

**Open Report on behalf of Richard Wills,
Director responsible for Democratic Services**

Report to:	Executive
Date:	05 June 2018
Subject:	Impact of the Part Night Street Lighting Policy Scrutiny Review – Final Report
Decision Reference:	N/A
Key decision?	No

Summary:

On 26 April 2018, the Overview and Scrutiny Management Board approved the attached scrutiny report on the 'Impact of the Part Night Street Lighting Policy Scrutiny Review' for submission to the Executive. The report makes a total of five recommendations. The Executive is requested to receive the report and make arrangements for responding to the report by 5 September 2018. This is to comply with the legal requirement contained in the Local Government Act 2000 section 9FE requiring the Executive to respond within two months.

Recommendation(s):

- 1) That the Executive consider the scrutiny review on Impact of the Part Night Street Lighting Policy
- 2) That the Executive make arrangements to respond to the report by 5 September 2018. The Executive is requested to ask the relevant Executive Councillor:
 - (a) to indicate in the response which recommendations have been accepted; and
 - (b) where recommendations are accepted, to bring forward an action plan for their implementation.

Alternatives Considered:

The Executive is legally required to respond to the report within two months. The Executive has the option to accept or not accept each of the recommendations included in the report.

Reasons for Recommendation:

To comply with the legislative and constitutional requirement on the Executive to consider and respond to reports from overview and scrutiny committees within two months.

1. Background

The Overview and Scrutiny Management Board agreed at its meeting on 27 July 2017 to undertake a scrutiny review on the Impact of the Part Night Street Lighting Policy. The purpose of the scrutiny review was to look at the impact of the change in the Street Lighting Policy to turn street lights off in certain areas at midnight. The review considered a number of different areas where there may have been an impact, either positive or negative, as a result of this change.

The main lines of enquiry for the scrutiny review were as follows:

1. To consider key national and local documents and guidance in relation to the Part Night Street Lighting Policy.
2. To examine the impact of switching off street lights at midnight on different areas such as on the environment; crime rates; fears about safety and crime; emergency services; health and public health services.
3. To consider data and substantiated evidence, such as crime rate figures, accident data, complaint figures, and exemption requests, regarding the impact of the Part Night Street Lighting Policy.
4. To consider the wider economic impact of Part Night Street Lighting on business, including the impact on the night time economy.
5. To invite the views of members of the public, County Councillors, district councils and parish/town councils regarding the perceived impact on crime rates, and fears of crime and safety.
6. To conduct comparisons with other Local Authorities who have also changed their street lighting policy to incorporate part night lighting.
7. To investigate potential savings or cost implications arising from any proposed changes to the Part Night Street Lighting Policy within the allocated budget.

The attached report on Impact of the Part Night Street Lighting Policy Scrutiny Review was approved by the Overview and Scrutiny Management Board at its meeting on 26 April 2018.

The report reflects the work of one of the Council's Scrutiny Panels, which comprised of eight non-Executive Councillors. The membership of the Scrutiny Panel comprised Councillor(s): Mrs A M Newton (Chairman), S R Kirk (Vice-Chairman), G E Cullen, D McNally, P A Skinner, A N Stokes, M J Storer and Mrs R H Trollope-Bellew.

The review considered a number of different areas where there may have been an impact, either positive or negative, as a result of the change to part night lighting

and includes five recommendations based on its findings where improvements could continue to be made.

The Executive is invited to consider the report and assign responsibility to the relevant Executive Councillor for responding to the report. The formal response will be considered at a future meeting of the Overview and Scrutiny Management Board.

As part of its response, the Executive is requested to indicate to the Overview and Scrutiny Management Board which recommendations in the report are accepted. Where recommendations are accepted, there is also a request for an action plan, showing what steps are being taken to implement the recommendations, with projected timescales, where possible. This will enable the Overview and Scrutiny Management Board to monitor the implementation of any actions arising from the report.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having

due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The Scrutiny Review Report contains data and feedback concerning the impacts of the existing policy including analysis of the feedback in terms of age as a protected characteristic.

This data and feedback should be considered by the Executive in responding to the Report.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The Scrutiny Review Report contains data and feedback concerning the impacts of the existing policy including its impact on the health and wellbeing of residents.

This data and feedback should be considered by the Executive in responding to the Report.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The Scrutiny Review Report contains data and feedback concerning the impacts of the existing policy including its impact on crime and anti-social behaviour and fear of crime and anti-social behaviour.

This data and feedback should be considered by the Executive in responding to the Report.

3. Conclusion

In accordance with section 9FE of the Local Government Act 2000 this Report constitutes notice from the Overview and Scrutiny Management Board requiring the Executive to consider the Impact of the Part Night Street Lighting Policy Scrutiny Review report and to provide and publish a response to the Board indicating what, if any, action the Executive proposes to make. The Executive is requested to make arrangements to respond to the report by 5 September 2018.

4. Legal Comments:

The Report introduces the results of a scrutiny review on the Impact of the Part Night Street Lighting Policy. The Report is submitted under section 10 of the Overview and Scrutiny Procedure Rules in the Constitution. The Report contains a notice from the Overview and Scrutiny Management Board under section 9FE of the Local Government Act 2000 and the Executive is required by section 9FE(5) of that Act to comply with the requirements specified in the notice.

5. Resource Comments:

There are no significant financial implications arising from the recommendations in this report, i.e. for the Executive to review the report and make arrangements to respond to it. Financial implications may arise subject to the Executive Councillor subsequently accepting recommendations included in the report and the action plan that is developed. Any such implications will be dealt with, as required, through the normal budget setting process.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The final report on the Impact of the Part Night Street Lighting Policy Scrutiny Review was considered and approved at the meeting of the Overview and Scrutiny Management Board on 26 April 2018.

In addition, the following comments were highlighted by the Overview and Scrutiny Management Board for consideration by the Executive.

- One member of the Board suggested that people, in general, were not used to the dark anymore and that crime was only one factor to be considered;

- Concern was noted in relation to shift workers who had very early starts or very late finishes. This was acknowledged but the cost to make alterations were significant and it would be near impossible to identify where shift workers lived and which lights should be extended; It was suggested that options should be given to Parish Councils to have the flexibility to request changes to the timings but at their own cost as part of Recommendation 5;
- One member mentioned the health benefits of turning the street lights off as the dark helped to produce melatonin which was required to help the brain recognise when it was time to sleep and time to wake. Many people suffer from sleep deprivation and it was suggested that excessive lighting at night may be a factor;
- The Board was advised that a study had been undertaken by Exeter University which suggested that areas lit by LED lamps (blue light) were at risk of serious health issues, particularly men who were reportedly twice as likely to develop prostate cancer and women who were 1.5 times as likely to develop breast cancer due to the effect of blue light on melatonin. This issue had been specifically considered and, as a result, warmer white lights were used in residential areas and blue light LED lights only on traffic routes;
- Since the implementation of the scheme, it was reported that the habits of some parishioners had changed which, in turn, was affecting churches. Midnight mass had been moved, in some areas, to 10.00pm to allow the congregation to walk home safely;
- Liaison between the police and Student Union and pensioner groups was encouraged in order to promote street safety at night;
- A percentage breakdown of crime between the hours of midnight and 6.00am was requested. Members were advised that this data was available from Lincolnshire Police but that the part-night street lighting had not been in place long enough to compare the correlation between crime in those areas since the switch-off. It was agreed that this would be presented on a rolling basis.

The Overview and Scrutiny Management Board agreed that the report was a very good piece of scrutiny work and one which would be advocated to the Executive.

d) Have Risks and Impact Analysis been carried out?

N/A

e) Risks and Impact Analysis

N/A

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Review of Impact of the Part Night Street Lighting Policy – Final Report

8. Background Papers

The background papers within Section 100D of the Local Government Act 1972 used in the preparation of this report are the Background Information items described in the Scrutiny Review Report.

This report was written by Daniel Steel, Scrutiny Officer, who can be contacted on 01522 552102 or Daniel.Steel@lincolnshire.gov.uk .

This page is intentionally left blank