

Report title: Part Night Lighting Scheme Funded by Basildon Borough Council	
Report to: Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
Report author: Andrew Cook, Director, Highways and Transportation	
Date: 29 October 2019	For: Decision
Enquiries to: Deana James, Business Planning Manager, Essex Highways Commissioning email deana.james2@essex.gov.uk	
County Divisions affected: All Divisions within Basildon	

1. Purpose of Report

- 1.1 ECC adopted a part night lighting policy in 2013. Under this policy as it currently applies, most street lights are switched off between 1am and 5am. However, Basildon Borough Council have requested to enter into a new agreement under which it pays for all the ECC owned and maintained street lights in Basildon to be lit all night.
- 1.2 This report asks the Cabinet Member to agree that the Council should enter into a new agreement with Basildon Borough Council to suspend the part night lighting policy for the period 31 October 2019 to 31 March 2020.
- 1.3 Basildon Council have also indicated its intention to enter into a further 4 year agreement which will then be signed for the period 1 April 2020 to 31 March 2024 and this report seeks authority to enter into this, if Basildon decides that it wishes to honour this intention.

2. Recommendations

- 2.1 Agree to enter into an agreement covering the period to 31 March 2020 with Basildon Borough Council, in a form agreed by the Director, Highways and Transportation, under which the Council will agree to leave all ECC owned and maintained street lights in the borough of Basildon lit all night with the additional cost being met by Basildon Borough Council during the period 31 October 2019 to 31 March 2020.
- 2.2 Agree that the Council will, if requested by Basildon BC, enter into a further agreement for the period 1 April 2020 to 31 March 2024 subject to a review of the charge on 1 April 2020 and every year thereafter.

3. Summary of issue

- 3.1 Following a successful pilot in Maldon and Uttlesford, ECC agreed a policy of part night lighting in 2013 as a way to reduce energy costs and carbon emissions. The policy was introduced between 2013 and 2014.
- 3.2 ECC has always recognised that District/Borough Councils are best placed to assess whether there is strong public support for all night lighting in their area and may, on amenity grounds, wish to reflect local wishes for this amenity – that way local people can assess whether the additional expenditure is justified given the competing demands for scarce public resources.
- 3.3 Harlow District Council entered into a similar agreement in October 2015 under which they funded all night lighting in their District. This has operated successfully, and Harlow have recently renewed the agreement. Basildon Borough Council would now like to enter into a similar arrangement.
- 3.4 Whilst Basildon Borough Council will need to fund the additional cost for reintroducing full night lighting, ECC will continue to have statutory responsibility for the service and will meet the current costs of the service, Basildon will be paying the extra costs – this will work in the same way the Harlow agreement works.
- 3.5 The terms of the agreement would be as follows:
- The arrangements will apply on a district-wide basis, to all ECC owned street lighting in the district concerned – Basildon Borough Council will not be able to request that only specific lights and / or areas remain on all night.
 - The cost will be payable quarterly in advance
 - The payment will be adjusted annually on 1 April to reflect any changes in costs or in the number of lights in Basildon.
- 3.6 The initial agreement will last until 31 March 2020. Basildon have given an informal commitment to enter into a new agreement covering a four year period from 1 April 2020 to 31 March 2024. However, Basildon is not currently prepared to give a legal commitment to a four-year agreement until it has set its budget for 2020/21.
- 3.7 The annual cost of this agreement payable by Basildon is £275,921.54 at 2019/20 prices. The amount payable in 2019/20 will be reduced to reflect that the agreement will only last part of the year and there will need to be an adjustment in April 2020 to reflect any changes in costs or forecast consumption.

4. Options

4.1 Option 1:

4.1.1 Approve the new agreements between Basildon Borough Council and ECC

4.1.2 This will enable the authority to work collaboratively with Basildon Borough Council and enter into a new arrangement whereby Basildon funds the energy costs to support all night lighting locally, on amenity grounds.

4.2 Option 2:

4.2.1 Do nothing. The current part night lighting policy will continue to apply in Basildon as it applies across the rest of Essex. This would avoid an increase in electricity usage and align with the Council's policies but would deny Basildon Borough Council's request to fund this part of the service which they feel is justified expenditure.

5. Issues for consideration

5.1 Financial implications

5.1.1 The calculated additional cost of keeping the street lights on all night in Basildon is £275,921 per annum. For 2019/20 Basildon District Council have agreed to pay the £115,791 cost for the energy to be used between 31st October 2019 and the 31st March 2020. The payment is reviewed annually and can be adjusted to allow for:

- any increase or decrease in the cost of supplying energy to a Light in the Borough
- any additional cost which Essex (rather than Basildon Borough Council) should incur as a direct result of any changes made by Essex to its Part Night Lighting Policy or exemption criteria
- any changes to the number of Lights in the District/Borough that do not meet the exemption criteria
- any change in Climate Change Levy or the introduction or withdrawal of any charge or tax which directly affects the costs of illuminating the Lights in the District/Borough during the Dark Period

Essex County Council maintain the responsibility and full cost for ensuring all street lights within Basildon are maintained and as and when repairs are required these will be performed in line with our existing maintenance policy. Should the energy price or consumption increase during the year Essex County Council maintain the risk of any cost escalation.

5.2 Legal implications

5.2.1 The Council can lawfully enter into these agreements. It should be noted that there is no guarantee that this arrangement will last beyond 1 April 2020. The Council is required to have regard to the impact on crime and disorder of its

decisions but research has not identified any link between part night lighting and levels of crime.

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7. List of appendices

- 7.1 Equality impact assessment

8. List of Background papers

- 8.1 Basildon Street Lighting Agreement

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Cabinet Member for Infrastructure	04/11/19

In consultation with:

Role	Date
Director, Highways and Transportation	18/10/19

Andrew Cook	
Executive Director for Finance and Technology (S151 Officer)	04/11/19
Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	29/10/19
Paul Turner	