

# **DERBYSHIRE COUNTY COUNCIL**

## **IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES**

**24 February 2015**

### **ADDITION TO THE 2014-15 CAPITAL PROGRAMME - SPEED DETECTION EQUIPMENT– CALL-IN**

#### **Report of the Democratic and Registration Services Manager**

##### **Purpose of the Report**

To consider a call-in in respect of a report to add the purchase of speed detection equipment to the Capital Programme 2014-15.

##### **Information and Analysis**

At a meeting held on 20 January 2015 the Cabinet Member – Highways, Transport and Infrastructure, considered and approved a report of the Strategic Director for Economy, Transport and Environment relating to the purchase of speed detection equipment. The report sought approval to transfer funds (£25,400) to the Capital Programme 2014-15 and to then make a grant for the same amount to the Police and Crime Commissioner for Derbyshire for the purchase and maintenance of speed detection equipment. The equipment will be used by the Police to support the speed Management Protocol of the Derby and Derbyshire Road Safety Partnership. The key aim of the protocol is to reduce the number of people killed or seriously injured on Derbyshire's roads. Both Derbyshire County Council and the Police are members of the partnership. A copy of the report is attached as Appendix 1.

In accordance with the provisions of the County Council's Constitution, Councillors Spencer, Lewis, Morgan and Atkins, have asked that the decision be called in and reviewed by this Committee. Their stated reason for calling-in the decision is that the "report fails to meet the criteria of decision making set out in paragraph 15(2) (e) - clarity of aims and desired outcomes."

Section 15(2) of the Council's Constitution stipulates that all decisions of the Council will be made in accordance with the following 5 principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of advice from officers;

- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

Under the Improvement and Scrutiny Procedures Rules, also contained in the Constitution, provision is made for decisions to be called-in where “Members have evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in Article 15 (decision-making).” The Constitution states that call-in should only be used in “exceptional circumstances”. The Director of Legal Services, upon being satisfied that the call-in request has been submitted in a valid format and in line with the requirements of the Constitution, is required to notify the decision maker and inform the Chair of the appropriate Improvement and Scrutiny Committee. Where a decision has been called-in, no action must be taken to implement the recommendations until the matter has been considered by the Committee.

The Committee will need to determine whether or not the decision about the purchase of speed detection equipment adheres to the 5 principles of decision-making detailed above. If having considered the matter the Committee is satisfied that the principles have been followed, the decision can be implemented.

If the Committee has concerns about the decision, it may:

- refer the decision back to Cabinet Member for reconsideration;
- or
- refer the matter to Full Council.

The Committee must state in writing the nature of the concerns regarding the decision.

Having liaised with the Chair of the Committee it is proposed to conduct the review of this call-in request as detailed below:

- The Members who submitted the call-in request will collectively present their arguments as to why they consider the decision has breached the principles of decision-making as set out in the Constitution.
- Appropriate Cabinet Members and officers involved in the decision will present their arguments in support of the decision.

- Members of the Committee will have the opportunity to question both those calling-in the decision and the Cabinet Members and officers in attendance.
- The Committee will deliberate and if possible, come to a decision on the matter. The Committee may, if it considers it be necessary, defer a decision on the matter to allow for further information to be provided or if it wishes to interview other Members or officers.

The Chair may set time limits on those addressing the Committee.

As with all Scrutiny investigations, the call-in process should be inquisitorial not adversarial.

## **OFFICER'S RECOMMENDATIONS**

To consider the call-in of the decision to add the purchase of speed detection equipment to the Capital Programme 2014-15 which was approved by the Cabinet Member for Highways, Transport and Infrastructure on 20 January 2015.

**Roy Ackrill**  
**Report of the Democratic and Registration Services Manager.**

Agenda Item No. 4(e)

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER - HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**20 January 2015**

Report of the Strategic Director – Economy, Transport and Environment

**ADDITION TO THE 2014-15 CAPITAL PROGRAMME – SPEED  
DETECTION EQUIPMENT**

(1) **Purpose of Report** To seek the Cabinet Member's approval to add the purchase of calibrated speed detection equipment to the Capital Programme 2014-15 and to make grants to the Police and Crime Commissioner for Derbyshire for the purchase of calibrated speed detection equipment and maintenance of the equipment for a three year period.

(2) **Information and Analysis** Over a quarter of collisions where people are killed or seriously injured in Derbyshire are speed related and, therefore, many injuries could be avoided if drivers thought more about their speed. This is a clear priority for the Derby and Derbyshire Road Safety Partnership given the direct link between speed and collisions as evidenced by speed's inclusion in the 'Fatal 4,' which are the four main causes of death on the roads, namely speed, drink, not wearing a seat-belt and using mobile phones whilst driving. The Partnership is currently working on a Speed Management Protocol. This will be more effectively implemented with the purchase of the handheld speed detection equipment proposed in this report as it will enable local Police to carry out more speed enforcement; which is one of the Protocol's main objectives.

Purchase of the speed detection equipment will also enable the Police to increase the amount of time spent on speed education/enforcement across the County and provide the opportunity to conduct speed operations on a wider selection of routes where there is evidence of a high collision. This additional activity should reduce accidents and lessen the severity of injuries by influencing driver behaviour. The purchase of the speed detection equipment would also allow Police officers to carry out speed enforcement work on more routes, in direct response to community concerns about speed on local roads, thereby helping the Partnership to show that it is listening to the community.

The purchase of the equipment will ensure that sufficient equipment is available for use by the Police to carry out speed enforcement work. It is proposed that the Public Sector Agreement 2 funding (PSA2), which is only for use across Derbyshire County Council, be used to purchase the equipment. This is funding which was awarded to the County Council from Central Government for meeting its 2008 road safety targets.

The project will be overseen by the Head of Roads Policing, Derbyshire Police and administered on a day to day basis by the Police's Casualty Reduction Enforcement Support Team (CREST). CREST will provide training for officers, monitor offences detected and time spent on enforcement work and will also oversee the roll out and regular checks of the equipment. The equipment will primarily be used to enforce on 'priority routes', which are roads allocated to local section officers as part of the Partnership's new Top 100 Priority routes approach, which aims to reduce the numbers of drivers speeding. Without the equipment, the Partnership will not be able to deliver on the commitment it has given to communities to make roads safer and tackle their complaints of speeding.

Enforcement by the local Police sections will supplement the enforcement work already undertaken by CREST and Roads Policing officers. The equipment is required urgently as the Priority Routes were launched on 1 October 2014 and to date, some sections do not have the ability to enforce on their allocated routes. Updates on speed enforcement work will be provided by CREST as required by the Partnership and Derbyshire County Council. This will be an ongoing project whilst ever speed remains a road safety priority.

Only Police trained staff who are able to use the equipment in a legally enforceable capacity. The Police have experience in procuring such equipment, therefore it has been agreed that the Police will organise the purchase and distribution of the equipment.

**(3) Financial Considerations** The purchase of the calibrated speed detection equipment is £18,900 plus VAT. The cost of a contract for the maintenance and calibration of the equipment for 3 years is £6,500.

The combined cost of £25,400 for the equipment and maintenance agreement can be met from the PSA2 Reward earmarked reserve. Of this £25,400, a Revenue Contribution of £18,900 will be made to Capital to fund the purchase of the speed detection equipment.

**(4) Legal Considerations** The County Council, as the local traffic authority for Derbyshire, sets and reviews speed limits on local roads. The Police and the County Council are each partners within the Derby and Derbyshire Road Safety Partnership, which works to reduce deaths and

injuries on the county's roads through education, road improvements and policing.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Claire Molyneux, extension 38573.

(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

- 9.1 Approves the purchase of hand-held speed detection equipment to be added to the Capital Programme 2014-15.
- 9.2 Approves the Grant of £18,900 for the purchase of speed detection equipment to the Police and Crime Commissioner for Derbyshire.
- 9.3 Approves the award of a Grant of £6,500 to fund the maintenance and calibration of the speed detection equipment for three years to the Police and Crime Commissioner for Derbyshire.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**