

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 19 May 2015.

PRESENT: Mr R J Parry (Chairman), Mr H Birkby, Mrs T Dean, MBE, Mr E E C Hotson, Mr A J King, MBE, Mr R A Latchford, OBE, Mr S C Manion (Substitute), Mr L B Ridings, MBE, Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr J D Simmonds, MBE, Mr M A C Balfour, Mr D L Brazier, Mr N J D Chard, Mr B J Sweetland and ACC R Price

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr J Burr (Director of Transformation and Commercial Services), Mr G Wild (Director of Governance and Law), Mr R Wilkin (Interim Director of Highways, Transformation and Waste), Mr P Sass (Head of Democratic Services) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

75. Minutes of the meeting held on 4th of February 2015 (Crime & Disorder Committee)
(Item A4)

RESOLVED that the minutes of the Crime and Disorder Committee meeting held on 2 February were an accurate record and that they be signed by the Chairman.

76. Street Lighting Review
(Item C1)

1. Assistant Chief Constable (ACC) Price provided an update to the Committee in terms of Kent Police's view on Street Lighting and KCC's Safe and Sensible Street Lighting programme (SSSL).

- Street Lighting has been a significant issue for some people of Kent, with the Police being aware of strong feeling around the county.
- Crime figures are generally positive at present, even with the increases resulting from improved crime recording accuracy.
- Burglary was down by 850 incidents that last year.

2. ACC Price explained that research conducted by the Police had shown that there was no direct correlation between crime and street lighting, with varying outcomes observed in different districts. ACC Price noted that the perception of crime and safety was affected by street lighting despite the lack of supporting evidence. The specific figures showed a greater reduction in crime in areas of part night lighting rather than all night lighting, while anti-social behaviour (ASB) had dropped slightly more in all night lighting areas.

3. While responding to questions from Members, ACC Price explained that the Police's contribution to the KCC consultation was based on a simple risk assessment using crime figures to identify areas where all-night lighting should remain in place. The Police have continued and were maintaining ongoing assessments. ACC Price stated the Kent Police was the best placed organisation to conduct the risk assessments.

4. Roger Wilkin, one of the review authors, explained that Dover was the first area to be changed over to part-night lighting and that as a result it was the only area suitable for initial review. Plans for further research and reviews were underway; to be conducted as additional data becomes available.

5. In response to Member questions about Kent Police's view on the whether a pilot of SSSL would have been beneficial and whether the Police were supportive of the programme, ACC Price explained that there would be positives and negatives in any alteration to Street Lighting. He explained that managing area specific pilots would have created its own problems and he appreciated that such a delay limited the savings options; however he noted that the follow up work in Districts had mitigated any negative results of not running a pilot. In terms of Kent Police's view of SSSL as a whole, ACC Price commented that his letters included in the constitution could have better laid out Kent Police's position.

6. ACC Price outlined the Police's view as follows;

- Kent Police would prefer all street lights to be run all night due to their impact on fear of crime.
- Kent Police appreciated that budget constraints demand that very difficult decisions had to be taken by KCC.
- Kent Police did not believe it was its place to influence KCC's decision regarding street lights.

7. A Member gave an example of local crime and ASB in their Division, stating that the residents strongly felt that the change to part-night lighting was responsible for their negative experiences of criminal damage and ASB. In light of the research showing no direct correlation between crime and street lighting, the Member questioned how best to evidence that the negative impact on residents was linked to SSSL. In response, ACC Price stated that the street lighting was not the answer to all cases of crime and ASB and that local community safety arrangements should be able to effectively address such concerns. These arrangements should include activity from the Police, District and County Council staff (Police Officers, PCSOs, and Wardens etc.).

8. The Chairman and Members thanked ACC Price for his contribution to the meeting.

9. Mr Wild introduced the Street Lighting Review report, explaining that it detailed both good and poor practice undertaken by the directorate. Geoff Wild stated that the Committee should recognise that KCC's processes had improved since the SSSL project was developed and implemented and that further improvement was ongoing, with the majority of identified governance issues already addressed.

10. Roger Wilkin, co-author of the report, explained that the Review examined the processes leading to the adoption of the Street Lighting Policy and did not seek to

consider the outcome of the policy. The Review had shown that there had been some weaknesses in the processes but noted that KCC's governance arrangements had since improved. He commented that in the course of development and implementation of SSSL, Officers were trying their best to deliver against the wishes of Elected Members.

11. The Chairman thanked that authors for their report and commended its quality, inviting Members to seek clarification on any elements of the report.

12. Members asked questions of the report authors regarding the following;

- Why did Members not always have access to all relevant facts during the SSSL development?
- Why was the full cost of project not made clear to Members early enough for the outcome to be reviewed?
- Has new guidance arising from the identified governance issues been developed (particularly the requirement for Officers to keep Members informed)?

13. The report authors explained that the Review had highlighted several areas of learning and improvement. Specific pieces of work were underway to develop guidance on appropriate recording of information and processes for key decisions. Examples of improvements included the inclusion of consultation information to form part of key decision reports. Mr Wild explained that while the full costing details were not reported as part of the decision process, they had been included in the Budget and business plans which were accessible to all Members. The process followed represented Officers doing their job under normal delegation principles with the expectation of Members making final significant decision.

14. Mr Wild reassured the Committee that the governance processes had changed since the SSSL project and decisions of similar scale follow different pathways now with improved rigour and greater Member involvement. Mr Wild confirmed that the Equality and Consultation Teams were developing reports that evidence embedded processes to support relevant guidance.

15. John Burr, responding to financial questions, explained to the Committee that the funding referred to in the report was made up of £3.2m of capital expenditure and £2.3m was revenue expenditure used on the column removal programme.

16. A Member raised questions regarding the inadequacy of the Equality Impact Assessment (EqIA) developed for SSSL and the limitations of the consultation process; specifically why advice to improve the processes was not taken. Mr Wild explained that mixed advice was provided regarding the requirements for EqIA detail and that some of the consultation and equalities advice had been acted upon by the service. The decision to progress with the consultation, made by the service, could be considered a risk but was balanced against the need to achieve the outcomes of the SSSL project. With the new processes in place, Mr Wild stated that it could be expected that a different approach would be taken in the future. Mr Wild accepted that there should have been records within the decision making process evidencing the decision to act on parts of the consultation and equality advice and not on others and that this was an example of identified improvements that have been or are being made to relevant governance processes. Mr Wilkin commented that the Review examined the processes rather than individuals involved in the decision

making and that the desired outcome of any changes would be improved governance systems that would ensure that any mistakes made previously could not be made again.

17. Mr Burr explained that the relevant staff working the project at the time, acting under officer delegation, had made decisions based on sometimes conflicting advice. There had been no intention to ignore processes and the final outcome was the result of relevant officers' best judgement in balancing the consultation and equalities advice with the Member led decision to proceed with SSSL. Mr Burr clarified that the service did not believe that there was a requirement for an EqIA in 2010 when the Street Lighting Strategy and Policy was developed and that he believed that information relating to the proposed policy was available to Members as there had been no intention of withholding it – it had been to Policy and Overview Committees at the time. In 2012/13 details of the proposed implementation of SSSL was shared across the county at Joint Transportation Boards, the consultation in 2013 also being on the implementation rather than the Policy adopted in 2010.

18. A Member commented that learning lessons from SSSL and the review was key. Mr Simmonds responded to specific questions from the Member regarding the value for money of the project, the speed of the project implementation and the perceived resistance to criticism of the project. Mr Simmonds explained that he was pleased with the project return; saving £1.12m in one year and that as the implementation had been progressed from 2010, he did not believe that it represented undue haste. In terms of resistance to criticism of challenge, he noted that Members had ample opportunity to consider the relevant spending earlier via KCC's budget processes. Mr Simmonds commented that SSSL had proved frustrating from the Executive's point of view, in that it was fully accepted that lessons had to be learned and that some processes needed improvement but that he still believed that the decision was correct based on the information available to KCC at the time, most notably that it was not at all expected that LED options for street lighting would become affordable in the near future.

19. Members questioned the appropriateness of not consulting on the basic policy of part-night lighting within SSSL as the 2013 consultation and JTB engagement only focused on exclusion criteria. Members asked for clarification on whether a full consultation process was planned for the implementation of LED street lighting.

20. Mr Wilkin and Mr Burr explained that the transition to LED did not require consultation at current stages, with procurement already underway for the relevant stock. Replacing all Street Lights with LED bulbs was already KCC policy but the improved flexibility that the new LED project would offer, via remote management systems, meant that reconsideration of part-night lighting policies would be possible in the future. They assured the Committee that when any changes to policy were considered, a consultation would take place.

21. Mr Balfour reminded the Committee that he had provided an assurance at County Council in March that a decision about how to consult on revised policy for use of LED street lighting would be informed by discussion at Environment & Transport Cabinet Committee to be held in November.

22. Responding to Member questions about project costs, Mr Burr explained that the consultation exercise had not been fully costed but represented a reasonable

amount of Officer time, though not to an unacceptable level. Additionally he reassured the Committee that appropriate contracts were in place with the relevant suppliers for street lighting technology that meant the suppliers were liable for all costs arising from faults. He explained that a transition to LED street lighting had been KCC's plan for many years but the cost and reliability when previously considered made it unfeasible. Earlier than anticipated technical improvements and reductions in cost had presented the opportunity to proceed with LED, so the directorate were working hard to achieve this as soon as possible.

23. A Member commented that as one of the named objectives of SSSL was the reduction of carbon emissions, it would have been useful to receive information on progress against this goal.

24. Responding to a question on the process to be used for requesting reversal of part-night lighting, Mr Balfour explained that a paper considering appropriate methods of evaluating part-night lighting policy would be going to the July Environment & Transport Cabinet Committee.

25. A Member commented that they believed SSSL had been a good project that had received only a small number of complaints and that it was generally welcomed in their Division. They added that considering the scale of the project, the implementation had been relatively smooth.

26. Mr Balfour stated that he believed that the fear of crime concerns raised by the public and noted by the Police had to be considered and that he would be taking this into account when the matter was considered in July. He added that Mr Pearman had recommended that Victim Support be approached to provide guidance on appropriate part-night reversal criteria.

27. Members commented that the needs of late night and early morning travellers needed to be considered in terms of part-night lighting reversals. A Member also commented that the public in their Division had strongly indicated a preference for a return to all-night lighting. The Member raised a concern that without evidence of a causal link between street lighting and crime levels, it was difficult to make a case for reversal and the public were confused as to how to go about making such requests.

28. Mr Balfour invited all Members with evidence of relevant issues, to submit this to him for consideration at the July Cabinet Committee.

29. A Member expressed concerns that people in rural parishes did not support part-night lighting. The Member also expressed dismay that SSSL had been implemented now that savings would not be achieved and that it had exposed KCC to a lot of criticism. The Member asked that Mr Balfour ensure that all requests for part-night reversal to be considered thoroughly.

30. The Chairman proposed that the meeting move into private session to allow for consideration of the exempt appendices;

RESOLVED that that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of part 1 of Schedule 12A of the Act.

Exempt summary:

31. The Committee briefly discussed the legal advice provided to the project team prior to the implementation of SSSL. Mr Wild reassured the Committee that there had been nothing unlawful in KCC's actions.

Meeting re-opened to the public:

32. The Committee returned to public discussion with a Member commenting that the discussion had provided a useful insight onto both good and poor practice evidenced during the development and implementation of the current Street Lighting policy. The Member cautioned that hindsight was very useful but must be considered with care, that judgements must be made based on what information was available at the time. The Member commended the Review report, noting that it highlighted many issues and areas of improvement and that it had been well worth considering at the meeting.

33. The Chairman thanked the officers and Members attending as witnesses for their informative answers, stating that the Committee had had a productive discussion. The Chairman proposed successfully the following recommendation;

RESOLVED that the Committee notes that the development and delivery of the 2010 Street Lighting Strategy was undertaken to benefit the people of Kent and also to meet KCC's strategic objectives, including cost and carbon emission reductions.

Having examined the detailed review provided to the Committee it is noted that some of the due process could have been better observed. The Committee notes that elements such as use of Equality Impact Assessments, appropriate consultation practices and effective Member-led decision making processes could have been more robust.

The Committee recommends that the relevant governance processes be reviewed and strengthened as may be required.