

Agenda Item No: 10

Report To: CABINET

Date: 12th May 2016

Report Title: Council owned Amenity and Footway Lighting

Report Author: Jo Fox, Health, Parking and Community Safety Manager

Portfolio Holders: Cllr Bradford – Portfolio responsibility for Highways, Wellbeing and Safety

Cllr Shorter – Portfolio responsibility for Finance, Budget & Resource Management



Summary: Cabinet is asked to fund up to £1 million as a capital investment to upgrade and replace as appropriate the Borough Council's amenity and footway lighting columns to adoptable KCC standard and to transfer as many of the assets as possible to KCC. This will be funded through borrowing with the revenue savings used to repay the debt.

To agree the removal of amenity and footway lighting where deemed not necessary by KCC and/or the Borough Council and where a third party e.g. Parish Council does not wish to adopt.

Key Decision: Yes

Affected Wards: All

Recommendations: The Cabinet be asked to:-

- i. Fund up to a £1 million capital investment through borrowing to upgrade or replace as appropriate Council owned amenity and footway lighting and transfer agreed necessary lighting columns to KCC.
- ii. To agree the removal of amenity and footway lighting where deemed not necessary by KCC and/or the Borough Council and subject to any alternative adoption e.g. by a Parish Council. Delegated powers to be given to the Head of Service and the Portfolio Holder to make this

decision.

- iii. **To support the need for a policy to be devised on the criteria on when street lights are required for new developments. A jointly created protocol between KCC and ABC to be devised, as part of the district deal and brought back to the Cabinet to consider.**

Policy Overview: Links to the Five Year Corporate Plan and in particular the Ashford Underpinning Principles and need to manage our costs.

Financial Implications: Capital borrowing of up to £1 million. This investment provides the opportunity to transfer assets to KCC thus reducing future maintenance and electricity costs. In addition to reducing the council's liability and risk.

Risk Assessment: Addressed within the body of the report.

Impact Assessment: Yes, Appendix 2

Background Papers: Appendix 1 – Criteria for retaining/removing Borough owned amenity and footway lighting
Appendix 2 - Impact Assessment

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Report Title: Council owned Amenity and Footway Lighting

Purpose of the Report

1. Cabinet approval is sought for up to £1 million capital investment to undertake lighting designs, replace lighting columns and upgrade to KCC specification in order to allow the transfer of as many of these assets as possible to KCC.
2. The report seeks agreement to remove Borough Council owned amenity and footway lighting where lights are deemed not necessary or suitable street lighting for residents. This will be subject to the applied criteria and the option of alternative adoption e.g. by a Parish Council.
3. The Cabinet is further asked to support a policy of limiting, where appropriate, the introduction of lighting (i.e. that over and above that required by KCC) and in the case of any lighting installed above this to ensure that adequate budget provision is made for its on-going maintenance and where possible to limit such lighting or seek alternative third party funding. A policy for the criteria for the introduction of new lighting to be worked on by ABC and KCC officers. Case studies such as Chilmington will be used to jointly create a protocol and become part of the District Deal.

Background

4. The Borough Council owns approximately 1,600 amenity and footway lights around the borough as distinct from the Highway and safety lighting that is owned by the County Council. Until 2005 management of the Borough lights was directly undertaken by the Borough Council's in-house highways unit. With the transfer of the highways functions to Kent County Council in 2005 a Highway Service Protocol was set up to cover the services that KCC would provide on behalf of the Borough, including the management of Borough Council owned lighting stock. The Borough are recharged annually for the routine maintenance at a sum of £25,000 and other charges such as bulk lamp changing, electrical and structural testing are charged separately.
5. The Borough Council's lighting stock is principally comprised of ageing columns with sodium lanterns. The age of the existing assets and a move to LED lighting on the part of the County Council means that like-for-like replacements are not a sustainable or cost effective option, and future replacements of Borough Council lighting will by default be made with LED units.
6. Structural testing carried out in early 2015 has identified that many columns are in a poor condition and in need of significant work.

7. Some columns require immediate attention and works are underway to replace/remove as necessary. This is being funded within the annual budget and will cost approximately £20,000.
8. The Council has 173 columns that need retesting within a year and there is a high probability that they will need to be replaced at a cost of approximately £1,000 per column (including conversion to LED lamps). There are 602 columns that are likely to only require an LED lamp upgrade at a cost of approximately £300 per unit. A further 794 columns will be a mixture of column and/or lamp replacement.
9. The current yearly cost of amenity and footway lighting to the Borough, in addition to managing the assets, is £25,000 on maintenance, £38,000 on utilities and £8,000 on structural testing. Total yearly costs £72,000. These savings are comparable to the costs of borrowing £1m over 25 years including payment of interest and capital repayment.
10. KCC are unable to continue with the maintenance arrangement in future years as they will no longer hold the necessary materials for traditional light sources once they have converted their lights to LED.
11. KCC engineers have advised that subject to location and upgrading of assets to KCC's specification, including design to meet highway lighting standards, it may be possible to wholly transfer areas of Borough lighting stock to the County Council's ownership. These lights would then be maintained and managed entirely by KCC, with no further ongoing costs to the Borough Council. The columns that are unable to be transferred will be considered for either retention or permanent removal alongside the opportunity for Parish Councils to take over the responsibility of individual columns.
12. KCC are currently rolling out a county wide project to convert all it's lights to LED and this started in the Ashford rural areas on 14th March 2016. The work is ongoing with the rural and residential areas being completed first and with the town centres and main routes being completed later on in the project due to the complex nature of the work involved.
13. KCC own approximately 118,000 street lights across the county, they have the expertise and the resource in this area and are therefore best placed to manage these assets for the residents of the borough efficiently and effectively.

Timescale of the project

14. If the investment is agreed, work will be undertaken by KCC and their contractors to deliver the project and transfer of assets over the next two years.

Dark Skies Policy & Projects

15. The proposed street lighting upgrades are in line with our dark skies policy. Consideration has also taken into account advice given to the Borough by the International Dark Sky Association who are the body responsible for granting Dark Sky designations. In addition the new LED lamps will each have individual dimmers that can be controlled by KCC from a central control room. In the future, a business case can be put to KCC via the Joint Transportation Board for areas wishing for their lights to be dimmed for identified projects; such as projects that fall within the dark skies area.

Retention of Assets outside of KCC retention criteria

16. The criteria (appendix 1) to be adopted when consideration is given to the retention of assets outside the remit of KCC's retention criteria.
17. Specific consideration will be given to the retention of original historic lamps and columns of good historic design interest to ensure that local distinctiveness and character are persevered. Individual decisions will be taken jointly with the planning team.

Handling

18. Parish Council's are to be advised of the project as soon as possible. They will be provided with information specific to their area and given time and opportunity to comment on any proposals. Information relevant to the cost of repair and LED conversion and ongoing maintenance costs (should they wish to take over the lighting asset) will be provided.
19. With regard to future developments within the Borough that require planning permission, it is recommended that footway and amenity lighting (i.e. that over and above that required by KCC) is limited where possible and that any lighting installed above this is adequately budgeted to ensure its on-going maintenance costs are covered.
20. The level of lighting will be subject to consultation with the Borough Council's Planning Team, KCC Highways and relevant Parish Council. A policy to be devised, for the introduction of any new street lighting, jointly by ABC and KCC officers and to be agreed by Cabinet, at a future date.

Impact Assessment

21. The main change that has diversity and equality significance relates to the possible removal of individual streetlights where they are considered no longer to be needed. An impact assessment has been undertaken, any potential negative impact will be mitigated by:

- Consultation and engagement process with local communities to capture potential impacts of removing individual installations.
- Risk assessment process in relation to potential removal of streetlights to ensure impacts and mitigation are fully considered.
- Process to enable third parties to take over individual streetlights where it is considered there will be no negative impacts, however, a community wishes to retain a streetlight.
- Impact assessment reviewed in line with any changes generated through consultation and detailed programme development.
- Monitoring of complaints and comments relating to the implementation of this programme.

Other Options Considered

22. The following options have been considered:

- (i) Do nothing i.e. the Council continues to maintain and replace the assets ongoing as and when necessary. The option of continuing to use KCC to maintain the lights for £25,000 per annum will be removed as the current lights will not be within the standard that the contract will cover. Initial investigations have shown that the current asset maintenance costs will be at least double if they are procured separate to the Kent contract. Additional officer time will need to be allocated to manage the assets and the contract. Structural testing will still have to be undertaken at an estimated £12,000 per annum. The repair of the defective street lighting will continue to be required as and when they become defective, indications from current assessments are that this will cost in the region of £173,000 in the next two years with similar figures ongoing.
- (ii) Repair and replace the assets to KCC standard and keep them on a maintenance contract with KCC. The same capital funding would be required but with no future savings to be offset against the capital.

Risk Assessment

23. There is a risk that KCC do not adopt the majority of the street lights reducing the level of savings for the project/increasing the payback period. This will be mitigated by the ability and agreement to undertake lighting designs in accordance with KCC requirements.
24. The risk of the Borough Council retaining the assets is detailed above at paragraph 22.

Conclusion

25. The structural testing undertaken highlights a significant risk over the current arrangements for Borough Council street lighting; particularly considering the age of the existing stock, the indicative costs for replacement and the ongoing costs for maintenance, power supply and periodic testing. It is necessary therefore to reassess the Borough Council's lighting provision.
26. The capital investment suggested will enable transfer of the majority of street lighting assets to KCC and will reduce future ongoing costs and provide suitable street lighting to the residents of the Borough.
27. A policy to be devised on the criteria for when lighting is required, jointly with ABC and KCC officers, using case studies such as Chilmington. The policy to be brought back to Cabinet to consider.

Portfolio Holder's Comments

28. A sensible policy not only to address the current repair needs but to update the assets in terms of LED. The assets are in need of upgrading and there will be financial savings by adopting this proactive approach. **Cllr Bradford – Portfolio for Highways, Wellbeing and Safety**
29. The upgrading work to the footway and amenity lighting is a necessity. To do this on a spend to save project basis is appropriate and fits with the Council's corporate plan and the need to manage our costs. **Cllr Shorter – Portfolio for Finance, Budget and Resource Management**

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Appendix 1

Criteria for replacement of Council owned Amenity and Footway Lighting

Failed lighting columns which would not be eligible for adoption by Kent County Council will be identified for replacement if they satisfy any of the following criteria:

- Provision of direct illumination to a formal pedestrian crossing, subway, enclosed footpath or alleyway linked to a road.
- Provision of direct illumination to an area covered by local authority or Police CCTV surveillance equipment.
- Provision of direct illumination to an area where a safety audit indicates a need
- Provision of direct illumination to an area with sheltered housing or other residences accommodating vulnerable people.*
- Provision of direct illumination to an area with a 24 hours operational emergency services site.
- Provision of direct illumination to an area with public amenities which generate a significant level of night-time pedestrian movement.
- Original historic lamps and column of good design interest on the grounds of preserving local distinctiveness and character.

*For the purposes of this assessment private dwellings will not normally be counted.

Appendix 2



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BOROUGH COUNCIL

Impact Assessment

When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Borough Street Lighting
1.2 Service / Department	Health, Parking & Community Safety
1.3 Head of Service	Sheila Davison
1.4 Assessment Lead Officer	Jo Fox
1.5 Date of Assessment	21 st April 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Proposed Project

2. What is Being Assessed?

<p>2.1 What are the aims of this project, policy, procedure, practice or issue?</p>	<p>The Council is reviewing the way in which it manages its street lighting. This is driven by the pressing need to repair many of the Council streetlights and as a consequence of changes in the way KCC maintains and operates its own street lighting. The changes seek to take advantage of the much larger KCC maintenance programme and the opportunity of to switch to LED lighting.</p> <p>As part of this programme the Council is seeking to transfer its lighting assets where possible to KCC. This will secure their on-going maintenance and result in benefits in terms of economies of scale.</p> <p>The main change that has diversity and equality significance relates to the possible removal of individual streetlights where they are considered no longer to be needed.</p> <p>There is no negative impact associated with the upgrading and subsequent transfer of street lighting. The majority of the Council's lights will be upgraded and any removal of streetlights will be subject to an individual impact assessment. This will take into account the concerns that are sometime expressed in such situations including feeling vulnerable to crime, social exclusion as a consequence of fears about going out during night time hours, road safety, increased risk of falls or because poorly lit areas maybe considered less attractive to visit. It is acknowledged that these factors may have a detrimental impact on women, those who have disabilities, and the elderly.</p> <p>Any streetlights that are considered appropriate for removal will be subject to a risk assessment. This will include consideration of the above factors and any individual mitigating factors. Further detail provided within each individual area where appropriate.</p>
<p>2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?</p>	<p>In the widest sense, all residents (including any with protected characteristics) will benefit from this programme of updating, adoption and rationalisation of the borough's lighting. The impacts and risks at individual sites are not only considered within this assessment, but on a case-by-case basis through the ongoing mitigation action set out within the report</p>
<p>2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies</p>	
<ul style="list-style-type: none"> - within Ashford BC 	<p>Ben Lockwood, Finance Lois Jarett, Planning</p>
<ul style="list-style-type: none"> - from other agencies 	<p>Sue Kinsella, Kent County Council Contractor appointed by Kent County Council</p>

3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age	Disability	Gender reassignment	Marriage and civil partnership	Pregnancy and maternity
Race	Religion and belief	Sex	Sexual orientation	

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
Impact Factors:				
Age (please detail any specific groups considered)	<input type="checkbox"/>	X	<input type="checkbox"/>	Removal of street lighting installations may have an impact on the elderly in terms of community safety (e.g. fear going out, increased social exclusion, increased risk of falls). Impact to be considered as part of the case-by-case assessment. Also views to be captured as part of case-by-case consultation that will inform decisions relating to removal or transfer to asset to third parties
Disability (please detail any specific groups considered)	<input type="checkbox"/>	X	<input type="checkbox"/>	Removal of street lighting installations may have an impact on disabled residents in terms of community safety (e.g. fear going out, increased social exclusion, increased safety risks). Impact to be considered as part of the case-by-case assessment. Also views to be captured as part of case-by-case consultation that will inform decisions relating to removal or transfer to asset to third parties.
Gender (please detail any specific groups considered)	<input type="checkbox"/>	X	<input type="checkbox"/>	Removal of street lighting installations may have an impact on women in terms of community safety (eg: fear of going out) Impact to be considered as part of the case-by-case assessment. Also views to be captured as part of case-by-case consultation that will inform decisions relating to removal or transfer to asset to third parties.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	X	
Marriage / Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	X	
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	X	
Race (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	X	
Religion / Belief	<input type="checkbox"/>	<input type="checkbox"/>	X	
Sexual Orientation (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	X	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	X	

5. Conclusions

5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If “yes” please state how? Yes
 No

5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups fairly (bearing in mind “fairly” may mean differently) and that no further amendment is required? Yes
 No

If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form

6. Monitoring and Review

How will monitoring of this policy, procedure or practice be reported (where appropriate)? Each case will be reviewed on a case by case basis and be documented within the project.

When is it proposed to next review the project, policy, procedure, practice or issue? Reviews will be ongoing

Any additional comments?