



Corporate Overview and Scrutiny Management Board

Date Monday 4 March 2019
Time 9.30 am
Venue Committee Room 2 - County Hall, Durham

Business

Part A

Items during which the Press and Public are welcome to attend. Members of the Public can ask questions with the Chairman's agreement.

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Appeal against the Response to Petition no. 355 - Binchester Street Lighting (Pages 3 - 36)
Report of the Director of Transformation and Partnerships
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
22 February 2019

To: **The Members of the Corporate Overview and Scrutiny Management Board**

Councillor R Crute (Chairman)
Councillor A Patterson (Vice-Chairman)

Councillors E Adam, A Batey, R Bell, D Boyes, J Chaplow, M Clarke, K Hawley, P Jopling, H Liddle, L Maddison, J Makepeace, C Martin, O Milburn, C Potts, L Pounder, J Robinson, J Rowlandson, A Shield, M Simmons, H Smith, F Tinsley, J Turnbull, M Wilkes and A Willis

Contact: Lucy Gladders

Email: 03000 269712

**Corporate Overview and Scrutiny
Management Board**

4 March 2019



**Appeal against the Response to Petition
no. 355 – Binchester Street Lighting**

Report of Corporate Management Team

Lorraine O'Donnell, Director of Transformation and Partnerships

Electoral division(s) affected:

Coundon

Purpose of the Report

- 1 To advise members of the receipt of an appeal regarding the Council's response to Petition 355 Binchester Street Lighting and consider any appropriate action.

Executive summary

- 2 A petition was received by the Council in November 2018 relating to the removal of street lighting in Binchester. Following a response from the service, the petitioner requested a review be carried out of the response to the petition. An explanation of the reasons why it was considered the response was inadequate was also submitted.
- 3 Corporate Overview and Scrutiny Management Board (COSMB) have responsibility to consider whether the Council has dealt with the petition adequately and determine what further action to take if necessary.
- 4 The appeal hearing relates solely to the Council's response to the petition and is not a review of the original decision to remove the street lights in question.

Recommendation(s)

- 5 Members are asked to consider the reasons for the appeal in accordance with the appeal procedure as contained in the Council's Petition Scheme and make recommendations accordingly.

Background

- 6 A petition with the title 'Petition opposing the removal of street lights on C96 at Binchester DL14' was received by Democratic Services on 30 November 2018 (attached as appendix 2). The petition included 130 signatures.
- 7 The petition was considered to be valid in accordance with the Council's Petition Scheme.
- 8 The petition was logged as petition number 355 and an acknowledgement letter was sent to the petition organiser (attached as appendix 3). Copies were forwarded to the relevant service representatives requesting their comments on the issues raised by the petition and also forwarded to the Cabinet portfolio holders and support members, the local member and the Corporate Director of Regeneration and Local Services.
- 9 A letter giving the service representative's response to the petition was sent to the petition organiser on 21 December 2018 (attached as appendix 4). The response also contained details of the right to request a review of the way the petition had been dealt with and a link to the Council's Petition Scheme (attached as appendix 5).
- 10 An email and letter was received from the petition organiser on 28 January 2019 (attached as appendix 6) requesting a review of the Council's response to the petition and setting out reasons for the appeal to COSMB.
- 11 In accordance with the Council's Petition Scheme, the petition organiser has the right to request that the Council's COSMB review the steps that the Council has taken in response to the petition. The Board may then determine what further action should be taken.
- 12 The Chair of COSMB met with the Council's Monitoring Officer and Statutory Scrutiny Officer on 13 February 2019 to consider the appeal and agreed there was merit in the matter being considered by COSMB in accordance with the petitions appeal process.
- 13 A letter was sent via email to the lead petitioner on 13 February 2019 advising of the outcome of this meeting and setting out the issues and questions which require clarification in terms of the Council's response to the petition (attached as appendix 7). These are also set out below:
 - a) What were the results of the road safety risk assessment undertaken in respect of the street lights referenced in your petition?

- b) An explanation by the service of how consultation on these matters is undertaken at a local level.
- c) Whether the use of alternative measures to street lighting removal such as dimmers or timers are available as part of the Council's street lighting policy.
- d) The Road Safety Risk Assessment section of the Council's response to your petition states that "If the risk assessment identifies any significant road safety issues that cannot be mitigated then the Council does not proceed with the removal. At these locations five street lights that were identified for removal have been retained following the risk assessment, demonstrating our commitment to remove street lights only where safe to do so." Clarification is needed on whether this means that five street lights on the C96 at Binchester were retained or that five street lights elsewhere in the County were retained as part of the assessment.

14 Should COSMB determine that the Council has not dealt with the petition in accordance with the agreed process it may consider what further action it wishes to recommend. This can include seeking clarification and/or further information from the service. COSMB also has the power to request an investigation, a scrutiny review and make recommendations.

Background papers

- Appeal 355 Petitions file

Other useful documents

- Petitions procedure

Contact: Jenny Haworth

Tel: 03000 268071

Appendix 1: Implications

Legal Implications

N/A

Finance

N/A

Consultation

N/A

Equality and Diversity / Public Sector Equality Duty

N/A

Human Rights

N/A

Crime and Disorder

N/A

Staffing

N/A

Accommodation

N/A

Risk

N/A

Procurement

N/A

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Binchester Residents Association

November 29th 2018

Mr P Vasey,
Strategic Highways
Durham County Council
County Hall
Durham
DL1 5UQ

**Letter in support of petition from
Binchester Residents Association
calling for reinstatement of street lights on C96**

Dear Mr Vasey,

Re: removal of street lights from C96 at Binchester
Lights numbered 799 - 800 - 802 westbound
813 - 814 - 815 - 816 - 817 eastbound

Thank you for your email dated 22nd November 2018 which directed me to a number of links justifying the reduction in lighting by the Highways Department since 2012. Having read through some of those links I still have not seen any evidence that the needs of Binchester residents were considered at any point.

We were not made aware of the intention nor included in the consultation process. We are not covered by either a Parish nor a Town Council, were not consulted by the 'Road Safety Auditors' despite being those most directly affected and our elected representative was not informed.

Despite correspondence previously between the Residents Association and yourselves about lighting on another local stretch of road (Church Street to Old Park Lodge Farm) no -one from your department has asked me to facilitate obtaining the views of Binchester residents about this more extensive proposal.

Neither were we invited to make suggestions as to alternative cost saving measures eg use of timer switches and/ or dimmers. We note that these have been implemented effectively by other Councils to reduce expenditure whilst minimising the negative effect on residents of loss of necessary illumination.

Consequently the removal of the lights on Tuesday 20th came out of the blue to the community here.

Therefore at a meeting of the Residents Association on Thursday 22nd November it was agreed that we should ask for the reinstatement of the lighting forthwith and I enclose a petition to this effect signed by 130 resident adults representing 104 of the 124 households directly affected.

The rationale for our objection to the loss of lighting is as follows.

This road itself is very narrow and the narrow pavement is very close to the carriageway. I have corresponded several times about the anxiety this causes to pedestrians here in the past and have been informed by your department that although this is a C road it has been designated by DCC as a main thoroughfare in the County for traffic to cross the River Wear. Therefore you will know that the road is busy with cars and HGVs at most times of the day- all passing in close proximity to pedestrians.

We have very limited bus services along the C96 through the village to connect us with other bus routes. The village service starts at 9 and finishes at 5 pm. At all other times residents without cars, the elderly, young families, those at school and in work, have to walk between the village and the A688 to pursue their daily life – accessing GPs, shops, local towns etc.

Consequent on your removal of the lights, at this time of year they must walk the distance in the pitch dark in the mornings from 6am and the evenings from 4.30.

As a matter of urgency we ask therefore that the lights removed last week be reinstated forthwith and make the following suggested alternatives to help save money. .

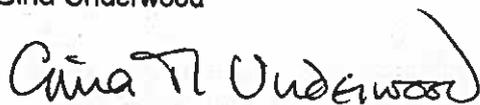
1 That the lights be on a timer and are switched off just after the time of the last bus to/from Bishop Auckland /Spennymoor along the A688 and switched on at 6 am. (These times could be adjusted in the summer and or to accommodate bus timetables)

2 That the lights be slightly dimmer.

Failing this we ask that we have access to evidence of the consultations and their conclusions which have led to this decision so that we can contest them more vigorously.

Yours sincerely

Gina Underwood



Chair

Binchester Residents Association

cc Cllr Charlie Kay

Mr Ian Thompson DCC Corporate Director of Regeneration and Local Services

Mr John Reed DCC Head of Technical Services

Rt Hon Helen Goodman MP

PCSO Abnie Dixon

From: Jackie Graham
Sent: 30 November 2018 12:50
To:
Subject: Petition 355 - Reinstate Street Lights at Binchester

Dear Ms Underwood

Petition 355 – Reinstate Street Lights at Binchester

I formally acknowledge receipt of your petition received by Committee Services on 30 November 2018.

The concerns expressed have been brought to the attention of the appropriate Local Members, Cabinet Portfolio Members and Support Members, and the Corporate Director of Regeneration and Local Services.

The Council will respond further to this petition to provide you with either an update or a response in due course.

Please note that in line with the requirements of data protection, your personal information processed by the Council will be handled in accordance with the Council's privacy statement. Committee Services privacy notice provides more specific information on the data collected and how it is handled, a copy of which can be accessed www.durham.gov.uk/dataprivacy 'legal and democracy services' section. If you would like a paper copy of the privacy notice please get in touch.

Yours sincerely

Ros Layfield
Committee, Member and Civic Services Manager

Copy for the attention of:

Councillor B Stephens	(Cabinet Portfolio Holder)
Councillor R Yorke	(Cabinet Support Member)
Councillors C Kay	(Local Members)
Chief Executive's Office	
Director of Transformation and Partnerships	
Head of Legal and Democratic Services	
Leader's Office	
Corporate Director of Regeneration and Local Services	
Chairman & Vice-Chairman of Overview and Scrutiny	

Jackie Graham

Senior Committee Services Officer

Legal and Democratic Services

Durham County Council

County Hall

Durham

DH1 5UL

Tel: 03000 269704

Switchboard: 03000 26 0000

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From: Jackie Graham
Sent: 21 December 2018 08:16
To:
Subject: RE: Petition 355 - Reinstate Street Lights at Binchester
Attachments: Update Letter.pdf; petition scheme.pdf

Dear Ms Underwood

Please find attached a response to your petition together with a copy of the petition scheme.

Regards,

Jackie Graham
Senior Committee Services Officer
Legal and Democratic Services
Durham County Council
County Hall
Durham
DH1 5UL

Tel: 03000 269704

Switchboard: 03000 26 0000

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Ros Layfield

Committee, Member and Civic Services Manager

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(Cabinet Portfolio Holder)

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Chief Executive's Office

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Chairman & Vice-Chairman of Overview and Scrutiny

Jackie Graham

Senior Committee Services Officer

Legal and Democratic Services

Durham County Council

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Contact: Jackie Graham
Direct Tel: 03000 269 704
email: jackie.graham@durham.gov.uk
Our ref: JG/355

By e-mail

21 December 2018

Dear Ms Underwood

Petition 355 – Binchester Street Lights

Further to my e-mail of 30 November 2018 regarding your petition, I have received the following update from the Street Lighting Manager:

Street Lighting Energy Reduction Project

I can advise that the street lighting removals are part of the ongoing Street Lighting Energy Reduction Project which was approved by the Council's Cabinet on 12 December 2012.

Please find link to the report:

<http://democracy.durham.gov.uk/ieListDocuments.aspx?CId=154&MId=4542&Ver=4>

This "invest to save" project involves the removal of street lights which are not required by British Standards where it is safe to do so.

The project is achieving significant savings in energy and maintenance costs that will help to meet the unprecedented reductions in central government funding. The project will also contribute to a reduction in the Council's carbon emissions.

The project originally planned 7,000 removals based on a high level desktop assessment. However, following more detailed analysis including risk assessments less than 3,000 street lights will be removed.

This demonstrates the Council's commitment to only removing street lights where it is safe to do so.

We provided an update to the Council's Cabinet on 21st October 2015 which can be found at the following link:

<http://www.durham.gov.uk/article/2510/Street-lighting-energy-reduction-project---lighting-upgrades>

Street Lighting Policy

The Street Lighting Policy which facilitates these removals, was approved by the Council's Cabinet on 20th November 2013 following extensive public consultation. Please find link to the report:

<http://democracy.durham.gov.uk/ieListDocuments.aspx?CId=154&MId=7294&Ver=4>

The Policy was reviewed in February 2016. Please find link to the updated Policy:

Resources

Durham County Council, County Hall, Durham DH1 5UQ
Main Telephone 03000 260 000 Minicom (0191) 383 3802

www.durham.gov.uk

<http://www.durham.gov.uk/media/3074/Street-Lighting-Policy/pdf/StreetLightingPolicyConsultationResults.pdf>

The report states "Where there is existing street lighting that is not specifically required by the Street Lighting Policy then this will be removed where it is safe to do so, based on a risk assessment of road safety and the fear of crime and following consultation with local Elected Members, Town and Parish Councils where applicable".

No street lights will be removed in residential areas, roundabouts, major junctions or where there are proven road safety and crime issues under this policy.

The policy aligns the provision of street lighting in County Durham with British Standards in line with most other Councils in the United Kingdom.

The areas where street lighting has been removed comprises areas that are of low brightness, predominately open land with sporadic or few dwellings. As defined in the Council's Street Lighting policy, on roads between villages and settlements in Environmental Zone E2 areas, lighting will only be provided where there is a known night-time road safety problem that cannot be controlled by other methods such as improvements to the carriageway delineation by reflective road studs, carriageway markings and improved signing.

Road Safety Risk Assessment

The Council has commissioned independent road safety auditors to carry out robust and detailed road safety risk assessments at each site where street lighting has been proposed for removal in accordance with the above policy.

The risk assessment includes a detailed analysis of all Personal Injury Accidents (PIA's) which have been recorded by Durham Constabulary covering a five year period. In addition, details of fatal road traffic collisions are analysed covering a ten year period.

The risk assessment process includes visiting the site and walking the route allowing for a detailed assessment of the character of the road, its environment, the condition of the existing traffic signs and road markings. The risk assessment identifies any potential hazards to highway users and considers if these can be mitigated.

The risk assessment also includes, where appropriate, the road safety auditor liaising with various teams within the Council in respect to observations relating to walking routes to schools, cycling and public rights of way.

If the risk assessment identifies any significant road safety issues that cannot be mitigated then the Council does not proceed with the removal. At these locations 5 street lights that were identified for removal have been retained following the risk assessment, demonstrating our commitment to remove street lights only where it is safe to do so.

A continuous footway exists within the site along the south western side of the highway, between Binchester and the A688. There are no crossing points so this arrangement is considered to be safe; and there are many other similar footways in the County where street lighting is not provided.

Crime

Crime can occur at any time on any part of the highway network regardless of the provision of street lighting.

The latest research commissioned by the Department of Transport confirms that there is no strong evidence to support that street lighting reduces crime although it is acknowledged that street lighting has a role to play in reducing the fear of crime. This is supported by research by the London School of Hygiene and Tropical Medicine in partnership with University College London who has recently published their research on reduced street lighting and its impact on crime. The research found that overall there is no evidence of an association between reduced street lighting and increases in crime.

Consultation

I can advise that Cabinet approved the Street Lighting Policy, which facilitates the removals, on 20 November 2013.

A countywide consultation exercise was carried out, supported by a comprehensive communications plan to raise awareness of the consultation to encourage the broadest possible response to the policy review. The exercise included inviting feedback from Area Action Partnerships, Town and Parish Councils, the Disability Partnership and 3 focus groups.

The full range of communication mechanisms open to the Council were used to raise awareness of the consultation and encourage participation. These included:

- The Council's website;
- Emails to stakeholders and stakeholder groups including Town and Parish Councils;
- Awareness raising through the Area Action Partnerships;
- Media releases;
- Durham County News;
- Social media messages; and
- Information in customer access points.

Any objections received were considered during the consultation process.

As part of the removal process we consulted with local Councillors on the risk assessment to ensure that it reflected all local factors.

Service Level Agreement

Unfortunately due to unprecedented reductions in central government funding we have to make savings to balance our budgets. We appreciate that street lighting removals are not popular but we are only removing street lights that are not required by British Standards where it is safe to do so. The only way we could have retained the street lights is if a Parish Council or another third party was able to fully fund them through a service level agreement.

If third party funding can be found to fully fund the installation of new street lights and the on-going maintenance, energy, maintenance and lifecycle costs then we will be pleased to facilitate in accordance with our Street Lighting Policy.

If you would like to discuss further please contact Darren Hubbard, Street Lighting Manager, on telephone number 03000 268113 or by email at darren.hubbard@durham.gov.uk

Should you feel that your petition has not been dealt with properly, please note that you have the right to request that the Council's Overview and Scrutiny Management Board review the response to your petition. The relevant section of the Council's Petition Scheme is enclosed for your reference.

Yours sincerely

Ros Layfield

Committee, Member and Civic Services Manager

Copy for the attention of:

Councillor B Stephens

Councillor R Yorke

Councillors C Kay

Councillors C Kay & S Morrison

(Cabinet Portfolio Holder)

(Cabinet Support Member)

(Local Members)

(Chairman & Vice Chairman of Highways Committee)

Chief Executive's Office

Director of Transformation and Partnerships

Head of Legal and Democratic Services

Leader's Office

Corporate Director of

Chairman & Vice-Chairman of Overview and Scrutiny

Durham County Council Petition Scheme

Petitions

1. The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions sent or presented to the Council or initiated on its e-petition scheme (see section on e-petitions) will be acknowledged from the Council within 10 working days of receipt. A petition will be treated as a petition if it contains the signatures of at least 10 people who live, work or study the Council's area.

This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be one.

Hard copy paper petitions can be sent to:

**Head of Legal and Democratic Services
County Hall
Durham
DH1 5UL**

Petitions can also be presented to a meeting of the Council, where it will be received. These meetings take place ten times per year. If you would like to present your petition to the Council please contact Committee Services Section on 03000 269 708 at least 10 working days before the meeting and they will talk you through the process.

The process involves the council formally receiving the petition from you. The petition organiser will be allowed 5 minutes to present the petition at the meeting. The council will then deal with the petition in accordance with this scheme and not debated.

If you wish to deliver your paper petition in person at County Hall, arrangements will be made for an officer to meet you to receive the petition after which it will be dealt with in accordance with this scheme.

What are the Guidelines for Submitting a Petition?

2. Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition. It should state:
 - a. what action the petitioners wish the Council to take
 - b. the name and address and signature of any person supporting the petition.

Petitions should be accompanied by **contact details**, including an **address, of the petition organiser**. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact first signatories to the petition to request that he/she agrees to the organiser. If that person does not agree, we will contact the next signatory and so on until a petition organiser is identified.

Petitions which are considered to be vexatious abusive or otherwise inappropriate or repeat a petition which is substantially the same as one presented within the last 12 months will not be accepted.

In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above Council may decide not to do anything further with it. In that case we will write to you to explain the reasons.

What will the Council do when it Receives My Petition?

3. An acknowledgement will be sent to the petition organiser within 10 working days of receipt of the petition. The council will let them know what we plan to do with it and when they can expect to hear from us again. Details of the petition will also be published on our website (see Appendix 1)

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having elected mayor) or a matter where there is already an existing right of appeal, such as Council Tax banding and business rates rateable values, other procedures apply.

If a petition applies to a consultation process which is being carried out by Durham County Council, the petition will be forwarded to the relevant officer to be considered as part of the consultation process and not as part of the petition scheme (see Appendix 2).

We will not take action on any petition which we consider to be vexatious abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

We will not take action on any petition which is the same or similar to any petition considered by the Council within previous 12 months.

To ensure that people know what we are doing in response to the petitions we received the details of all the petition submitted to us will be published on our website, except in cases where this would be inappropriate.

Petitions which are submitted in paper or e-petition format which relate to the same subject will be kept as separate petitions.

How will the Council Respond to Petitions?

4. Our response to a petition will depend on what the petition asks for, but it may include one or more of the following:

- taking the action requested in the petition
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Councils Overview and Scrutiny Committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

If your petition is about something over which the Council has no direct control (for example a local railway or a hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners, e.g.

- English Heritage
- Police and Crime Commissioner
- The Environment Agency;
- Fire and Rescue authorities
- Health and Safety Executive
- The Highways Agency
- National Park Authorities
- Health Bodies.

Where possible the Council will work with these partners to respond to your petition. If we are not able to do this for any reason for example if what the petition calls for conflicts with a Council policy, then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible the Council's website www.durham.gov.uk. If your petition is about something that a different Council is responsible for we will give consideration to what the best method is responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you action we have taken.

E-petitions

5. The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six weeks, but you can choose a shorter or longer timeframe, up to 6 months. (See Appendix 3)

E-petitions which have not been created through our website cannot be verified and therefore will not be accepted as a valid petition. They will however be forwarded to the relevant service for their information.

When you create an e-petition, it may take 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You may be able to change and resubmit your petition if you wish. When an e-petition has closed for signature, it will be forwarded to relevant officers. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on the council's website.

If your e-petition relates to a consultation process which is being carried out by the Authority, we will host your e-petition on the council's website once it has been confirmed as acceptable. The e-petition will collect signatures and will run until the end of the consultation period, following which it will then be forwarded to the relevant officer to be considered as part of the consultation process and not as part of the petition scheme.

How do I 'sign' an e-petition?

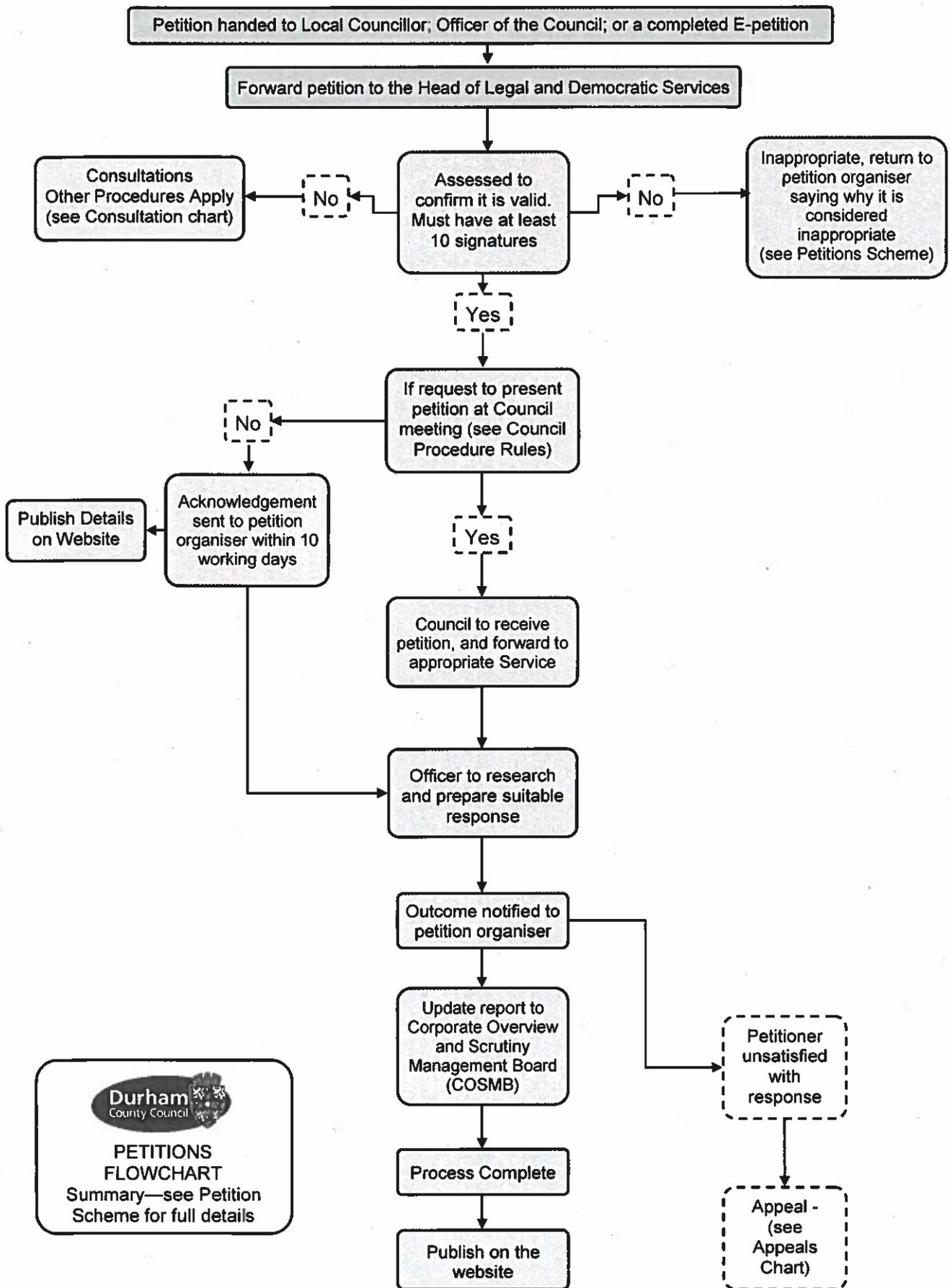
6. When you sign an e-petition you will be asked to provide your details and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition.

What can I do if I Feel My Petition Has Not Been Dealt with Properly?

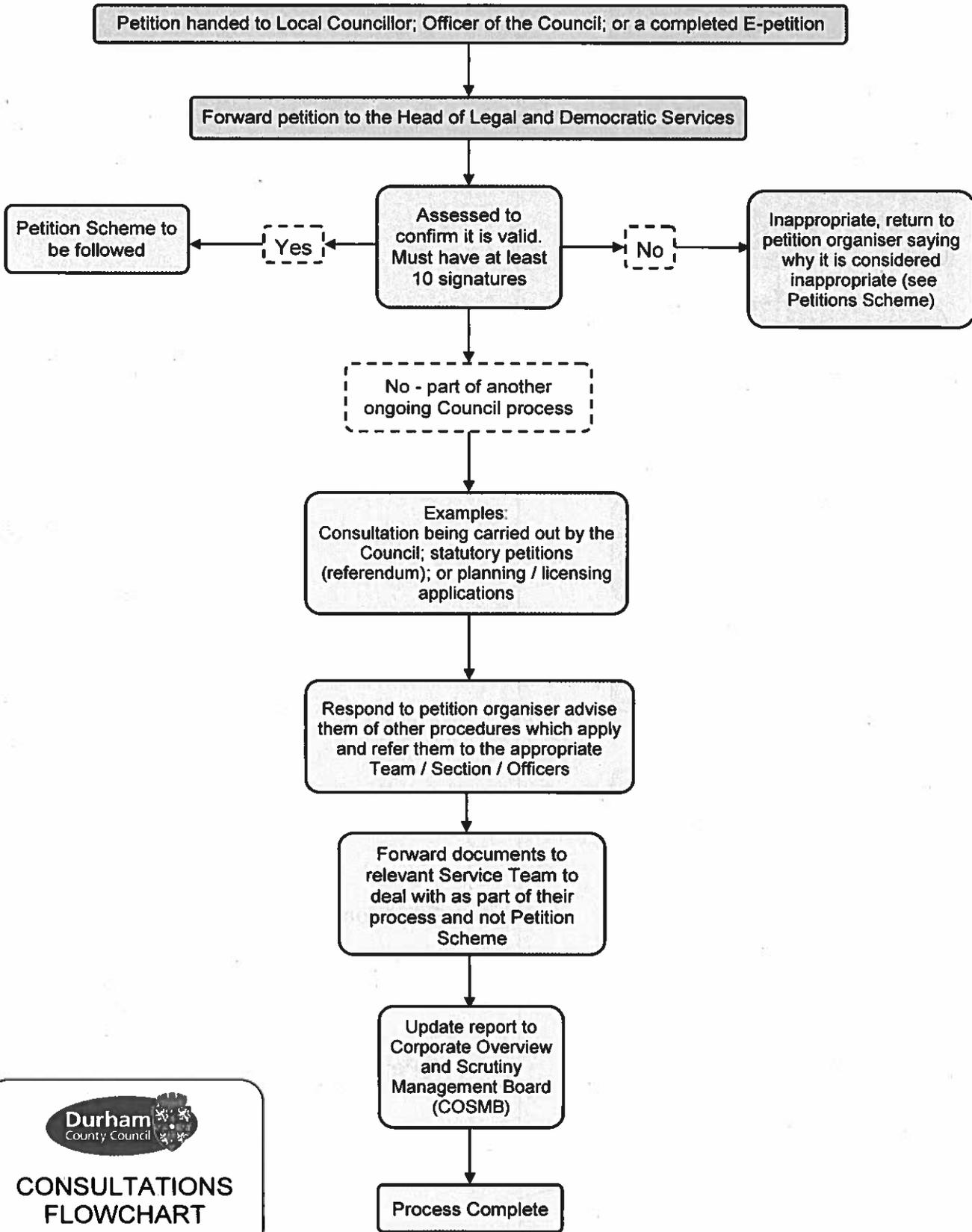
7. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Corporate Overview and Scrutiny Management Board review the steps of the Council has taken in response to your petition. The request should be accompanied by a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider your request at the next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, or making recommendations to the Council's Executive.

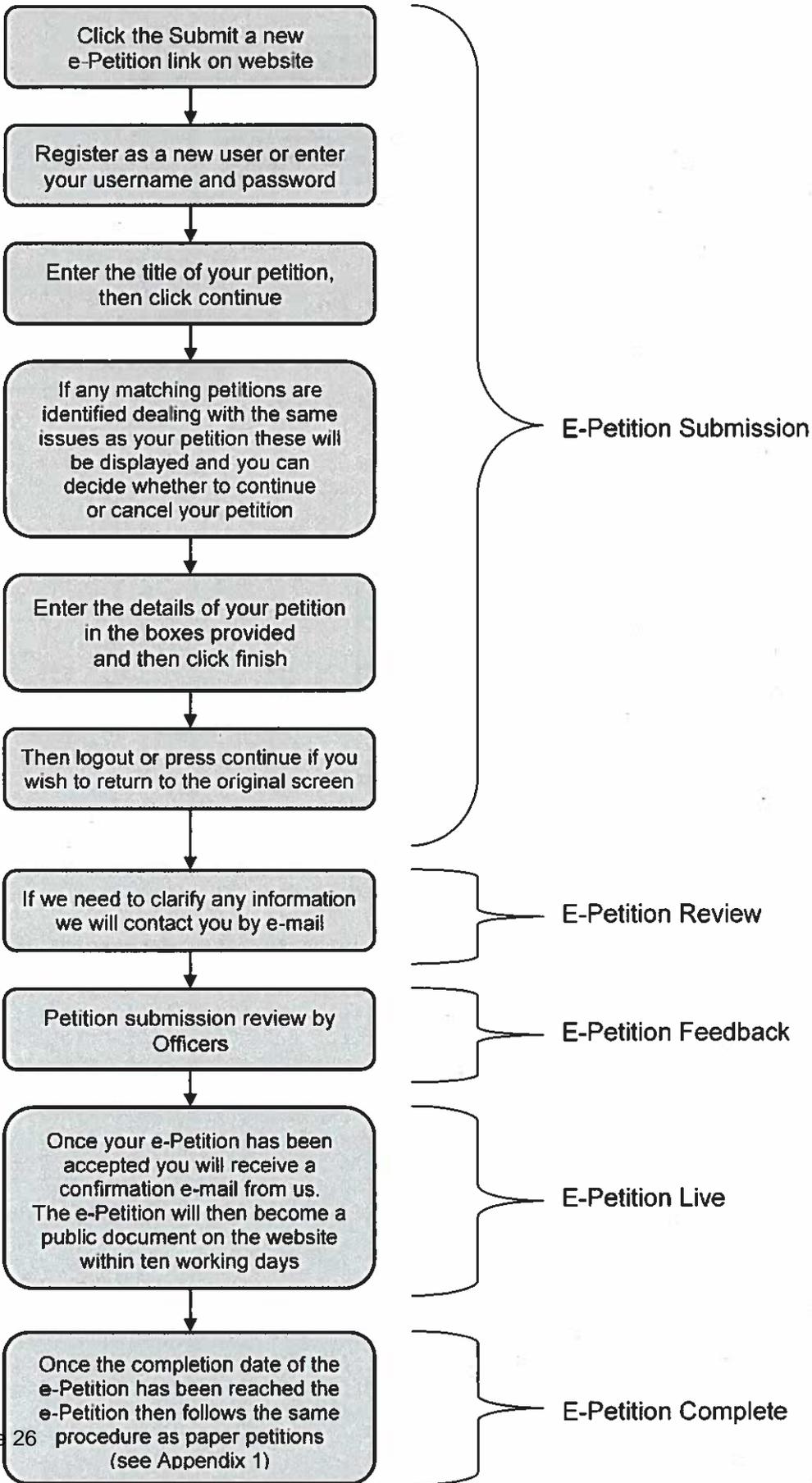
Once an appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the council's website (see Appendices 4 and 5).




PETITIONS FLOWCHART
Summary—see Petition Scheme for full details



How to submit an e-Petition



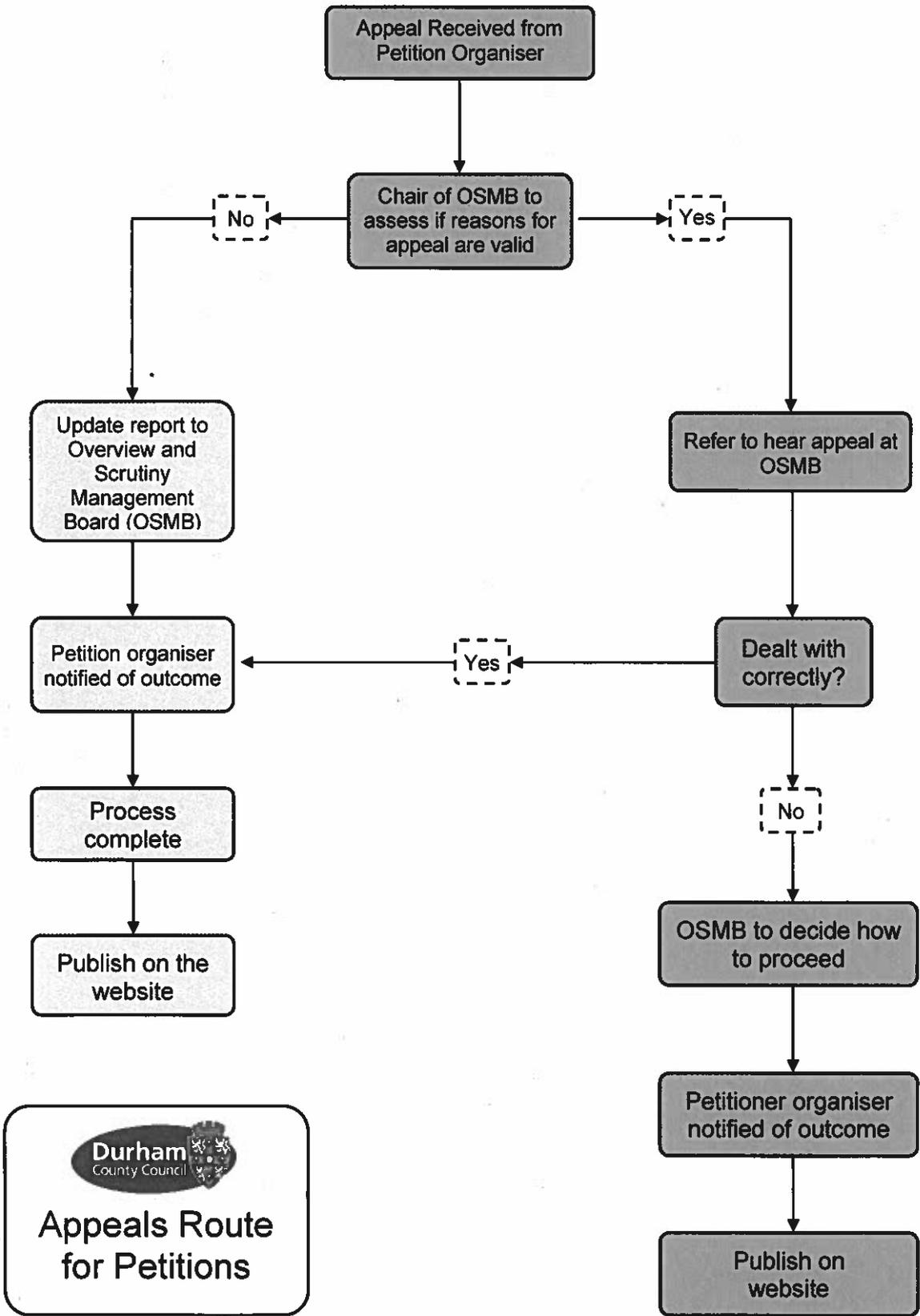
Appeal to the Council's Corporate Overview and Scrutiny Management Board

If a petition organiser is not satisfied with the way an authority has dealt with a petition, he/she has the power to ask the Corporate Overview and Scrutiny Management Board to review the authority's response.

Proposed procedure

- The letter detailing what action the Council has or proposes to take in response to a petition should give details of the petitioner's right to request a review by the Council's Corporate Overview and Scrutiny Management Board. Letter to be sent out by recorded delivery.
- Petitioner to put his/her request for a review in writing, listing the reason/s why he/she is not satisfied with the response.
- Request for review to be submitted to Democratic Services within 20 working days of the petitioner receiving the authority's response.
- Democratic Services to forward the review request to the Scrutiny Office.
- Scrutiny Office to log the receipt of the appeal and request copies of all correspondence in connection with the petition from the Section which is responsible for processing petitions.
- Chairman of Corporate Overview and Scrutiny Management Board, in consultation with the Council's Monitoring Officer and Scrutiny Officer to determine if the request should be placed on the Corporate Overview and Scrutiny Management Board agenda. (There may be petition organisers who appeal because the action the petition calls for is rejected, no matter how thorough the Council's process for coming to that decision. An appeal will not be considered if it is vexatious or discriminatory or it relates to a matter that has been considered within the past 6 months)
- If rejected, a letter will be sent to the petitioner by the Scrutiny Office listing the reasons for rejection. A copy will be sent to Monitoring Officer.
- The appeal will be heard at the next board meeting if possible, unless the issue/s to be considered involve the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules.
- The petitioner and his/her representative who could be a local ward councillor, to be invited to attend the meeting to address the Board. Must be given at least 5 working days' notice of the meeting.
- Agenda for the meeting to contain copy of the original petition, copy of the Council's response and letter requesting review.

- A Senior Officer of the Council or suitable nominated officer responsible for determining the Council's response to the petition will be required to attend the meeting.
- If the issue falls within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also be invited to attend the Corporate Overview and Scrutiny Management Board to answer questions and make any representations.
- The petitioner and his/her representative, will be given the opportunity to address the Corporate Overview and Scrutiny Management Board meeting for up to 10 minutes.
- On matters of particular relevance to a particular electoral division, electoral division members have the opportunity to make comments at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Head of Legal and Democratic Services by twelve noon on the working day prior to the meeting.
- Members of the Board will then have the opportunity to question the petitioner.
- The Director/Senior Officer of the Council and Cabinet Portfolio Member will then outline the reasons for the Council's response.
- Members of the Board will then have the opportunity to question the Director/Senior Officer and Cabinet Portfolio Holder.
- The Members of the Board will then determine what action to take, which could include instigating an investigation/scrutiny review, making recommendations to Cabinet or referring the matter for consideration by full Council.
- Petitioner to be informed in writing of the results within 5 working days. Results of the review to also be published on the Council's website.



Binchester Residents Association

Chair G Underwood

January 25th 2018

FAO Ros Layfield
Democratic Services
Durham County Council,
County Hall
Durham

Dear Ms Layfield,

Re Petition no 355: regarding the removal of street lights numbered 799 - 800 – 802 -813 – 814 – 815 - 816 - 817 along C96 at Binchester.

On behalf of the Residents Association I write to express our dissatisfaction with the Authority's response to our petition and ask for the issue to be referred to the Council's Corporate Overview and Scrutiny Management Board to hear our appeal.

We wish to make it clear that we support both the principle of lighting reduction (for economic and environmental reasons) and the County's policy in general, on this issue. However we feel that the way it has been implemented here has been without consultation of those most affected, and does not take into account the unique situation of C96.

We feel that had we been consulted by Street Lighting Energy Reduction Project (SLERP) we could have suggested ways in which the policy could be implemented to both save money and enable residents and other pedestrians and cyclists to use public footpaths with confidence.

In addition we feel that the response from the SLERP team did not address our particular concerns but simply reiterated the history of the Project process which we already knew.

1 Concern that we were not fully informed about the procedures we needed to follow,

With regard to utilising proper procedures I wrote to DCC in November enclosing a petition from residents here and received your acknowledgement of it on 30th of that month, in which you indicated that you would provide me with an update or a response..

On 21st December I received an email from Jackie Graham having an 'updated' attachment from the Street Lighting Manager (Street Lighting Energy Reduction Project – SLERP) which, far as I could see, was a reiteration of the history of the project since 2012 (which we had already received) and not a proper response to our concerns.

I responded to Jackie by email to this effect, and asked for it to be forwarded to yourself (followed by an brief apology as I mistook your name).

a) We were not informed of the procedure to follow and could have been judged 'out of time ' because of this oversight I do not remember (nor can I find) a clear statement informing us that we could ask the Council's Corporate Overview and Scrutiny Management Board to review the decisions and response from SLERP.

I had been led to believe that such review was axiomatic on receipt of our petition. Fortunately, due to the diligence of our Councillor, it has been brought to my attention *5 days before the deadline* – hence my letter.

Might I respectfully suggest that the links to procedures and their significance are indicated in plain English at the earliest opportunity. This would enable the public to have access to all avenues of communication which are open to them.

2 We are dissatisfied by the 'update response' to our letter which was largely a repeat of points previously made and did not address our concerns.

a) Initially it was stated that full consultations were carried out. However we had said we were not made aware of the specific intention to remove the lights nor included in the consultation process and detailed how this was so.

ie

**we are not covered by either a Parish nor a Town Council;

**we were not consulted by the 'Road Safety Auditors' despite being those most directly affected

**and our elected representative was not informed.

The response to this by the SLERP team was a reiteration of the mechanisms we had already explained did not apply to ourselves.

b) We also drew attention to other vehicles of consultation which could have included residents here.

Despite quite lengthy correspondence previously between this Residents Association and DCC about several Highway related issues over many years (including the reduction on lighting on another local stretch of road (Church Street to Old Park Lodge Farm) no –one from the SLERP nor Highways has attempted to make use of this organisation (or any other) to obtain the views of residents about this more extensive proposal. **There was no explanation why this had not been utilised.**

c) Similarly there has been no explanation why alternative cost saving measures, which we could have been consulted on and wholeheartedly supported, could not have been used. eg use of timer switches and/ or dimmers. We note that these have been implemented effectively by other Councils to reduce expenditure whilst minimising the negative effect on residents of loss of necessary illumination.

NB

d) Although this is a C road, I think it is unique in that it has been designated by DCC as a main thoroughfare in the county for traffic to cross the River Wear. Over several years this Association has been in fairly frequent correspondence with Highways Dept about the narrowness of both the road and the pavement and has been informed of the status of this road as described above. This has been put forward as a reason why the density of traffic could not be addressed.

We have also brought the anxiety this causes to pedestrians to the attention of the Highways Department.

Therefore DCC departments responsible for transport will know that the road is busy with cars and HGVs travelling between the A688 and the A690 at most times of the day- All traffic passing in close proximity to pedestrians. This is unnerving enough when there is good illumination of the pavement.

e) The 'update ' refers to other 'similar roads' losing their lighting without ill effect. However it does not give references to which other C roads have been classed as main thoroughfares. We would be grateful for this information.

f) Mention is made of the 'Auditors' walking the route but makes no mention weather conditions, visibility, time of day nor season of year. We would wish to know these details to understand if fair comparisons were made.

We have mentioned our very limited bus services along the C96 and the necessity of residents without cars, the elderly, young families, those at school and in work, having to walk between the village and the A688 to pursue their daily life – accessing GPs, shops, local towns etc. Consequent on your removal of the lights, at this time of year they must walk the distance in the pitch dark in the mornings from 6am and the early evenings.

For the above reasons we believe we have been disenfranchised by the inadequacies of the consultative structure and process and ask that the decision be reviewed so that we can put forward our views which include alternative solutions. We also ask that we have access to detailed evidence of the consultations and their conclusions which have led to this decision, so that we can appraise them more fully.

Yours sincerely

Gina Underwood

Chair: Binchester Residents Association
CC Cllr Crute
Jenny Haworth
Cllr Charlie Kay
Rt Hon Helen Goodman MP

Contact: Clare Luery
Direct Tel: 03000 265978
email: Clare.luery@durham.gov.uk
Your ref:
Our ref: SSO Petition No. 355 LTR1



Ms. G. Underwood

13 February 2019

Dear Ms. Underwood,

Petition No. 355 – Removal of street lights numbered 799 – 800 – 802 – 813 – 814 – 815 – 816 – 817 along C96 at Binchester

Thank you for your letter dated 25 January 2019 requesting a review of the Council's response to your petition.

It has been agreed by the Chair of the Council's Corporate Overview and Scrutiny Management Board, in consultation with the Monitoring Officer and Statutory Scrutiny Officer that the request for review should be considered at a special meeting of the Corporate Overview and Scrutiny Management Board on Monday 4 March 2019 at 9.30 a.m. in Committee Room 2, County Hall, Durham.

In reviewing the Council's response to your petition, we consider that there are a number of issues and/or questions that need to be clarified. These are:-

1. What were the results of the road safety risk assessment undertaken in respect of the street lights referenced in your petition?
2. An explanation by the service of how consultation on these matters is undertaken at a local level.
3. Whether the use of alternative measures to street lighting removal such as dimmers or timers are available as part of the Council's street lighting policy.

Transformation & Partnerships

Durham County Council, County Hall, Durham DH1 5UF
Main Telephone 03000 26 0000

Text Messaging Service 07797 870 192- your message must start with the word: INFO

4. The Road Safety Risk Assessment section of the Council's response to your petition states that "If the risk assessment identifies any significant road safety issues that cannot be mitigated then the Council does not proceed with the removal. At these locations 5 street lights that were identified for removal have been retained following the risk assessment, demonstrating our commitment to remove street lights only where safe to do so." Clarification is needed on whether this means that 5 street lights on the C96 at Binchester were retained or that 5 street lights elsewhere in the County were retained as part of the assessment.

I must also clarify that the appeal hearing relates to the Council's response to your petition and is not a review of the original decision to remove the street lights in question.

In accordance with the authority's petitions appeal process (copy attached) you will be given the opportunity to address the Board for up to 10 minutes. You may bring representatives with you but please note that we will adhere to the 10 minute time slot.

I have noted your representations regarding the lack of clarity in respect of the appeals procedure and associated timescales within the response to your petition and Helen Lynch, the Council's Monitoring Officer has confirmed that the time limit for submitting appeals will be expressly stated in all responses to petitions in future.

I would be grateful if you would confirm your attendance at the COSMB and if you have any further queries please contact Clare Luery, Scrutiny Support Assistant on 03000 265978. A copy of the agenda for the meeting will be sent to you when published (normally 7 days before the meeting).

Yours sincerely,



Jenny Haworth
Statutory Scrutiny Officer