



COMMUNITY COUNCIL LIAISON SUB-COMMITTEE – 21ST JULY 2010

SUBJECT: PUBLIC CONSULTATION ON OPTIONS TO IMPLEMENT CARBON REDUCTION WITHIN THE STREET LIGHTING INFRASTRUCTURE

REPORT BY: MONITORING OFFICER CAERPHILLY COUNTY BOROUGH COUNCIL

1. BACKGROUND

- 1.1 At the meeting of the Community/Town Council Liaison Sub-Committee on 2nd June 2010 I agreed to review the way in which the Council had consulted with the Community/Town Councils on proposals to reduce the Council's carbon footprint by reviewing the policy on street lighting.
- 1.2 Councils were dissatisfied with the process that had been adopted and argued that it fell short of the agreed process that exists with regard to consultation as contained within the Council's constitution.
- 1.3 I stated during the meeting of June 2nd that in my opinion, the review of the policy on street lighting did not come within the topics that must be the subject of consultation with Community/Town Councils. In my opinion it did not come within the topics listed under the heading "Highways, Access and Public Transport". It was however the view of a number of Community/Town Councils that it came with the "General" category under the sub-heading of "Community Safety". Whilst I acknowledged this point of view, I could not agree with that interpretation.
- 1.4 In any event it was agreed that I would review the consultation that had been undertaken as I accepted that once it had been determined that consultation would be carried out, then it must be meaningful and effective. It was also agreed that I would meet with a number of the clerks to the Community/Town Councils to review the existing protocol on the exchange of information between the Council and the Community/Town Councils. It had been hoped to finalise a date for this meeting by the third week of July, however due to various holiday commitments the meeting has not yet taken place. It is still the aim that the meeting will take place as soon as possible.

2. ANALYSIS OF THE CONSULTATION EXERCISE UNDERTAKEN IN JANUARY/ FEBRUARY 2010

- 2.1 Contact with the Community/Town Councils was first made by way of an e-mail from the Councils Communications Manager on January 20th addressed to John O'Brien. The e-mail made reference to a briefing note and the consultation documents (both of which were attached to the e-mail), and to the briefing meeting which was due to take place on January 21st, where officers were due to make a presentation on the street lighting consultation exercise that had been commenced.
- 2.2 Following the meeting of January 21st, John O'Brien circulated the e-mail of January 20th to the clerks of the Community/Town Council by way of an e-mail on January 26th.
- 2.3 The Communications Manager has confirmed that the main purpose of engaging with the

Community/Town Councils was to enhance their understanding of the issues that were the subject of the consultation exercise with the public.

2.4 The first paragraph of the briefing note that was attached to the e-mail of January 20th states:-

“Dear Community/Town Councillor

Please find enclosed a leaflet which is being used in an extensive consultation exercise on street lighting and our efforts to reduce our carbon footprint with the public starting next week. As Community Leaders we are asking for your support to encourage the public to enter into the debate and to use this sample form to give us their views.”

2.5 However the Community/Town Councils have interpreted this as being a formal consultation exercise. On February 17th Steve Hodges (Network Operation Manager) and Tom Llewellyn (Senior Assistant Engineer) attended the Community/Town Council Liaison Sub-Committee to give an overview on the carbon reduction strategy and the consultation exercise which was being undertaken.

2.6 At the first briefing session on January 21st I have been informed that officers confirmed that the closing date for the consultation had been extended to February 19th. It was also requested that there be a more detailed briefing and this was why the further session was arranged for February 17th.

3. ISSUES RAISED BY COMMUNITY/TOWN COUNCILS

- Community/Town Councils not directly contacted by the Council with regard to the proposed consultation;
- Insufficient time given for consultees to respond;
- Status quo not included as an option;
- Newslines should have been used as part of the process;
- Not informed of decision within 15 working days as required by the Charter.

4. CONCLUSIONS

- Community/Town Councils not directly contacted by the Council with regard to the proposed consultation

The way in which contact was made with the Community/Town Councils is detailed in the analysis section of this report. The contact was by e-mail to John O'Brien and through two briefing sessions. Although contact was not made with individual clerks directly, the briefing note sent to John O'Brien on January 20th, which he circulated on January 26th, did set out the aims of the consultation exercise in sufficient detail. I do not believe that the approach adopted was therefore inadequate.

- Insufficient time given for consultees to respond

The original briefing note gave a closing date of February 5th, however at the briefing session on January 21st this was extended to February 19th. I would agree with the views expressed as to February 5th being an insufficient time to respond, however this was recognised at the meeting of January 21st. The period was therefore in excess of the 15 working days as set out in the Charter. However it would appear that any Community/Town Council that were not represented at the meeting of January 21st were not made aware of the extension to February 19th, as I can see no evidence of the extension of time being communicated in writing.

- Status Quo not included as an option

This issue has been extremely contentious and I noted from the meeting of June 2nd that a number of Community/Town Councils felt that by refusing to allow consultees to vote for the status quo then the whole process was flawed. The original briefing note by the Communications Manager, forwarded to John O'Brien on January 20th sets out why "do nothing" was not an option. I can understand the logic behind the decision not to include a "do nothing" option, however I can also recognise the sense of frustration that was felt by those persons consulted who were strongly in favour of tackling the carbon footprint issue without turning off any street lighting.

I would recommend that for any further consultation exercises undertaken if at all possible a do nothing option is included, as failure to do so can have the effect of alienating a large proportion of the proposed consultees. However I also accept that over the coming years a number of extremely difficult decisions will need to be made by the Authority and that it will often be the case that "do nothing" is no longer a viable option.

- Newline should have been used as part of the process

There appears to be a misunderstanding as Newline was used both to seek the views of residents, and also to confirm the outcome of the process and the final decision taken by Council.

- Community/Town Councils not informed of decision as per the requirements of the Charter

It is accepted by officers that Community/Town Councils were not directly informed of the outcome, however this is because the Community/Town Councils had not been classed as formal consultees. The decision was reported in the local media and in Newline.

My overall conclusions are that the concerns that have been raised mainly relate to the fact that the Community/Town Councils believed that they had been consulted, where as the officers intention was to use the Community/Town Councils to raise awareness and encourage the public to enter into the debate.

I can understand why the Community/Town Councils may have been confused as to the exact process that was undertaken, however I cannot accept that the engagement with the Community/Town Councils was fundamentally flawed as has been suggested. There are lessons that can be learnt from the process and this can be the subject of further debate what I meet with the nominated clerks to review the Charter.

Author: Dan Perkins, Head of Legal Services/Monitoring Officer