

DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in Committee Room 2 - County Hall, Durham on **Monday 4 March 2019 at 9.30 am.**

Present:

Councillor R Crute (Chairman)

Members of the Committee:

Councillors A Patterson (Vice-Chairman), E Adam, A Batey, P Jopling, L Maddison, O Milburn, C Potts, L Pounder, J Rowlandson, A Shield, M Simmons, F Tinsley, J Turnbull and O Temple.

1 Apologies for Absence

Apologies for absence were received from Councillors R Bell,

2 Substitute Members

Cllr O Temple was substituting for Cllr C Martin.

3 Declarations of Interest

There were no declarations of interest.

4 Appeal against the Response to Petition no. 355 - Binchester Street Lighting

The Board considered a report of the Director of Transformation and Partnerships, which advised members of the receipt of an appeal regarding the Council's response to Petition 355 Binchester Street Lighting and consider any appropriate action (for copy see file of Minutes).

The Chair welcomed everyone to the meeting including representatives of Binchester Residents Association. The Chair then asked the Head of Strategy to explain the procedure for the meeting.

Prior to inviting Binchester Residents Association to make their representations, the Chair explained that the local member for Binchester was Councillor C Kay, however, he had also received a request to speak from Councillor K Thompson as the local member of a neighbouring Electoral

Division to address the Board. The Chair would allow Councillor Thompson a short period of time to address the Board.

The Corporate Overview and Scrutiny Management Board then heard representations from a spokesperson of Binchester Residents Association regarding the appeal against the response to petition no. 355 Binchester Street Lighting.

The representations covered four key areas:

- lack of consultation;
- the status of the C96;
- inadequacies of the assessment; and
- the effect on safety issues and social inclusion

(for copy see file of Minutes).

The Chair then invited the local member, Councillor Kay to address the Board.

Firstly, Councillor C Kay thanked the Residents Association for making their points as succinct as possible. Councillor Kay explained that the presentation made by the residents association had covered everything fully but wished to add a few points. Councillor C Kay explained that he was fully in support of the Street Lighting Energy Reduction Policy adopted by the County Council and appreciated the situation the Council found itself in by way of the unprecedented cuts, the need to reduce costs and move towards less power hungry LED lighting. Councillor Kay represented the Coundon Electoral Division, a single-member Electoral Division, made up of several villages with no layer of parish or town council.

Councillor Kay acknowledged that in 2016 he had been sent an email with notice of the policy. He had wrongly assumed, that the policy may potentially affect his Division at some point. Councillor Kay felt that being the sole member put him at a disadvantage and highlighted the point made by the residents association that no consultation had taken place with the Binchester Residents Group, who were self-starters, a very inclusive association who worked extremely hard for the good of the area.

The Chair then invited Councillor K Thompson to make any representations not covered by the previous speakers. Councillor K Thompson echoed the concerns made by Councillor Kay and wondered if the email had been sent to him as an adjoining Electoral Division given that the junction served his area of Byers Green.

The Chair then invited Board Members to ask any questions or make comments on the representations made by the petitioner and the local member.

Councillor E Adam asked the spokesperson for the residents association how long the group had been in existence and if they were the main organisation in the village of which people would discuss such matters with. In response the spokesperson confirmed that the association had operated for 20 years. There were two organisations prevalent in the village, themselves and a community centre association. The residents association took a lead on civic types of issues.

Councillor Adam asked Councillor Kay if he was a member of the Area Action Partnership (AAP) Board and if there were any people from Binchester represented on the AAP. Councillor Kay responded that he became a board member in 2017 and to his knowledge, there was no public representative on the AAP board from the Binchester community.

Councillor Adam asked Councillor Kay if the email sent to him in 2016 specifically mentioned the removal of street lights.

Councillor Kay confirmed that there was no specific mention of the removal of the street lights at Binchester and as a local member, he did not feel there was an issue at that time. Councillor Kay explained that he may have been naive in thinking that the email regarding the Street Lighting Reduction Policy in County Durham would see some sort of reduction somewhere within his Division, however, he genuinely believed the email was a pre-cursor to receiving some form of notification explaining that a number of street lights were going to be removed.

Councillor Adam explained that as part of the consultation process local members were notified of the risk assessment and asked if Councillor Kay could recall such a notification. In response, Councillor Kay explained that he was not making an allegation regarding this issue, however, he could not find a trace of such an email.

Councillor Shield explained that he had concerns regarding the apparent lack of notification and consultation. Councillor A Shield felt a degree of sympathy regarding the residents and queried if Binchester had any outdoor village notice boards. The spokesperson for the residents association confirmed that the only notice board in the village was located inside the community centre.

Councillor J Turnbull referred to the solutions outlined by the residents association and asked the spokesperson if there were any other options they considered during the earlier stages of the consultation. The residents association confirmed that a fourth option was to turn off alternate lights,

however, the residents did want this option to be considered as there was a general consensus that it may not be a suitable option.

Councillor A Patterson thanked the residents group for the information provided and asked why the residents association thought the Council's response was not adequate.

The spokesperson for the residents association felt that the email response contained a lot of links to council meetings citing policy. The residents association had posed specific questions and it was expected that these questions would have been addressed specifically, adding that past responses from the Council had been relevant and pertinent, however, on this occasion it was felt that the response was a let-down.

The Chair then invited the Service to make their representations in response to the petition. The Head of Technical Services provided a detailed presentation which provided the following:

- background to the Street Lighting Energy Reduction Project and the policy agreed by Cabinet;
- results of the road safety risk assessment which identified two sections of street lights comprising 14 lights in total at the location. Of the 14 street lights, nine lights were considered as being ones that could be safely removed;
- Five street lights would be retained. One column was located within a 30-mph zone and others provided illumination to 40-mph speed limit signage. One light was close to a junction;
- No accidents had occurred in the two locations identified. There were three reports logged via the Council's CRM, one which related to the removal of a street light and two reports of potholes in the carriageway;
- Consultation was undertaken at a local level, in accordance with the process agreed by Cabinet. In this case, the local Councillor was consulted via a detailed email containing the results of the risk assessment. No response had been received to the email. In usual circumstances a final determination would be made following this process, however, in this case, a delay occurred, and it was deemed necessary to further update and review the risk assessment. A further email was sent to the local member with the updated information;
- Local Councillors, if requested, were offered an on-site meeting with the project manager and the independent road safety auditor to review the risk assessment and walk the site, providing it was safe to do so;

- Given that no concerns had been raised regarding the removals, the escalation process with the local councillor was not initiated;
- The Head of Technical Services informed the Board of 'alternative measures' that could be looked at and advised that the Council had the ability to offer a service level agreement to Town and Parish Councils, if there was a desire on their part, to fund the retention of any street lights that had been identified as not required by the applied policy. This measure was applied flexibly and applied to any other third-party organisations such as community groups etc;
- The Council had retrofitted street lights to LED's and the Council had a policy of dimming street lights. The Council could not offer additional dimming, beyond the policy or advocate switching off lights overnight. Any savings accrued by switching lights off overnight would be minimal as energy charges were lower overnight, with typical costs around 1-2p per Kw/h. It was considered very unsafe to switch off alternative lights.

The Chair then invited comments from the Board in relation to the representations made by the Head of Technical Services.

Councillor F Tinsley explained that he found the entire situation very frustrating, highlighting that the remit of the Board was to consider the response to the petition and not the merits of the street lighting policy or the removal of the lights. Councillor Tinsley could understand why people were unhappy with the removal of the street lights. Having listened to the comments from both the local member and the Head of Technical Services, Councillor Tinsley felt that there a major issue that needed addressing in terms of the consultation. Councillor Tinsley explained that it was very easy to miss an email, given the volume received, however, in such circumstances, some form of communication such as a simple telephone call was necessary.

Councillor E Adam explained that it was difficult to divorce the petition from the consultation process. In response to question from Councillor Adam regarding the process, the Head of Technical Services confirmed that Binchester had not been treat differently than any other area that had gone through the same process.

Councillor Adam explained that the Newton Aycliffe area had several councillors and a town council and were fortunate that the majority of issues within Newton Aycliffe were picked up through one of these methods. However, it could be argued that some areas, typically smaller areas, may feel as though there has been a lack of consultation. Councillor Adam asked

the Head of Technical Services if any consideration had been given to change or to make slight tweaks to the process, given that each area had differing circumstances. Councillor Adam was concerned about standardised responses and instances of no feedback and suggested that some parts of the process were not quite correct.

In response the Head of Technical Services explained that approximately 2500 street lights will have been removed by the end of March 2019, which signified the end of the programme. It was not uncommon to receive no response from local members, perhaps in 50% of cases. It was also not uncommon for areas not to be parished, such as the areas of Consett and Chester-le-Street. The Head of Technical Services explained that a line had to be drawn somewhere in terms of consultation and that the consultation was in line with the agreed policy. By completion of the programme the Council would save £1m per year. In terms of local member involvement, the Head of Technical Services referred to other processes within the Council, such as the planning portal, where members received an email notifying them of an application affecting their area and explained that the local member(s) would be sent two emails for every street lighting removal case, and in this instance the local member had received three emails due to a delay in the process.

Councillor A Patterson, referred to the response to the petition, asked why the Head of Technical Services had not chosen to write a letter, or not hold a public meeting.

The Head of Technical Services explained that as part of the scheme, a full written, courteous response had been provided to Binchester Residents Association. The response contained relevant links to the relevant Cabinet report and policy. These were felt necessary for inclusion to reflect the background and that the decision to conduct the Street Lighting Energy Reduction Policy was not made in isolation. Whilst part of the response was general, more specific points were made, for example an acknowledgement that there was no town or parish council for the area and the reasons why the Independent Road Safety Audit had concluded the removal of the street lighting in the area was completely safe, due to a footpath being on one side of the road and there being no crossing points.

The Head of Technical Services appreciated the response made by the residents association regarding perceived road safety issues but as had been explained during the presentation, the claims were investigated via the Council's Customer Relationship Management system and no evidence was found to support the road safety issues raised. There was one CRM complaint regarding the removal of the street lights after the event. There were two issues raised regarding potholes in the area which had been repaired. Therefore, it was classed as a safe location, with zero accidents

recorded on the database shared by both Durham Constabulary and the County Council.

Councillor O Temple referred to the response to the petition and felt as though it could be perceived as being slightly misleading given the references made to the countywide consultation and generic references. In terms of the consultation with local Councillors, Councillor Temple felt that the process was two-way and explained that both Councillors and Officers could sometimes miss emails given the sheer volume received. He understood that the Head of Technical Services had a very difficult task, and accepted that it was not in the power of the Board to change anything at this stage. Councillor Temple requested that some consideration ought to be given to these types of issues moving forward and that there should perhaps be some form of mechanism such as 'read receipts' on emails to show that everyone was working together to make things better.

In response, the Head of Technical Services felt that nothing in the response provided was misleading and reiterated the points made previously regarding the policy being agreed with Cabinet. The service had correctly consulted on the risk assessment. Regarding read receipts, the Head of Technical Services explained again that local Councillors were made aware of the policy regarding street lighting removals with a minimum of two emails, and in this case, three emails, which he did not feel was unreasonable.

Councillor O Temple explained further that a nil response should not be fundamentally classed as a response and felt that some form of trigger mechanism would be of benefit and reiterated that everyone, both Councillors and Officers were capable of missing information sent via email. Councillor Temple felt that there needed to be a commitment to ensure that a definitive response was received from local Members and that services move away from silence being classed as approval.

Councillor E Adam referred to service level agreements and highlighted in this instance there was no parish council. Councillor Adam asked if the service would have been prepared to discuss an SLA, with other third parties such as a resident's associations.

The Head of Technical Services explained that when the response was provided the wording around service level agreements was amended to reflect third parties, i.e. residents' associations etc. The service would have no issues with this providing it was a fully funded agreement. Realistically, it was unlikely that many, if any, resident's association or like-minded groups could fully fund a service level agreement. It was expected that consultation with local members would act as the conduit to bring such information forward to local groups or perhaps housing developers.

Councillor A Batey explained that she reluctantly supported the policy, however, it had to be acknowledged that on occasions a standard policy did not fit every scenario and felt that the Area Action Partnerships should be consulted on such matters in the absence of a parish or town council. Councillor Maddison echoed the comments made by Councillor Batey.

The Chair thanked the Board for the full and frank discussion and reminded them that they had convened to consider the response to the petition. The Chair believed valid concerns had been raised by Binchester Residents Association which should not be dismissed and suggested that the Head of Technical Services, Local Member and Binchester Residents Association meet to discuss the issues raised in more depth.

The Head of Strategy then summed up the discussion and the points made and the Corporate Overview and Scrutiny Management Board recommended the following:

- i. that the local member and representatives from Binchester Residents Association meet with the service to discuss the local issues in more depth in line with the service offer of further engagement;
- ii. a copy of the road safety risk assessment to be provided to the Binchester Residents Association;
- iii. That as part of the street lighting policy review planned for this year, consideration is given through scrutiny to the inclusion of Area Action Partnerships as a consultee for street lighting changes;
- iv. the service to consider developing a trigger mechanism when advising members of a consultation process being carried out in their local area. The trigger mechanism to ensure that a nil response to an email regarding a consultation is followed up for awareness; and
- v. in future, services consider the use of other avenues of communication, if appropriate. For example, consideration be given to officers meeting with petitioners to enable discussion of the issues.