below:-

- * every Member (excluding those on the Panel);
- * relevant Cabinet Members;
- * Local County Councillors;
- * Parish and Town Councils;
- * Braintree District Association of Local Councils;
- * BDC Planning Services (Local Plans);
- * Essex County Council (Highways Department);

* Representatives of the Police.

A list of the Councillors, Town/Parish Councils and Officers (BDC, ECC and the Police) who made written submissions to us is set out in Appendix B together with copies of the submissions.

The written evidence that was submitted to us was self explanatory, and we did not on this occasion need to “call” any specific witnesses by way of a Scrutiny Hearing. In addition, as has been previously mentioned, a number of Members of the Panel already serve on the TMLP’s and were therefore quite familiar with the processes.

The main issues arising from the written evidence were considered at the meetings of the Scrutiny Panel held on 16th December 2004 and 31st January 2005, and a series of recommendations agreed.

3. **TRAFFIC MANAGEMENT LIAISON PANELS – THE MAIN ISSUES**

After considering all the written submissions made to us, we identified 7 main issues as set out below:-

1. Should the TMLP’s be retained?
2. Should there be amendments to the number of Parish Councillors nominated to serve on the TMLP’s?
3. Should there be amendments to the number of TMLP meetings held each year?
4. Circulation of TMLP Agendas and Minutes;
5. Period of Office of Councillors nominated to serve on TMLP’s;
6. Format of Minutes – Actioning Items;
7. Reporting Minutes of the TMLP’s to the District Council’s Area Committees.

Each of these issues is considered in turn.

1. Should The TMLP’s Be Retained?

This was obviously the fundamental issue.

If the TMLP meetings were cancelled, other opportunities for Member discussion with Highway Officers and the Police could be Parish Cluster Meetings, Area Committees, Town Centre Strategy Panels and meetings between Highways and individual Parish and Town Councils.

However, it was apparent from the written evidence that there was a clear

majority in favour of keeping the Panels.

Comments received included the following:-

Cllr. J. Abbott supported retention and strengthening of the Panels, to include an additional meeting each year plus tighter action plans – suggested a review of the arrangements for membership to give smaller parishes a fairer say – suggests the Parish Councils should be able to send a Councillor to speak to an agenda item without notice, irrespective of other considerations.

County and District Councillor N. Edey supported retention of the Panels with some minor changes to improve their effectiveness. He did not support the taking over of the work of the TMLP's by the Parish Cluster Meetings.

County Councillor J. Pike supported retention, but suggested that the Constitution be reviewed.

County and District Councillor S. Walsh expressed qualified support for the retention of the Panels, but felt that thought needed to be given to the other fora that exist, including Area Committees, and whether there is duplication of effort, and a better way of achieving the Panels' objectives elsewhere.

County and District Councillor R. Walters felt that the panels have operated reasonably well, but that it would be difficult to extend the membership as the meetings would be difficult to manage. There may be a case for clarifying the type of issues that are discussed.

Birdbrook Parish Council felt that as not all Parish Councils are invited to be part of the TMLP it is therefore difficult to raise issues relevant to the Parish.

Bradwell Parish Council were unhappy at not being able to attend the Witham Area TMLP due to the fact that one of their Ward Councillors is a member of the Panel. The Parish would wish to receive the agendas, the dates of the Witham Panel Meetings and the Minutes. The Parish would expect to be able to provide a Parish Council representative, if the District Ward Representative is unable to attend or if some major matter arises of specific concern to the Parish. The Parish Council considers that the Blackwater Cluster Meetings could also be a forum for these matters.

Coggeshall Parish Council felt that it would be precluded from being nominated by the Braintree District Association of Local Councils as it is not a member of the Association. However, the Council is anxious to be represented on the TMLP.

Great Bardfield Parish Council, Finchingfield Parish Council, Halstead Town Council all support retention of the Panels.

Rivenhall Parish Council supported the retention of the Panels, but wished for the constitution to be reviewed to see a fairer representation for the smaller parishes.

Witham Town Council supported retention of the Panels, but would like to see the representation reviewed in order to ensure a fair and manageable balance of Parish and Town Councils.

The Scrutiny Panel was quite satisfied that the TMLP's do play a very important role in providing a forum for local elected members to discuss highway safety and traffic management issues with officers from the highway and planning departments and with the police, as well as facilitating a useful exchange of views between County, District, Town and Parish Councillors.

We therefore **RECOMMEND** that the TMLP's should be retained.

2. Should There Be Amendments To The Number of Parish Councillors Nominated to Serve On The TMLP's?

This particular issue was clearly a contentious one and was highlighted in a number of the written submissions.

For example:-

Councillor J. Abbott felt that the current system gave undue weight to the towns and larger villages and suggested a review to give smaller parishes a fairer say. He also suggested that Parish Councils be allowed to send a Councillor to speak to an agenda item without notice, irrespective of other considerations.

County and District Councillor N. Edey saw it as a disadvantage that not all the Parishes are represented, but feels that this could be helped by circulating minutes to all Parishes and encouraging them to raise items for inclusion in the Agendas;

County Councillor J. Pike indicated that some of the Parishes felt they were losing out if they were not appointed and it may be worthwhile looking at the Constitution.

County and District Councillor S. Walsh felt that there was an issue as to how representative the Panels are, viz a viz the Parish representatives.

Birdbrook Parish Council indicated that as not all Parish Councils are represented on the Panels it is difficult for those Parishes to raise issues;

Bradwell Parish Council expressed disappointment at not being a member of the Witham Panel. The Parish Council wants to be able to provide a

Parish Council representative, if the District Ward representative is unable to attend or if some major matter arises of specific concern to the Parish.

Rayne Parish Council has previously expressed wishes for the Parish Councils representation to be reviewed.

Rivenhall Parish Council felt that fair representation for the smaller Parishes should be reviewed.

Witham Town Council felt that the representation should be reviewed in order to ensure a fair and manageable balance of Parish and Town Councils.

We examined closely that part of the constitution that relates to the Parish Council representation. This provides as follows:-

” * Following the District Council appointments, the District Council will:

request Halstead and Witham Town Council to appoint one representative each;

request the Braintree Association of Local Councils to contact its members to obtain:

five Parish Nominations for the Braintree Area Panel

four for the Witham Area Panel and

eight for the Halstead Area Panel (to reflect the far greater number of parishes within that area).

These nominations should be on the basis that villages of over 3,000 population (i.e. Great Notley, Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon/Feering, Sible Hedingham and Silver End) which do not already have a District Council representative will take priority, followed by other villages which do not already have a District Council representative;”

The table overleaf sets out the number of Parish Councils located in each of the three TMLP areas, the number of Parish Council Representatives, the Parishes over 3000 in population, and the total population of each area (see also map of TMLP Areas in Section 5).

Panel Area	No. of Parish/Town Councils in this Area	No. of Parish/Town Council Reps.	Parishes over 3000 in pop.	Area Pop.
Braintree	11 Parish Councils (12 separate Parishes) (Braintree and Bocking are unparished)	5 Parish Council representatives	Great Notley Coggeshall	56,579
Halstead	1 Town Council 30 Parish Councils (39 separate Parishes)	Halstead Town Council - 1 representative plus 8 further Parish Council representatives	Earls Colne Sible Hedingham	35,344
Witham	1 Town Council 9 Parish Councils (11 separate Parishes)	Witham Town Council - 1 representative plus 4 further Parish Council representatives	Hatfield Peverel Kelvedon/ Feering Silver End	40,156

It is clear that in formulating the current arrangements much thought was given to the most equitable way of ensuring Parish Council representation when the constitution was reviewed in 1992 in association with the County Council. Inevitably, however, where a choice has to be made as to which Parish Councils should be nominated there will always be winners and losers, and inevitably some Parish Councils will be disappointed.

Nevertheless, we have looked at a number of different options in relation to Parish Council representation including slightly increasing the number of Parish Council representatives or allowing all Parish Councils to be represented.

We are mindful, however, that there may well be difficulties in managing the TMLP's if the membership is substantially increased.

Under item 8 of the constitution provision does exist for a Parish Councillor (who is not a member of the TMLP's) to attend if there is a specific item relating to their Parish, subject to the prior permission of the Chair. It was felt that Parish Councils could usefully be reminded of this provision. This clause of the

constitution could also be made more “user friendly” if the word “only” was deleted.

We therefore **RECOMMEND** that the existing Parish Council nomination arrangements should continue, but the Parish Councils (who do not nominate a member to attend) should be reminded of item 8 of the constitution that allow Parish Councillors (who are not nominated members) to attend for specific items relating to their Parish subject to them receiving specific approval from the Chair of the respective Panel.

The word “only” to be deleted from this clause of the constitution so that it reads as follows:-

“8. District, Town and Parish Council members other than nominated members, who are not acting as a substitute for an absent member, may attend for specific items relating to their ward or Parish with the specific approval, prior to the meeting of the Chairman.”

It has also been brought to our attention that under the constitution, the Braintree District Association of Local Councils is requested to make nominations **from its member Parish Councils.**

There are a number of Parish Councils who are not members of the Association (e.g. Coggeshall Parish Council) and if the terms of the constitution are adhered to it means in effect that those Parish Councils who are unaffiliated will not be considered. However, the Scrutiny Manager has raised this specific issue with Mrs. A. Balcombe the Secretary of the Braintree District Association of Local Councils. We are assured that when the Association is asked to make nominations it considers all the eligible Parish Councils in the District and not just those who are affiliated.

Clearly, however, the constitution needs to be amended to formally reflect that the nomination process for Parish Councils is an inclusive one.

We would therefore **RECOMMEND** that the relevant part of clause 5 of the constitution be formally amended to read as follows:-

”.....Following the District Council appointmentsthe Braintree District Association of Local Councils to contact *all eligible Parish Councils in the District* to obtain five Parish Nominations for the Braintree Area Panel, four for the Witham Area Panel and eight for the Halstead Area Panel”

3. Should There Be Amendments To The Number Of TMLP Meetings Held Each Year?

Currently, the Halstead and Witham Panels meet three times a year and the Braintree Panel twice a year.

The County Council's Area Highway Manager has indicated in her submission that there may be a case to regularise the frequency of the meetings to possibly once a year. She expresses the hope that day to day issues that occur within a Parish/District are reported to the relevant County Council officers as and when they arise.

Cllr. J. Abbott indicated in his submission that he would like to increase the frequency of meetings to 4 per year.

Following consideration, the Panel feel that there should be a uniform number of meetings for each of the three areas and that there should be at least 3 meetings per area per year given the valuable role that the TMLP's play.

The Braintree Area Committee at its meeting held on 11/1/05 has also suggested that consideration be given to the holding of one evening meeting per year of each of the Panels so that Members who work during the day can attend. We support this suggestion.

We **RECOMMEND**, therefore, that the number of meetings for Halstead and Witham remains at 3 each per year and that the number of meetings for the Braintree Panel be increased from 2 to 3 per year. One meeting per year of each Panel should be held in the evening so that Members who work during the day can attend.

Issue 4 - Circulation Of Agendas and Minutes

We were advised that some Parish Councils have complained in the past that they do not receive agendas and minutes of the meetings. At present, these are circulated to members of the meetings only.

County and District Councillor N. Edey has indicated that he would like to see minutes circulated to all Parishes, and that Parishes should be encouraged to raise local matters for inclusion in the Agendas.

Bradwell Parish Council in its submission has indicated that it would like to receive Agendas, the dates of the Witham Panel Meetings and the Minutes.

We feel that it would be helpful if agendas and minutes were circulated more widely.

Accordingly, we **RECOMMEND** that all Parish Councils in the relevant Panel Area should receive the agendas and minutes rather than just those Parish Councillors who are members of the meetings.

Issue 5 - Period Of Office

The current constitution provides that:-

” County Councillors are nominated to attend following their respective County Council elections for a period of four years. District, Town and Parish Councillors are nominated to attend for a period of one year.”

In practice, however, it has been drawn to our attention that over recent years the Halstead and Witham Town Councils and the Braintree District Association of Local Councils have been asked to make their nominations on a four yearly basis (there are consequences in relation to Parish Council representation if different District Councillors are nominated annually and Parish Councillors every four years).

The Secretary of the Braintree District Association of Local Councils has been consulted, but does not anticipate any difficulties in changing to an annual nomination basis.

To address this anomaly, we **RECOMMEND** that for the 2005/2006 Civic Year and onwards, the Halstead and Witham Town Councils and the Braintree District Association of Local Councils be requested to make their nominations annually in accordance with the constitution.

Issue 6 - Format Of Minutes – Actioning Items

Cllr. J. Abbott has suggested ‘tighter action plans’ through the Action Column of the minutes following the Panel meetings.

We feel it would be helpful to include a target date for completing action in appropriate cases.

We therefore **RECOMMEND** that Cllr. Abbott’s suggestion be forwarded to the County Council’s Area Highway Manager for consideration.

Issue 7 - Reporting Minutes Of The TMLP’s to the Council’s Area Committees

Cllr. M. Lager in his submission raised an issue concerning the minutes of the Witham Panel which were included on the Agenda for the meeting of the Witham Area Committee on 2nd November.

”Cllr. Evans (the Chair) made the point that he had not been briefed on this item, which was listed as to “receive” the Panel minutes, and so there could be no discussion. It may be that the role of the Area Committee is limited to its members to being better informed having had sight of the minutes. I want to suggest that perhaps the Area Committees can have corporately a view on particular actions of the Panel that are not voiced to any effect at present. If this view is to be formed and expressed then the agenda item embracing the panel minutes needs to be more active, such as “to consider”. There would then be a facility for any view to be followed up.”

The normal practice is to receive the minutes and the individual Area Committee Chairs have discretion as to whether or not they will allow any discussion. Some Area Committee Chairs do already allow discussion.

There are 5 Members of each Area Committee who serve on the relevant TMLP and, as long as they were present, those Members would no doubt be in a position to answer any straightforward queries raised on the minutes if called upon by the Chair to do so. It should be borne in mind, however, that there are no officers from County Highways or the Police in attendance at the Area Committees, and any questions/queries that raised technical issues would need to be referred to County Highways for an answer.

The Panel **Recommend** that if Members of the Area Committees wish to raise any matters concerning the minutes of the TMLP's the respective Chairs should be encouraged to allow a reasonable time for any discussion and debate on the items.

4. **CONCLUSIONS AND SUMMARY OF RECOMMENDATIONS**

Conclusions

Whilst the TMLP's have no executive powers they are clearly able to exert a considerable degree of influence. Traffic Management Issues have a high priority in local communities and are one of the key issues that are frequently raised by the public with their local County, District, Town and Parish Councillors. The fact that many Parish Councils are eager to be represented on the Panels and many are clearly disappointed when they are not asked to make a nomination, speaks for itself.

The aims and purposes of the TMLP's do of course need to be borne in mind by all the attendees. The Panels are clearly not the appropriate forum for raising day to day highway maintenance issues which need to be reported by telephone or letter to the relevant County Council Officer for action in the normal way. In her written submission, the County Council's Area Highway Manager has drawn attention to the fact that in recent years the County Council has been very pro-active with regards to its public interface and that Officers at the County regularly meet representatives of both the District, County and Parish Councils. Many site visits are undertaken with representatives of all elected bodies.

Similarly, the Traffic Management Officer for Essex Police indicated in his submission that Officers from the Essex Police Traffic Management Unit are always pleased to assist any Parish in Braintree District, at any time, on highway issues, irrespective of whether the Parish is directly represented at the TMLP's.

The TMLP's are unique to this District and the Scrutiny Panel was unanimous

in recommending their retention. In our view, the TMLP's have worked well over the years. Attendees may need to be regularly reminded of the aims and purposes of the Panels if members are raising items that should either be reported direct to County Council Officers or are otherwise outside the Panels' remit.

We appreciate that the representation of the smaller Parishes on the Panels remains a contentious issue. There is no ideal solution and we feel that increasing the membership of the Panels' substantially could make the meetings unwieldy.

Finally, we would like to record our thanks for the written evidence that has been submitted to us from County and District Councillors, Town/Parish Councils, Essex County Council Highways, Essex Police, and BDC Planning Department (in particular Eleanor Dash, Local Plans Manager who also attended our meeting on 16th December 2004)

Summary of Recommendations

There are 8 recommendations detailed in Section 3 of the report and these are summarised below.

Recommendations 1 to 5 and 7, if approved by the Cabinet, will need to be forwarded to Essex County Council for consideration.

- 1. The TMLP's should be retained.**
- 2. The existing Parish Council nomination arrangements should continue, but the Parish Councils who do not nominate a member to attend should be reminded of item 8 of the constitution that allow Parish Councillors (who are not nominated members) to attend for specific items relating to their Parish subject to them receiving specific approval from the Chair of the respective Panel.**

The word "only" to be deleted from this clause of the constitution so that it reads as follows:-

- " 8. District, Town and Parish Council members other than nominated members, who are not acting as a substitute for an absent member, may attend for specific items relating to their ward or Parish with the specific approval, prior to the meeting of the Chairman."**

- 3. The relevant part of clause 5 of the constitution relating to the role of the Braintree District Association of Local Councils in the Parish Council nomination process should be formally amended to reflect current practice i.e. that when the Association is asked to make nominations it considers all the eligible Parish Councils in the District and not just those who are affiliated. The new wording to read as follows:-**

”.....Following the District Council appointmentsthe Braintree District Association of Local Councils to contact *all eligible Parish Councils in the District* to obtain five Parish Nominations for the Braintree Area Panel, four for the Witham Area Panel and eight for the Halstead Area Panel”

- 4. The number of meetings for Halstead and Witham TMLP’s should remain at 3 each per year, but the number of meetings for the Braintree Panel should be increased from 2 to 3 per year. One meeting per year of each Panel should be held in the evening so that Members who work during the day can attend.**
- 5. All Parish Councils in the relevant Panel Area, rather than just those Parish Councillors who attend the meetings, should receive the agendas and minutes.**
- 6. For the 2005/2006 Civic Year and onwards, the Halstead and Witham Town Councils and the Braintree District Association of Local Councils be requested to make their nominations annually in accordance with the constitution.**
- 7. Cllr. Abbott’s suggestion for ‘tighter action plans’ through the Action Column of the minutes of the TMLP’s be forwarded to the County Council’s Area Highway Manager for consideration.**
- 8. As regards the reporting of the minutes of the TMLP’s to the Area Committees, the respective Chairs should be encouraged to allow a reasonable time for any discussion and debate if Members of the Area Committees wish to raise any matters arising from the minutes.**

The Scrutiny Panel

Councillor J. E. B. Gyford (Chair)	Councillor T. W. J. Foster
Councillor Mrs. J. C. Beavis	Councillor B. J. Gaught
Councillor B. T. Broyd	Councillor D. Mann (Vice-Chair)
Councillor Mrs. H. W. Catley	Councillor D. E. A. Rice
Councillor J. C. Collar	Councillor Mrs. G. A. Spray
Councillor A. V. E. Everard	Councillor Ms. L. R. Watson

5. **MAP OF TRAFFIC MANAGEMENT LIAISON PANEL AREAS**

(NOT ATTACHED)

6. **APPENDICES (NOT ATTACHED)**

Appendix A – Correspondence from Cressing Parish Council and Rivenhall Parish Council.

Appendix B – List of the Councillors, Town/Parish Councils and Officers (BDC, ECC and the Police) who made written submissions, and details of those submissions.