

<b>Report title:</b> Part Night Lighting Scheme Funded by Epping Forest District Council	
<b>Report to:</b> Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
<b>Report author:</b> Andrew Cook, Director, Highways and Transportation	
<b>Date:</b> 4 November 2019	<b>For:</b> Decision
<b>Enquiries to:</b> Deana James, Business Planning Manager, Essex Highways Commissioning email <a href="mailto:deana.james2@essex.gov.uk">deana.james2@essex.gov.uk</a>	
<b>County Divisions affected:</b> All Divisions within Epping Forest District	

## **1. Purpose of Report**

- 1.1** ECC 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, Epping Forest District Council have requested to enter into a new agreement, under which identified Parishes, pay for ECC owned and maintained street lights within the Epping District 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 Epping Forest District Council to suspend the part night lighting policy for those Parishes that have committed to sign up to the new agreement. This change of practice will be a Parish level approach with Epping Council managing the agreement and Parish payments to ECC.

## **2. Recommendations**

- 2.1** Agree to enter into an agreement with Epping Forest District 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 within the Parishes identified by Epping Forest District Council lit all night during the period 1 December 2019 to 31 March 2023.
- 2.2** The full additional energy costs will be met by Epping Forest District Council.

### **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 the agreement has recently been renewed.
- 3.4** Epping Forest District Council would now like to enter into a similar arrangement but instead adopting a Parish level approach.
- 3.5** Initially the agreement will only apply in the Chigwell parish. However, there would be an annual opportunity at the start of each financial year for Epping Forest District Council to add additional Parishes to the agreement and the annual individual Parish cost will be reviewed and produced in April by ECC. Once a parish has been added it will remain lit all night until the end of the agreement.
- 3.6** It is understood that Epping Forest proposes to pass on the costs to parish and town councils, but that is beyond the scope of this agreement and the district council will have to pay regardless of whether or not it does so. Whilst Epping Forest 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.
- 3.7** The terms of the agreement would be as follows:
- The agreement will be for a fixed duration until 31 March 2023.
  - This agreement will apply to all ECC owned street lighting within the Parishes that have been formally identified by Epping Forest District Council. Street lights in other Parishes will remain subject to the current part night lighting arrangements.
  - The Payment for the period from the Commencement date to 31 March 2020 (due in accordance with clause 2.3) shall be a pro rata Payment of the full year cost. 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 and annual individual parish costs will be reviewed and produced in April by ECC

- The payment will be adjusted annually to reflect the addition of any new Parishes adopting the agreement, any changes in costs or in the number of lights in Epping Forest.
- Parishes can be added to the arrangement at the start of a financial year but they cannot leave other than at the end of the agreement.

#### **4. Options**

##### **4.1 Option 1:**

- 4.1.1** Approve a new agreement between the District and ECC which allows Epping Forest District 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 within the Parishes identified by Epping Forest District Council.
- 4.1.2** This will enable the authority to work collaboratively with Epping Forest District Council and enter into a new arrangement whereby Epping funds the energy costs to support all night lighting, within identified Parishes, who have signed up to the agreement on amenity grounds.

##### **4.2 Option 2:**

- 4.2.1** Do nothing. The current part night lighting will continue to apply in Epping Forest as it applies across the rest of Essex.

#### **5. Issues for consideration**

##### **5.1 Financial implications**

- 5.1.1** The current cost of keeping the street lights on all night in Chigwell is £16,943 per annum. The part payment for commencing this operation in 2019/20 will be confirmed once an agreed start date for this proposal has been set. 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 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 Epping Forest 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. 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 characteristic.

## **7. List of appendices**

- 7.1** Equality impact assessment

## **8. List of Background papers**

- 8.1** Draft Epping Forest Street Lighting Agreement

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
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<b>Councillor Kevin Bentley, Cabinet Member for Infrastructure</b>	29 November 2019
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**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Director, Highways and Transportation</b>  <b>Andrew Cook</b>	29 October 2019
<b>Executive Director for Finance and Technology (S151 Officer)</b>  <b>Nicole Wood</b>	29 November 2019
<b>Director, Legal and Assurance (Monitoring Officer)</b>  <b>Paul Turner</b>	4 November 2019