

**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

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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