

Street Lighting
Council, item 8(iii)

Committee: Council
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Title: Street Lighting
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Agenda Item

8 [iii]

Item for
decision

Summary

This report provides Members with an update on the street lighting proposals from Essex County Council and a resolution from the Scrutiny Committee.

Recommendations

That the Scrutiny Committee's resolution be endorsed.

Background Papers

Reports to Area Panels – September 06, Report to Scrutiny Committee – November 06, Institution of Lighting Engineers Street Lighting – Invest to Save Report

Impact

Communication/Consultation	ECC Consultation with Town and Parish Councils - ongoing
Community Safety	Section 17, Crime and Disorder Act 1998
Equalities	Not Applicable
Finance	Not applicable to UDC
Human Rights	Not applicable
Legal implications	Section 17, Crime and Disorder Act 1998 Sections 81 & 82 Road Traffic Regulation Act 1984
Ward-specific impacts	All
Workforce/Workplace	None

Situation

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1. Last year the County Council revised its Street Lighting Policy to reflect growing environmental concerns. Measures included the introduction of 'white light' (SON) lighting with downward reflectors in all new schemes and for replacement lighting (as opposed to the old undirected 'yellow light' (SOX) lighting) and a more rigorous approach to evaluating whether street lights are required at all in new developments.
2. This policy whilst laudable in itself, will not deliver the requisite reductions in energy consumption in the short term as the replacement programme will take years to accomplish. Consequently further changes in practice are urgently required.
3. The current County Council Street Lighting practice is to keep street lights on throughout the hours of darkness, regardless of where they are located. In the face of increasing concern about light pollution and the County Council's commitment to reduce CO2 emissions, the County Council is now reviewing this arrangement.
4. The revised Street Lighting practice will introduce alternative technology to assist in reducing the level of light pollution attributed to street lighting. Moreover, because of rising energy prices, the cost of supplying electricity for the county's street lights rose by 65% over 2005/06 levels in 2006/07 when the new contract for supply was let to EDF in April 2006. This increase in the energy budget (now £3.9 million in total) is being borne by the Highways and Transportation service by postponing other work.
5. By investing £1.8 million over 2 years on technology, which will allow street lights to be turned off during the least busy part of the night, ECC will realise savings of £1.0 million per annum on energy costs.
6. The ECC Cabinet Member – Councillor Rodney Bass agreed to the following: -
 - give a clear statement of intent to switch off street lights at midnight GMT and on again at 0500 GMT.
 - seek approvals for an investment of £1.8 million over the next two years to yield annual savings of £1 million.
 - introduce the new practice progressively by piloting in Maldon and Uttlesford in the first instance, measuring local reaction, and evaluate the success of this initiative to the rest of the county over the next two years.
 - ask the Highways and Transportation Policy Development Group to oversee the initiative and measure public acceptability.
7. Officers from ECC have attended a Parish Council liaison meeting to discuss the implications of switching off the lights. In addition, they have sent maps to

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all Town and Parish Councils illustrating where they consider the lights should be turned off and established a web site in order to provide the wider community with the relevant information. Town and Parish Councils have been given 4 weeks to respond to ECC and the consultation is due to end on 8th December.

- 8 When reviewing the provision, maintenance and operation of street lighting systems an authority should take account of the following items:-
- A Highway Authority has a power, not a duty, under the Highways Act 1980 (or in Scotland the Roads (Scotland) Act 1984) to provide and maintain road lighting. Similarly, the local Lighting Authority, usually the Parish, Town, District or Borough Council have the power to provide and maintain Footway Lighting.
 - In exercising its powers with regard to the extent, operation and maintenance of its road lighting, a Highway Authority should act reasonably. If it acts in a way that no reasonable authority would act, Street Lighting - Invest to Save (ILE)1 Copyright © 2006 ILE Page 9 of 10 then the decision of that authority could be subject to review in the Courts.
 - Road lighting has many community benefits – e.g. the prevention of night time road accidents, the reduction of street crime and the fear of crime. In exercising the Highways Act powers, the Highway Authority is required under s.17 of the Crime and Disorder Act 1998 to have regard to the effect on crime and disorder in the exercise of those powers and to have regard to the need to do all it reasonably can to prevent crime and disorder. However, there is no overriding duty on a local authority to provide or keep lit systems of street lighting to prevent crime.
 - Unless provided by separate order, restricted roads and their associated 30mph speed limits are established by the presence of a “system of lighting furnished by means of lamps placed not more than 200 yards apart”. (s81 and 82 of the Road Traffic Regulation Act 1984).
 - Whilst road lighting has several community benefits there is no overriding duty on local authorities to keep lit systems of road lighting that it owns and operates to prevent crime.
 - A Highway Authority is not liable for accidents arising from a failure to light a highway unless the accident arises because the authority has failed to take reasonable steps to prevent objects it has placed in and around the highway (e.g. road signs, lighting columns, bus shelters etc.) from becoming a danger to the public. Lighting is an obvious

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way of warning of this danger at night.

- A Highway Authority would be negligent if an accident was caused directly by its road lighting apparatus being in such a state of disrepair that it caused an injury e.g. a badly maintained lighting column collapsing due to fatigue and falling onto someone passing by, or a person receiving an electric shock or being electrocuted due to faulty electrical equipment.
- A Highway Authority may be challenged if it removed a system of road lighting or failed to maintain one in operation if it cannot demonstrate that the reason the system of road lighting was installed for was no longer applicable i.e. if a system of road lighting was installed as an accident remedial measure and the level of night time accidents increased following its removal or a system of lighting was installed as a crime reduction initiative and crime increased following the removal or downgrading of the lighting system.

General Concerns

- 9 Town and Parish Councils received a letter dated the 10th November concerning the proposals and were requested to respond within 4 weeks via the Strategic Partnerships Manager. However, they are extremely concerned that the Cabinet Member is making a final decision on the 6th December which is still within the consultation time.
- 10 The four main settlements are opposed to the proposal of switching off some street lighting, however some rural parishes are generally in favour of switching off the lights to save on light pollution. There are concerns that CCTV systems do not operate efficiently where there is inadequate street lighting.
- 11 To this end, the four main councils are seeking legal counsel as they are concerned that Section 17 of the Crime and Disorder Act 1998 is being contravened. Section 17 states that “without prejudice to any other obligation imposed upon it, local authorities must exercise its function with due regard to ... the need to so all it reasonably can to prevent crime and disorder in its area.”
- 12 Members of Scrutiny Committee were appraised of the Farringdon Study by Councillor Murphy, in essence, the study concluded that where street lights had been switched off in other areas, the crime rate had risen. However, Members considered that the concept of sustainability and reducing light pollution should be supported.
- 13 As a result Scrutiny Committee resolved that the committee recommend to Full Council that they are not opposed in principle to energy saving and sustainability, however, consider that the present scheme is not well thought out and that the consultation has been inadequate and hurried.

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That the Legal Department be asked to prepare a judicial review on the grounds that the proposal was ill thought out and inadequate consultation be sought on the grounds of Section 17 of Crime and Disorder Act with a view to sending a case to Essex County Council.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The perception that by turning off street lights that community safety could be compromised	High	Medium	Reassurance to the community that this is a pilot project and the County Council will be monitoring the situation as the scheme progresses