

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
10 APRIL 2013 (2PM)

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Wednesday, 10 April 2013

PRESENT: Councillor Matt Wright (Chairman)

Councillors Haydn Bateman, Derek Butler, Peter Curtis, Chris Dolphin, Veronica Gay, Cindy Hinds, Colin Legg, Paul Shotton and Carolyn Thomas

SUBSTITUTES: Councillors Ian Dunbar (for Ann Minshull), Ron Hampson (for David Evans), Richard Lloyd (for Dennis Hutchinson), Hilary McGuill (for Nancy Matthews) and Mike Reece (for Joe Johnson)

APOLOGIES: Deputy Leader & Cabinet Member for Environment, Cabinet Member for Regeneration, Enterprise & Leisure and Head of Regeneration

ALSO PRESENT: Councillors: Marion Bateman, Christine Jones and Billy Mullin

REPRESENTING THE INITIATORS OF THE CALL IN: Councillors Patrick Heesom (for Deeside Partnership), Robin Guest, Richard Jones, Mike Peers, Clive Carver and Dennis Hutchinson (for Street Lighting)

REPRESENTING THE DECISION MAKERS: Leader of the Council, Director of Environment, Economic Development Manager (for Deeside Partnership), Head of Streetscene (for Street Lighting) and Team Leader, Street Lighting (for Street Lighting)

IN ATTENDANCE: Democracy & Governance Manager and Committee Officer

81. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

There were no declarations of interest.

82. CONSIDERATION OF A MATTER REFERRED TO THE COMMITTEE PURSUANT TO THE CALL IN ARRANGEMENTS

The Democracy & Governance Manager explained the procedure for the call in of a Cabinet decision.

83. NEW DEESIDE PARTNERSHIP STRUCTURE

The Chairman referred to the call in of the decision of the Cabinet, from its meeting held on 19 March 2013 on the New Deeside Partnership Structure. A call in notice had been received signed by five Members of the Council. To assist Members with their deliberations on the issue, the following documents had been circulated with the agenda:

- (a) A copy of the report considered by the Cabinet on 19 March 2013.
- (b) A copy of the Cabinet Record of Decision, Record No. 2817

- (c) A copy of the call in notice signed by Councillors P.G. Heesom, R.J.T. Guest, R.B. Jones, M.J. Peers and C.S. Carver
- (d) A copy of the Procedure for dealing with a called in item.

The Chairman invited the call in signatories to address the Committee via a spokesperson or individually to which the decision makers could respond.

Councillor R.B. Jones described the report as flawed and said that it did not consider the implications for Flintshire County Council as a whole, in concentrating on the Deeside area alone. He thought that there was not sufficient detail about financial implications, anti-poverty, environmental impact nor equalities impact on Flintshire and said that concentrating resources in one area would lead to a lack of resources elsewhere within the county.

Councillor P.G. Heesom stressed that the call in was not driven by anti-Deeside sentiments. He said that problems faced in the Deeside area were not unique to that area and that the whole county suffered similar issues. He said that the report contained little evidence to back up claims and that there were wider issues to address in Deeside such as the road Access to North Wales from England and the importance of new job opportunities for Flintshire residents. He felt that a holistic approach was needed to re-generation.

Councillor M.J. Peers said that the report was not specific about how much funding would be available to the Deeside partnership, where it would come from and for how long funds would be available. He was concerned about extra demands on officer time and resources, and commented that the report only focussed on structures and that Cabinet needed to step back and re-visit the report from a Flintshire wide perspective.

Councillor R.J.T. Guest said that the proposed structure was misleading in suggesting that existing groups were not going to continue to be involved. He said that there was no detail of any Welsh Government funding in the report and felt that many areas of Flintshire encountered difficulties and that this report was divisive.

When asked by the Leader to go through the main points of the Cabinet report, the Economic Development Manager said that the new structure would remove unnecessary tiers and was not an additional group but merely a rationalisation of what currently happened. He reported that certain issues needed to be discussed across a wider area such as congestion issues, and therefore needed a wider partnership.

The Director of Environment said that the report built upon an Executive report entitled 'Deeside Moving Forward - Turning the Tide - a strategic approach to regenerating Deeside' published in 2011 which focussed on Deeside and its areas of deprivation as well as its area of opportunity within the adjacent industrial park. It was the intention of the Cabinet report to bring together and streamline a series of structures into one cohesive whole which could make better decisions. There was no intention to undermine the work of the town centre partnerships. The Director of Environment referred to a Cabinet report from December 2012 which set out a range of funding streams available to Deeside area such as ERDF, NRA, Taith which added up to £11 million pounds.

He concluded by saying that any concerns about diverting money to Deeside were unfounded.

The Leader of the Council said that the new structure would be more strategic and efficient in that it would avoid duplication. He then referred to the Executive report dated 15 March 2011 entitled "Deeside Moving Forward - Turning the Tide - a strategic approach to regenerating Deeside" which referred to the area as being the largest area of deprivation in North Wales. The Leader of the Council acknowledged the work of the previous administration in accessing Housing Renewal Area funding and said that it was time to look forward to the opportunities afforded by the Enterprise Zone which would benefit all North East Wales. He reiterated that the focus was about targeted spending of money, specific to Deeside and not about diverting funding from other areas.

The Chairman then invited questions from Members.

Councillor V. Gay asked how much money had been spent in the Deeside area. The Director of Environment said that he could not comment on this, but had information on grants that were available in future, such as £2.3 million for Deeside Neighbourhood Renewal and £3 million ERDF which was available across all the town partnerships. The Leader of the Council reported that there was £12.2 million of regeneration funding available to Flintshire, of which 17% or £2.1 million was designated to Deeside, which was almost in proportion to the population of Deeside which represented 20% of the population of the county.

Councillor C.J. Dolphin sought clarity on the new structure diagram. The Director of Environment explained that seven committees were to be reorganised into four; Deeside Partnership; People sub group; Places sub group; Deeside Forum.

Councillor H.J. McGuill asked about the funding for the Deeside Newsletter, its circulation, costs in terms of officer time and resources. In response, the Leader said that he thought that the funding for the Neighbourhood Renewal leaflet would come from grant sources and he offered, following the meeting, to find out the source of funding for the marketing budget and inform Committee Members.

Councillor Gay proposed Option 4 of the call in procedure to refer the matter to full Council. This was duly seconded by Councillor R. Lloyd.

Councillor D. Butler said that he was in agreement with the report and proposed Option 1 of the call in procedure to accept the report. This was duly seconded by Councillor A.I. Dunbar.

On being put to the vote, Option 4 was not carried, with four votes for and nine votes against.

On being put to the vote, Option 1 was carried by nine votes for and four votes against.

RESOLVED:

That having considered the decision, the Committee was satisfied with the explanation received and so the decision could be implemented.

84. STREETLIGHTING POLICY

The Chairman referred to the call in of the decision of the Cabinet, from its meeting held on 19 March 2013 on the Street Lighting Policy. A call in notice had been received signed by five Members of the Council. To assist Members with their deliberations on the issue, the following documents had been circulated with the agenda:

- (a) A copy of the report considered by the Cabinet on 19 March 2013.
- (b) A copy of the Cabinet Record of Decision, Record No. 2826
- (c) A copy of the call in notice signed by Councillors R.J.T. Guest, R.B. Jones, M.J. Peers, C.S. Carver and H.D. Hutchinson
- (d) A copy of the Procedure for dealing with a called in item

The Chairman invited the call in signatories to address the Committee via a spokesperson or individually to which the decision makers could respond.

Councillor M.J. Peers said that he understood the proposal to employ part night lighting (part 3.10 of the Street lighting report) and the estimated savings, but felt that there was no criteria in the Policy (point 5.9) nor in the report (point 3.10) to identify which lights would be affected. He asked if the 3000 illuminated signs maintained by the Council would be suited to part lighting. Councillor Peers then referred to point 3.12 in the report which referred to unadopted lights on adopted roads or footways which should be considered to be adopted by the Council and voiced his concern at the consequent costs that would be incurred (Financial implications 5.03 of the report 'The cost of adopting the unadopted lights will be from current maintenance budgets'.) and sought clarification on this matter.

Councillor R.J.T. Guest voiced concerns about the process around the development of the Policy and report and felt it was wrong that the matter went from the Overview & Scrutiny workshop to Cabinet, without first going to an Overview & Scrutiny Committee meeting. Councillor Guest advised the Members of the Committee to opt for Option 3 and to refer the Policy and report back to Cabinet.

Councillor C.S. Carver pointed out that section 3.08 of the report stated that the most appropriate lighting system to be installed on the Council's highway network was the white light Cosmopolis option and that this should be specified in future on all new developments and utilised during any replacement or upgrade work carried out by the Council. He pointed out that the lower energy lights could not be replaced in isolation, in order to maximise the savings of part lighting/dimming. All Council lights would have to be changed which would incur additional costs. Councillor Carver said that point 3.04 of the report which related to Town and Community Council Footway lighting was in conflict with 3.12 of the report which stated that unadopted lights on adopted roads should be adopted.

Councillor R.B. Jones asked for clarification on point 5.9 of the Policy in relation to part night installations as to which roads/areas would be affected. He advised the Members of the Committee to choose Option 3 and to refer back to Cabinet.

The Head of Streetscene said that part night installations (switched off 12 midnight -6 am) would be in non residential areas subject to a new robust risk assessment, backed by local Members and Police involvement. In response to Councillor Peers' question about illuminated signs, the Head of Streetscene informed him that it was a statutory requirement to have some signs lit on the highway. In response to questions about 'unadopted' lights, he made it clear that Town and Community Council lights were not unadopted as they were adopted and maintained by the relevant Town and Community Councils who also had lighting powers on the highway. Unadopted referred to a small number (under 100) lights where there was no record of ownership and where the Council, under duty of care, had effectively adopted them. Where there were new developments, the developer would put in a Commuted Sum and pay maintenance and power for a specific period ten years prior to adoption.

The Director of Environment explained that because of the previous work done by the Member Task & Finish Group and because the feedback from the Overview & Scrutiny workshop had been so positive, it had been decided that the report would then go straight to Cabinet. He explained that the policy document sought to set out the criteria for matters such as part lighting, and not give specific details of locations.

The Leader of the Council conveyed apologies from the Deputy Leader & Cabinet Member for Environment who was unable to attend the meeting. The Deputy Leader had said that the Street lighting workshop was one of the best workshops he had ever attended. He explained that the part night lighting was one way of making efficiency savings with as little impact as possible.

Councillor C.A. Thomas asked if the part night lighting would cause more maintenance costs, thus negating the perceived energy savings. She added that she felt that her views shared at the workshop had not been taken on board. She also said that she was not aware that non residential A roads would be partly lit. The Team Leader for Street lighting said that new technology such as 'soft start' gearing enabled lights to switch on and off without causing additional wear and tear. All new electronic gearing would come with an eight year warranty and bulbs had a longer life expectancy with this technology. The Head of Streetscene said that he had a full record of comments from the workshop and was happy to share it with Members of the Committee. In response to the question about A roads, the Head of Streetscene said that the roads affected would be non residential through routes.

Councillor C.J. Dolphin asked what the target response time was for rectifying street lighting faults. The Team Leader for Street lighting said that the key performance indicator target was three days.

Councillor R. Lloyd asked how long developers of new estates had to maintain lighting equipment before it could be adopted by the Council. The Director of Environment said that the developer paid for ten years maintenance

costs but that the lights would be maintained by the Council once the lights had been brought up to adoption standard and following a twelve month maintenance period.

In summing up, Councillor Peers said that the call in could have been avoided had the Policy and report come to an Overview & Scrutiny Committee before Cabinet. He recommended that the Members of the Committee chose Option 3.

The Leader of the Council said that the Policy was a positive step to reduce light pollution. He accepted the comments about the workshop and acknowledged that it would have been helpful to discuss any issues or misunderstandings at the Overview & Scrutiny Committee meeting before going to Cabinet.

Councillor V. Gay proposed Option 2 of the call in procedure. This was duly seconded by Councillor R. Lloyd.

Councillor D. Butler proposed Option 1 of the call in procedure. This was duly seconded by Councillor A.I. Dunbar.

On being put to the vote, Option 1 had five votes in favour and five votes against. The Chair used the casting vote to vote against the proposal.

Option 2 had five votes in favour and seven votes against the proposal.

Option 3 had four votes in favour and eight votes against.

There was not a proposal to vote on Option 4, so the Committee agreed to vote on Option 2.

On being put to the vote, Option 2 was carried with 11 votes in favour and one against Option 2.

RESOLVED:

That the explanation be accepted but not endorsed by the Overview & Scrutiny Committee (Option 2).

85. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 2.00 pm and ended at 5.10 pm)

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Chairman