

ANNEX 2: Due Regard Statement

Please use this statement to evidence how ‘due regard to’ the three aims of the public sector equality duty has been made (section 149 of the Equality Act 2010) during the development of the ‘policy’.¹

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the ACT;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic

Name of the ‘policy’:	Street Lighting – LED Replacement and Term Maintenance Contract
Person(s) responsible for completing this statement	Peter Wiggins, Outcome Manager – Community Services, Commissioning
Briefly describe the activity being considered including aims and expected outcomes	<p>To procure a contract for the term maintenance of the council’s street lighting, signs and bollards and investment in LED lighting, to provide efficient street lighting services that deliver financial and carbon savings in line with the Council’s Medium Term Financial Strategy, Carbon Management Plan and Transport Asset Management Plan.</p> <p>The contract will be for 12 years with an estimated value of £35m.</p> <p>LED street lighting technology is now a mainstream solution, in which manufacturers have invested heavily. It is considered the next step in street lighting technology by highway authorities up and down the country, with several large schemes underway. Benefits include:</p> <ul style="list-style-type: none"> • Up to 50% reduction in energy usage, and can be dimmed to any level of light output with a corresponding decrease in energy use. In contrast, the dimming of conventional street lighting to 50% on traffic routes has only reduced energy use by 35%; • Low maintenance – 70% reduction in street light lamp maintenance costs;

¹ For ‘policy’: any new and existing policy, strategy, services, functions, work programme, project, practice and activity. This includes decisions about budgets, procurement, commissioning or de-commissioning services, service design and implementation.

	<ul style="list-style-type: none">• Better quality of light (more like daylight);• Fewer faults; and• Less light pollution (focused lighting). <p>Through market analysis we think LED replacement would probably be over 3-5 years, with implementation able to be accelerated if resources are available to maximise the benefits, or slowed if required, following:</p> <ul style="list-style-type: none">• Residential areas then traffic routes• Gloucester and Cheltenham, then market towns, then rural areas <p>LED street lighting can be dimmed in 2 ways: by pre-programmed dimming, which can only be changed by revisiting the street light; or through a Central Management System (CMS), already used in some areas of Gloucester and Cheltenham, giving:</p> <ul style="list-style-type: none">• Central control via a website – the entire estate can be managed through a laptop;• Remote multi-stage dimming or switch-off;• Informed faults – replaces inspections and reliance on public reporting failures; and• Consumption monitoring and potential for metering – less risk and better energy rates. <p>Procurement option to include for investment in Central Management System (CMS) coverage for Gloucester, Cheltenham and market towns (c.75% coverage).</p>
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Documenting use of sufficient information

Please document below the data and information sources that you have used to understand the needs, participation and experiences of each protected group. Evidence must be gathered as the policy is developed and used to inform decisions.

Service user data

Service user data is an important source of evidence and should be collated as part of routine monitoring of in- house or external services. If service user data is not available record 'not known' and use the action plan to identify what improvement actions will be used to gather data going forward.

[Service user diversity reports](#) are available on our website and give an indication of service user participation across commissioning areas, for example adult residential services and youth services. It does not include participation data at individual service level.

Needs analysis

[Gloucestershire population demographics](#) data is available to understand the representation of different protected groups across the county and help with needs analysis. Data like this may also be also useful for benchmarking to identify under or over representation of a service by any of the protected groups. For example, a service is open to all residents and from monitoring you know that 2% of service users are disabled: However, demographic data indicate that 16.7% of Gloucestershire residents report having a disability or long term limiting illness. This finding can be used to explore if there are barriers to participation by residents with disabilities and how this can be addressed as part of the development of your 'policy'.

Data gaps

You may find that you have more information about some of the protected groups for example, gender, age, disability and less about others, for example, sexual orientation and religion and/or belief. If data is not available and you intend to start collating data about a protected characteristic please use the action plan to outline how this data will be collated. You can find equality monitoring guidance on our [website](#) including an equality monitoring template.

If you have no plans to start collating data about a protected characteristic please state the rational why.

Service information (if applicable) or Needs analysis (if applicable)

Who is responsible for delivering the service?	The existing Term Maintenance contract is delivered by SSE Contracting Ltd, managed by the council's Street Lighting service. A new contract is being procured for the term maintenance of the council's street lighting, signs and bollards and investment in LED lighting.
Service user data/Needs analysis information taken from Gloucestershire Equalities Profile 2014	

Age	<p>Among residents in Gloucestershire, 2012:</p> <ul style="list-style-type: none"> • 22.8% are aged 0-19 • 57.8% are aged 20-64 • 19.4% are aged 65 and over 																													
Disability	<p>Table 2: Long-term limiting health problem or disability</p> <table border="1" data-bbox="524 440 1809 778"> <thead> <tr> <th></th> <th>With a long term limiting health problem or disability (%)</th> <th>No long term limiting health problem or disability (%)</th> </tr> </thead> <tbody> <tr> <td>Cheltenham</td> <td>15.1</td> <td>84.9</td> </tr> <tr> <td>Cotswold</td> <td>16.1</td> <td>83.9</td> </tr> <tr> <td>Forest of Dean</td> <td>19.6</td> <td>80.4</td> </tr> <tr> <td>Gloucester</td> <td>16.8</td> <td>83.2</td> </tr> <tr> <td>Stroud</td> <td>16.7</td> <td>83.3</td> </tr> <tr> <td>Tewkesbury</td> <td>16.5</td> <td>83.5</td> </tr> <tr> <td>Gloucestershire</td> <td>16.7</td> <td>83.3</td> </tr> <tr> <td>England</td> <td>17.6</td> <td>82.4</td> </tr> </tbody> </table>				With a long term limiting health problem or disability (%)	No long term limiting health problem or disability (%)	Cheltenham	15.1	84.9	Cotswold	16.1	83.9	Forest of Dean	19.6	80.4	Gloucester	16.8	83.2	Stroud	16.7	83.3	Tewkesbury	16.5	83.5	Gloucestershire	16.7	83.3	England	17.6	82.4
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Race (including Gypsy & Traveller)	<p>According to the 2011 Census 95.4% of Gloucestershire's population is white. Black or Ethnic Minorities make up the remaining 4.6% of the population, which is considerable lower than the 14.6% reported for England as a whole. English/Welsh/Scottish/Northern Irish/British make up the majority of Gloucestershire's white population. Although this is a national trend, this group accounts for a higher proportion of the total white population than elsewhere, as a result other whites are under-represented when compared to the national average.</p> <p>Asian/Asian British account for the largest proportion of Black or Ethnic Minorities in Gloucestershire, following the national trend. However the group accounts for a lower proportion of the total than it does nationally.</p> <p>At district level:</p> <ul style="list-style-type: none"> • Gloucester has the highest proportion of people from a Black or Ethnic Minority, at 10.9% of the total population. However this is still considerably lower than the national average. • Black or Ethnic Minorities account for a higher proportion of the total population in Cheltenham than Gloucestershire. • Forest of Dean has the lowest proportion of people from a Black or Ethnic Minority, at 1.5% of the total population. • The proportion of people that are classified as Other White is higher in Cheltenham than Gloucestershire and England as a whole. • The proportion of people that are classified a Caribbean and White and Black Caribbean is higher in Gloucester than the county and England.
Gender reassignment	Not applicable
Marriage & civil partnership	Not applicable
Pregnancy & maternity	Not applicable
Religion or Belief	Not applicable
Sexual Orientation	Not applicable

Other information

Evidence base for considering the potential impact on protected groups

Activity	Evidence source
Introduction of LED lighting	LED early work Cheltenham, Dursley, Gloucester and Park & Ride sites
	National evidence re road safety and crime
	Local evidence re road safety and crime
	Number of complaints/ enquiries
Centralised Management system: Dimming and reduced hours	Consultation from dimming already taken place in county
	Outcomes from dimming exercises out of county
	Road safety and crime

Current dimming/ part-night levels in Gloucestershire do not appear to have had an impact on crime or road safety.

A limited number of LED street lights have already been installed in Cheltenham, Dursley, and Park & Ride sites, for which we have not received any complaints. Early work is underway in Gloucester and Cheltenham; the c. 800 units installed so far in Quedgeley has resulted in 4 complaints, 3 of which have been resolved with minor adjustments to the local lighting. Learning from this early work will inform the wider roll out across the county.

Contrary to recent reports in the media, there is no evidence to support claims of suggested health impacts of LED lighting and increased crime. LED street lighting would have significant positive impacts on visibility, road safety, and fear of crime. Modern LED lighting has proven to make neighbourhoods safer, with no negative local road safety impact in areas of existing LED lighting. CMS would also enable lighting to be increased in areas where significant impact is demonstrated by any of the protected groups. It is not yet known whether LED lighting might have an impact on the visually impaired.

With regard to the LED Street Lighting supply sector best practice was researched to understand what had already been achieved successfully. Birmingham City Council; Plymouth City Council; Sheffield City Council and Swansea City Council were all researched to gain a better understanding of process, benefits and lessons learnt. Gloucestershire would not be pioneering the use of LED street lights.

Workforce data

Please document details of GCC staff only if they will be affected by the proposed activity. This could include GCC staff transferring under TUPE to a new service provider, relocating, employment at risk. **GCC [Workforce diversity reports](#)** are available on our website.

If the proposed activity does not affect GCC staff, please state 'Not affected below'.

Total number of GCC staff affected	4 posts (3.6 FTE) have been identified as likely to transfer to the new provider Any policies of the new provider would apply equally to all staff – potential suppliers will be expected to bid back their standards, policies and procedures as part of the tender process and our evaluation strategy will reflect the gravity of these considerations and how they take account of the potential impact on protected groups.
Age	No specific implications
Disability	No specific implications
Sex	No specific implications
Race (including Gypsy & Traveller)	No specific implications
Gender reassignment	No specific implications
Marriage & civil partnership	No specific implications
Pregnancy & maternity	No specific implications
Religion or Belief	No specific implications
Sexual Orientation	No specific implications

Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc

Service users	A limited number of LED street lights have already been installed in Cheltenham, Dursley, and Park & Ride sites, for which we have not received any complaints. Early work is underway in Gloucester and Cheltenham; the c. 800 units installed so far in Quedgeley has resulted in 4 complaints, 3 of which have been resolved with minor adjustments to the local lighting. Learning from this early work will inform the wider roll out across the county.
Workforce	Staff meeting held 16 th June 2014. Unions advised w/c 16 th June 2014.
Partners	A highways authorities meeting was held with the South West Highways Alliance and neighbouring authorities, to understand what others are doing and their interest in working together to maximise benefits.
External providers of services	An industry event was held on 12 th April 2013, attended by over 40 street lighting providers, suppliers and manufacturers, followed by individual.

Equality analysis: Summary of what the evidence shows and how has it been used

This section will allow you to outline how the evidence has been used to show 'due regard' to the three aims of the general equality duty. It is important that this consideration is thorough and based on sufficient information. Consideration should be relevant and proportionate.

- Eliminate discrimination
- Advance equality of opportunity
- Promote good relations..

Protected group	Challenge or opportunity considered and what we did
Age(A)	While not intrinsically detrimental to the target group, it is important that when drafting the detailed specification, due regard is given to the service standards associated with this activity to ensure that impact on the elderly is monitored and mitigated. The major issue here relates to ensuring sufficient street light to deter crime and mitigate the fear of crime that can lead to increased isolation and anxiety.
Disability (D)	While not intrinsically detrimental to the target group, it is important that when drafting the detailed specification, due regard is given to the service standards associated with this activity to ensure that impact on members of the public with a disability is monitored and mitigated. The major issue here relates to ensuring sufficient street light to enable those with a visual impairment deter crime and mitigate the fear of crime that can lead to increased isolation and anxiety.
Sex (S)	While not intrinsically detrimental to the target group, it is important that when drafting the detailed specification, due regard is given to the service standards associated with this activity to ensure that impact on women is monitored and mitigated. The major issue here relates to ensuring sufficient street light to deter crime and mitigate the fear of crime that can lead to increased isolation and anxiety.
Race (including Gypsy & Traveller) (R)	No specific implications
Gender reassignment(GR)	No specific implications
Marriage & civil partnership (MCP)	No specific implications
Pregnancy & maternity (PM)	No specific implications
Religion and/or Belief (RAOB)	No specific implications

Sexual Orientation(SO)	No specific implications
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Strengthening actions: Planning for further improvements

Please outline here what actions are required for further improvements to address challenges or opportunities, for example:

- Arrangements for continued/new engagement with stakeholders, staff, service users
- Plans to close data gaps across any of the protected characteristics through reviewed contract management arrangements
- Identify other plans already underway to address the challenges or opportunities identified in this statement
- Share findings with partner organisations.

If none, state 'none' below.

Action Plan

Action	Who is accountable	Time frame
Industry event – the importance of protected groups will be highlighted with potential providers, as well as encouraging consideration of wider 'Social value' issues	Peter Wiggins (Project Manager), Outcome Manager – Community Services	28 th July 2014
Procurement process – potential suppliers will be expected to bid back their standards, policies and procedures as part of the tender process and our evaluation strategy will reflect the gravity of these considerations and how they take account of the potential impact on protected groups.	Peter Wiggins (Project Manager), Outcome Manager – Community Services	July 2014 to April 2015

Contract implementation – contract and performance monitoring to ensure contract standards, policies and procedures are being adhered to, with corrective action if required.	Ken Pitt, Street Lighting Manager	April 2015 onwards
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Monitoring and Review

Please indicate what processes/actions will be put in place to keep this ‘activity’ under review. For example will progress be monitored/ reported to a board, scrutiny committee, project board etc

To ensure any significant impacts are identified and mitigated, it is proposed to continue to:

- Review during procurement and implementation stages;
- Monitor road safety and crime figures to see if any negative change could be linked to street lighting; and
- Monitor feedback/ complaints, in particular those by protected groups.

The importance of protected groups will be highlighted with potential providers at the industry event on 28th July 2014, as well as encouraging consideration of wider ‘Social value’ issues.

Sign off and Scrutiny

By signing this statement off as complete you are confirming that ‘you’ have examined sufficient information across all the protected groups and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

Senior level sign off:  Nigel Riglar, Commissioning Director: Communities & Infrastructure	Date: 17 th June 2014
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I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I as the decision maker have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

Name of relevant Portfolio Holder/Cabinet Member: Councillor Vernon Smith – Cabinet Member for Highways and Flood	
Signed by Portfolio Holder/Cabinet Member:	Date:

Publication

If this statement accompanies cabinet paper it will be published as part of the cabinet report publication process. Statements accompanying cabinet reports are also published on our website. If this statement is not to be submitted with a cabinet paper please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.