

Report title: Overriding the Part Night Lighting Scheme Funded by Harlow District Council	
Report to: Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
Report author: Andrew Cook, Director, Highways and Transportation	
Date: 29 August 2019	For: Decision
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County Divisions affected: All Divisions within Harlow	

1. Purpose of Report

- 1.1 The Council adopted a part night lighting policy in 2013. Under this policy as it currently applies, most streetlights are switched off between 1am and 5am. However, Harlow District Council has had an agreement under which it pays for all the lights in Harlow to be lit all night. That agreement expires on 30 September 2019 and now needs to be renewed.
- 1.2 This report asks the Cabinet Member to agree that the Council should enter into a new agreement.

2. Recommendations

- 2.1 Agree to enter into an agreement with Harlow District Council in a form agreed by the Director, Highways and Transportation under which the Council will agree to leave all street lights in the district of Harlow lit all night with the additional cost being met by Harlow District Council during the period 1 October 2019 to 31 March 2023.

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 The Council has always recognised that District 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 an agreement in October 2015 under which they funded all night lighting in Harlow until 30 September 2019.

- 3.4** This has operated successfully, and Harlow District Council wishes to continue the arrangement.
- 3.5** Whilst Harlow District Council will need to fund the additional cost for reintroducing full night lighting, ECC will continue to be responsible for the cost of lighting and will retain full control over the service.
- 3.6** The terms of the agreement would be as follows:
- The agreement will be for a fixed duration of 3 years 6 months.
 - This agreement will apply on a district-wide basis, to all ECC owned street lighting in the district concerned – Harlow District Council will not be able to request that only specific lights and / or areas remain on all night.
 - The Payment for the period from the Commencement date to 31 March 2020 (due in accordance with clause 2.3) shall be half the full year Payment referred to in paragraph 1 above. The payment for the final year of this agreement will be subject to a pro rata adjustment if it terminates on a date other than 31 March.
 - The cost will be payable quarterly in advance
 - The payment will be adjusted to reflect any changes in costs or in the number of lights in Harlow.
- 4. Options**
- 4.1 Option 1:**
- 4.1.1** Approve a new agreement between the District and ECC which allows Harlow Council to fund the additional costs incurred to restore street lighting during the hours of 1am and 5am six days a week and between 12am and 5am on a Sunday night/Monday morning from 1 October 2019.
- 4.1.2** This will enable the authority to continue working collaboratively with Harlow District Council and extend the current arrangement whereby Harlow District Council funds the energy costs to support all night lighting locally, on amenity grounds.
- 4.2 Option 2:**
- 4.2.1** Do nothing. The current agreement with Harlow District Council ends in September 2019 and if not renewed part night lighting will apply in Harlow as it applies across the rest of Essex.

5. Issues for consideration

5.1 Financial implications

- 5.1.1** The current estimated cost of keeping the street lights on all night in Harlow is £149,095. The proposed agreement ensures that Essex County Council will recoup the actual cost of the electricity once the actual consumption and electricity rate are known. This ensures that Essex County Council will not subsidise the energy cost of keeping the street lights on for longer in Harlow.

5.2 Legal implications

- 5.2.1** It is lawful to enter into this agreement if ECC and HDC both wish to do so. There is no duty to provide street lighting and where street lighting is provided there is no duty to keep it lit all night.

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** Harlow Street Lighting Agreement

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	25 September 2019

In consultation with:

Role	Date
Director, Highways and Transportation Andrew Cook	25 September 2019
Executive Director for Finance and Technology (S151 Officer) Nicole Wood	23 September 2019
Director, Legal and Assurance (Monitoring Officer) Paul Turner	29 August 2019