

**Open Report on behalf of Andy Gutherson, Interim Executive Director
for Place**

Report to:	Councillor R G Davies, Executive Councillor for Highways, Transport and IT
Date:	Between 25 January 2019 and 1 February 2019
Subject:	Street Lighting Policy 2019 – Including actions from Part Night Street Lighting Scrutiny Review
Decision Reference:	I017223
Key decision?	Yes

Summary:

In 2018 a Scrutiny Review into the Impact of the Part Night Street Lighting Policy resulted in a number of recommendations. This report proposes an updated Street Lighting Policy for consideration; taking into account the relevant recommendations from the Scrutiny Review.

Recommendation(s):

That the Executive Councillor for Highways, Transport and IT approves the updated Street Lighting Policy attached at Appendix A.

Alternatives Considered:

To reject the proposed amendments to the Street Lighting Policy; which includes a Protocol for Reversal of Part Night Lighting and a list of Part Night Lighting Exemption Sites. However this would go against recommendations of the 2018 Scrutiny Review into the Impact of Part Night Lighting.

Reasons for Recommendation:

To address the recommendations of the 2018 Scrutiny Review into the Impact of Part Night Lighting.

1. Background

In April 2018, a Scrutiny Review into the Impact of the Part Night Street Lighting Policy made a number of recommendations which were subsequently accepted by the Executive. The following two recommendations impact upon the Street Lighting Policy:

- That the Executive considers formalising the list of exemption sites as part of the County Council Street Lighting Policy and include an additional exemption for community public access defibrillator sites where requested by local communities.

- That the Executive considers the County Council developing an appropriate protocol to enable local communities (through Town/Parish/District Councils) to financially support street lighting to be upgraded to LED and reinstated to full night operation on request as part of routine maintenance.

As these two recommendations have been considered and accepted by the Executive, they have therefore resulted in a review of the existing Street Lighting Policy.

In addition, the opportunity has been taken to update the Policy for other matters.

The principal amendments incorporated in the proposed updated Policy – shown in Appendix A to this paper – are the inclusion of a number of Annexes:

- Protocol for reversal of part-night lighting (this is a newly created Annex to address the recommendations of the Scrutiny review)
- Exemptions to Part Night Lighting (this is a newly created Annex to address the recommendations of the Scrutiny review)
- Street lighting design standards (this is an existing document which is Annexed to the Policy for the first time to aid understanding of the Policy. It includes the list of exemptions from part-night lighting)
- Protocol for future switch offs and subsequent removal (this is a newly created Annex)
- Protocol for permitting of attachments to street lighting assets (this is an existing document attached to the Policy for the first time to aid understanding of the Policy).

As the Annexes to the Policy (other than Annex 2) are matters of process rather than policy, it is proposed that in future they will be revised and updated as necessary by officers. The Policy itself, which enables the Annexes, together with Annex 2) would still be a matter for member approval.

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

<p>The original Equality Impact Analysis (EIA) for the Street Lighting Transformation Project (which implemented the current Street Lighting Policy) has been reviewed as part of the review of the Policy. It is considered that the content of the original document stills stands, particularly as it made reference to evaluation and monitoring of the original project, which has been carried out through the Scrutiny Review.</p>

Under Annex 1 to the proposed updated Street Lighting Policy, applications for the reversal of part night lighting will be expected to include an EIA with their application. This is to confirm that the impact on persons with protected characteristics (ref: Equality Act 2010) of any decision to reverse part night lighting has been considered by the people or organisations proposing the reversal. The requirement for an EIA will become part of the application pro-forma. The EIA carried out by the applicant will be considered by the street lighting team against the County Council's own Equality Act duties before a request for reversal is actioned.

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

Consideration has been given to the JSNA and the JHWS and their principles are reflected in the addition to the exemptions in Annex 2 to the Policy and the Protocol for reversal of Part Night lighting in Annex 1.

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 2018 Scrutiny Review into the Impact of Part Night Lighting received input from Lincolnshire Police. Recommendations from that review made using that input from Lincolnshire Police are now being implemented.

3. Conclusion

Following consideration of the report by the Scrutiny Committee, the Executive Councillor is requested to consider and approve the updated Street Lighting Policy attached at Appendix A which reflects the recommendations of the Scrutiny Review

4. Legal Comments:

The Council has the power to adopt the recommended changes to the Policy.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor

5. Resource Comments:

Approving the Street Lighting Policy as set out in this report, should have no material impact on the Council's budgets. The collection of income required as part of the administration of the scheme will be undertaken by an agreed budget holder within the service.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The report will be considered by the Highways and Transport Scrutiny Committee at its meeting on 21st January 2019. The comments of the Committee will be reported to the Executive Councillor prior to the decision being taken

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

See the body of the Report

7. Appendices

These are listed below and attached at the back of the report

Appendix A	Proposed New Street Lighting Policy and Annexes
------------	---

8. Background Papers

Document title	Where the document can be viewed
Part Night Street Lighting Scrutiny Review	https://www.lincolnshire.gov.uk//Download/112493
Existing/Prevailing LCC Street Lighting Policy	https://www.lincolnshire.gov.uk//Download/100836
Executive Councillor Decision I011656 July 2016 (including EAI)	http://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?Id=308

This report was written by John Monk, who can be contacted on 01522 552394 or john.monk@lincolnshire.gov.uk .