

## **Street Lighting Service – Policy and Contract**

Report of the Chief Officer for Highways, Infrastructure Development and Waste

***Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.***

### **Recommendations:**

- (a) that Cabinet agree to the proposed policy positions for Street Lighting provision in Devon;**
- (b) that, subject to (a), Cabinet agree that delegated authority be given to the Chief Officer for Highways, Infrastructure Development and Waste, in consultation with the Cabinet Member for Highways Management, for any minor amendments to this Policy;**
- (c) that Cabinet agree to the commencement of a procurement exercise to tender the Street Lighting Term Service Contract;**
- (d) that Cabinet support the policy of converting street-lighting to LED, where funding allows.**

### **1. Summary**

This report proposes some changes and additions to the existing Street Lighting Policy and seeks approval to retender the Street Light Term Service Contract.

### **2. Background/Introduction**

Devon County Council is responsible for a street lighting asset in excess of 88,000 inventory items which consumes over £3m in energy costs this financial year. Over the past three years through the Challenge Fund over 5,400 columns have been replaced and about 25,000 high wattage lanterns have been converted to low energy LED. It is therefore an appropriate time to review the street lighting policy and existing street lighting term service contract. The term service contract includes maintenance of the street lighting asset, responding to defect reports, replacement of columns and replacement of lanterns.

The street lighting policy continues to primarily focus on the corporate objectives of reducing Devon's energy consumption and carbon footprint. However, there are several areas not covered in the current policy that are needed to tackle current issues and areas where technology is developing.

### **3. Proposal**

#### **Street Lighting Policy**

The proposed street lighting policy is largely a continuation of existing established practices and policies, which have evolved over time with a few additions, and is attached as Appendix A, covering eight distinct areas as set out below:

**a. To maintain a safe asset**

It is proposed to apply a risk-based approach to maintenance, such an approach is encouraged in the latest national guidance “Well-managed Highway Infrastructure”. It should be noted that as a result night scouting by the contractor will be reduced and more reliance placed on public reporting, as the change in technology to LED will start to improve the reliability of the asset. However, it should also be noted that the street lighting columns are continuing to age and ongoing investment will be needed to ensure their safety by good asset management. In particular, some older columns where specific failure modes have been identified will be targeted for replacement.

**b. Minimising energy consumption, revenue expenditure and carbon footprint of the asset while also protecting the environment**

This section largely details our existing policies and practice of reducing energy consumption through more efficient technology (generally LED), maintaining the current regime of part-night lighting, lowering light levels during the night, and removing lighting (especially signs and bollards) where no longer appropriate.

**c. Adopt road lighting on new developments**

As current policy.

**d. Requests for additional lighting**

As current practice, requests for additional lighting will only be considered where there is a justified and pressing need and a funding stream is identified.

**e. Private Roads**

This section outlines a new policy position designed to deal with the situation where it is discovered that lighting is being maintained on roads which have been identified as in private ownership. Where the Authority can identify an organisation that is able to take responsibility it will formally hand over the asset to them. Where an organisation does not exist and cannot be easily established, the authority will exercise discretion as outlined in the policy.

**f. Attaching equipment or banners to lighting columns**

Extending the current position of public service advertising to include items that might provide a revenue stream for the authority. This could include the use of banners on designated lamp columns (that meet safety and legislative, including planning and advertising regulations) for advertising purposes, including local businesses. It is envisaged that if approved, specific columns would be identified, and planning permission sought, where there might be a commercial interest. It is also proposed that other communications equipment could be mounted on columns where it is safe to do so (e.g. public wi-fi).

**g. Facilitating on-street charging**

This is an emerging area of technology, and generally it is considered that street lighting will not be able to provide the high levels of power that are needed for fast charging, and in general off-street provision should be encouraged. However, if the Authority were approached by an external organisation seeking trials of a technology that may be suited to street lighting supplies, then it should consider facilitating trials providing there are no significant cost implications to the authority.

Fly-posting has not been addressed in the street lighting policy as this is covered in other highways policy documents.

## Lighting Term Service Contract

The current contract is currently in its second year of a four-year extension period (the core period also being four years), and there has been some reluctance on behalf of the contractor to continue with the extensions, and the changing technology with the potential for further capital funded upgrades makes it an appropriate time to retender the contract. It is therefore proposed that the current contract is terminated, and a new contract started, most likely by the end of 2019. It is expected that a number of staff working for the current contractor will fall under the terms of TUPE.

### 4. Consultations/Representations/Technical Data

A consultation has been held with members of the Corporate, Infrastructure and Regulatory Services Scrutiny Committee as an informal working group, who reported back to the Scrutiny Committee on 27 November.

The discussion with CIRS Scrutiny Group was very positive with strong support for applying a risk-based approach to maintaining the asset, reducing scouting and relying on more public reporting. The current policy of energy reduction measures was seen to be working well and very positive. There was some further discussion regarding private roads but it was accepted that the proposal was a pragmatic solution to the problem.

The use of street lighting columns for advertising was challenged by one member amidst concern that there would be widespread national advertising on all columns. It was emphasised that this would be carefully controlled, first by only using designated columns that meet safety criteria and secondly by gaining planning consent. Other members were satisfied that this could provide a useful income stream.

Facilitating the development of electric vehicle charging was supported, but one member was keen to see a more proactive approach than the Authority currently has resources to achieve. Members did not have any objection to retendering.

On 27 November 2018 The CIRS Committee considered the Member Report on the proposed Street Lighting Policy which made several proposals on the Outline Policy Statements and detailed the input that scrutiny had made. Members discussed the proposal 'Attaching non-highway equipment to lighting columns', where advertising banners could, subject to the location being appropriate, be allowed as a useful revenue stream. They resolved:

- (a) that the Street Lighting Policy Member Report be endorsed and commended to Cabinet and be considered in conjunction with the Street Lighting Service, Policy and Contract Report, prepared for the Cabinet meeting on 9 January 2019; and
- (b) that the Scrutiny Committee support the exploration of the use of advertising banners as a revenue stream.

There are currently two e-petitions live on the County Council website,

- a Lighting in unadopted roads with public access.
- Continuing to maintain street lights in unadopted roads

A verbal update will be provided at Committee as to progress on the petitions.

## **5. Financial Considerations**

The thrust of the policy is to generally facilitate savings to the authority in terms of energy and maintenance, whilst recognising that there is a deteriorating asset in terms of columns that will continue to need investment. The energy reduction over the past five years has resulted in savings of over £800k in real terms but has been offset by energy price inflation and further savings are expected with the continuation of this process. There is the potential for other policy changes to provide income and further savings, however these have yet to be quantified.

There is a risk that the costs provided by a new contractor could increase, but it is expected to be a competitively bid contract, with several potential contractors interested and any further capital funding for LED replacement programmes would make it even more attractive.

## **6. Environmental Impact Considerations**

In October the UN Intergovernmental Panel on Climate Change said that 'urgent and unprecedented' changes are needed to keep rises in global temperatures to a maximum of 1.5°C beyond which impacts are likely to be severe. It has been established that by converting street lights to LED can reap significant reduction in energy consumption which can help to reduce impact on climate change.

The continuation of the energy reduction policy will support the Authority's targets for reducing carbon emissions and reduce its liability for the Carbon Climate Levy. Facilitating other organisations to introduce electric vehicle charging will support the government's objectives to reduce vehicle exhaust emissions and improve air quality.

The continued drive for energy reduction and conversion to LED will also reduce light pollution as more light falls on the highway that is being illuminated and less spillage elsewhere.

## **7. Equality Considerations**

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

In progressing this particular proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available alongside this Report

on the Council's website at: <https://new.devon.gov.uk/impact/published/>, which Members will need to consider for the purposes of this item.

## **8. Legal Considerations**

The lawful implications/consequences of the proposals/recommendations/proposed course of action have been considered and taken into account in the formulation of the recommendations set out above.

Highway Authorities are not legally bound to provide street lighting but where provided have a duty to maintain.

## **9. Risk Management Considerations**

This policy/proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

Where risks have been identified such as reducing scouting and applying a risk-based approach, the implications of that/those have been taken into account in preparing this report in the rationale attached to the policy.

## **10. Public Health Impact**

No Public Health impacts have been identified in relation to the proposed policy changes.

## **11. Discussion**

The rationale for the development of the policy is provided at the end of Appendix A.

## **12. Options/Alternatives**

The following options have been considered in determining the proposed policy changes.

- a) Not applying a risk-based approach to managing safety and continuing to apply a frequent regime of night scouting. This is not consistent with national guidance and does not recognise an asset with improving technology.
- b) Reverting from part-night lighting to full-night lighting. This was rejected as part-night lighting is well established in the county, provides little inconvenience on a risk-based approach and provides significant energy savings.
- c) Retaining responsibility for private roads in all circumstances where we have historically done so. This is not being proposed as the authority should try and reasonably save costs where it can reasonably do so and should not automatically take on responsibility for matters where it is not required to do so.
- d) Not pursue commercial advertising using banners on street lighting columns. Adopting this stance would fail to provide an opportunity to create an income stream for the authority.
- e) Not allowing wifi or other communications systems to be attached to columns where safe to do so. This could deny a community a valuable communication facility.
- f) Not allowing any appropriate development of electric vehicle charging will deny the opportunity to develop this area of technology if suitable partners approach the Authority.

If approval were not given to re-tender the contract then the authority would not be able to fully utilise the changes needed to the contract to reflect the improved technology that is

starting to be introduced, and the ability to undertake further upgrades to LED lighting as part of the Term Service Contract.

### 13. Reason for Recommendation/Conclusion

These recommendations should be accepted to allow the Authority to adapt the street lighting service to be more appropriate to the current financial climate and the technological developments that will undoubtedly develop over the next ten years, and provide a more effective and efficient service and reflect the responsibilities of the Authority.

Meg Booth  
Chief Officer for Highways, Infrastructure Development and Waste

### Electoral Divisions: All

Cabinet Member for Highway Management, Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
1. Well-managed Highway Infrastructure	October 2016	<a href="http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=4F93BA10-D3B0-4222-827A8C48401B26AC">http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=4F93BA10-D3B0-4222-827A8C48401B26AC</a>
2. Impact assessments	Various	<a href="https://new.devon.gov.uk/impact/?s=street+Lighting">https://new.devon.gov.uk/impact/?s=street+Lighting</a>

## **Street Lighting Policy from January 2019**

**The document is designed to establish a high-level policy position from which details procedures can be developed, to provide an open and transparent process for decision making regarding the street lighting asset.**

### **The Legal Position**

Highway Authorities are not legally bound to provide street lighting but where provided have a duty to maintain. The Well Managed Highway Infrastructure: A Code of Practice states: "This duty of care does not imply any duty on the Highway Authority to keep the public lighting lit. However, an authority responsible for the maintenance of public lighting should be able to demonstrate that they have systems in place to maintain the public lighting equipment in a safe condition, including the detection of dangerous equipment."

### **Summary:**

In DCC's Better Together plan 2014-2020 the County Council set out various aims which included "Commissioning effective and efficient services, using new approaches to prevent problems arising and harnessing new technology to benefit customers", the Street Lighting Policy looks to work with these aims and provide a more efficient and effective service.

The Street lighting department are responsible for a significant proportion of DCC's carbon footprint, which includes in excess 88,000 illuminated assets. This policy is set within the context of the County Council's Strategic Plan and recognises the potential for energy savings, given that lighting currently accounts for a significant amount of the County's carbon emissions.

Street lighting is primarily in place for personal and road safety purposes on the highway, but on occasions for aesthetic and economic reasons (eg lighting or illuminating significant landmarks).

This policy reflects the County Councils strategic aim and sets out a range targets, including:

- Savings in energy consumption are actively pursued to reduce carbon emissions and the effect of rising energy costs
- Night-time safety of road users and members of the community
- That good street lighting design minimises the effect on the environment whilst enhancing the night-time ambience
- To provide public lighting that is cost effective, considering energy conservation and sustainability
- To identify criteria for the provision of street lighting and for duration and timing of lighting operation.

### **Outline Policy Statements:**

- To maintain a safe asset
  - Street lighting defects will be responded to using a risk-based approach in line with the Highway Safety Manual and will be categorised as follows:
    - immediate response where risk to life (eg exposed live wires)
    - urgent response where high risk (eg Zebra crossing beacon out)

- enhanced response where medium risk (eg lantern out near steps)
    - normal response where low risk
  - Applying a risk-based approach to reduce the level of night scouting and become more reliant on public reporting as the reliability of the asset is improving on high risk lighting (LED lighting will not require frequent lamp replacement)
- Minimising energy consumption, revenue expenditure and carbon footprint of the asset while also protecting the environment
  - Utilising the latest technology; currently LED lighting
  - Using minimum design standards to the latest BS specification where appropriate
  - Lighting assets will utilise dimming regimes throughout the night to minimise energy consumption where technology permits, whilst still maintaining an appropriate level of lighting
  - De-illumination of lighting assets (particularly signs and bollards) in line with latest regulations, and lanterns in line with public consultation. Remove non-essential street lighting
  - Part night lighting will be applied to all residential areas (typically for a 5-hour period after midnight), this will not be changed to all night lighting except where a strong case is made on safety grounds (this includes evidence from other agencies)
- Adopt road lighting on new developments, that is to Devon's standards and funded by the developer
- Additional lighting on the existing highway will only be considered where there is a justified and pressing need and a funding stream has been identified
- Devon County Council will seek to transfer street lights which have been identified as being on a private road, to the person or organisation responsible for that private road where they can take on that responsibility (ie a single individual or company or organisation that is a legal entity.) Where this cannot be achieved and there is a legitimate public and safety interest in the lighting, the Authority use its discretion, with particular consideration to cost implications, as to whether it is prepared to continue with the provision of the street lighting service. The final decision will be made jointly by the Chief Officer and Cabinet Member responsible for the service in consultation with the local member.
- Attaching non-highway equipment to lighting columns will be permitted where it is safe and legal (particularly with regard to the planning and advertising regulations) to do so including the following:
  - Banners for the purpose of advertising charitable, community or special annual events that are in essence community events involving the majority of businesses in the town concerned e.g. Special events, Carnivals etc
  - Advertising by the appropriate attachment of a banner to a street lighting column, as a revenue stream for the Authority
  - Provision of WiFi or other communications to serve the community
- Facilitating the provision of on-street electric charging facilities, through the use of trials, where it is not possible to site off-street provision. Consideration will need to be given to the suitability of street-lighting supplies for this purpose.

## **Rationale for policy**

### **Maintaining a safe asset**

The new national Code of Practice, Well-managed Highway Infrastructure, encourages local authorities to adopt a risk-based approach to highway maintenance. The policy therefore seeks to reflect this by identifying which parts of the asset present a higher risk when they fail to other parts. A risk to life will always form the highest risk whilst zebra crossing will also demand a high-level response.

The recent investment in converting main road lighting, zebra crossings and some other assets to LED is improving the reliability of the asset, as the lighting is designed to last in excess of 12 years. Over the coming years further assets will also be converted and there the benefit of night scouting will reduce. The remaining lighting is largely in residential areas where residents will be able to report outages. There is therefore a case to reduce the cost in this area by reducing the number of night scouts each year. However regular highways safety inspections will continue to pick up any dangerous issues with street lighting.

### **Minimising energy consumption**

Street lighting consumes a large proportion of the County Council's energy, and reducing this consumption not only presents significant cost savings but also reduces the County's carbon footprint and improves the environment. Therefore, all reasonable steps should be taken to reduce the energy consumption using the latest technology as well as reviewing the need for illumination.

### **New Lighting**

No intention of change here. New lighting will generally need to the provision of funding to install along with a pressing need. Lighting installed by developers will only be adopted where they meet the standards required by the County Council.

### **Part-night lighting**

The existing policy of part-night lighting residential areas is proposed to continue to minimise energy consumption.

### **Street lighting on private roads**

There have been several instances in recent years where it has been established that the authority is funding street lighting on private roads. Some have been successfully divested to a housing association that is responsible for the road. Other situations involve divesting the asset to a local community which presents additional challenges. It is therefore proposed that a pragmatic solution is to provide some discretion for the authority to continue providing the service where there is no appropriate person body or organisation to divest the lighting to and it is considered affordable and appropriate.

### **Attaching non-highway equipment to Street Lighting**

There are increasing opportunities to use the street lighting asset for additional purposes where it is safe and legal to do so. There will need to be an assessment of each requirement and of the asset before any agreement can be provided to third parties, but banners were successfully use as part of the Rugby World Cup and have been used for public promotions including the switch-over to digital television and the encouragement to register to vote. This

also presents a potential income stream for the authority in terms of commercial advertising if the relevant planning and safety consent were achieved.

### **Electric car charging**

The advent of the electric car is precipitating the need for additional charging locations, and street lighting is seen as a potential source of electrical connection. However there currently is a multitude of charging systems and electrical current requirements, many of which will not suit the supplies available from street lighting. However, when there are suitable opportunities and funding this policy should allow trials to be undertaken in the future with suitable partners.