



## COMMUNITY COUNCIL LIAISON SUB-COMMITTEE

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, PENALLTA HOUSE,  
YSTRAD MYNACH ON WEDNESDAY 21ST JULY 2010 AT 7.00PM

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PRESENT:

Community Councillor C. Roberts - Vice Chairman - Presiding

Councillors:

Mrs. E.M. Aldworth, D. Bolter, Mrs. A. Collins, M.H. Newman, Mrs. D. Price,  
J.E. Roberts, Mrs. L. Williams

Community/Town Council Representatives:

Aber Valley	- Mrs. E. P. Prendergast, Mr. J.S. Humphreys (Clerk)
Argoed	- G. Lewis
Bargoed	- D.T. Davies, Mrs. L. Tams (Clerk)
Bedwas, Trethomas and Machen	- Ms G. Gale
Blackwood	- Ms. R. Pritchard
Caerphilly	- Mr. K. Williams (Clerk)
Darran Valley	- C.R. Roberts
Gelligaer	-
Llanbradach	-
Maesycwmmmer	-
Nelson	-
New Tredegar	-
Penyrheol, Trecenydd and Energlyn	-
Rhymney	- D.T. Williams
Rudry	-
Van	-

Together with

D. Perkins (Head of Legal Services), H.C. Morgan (Senior Committee Services Officer)

### APOLOGIES

Apologies for absence were received from Councillors H.A. Andrews, J. Bevan, D.G. Carter, C.P. Mann, Mrs. K. Presley, J.A. Pritchard and A.S. Williams, Community Councillors A. Angel, Mrs. U. Newman, Miss. J. Rao, Mrs. G. Davies, P. Blight and D. Woodman and Mrs. S. Chick. Mr. J. Hold, Mrs C. Mortimer, Mr. W.M. Thompson, Mrs. G. Thomas, Mr. A. Hoskins (Clerks of Bedwas, Trethomas and Machen/Rudry, Blackwood, Gelligaer, Llanbradach, Maesycwmmmer and Nelson Community/Town Councils respectively).

**1. MINUTES - 2ND JUNE 2010**

The minutes of the meeting held on 2nd June 2010 (minute nos. 1 - 8 on page nos. 1 - 3)(a copy had been sent to each member) were received and noted.

**2. PUBLIC CONSULTATION ON OPTIONS TO IMPLEMENT CARBON REDUCTION WITHIN THE STREET LIGHTING INFRASTRUCTURE**

Consideration was given to the report of the Monitoring Officer which was prepared following the concerns raised at the meeting of the Community Council Liaison Sub-Committee on 2nd June 2010 at the process that had been adopted to consult on proposals to reduce the Council's carbon footprint by reviewing the policy on street lighting. At that time the representatives were unhappy 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. The Monitoring Officer agreed to review the process that had been undertaken.

Mr. Perkins referred to the content of the report and reminded Members that as stated at the meeting in June it was his opinion that 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. Nor did it come within the topics listed under the heading "Highways, Access and Public Transport". At that time it was the view of a number of the representatives that it came within the "General" category under the sub-heading of "Community Safety" and whilst this point of view was acknowledge he was not able to agree with that interpretation.

Reference was then made to the analysis of the consultation exercise undertaken in January/February and it was noted that contact with the Community/Town Councils was first made by way of an e-mail from the Councils Communications Manager on 20th January 2010 addressed to the appointed Clerk of the Town and Community Council Liaison Committee. 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 21st January 2010, where Officers were due to make a presentation on the street lighting consultation exercise that had been commenced. Following the meeting of 21st January 2010 the Clerk circulated the e-mail of 20th January to the clerks of the Community/Town Councils by way of an e-mail on 26th January 2010.

Mr. Perkins advised that 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. 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."*

The community/town councils have interpreted this as being a formal consultation exercise. On 17th February 2010, Steve Hodges (Network Operation Manager) and Tom Llewellyn (Senior Assistant Engineer) attended the Community Council Liaison Sub-Committee to give an overview on the carbon reduction strategy and the consultation exercise which was being undertaken. At the first briefing session on 21st January 2010 Officers confirmed that the closing date for the consultation had been extended to 19th February 2010. It was also requested that there be a more detailed briefing and this was why the further session was arranged for 17th February 2010.

As a result of the views expressed at the last meeting, and as part of the investigation into the process, each Clerk had been requested to provide details of issues that they would wish to be taken into consideration. The report detailed those views which had been submitted and those of the Monitoring Officer.

- 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 the appointed Clerk of the Town and Community Council Liaison Committee and through two briefing sessions. Although contact was not made with individual clerks directly, the briefing note sent to the Clerk on 20th January, which he circulated on 26th January 2010 did set out the aims of the consultation exercise in sufficient detail. The Monitoring Officer therefore had concluded that that he did not believe the approach adopted was inadequate.

- Insufficient time given for consultees to respond

The original briefing note gave a closing date of 5th February, however at the briefing session on 21st January this was extended to 19th February 2010. The Monitoring Officer agreed with the views expressed as to 5th February being an insufficient time to respond, however this was recognised at the meeting of 21st January 2010. 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 19th February, and there 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 it had been noted from the meeting of 2nd June 2010 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 Clerk of the Town and Community Council Liaison Committee on 20th January 2010 sets out why “do nothing” was not an option. The Monitoring Officer reported that he could understand the logic behind the decision not to include a “do nothing” option and recognised 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. As such, he 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 he pointed out that it has to be accepted 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 all residents within the county borough, 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.

Mr. Perkins concluded 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. He accepted why the community/town councils may have been confused as to the exact process that was undertaken, but not that the engagement with the community/town councils was fundamentally flawed as has been suggested.

He did however indicate that there are lessons that can be learnt from the process and these would be the subject of further debate when the review of the existing protocol on the exchange of information between the county borough and the community/town councils is undertaken with the nominated representatives (Jack Humphreys, John O'Brien and Bill Thompson).

There was a lengthy debate on the content of the report and particularly the difference between 'engagement' and 'consultation' and the interpretation of the existing subjects within the charter. In noting the analysis contained therein, the representatives were still of the opinion that should have been a formal consultation on the process, that sufficient time should be given for consultees to respond and that they should have been advised of the extension of time for responses (something that only those at the meeting would have been aware). Mr. Perkins reiterated that as detailed in his report there were lessons which had been learned which would be the subject of further debate when the review the existing protocol is undertaken.

With regards to the query previously raised as to whether there was any course of action to the Office of the Ombudsman it was confirmed that the Ombudsman's Office have advised that they do not accept complaints from town/community councils. However, they would accept a complaint from named individuals who have been affected by a decision of the County Borough.

In noting that there is to be a formal review of the Charter, it was agreed that each Clerk be requested to put forward their views on how it could be revised in order that they can be considered at that time. One of the suggested changes was that the list of subjects for consultation should be more definitive and they should be expanded to ensure there is consultation on any matters which are key and fundamental to all wards within the county borough. This, along with any others which may come forward, would be taken into account at that time. Any proposed changes would be considered by the Community Council Liaison Sub- Committee before being formally adopted.

During the debate reference was made to the decision taken at Council that 'where there are issues of serous concern an individual risk assessment be completed before a final decision is taken on a particular stretch of road' and a request was made for details of those stretches that are to be extinguished in order that further representation can be made if required.

### **3. PROPOSED ASSEMBLY LOCAL GOVERNMENT MEASURE**

Reference was made to the recently published proposed local government measure and to its implications for community/town councils as detailed therein. In noting that responses are required by 1st October 2010, it was suggested that the representatives may wish to meet to discuss the document prior to expressing their views on its content.

The meeting closed at 8.00pm