

Item for Sparse on 18 March 2013

From Councillor Gordon Nicolson, Leader, Eden District Council

Footway Amenity Lighting Policy and Long Term Maintenance Issues

Introduction

Many District, Town and Parish Councils own due to historical actions footway and amenity lights.

There is no statutory duty on the Council to provide public lighting: it is a power. The power derived from 19th Century legislation which was aimed at promoting public health and empowered bodies which were then known as sanitary authorities. The current circumstances are very different to those in 1875.

There is a requirement with EU Commission legislation for street lighting as the current light fittings are phased out (such as has happened with domestic low energy lighting). This is resulting in major financial costs to small Councils which is a direct financial burden placed on them by Government.

Therefore, the financial burden will fall upon District, Town and Parish Councils to deal with in a time when there is a reduction in money being available.

Proposal

That Sparse invites the Government to either:

- 1) provide funding to the District, Town and Parish Councils which have such lights to bring them up to appropriate standards as one-off grants with subsequent maintenance being a cost to be borne by those local communities in accordance with Government policy on funding such legislative changes; or
- 2) change the law to require all such lighting to be a function of County Councils and withdraw the power of District, Town and Parish Councils to provide them.

Case Study

Example of the situation pertaining in one area

Eden District Council currently owns and has responsibility for 1581 footway lights in the District.

The footway lighting for which the Council has responsibility can be broken down as noted in the table below:

a) Footway lighting mounting type:

Total no of lights	Timber pole	Timber pole	Timber pole	Side of building	Steel Columns
	ENWL	BT	ENWL/BT		
1581	423	18	258	299	585

Key:
ENWL – Electricity North West
BT – British Telecom

b) Location of Footway Lighting

30mph zones	40mph zones	60mph zones
1258	60	263

Many of the footway lights are on a third party's property. In particular there is an imminent issue that has arisen as a result of Electricity North West Ltd having recently changed its policy regarding the attachment of equipment to their timber poles wholly outside the control of the Council.

Lighting Authorities are being given written notice to remove their existing attachments, where reasonably practicable as part of any Pole change. ENWL may seek the costs of removing such attachments from the Council.

The number of lights that may be considered to be under threat as a result of the revision to Electricity North West's policy guidelines is 681.

A substantial number of the footway lights are more than 30 years old and there is an urgent need to consider their replacement or removal in the near future. There are 195 footway lights that are currently considered to be in very poor condition.

EU Commission Regulation (EC) No 245/2009 is the implementing Directive 2005/32/EC of the European Parliament with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps. This effectively means that the current luminaires in our bracket lights will have to be replaced to conform to this directive. This will require the replacement of many of the lighting heads to accommodate the new light bulbs. At an estimated cost of £200-300 per light, compliance will total approximately £320,000 - £470,000.

In 2011/2012 a total of 22 new lights were commissioned to reduce the backlog maintenance at a cost of £32,443.59 (Or approximately £1,500 per column). Much of this cost is directly attributable to ENWL who have an effective monopoly for connection/disconnection of the electricity supply from their supply network.

Based upon an average of £1500 for the provision of a new footway light (including new column, head, photocell, installation of column in ground; and connection of column by ENWL) the estimated cost to replace the 681 lights which are currently on ENWL poles above would be approximately £1,020,000. This figure does not take into account any additional costs (eg should the new light need to be erected further away from the current one; a road crossing required etc). Similarly the sum to replace those lights in very poor condition noted in 3.6 above would be approximately £290,000.

The removal of a footway light, dependent upon its mounting (pole, building etc), will cost from £800 to £1200 per light. It should be noted that the ENWL disconnection fee is £624.

There is no statutory duty on local authorities in the United Kingdom to provide public lighting. District Councils and many Parish or Town Councils have the power to provide lighting as local lighting authorities these powers being conferred by the Public Health Act 1875, or the Parish Councils Act 1957. Where such Councils wish to provide lighting on a highway, the consent of the Highway Authority is required (under Section 301 of the Highways Act 1980).

Under Section 329(1) of the Highways Act 1980 the following apply:

A footpath means a highway over which the public have a right of way on foot not being a footway;

A footway means a way comprised in a highway which also comprises carriageway, being a way over which the public have a right.

The Local Highway Authority has a power to light footways under the 1980 Act.

The financial implications for the continued provision of the current level of footway lighting are significant for the short and medium term.

Alternate Level of Footway lighting Service Provision

There are a number of alternatives and approaches which should be considered such as:

- a) discontinuation of footway lighting service (immediate or phased);
- b) turn off/remove all footway lighting in 60mph or a 40mph zone;
- c) offering footway lighting to third parties in exchange for a commuted sum;
- d) funding for the works is grant aided by Government; and
- e) statutory responsibility for lights transfers to County Councils.

There are implications of all these options. Turning the lights off is a serious possibility as funding does not exist to do the work. Yet if they are turned off, what would be the consequences?