


Agenda Item No:	6	
Committee:	Cabinet	
Date:	20th February 2020	
Report Title:	Parish Street Lighting	

1. Purpose / Summary

To consider and agree future funding arrangements for Parish Council street lighting

2. Key issues

- Footway lighting in the twelve Parish Council areas are owned by the individual Parish Council
- Six of the Twelve Parish Councils have entered into a service level agreement with FDC for the repair, management, maintenance and provision of energy for their street lighting assets.
- Six of the Parish Councils manage their own street lighting assets and have made, or are in the process of making alternative maintenance and energy arrangements
- Currently the Parish Councils fund energy, repairs, maintenance and replacement costs for their own street lights either by FDC contract recharges for those who have entered in to an SLA, or through their own energy and maintenance arrangements.
- FDC no longer procures street light energy from the County Council and have entered into a new meter point access number agreement with UKPN. The agreement covers lighting assets owned by the District, Clarion Housing Association and the Six Parish Councils who entered into an FDC SLA in September 2018.
- An offer to join the FDC contracts remains for the Six Parish Councils who have left the FDC arrangements subject to various external factors being satisfied. This includes potential renegotiation with the existing contractor, the contract renewal dates and review of the current specifications of the lighting stock which will incur costs. It should be noted that Parish Councils would be able to join both the repairs and maintenance and energy contracts but it is not possible to join the energy scheme only if the Parish Council maintains its own stock.

- FDC procures street light energy through Total Gas & Power via the ESPO framework contract which expires in September 2020. A further 4 year energy deal has been provisionally signed and is scheduled to commence in October 2020. Parish Councils can independently access and sign up to the same electricity tariff rates via the ESPO framework contract as the District Council.
- The street light motion put forward in May 2019 requests the Council look to address an inequality between towns and villages with regard to costs of street lighting and costs of provision and maintenance of street lighting provided by the District Council and that of similar services by Parish Councils
- Members to confirm that a total of £210,000 is to be allocated from the Council's budget to fund Parish Street Lighting contributions as outlined in this report
- Members to confirm that a total revenue contribution of £16,000 per annum ongoing as per this report is added into the budget for 2020/21 onwards.

3. Recommendations

It is recommended that Cabinet:

- endorse all financial measures and recommendations put forward by the Leader of the Council outlined in paragraphs 3.1 to 3.6.

Wards Affected	All
Forward Plan Reference (if applicable)	
Portfolio Holder(s)	Cllr Chris Boden - Leader of the Council and Portfolio Holder for Finance Cllr Jan French - Deputy Leader of the Council and Portfolio Holder for Street Lighting
Report Originator(s)	Garry Edwards - Engineering Manager Peter Catchpole - Corporate Director of Finance
Contact Officer(s)	Garry Edwards Engineering Manager Justin Wingfield - Head of Economic Growth & Assets Peter Catchpole - Corporate Director of Finance
Background Paper(s)	Cabinet Report - Parish Street Lighting 19 July 2018 Cabinet Report - Parish Street Lighting 17 September 2015

1. Background

Local government reform general

The Municipal Corporation Act 1835 created Municipal Boroughs around the Country and one of these was Wisbech Municipal Borough.

The Local Government Act 1894 created urban districts and rural districts as subdivisions of administrative counties, which had been created in 1889.

An urban district usually contained a single parish, whilst a rural district contained many. Urban districts (considered to have more problems with public health) had more funding and greater powers than comparable rural districts.

Urban districts normally covered smaller towns, or Municipal Boroughs usually with populations of less than 30,000. In many instances, such as Whittlesey in 1926 smaller urban districts were merged with their surrounding rural districts, resulting in the emergence of new districts covering rural as well as urban parishes.

Urban and rural districts in England and Wales were abolished in 1974 by the Local Government Act 1972, and replaced with a uniform system of larger districts which often covered both urban and rural areas.

The existing Parish Councils seen today within Fenland were located within the former rural areas of North Witchford Rural District and Wisbech Rural District Councils.

In 1974 the Local Government Act 1972 retained civil parishes in rural areas and low-population urban districts, but abolished them in larger urban districts. In non-metropolitan counties, smaller urban districts and municipal boroughs were also abolished. In urban areas that were considered too large to be single parishes, the parishes were simply abolished, and they became unparished areas.

The Parish Councils Act 1957 provided powers to Parish Councils to permit lighting of roads and public places. County Councils were given the power to provide lighting on adopted highways outside municipal corporation areas in 1966, and in former municipal corporation areas from 1974. Prior to that, County Councils were required to fund the Parish or District Local Lighting Authority to do so if they wished lighting to be provided on a highway. The County Council has no duty to provide lighting; it does however have a duty to ensure the safety of the highway, which may include the provision of lighting if required for road safety purposes. A Parish or District Council in their capacity as a local lighting authority has no duty to provide lighting.

Some of the Parish and District lighting assets and associated infrastructure that exists today would have been installed prior to the local government reform in 1974 by the former Council administration.

- 1.1 Fenland District Council was formed on 1 April 1974, with the merger of the Municipal Borough of Wisbech, Chatteris Urban District, March Urban District, Whittlesey Urban District, North Witchford Rural District and Wisbech Rural District Councils.
- 1.2 Responsibility for street lighting within the District is spread across all three tiers of Local Government with the County, District and Parish Councils acting as the local lighting authority within their respect areas with powers to provide and maintain lighting.
- 1.3 District and Parish street lights are designated as footway lighting and were deemed to be lights which failed to meet both County Council and industry standard design criteria at the time. There is no legal obligation for a District or Parish Council to provide footway lighting, there is however a legal duty on the asset owner to ensure that the assets are electrically/structurally tested and maintained in a safe condition.
- 1.4 There is no formal obligation on one local lighting authority to take on the responsibility for street lighting from another.
- 1.5 The Highway Authority has the power to take action against the owners of dangerous structures on or near the highway and could commence proceedings if it were considered an asset to be deemed unsafe.

2. Considerations

- 2.1 The street light motion raised in May 2019 expressed concern that there was a disparity in funding for town and village street lighting. The Council was requested to look at the perceived inequality of treatment between Parish and District funding following the settlement agreed by FDC Cabinet on 19th July 2018.
- 2.2 Having listened to concerns raised by the Parishes, the Leader of the Council has proposed a package of support measures in full and final settlement of Parish Council funding disparity.
- 2.3 Category 2 street light contribution levels were based on figures contained within the FDC Cabinet report dated 17 September 2015. Category 2 street light condition data was formerly prepared and presented to Cabinet in 2015 based on data ascertained in 2014 from Balfour Beatty. It should be noted that there will naturally be a continued deterioration in the lighting stock in time with further lights moving from Category 3 to Category 2 etc. FDC funded Parish Council Category 1 defective street light replacements which were completed in 2017/18. The priority for replacement remains the Category 2 defective street lights identified in 2014/15 which were to be replaced within 3 years of the date surveyed or resurveyed and replaced in line with current industry standard recommendations.

3. Way Forward/Recommendations

It is proposed that the concurrent grant mechanism be used to offer additional financial support to Parish Councils in return for a formal resolution by the Parish Council that agreement to this offer would be in full and final settlement of any dispute between the Parish and FDC. Fenland District Council to make a 'without prejudice' offer to each of the Parish Councils' with the Parishes continued responsibility for ongoing asset ownership and full liability for capital and revenue costs associated with their Parish streetlights

- 3.1 A one-off payment amounting to 4.5 times the existing current annual concurrent grant, to be made to all Parishes in 2020-2021. Payment to be made in respect of a contribution towards past, current and future renewal of lights, columns, pole brackets and other associated infrastructure
- 3.2 A continuing contribution of an additional 40% of the existing annual concurrent grant towards electricity and repair/maintenance costs to be made to all Parishes
- 3.3 A payment of £1,000 per annum payable in years 2020-21, 2021-22 and 2022-23 only, to be made in those years where, as at the preceding 20th February, all or almost all of the Parish lighting stock has been converted to LED, in consideration of the cost incurred with replacement
- 3.4 In recognition of the disproportionate administrative cost for smaller Parish Councils to deal with replacement of their streetlights, a one-off payment of £1,000 to be paid to each of the six smallest Parishes (defined by electorate) in 2020-21.
- 3.5 Parish Councils will have until 30th June 2020 to accept the offer. Those Parish Councils which do not accept the offer will be unable to claim any of the financial measures outlined in paragraphs 3.1 to 3.4 above.
- 3.6 Those Parish Councils which do accept the offer detailed above will have until 20th March 2020 to claim the Category 2 capital street light replacement contribution support set out in the FDC Cabinet report dated 17 September 2015 on completion of the necessary works. Those Parish Councils which do not accept the offer detailed above will have until 31st January 2023 to claim the Category 2 street light replacement contribution support set out in the FDC Cabinet report dated 17th September 2015 on completion of the necessary works.

4. Financial Implications

- 4.1 Should all Parish Councils agree to the offer detailed above then a one off payment totalling £210,000 will be provided for in the Council's budget in the appropriate years together with an additional cost of £16,000 per annum from 2020-21 onwards.

4.2 Costs have been estimated on the concurrent grant figures payable in 2020 – 2021 which total £39,998 per annum.

5. Community Impact

5.1 The offer made to reprofile the concurrent grant is a clear demonstration of FDC's commitment to offer additional financial support to Parish Councils to resolve a difficult situation for the benefit of our rural communities.

6 Conclusions

6.1 Having formerly agreed Parish Council Category 2 street light funding contributions, this proposal provides significant additional financial support by the District Council towards addressing the inequality between town and village lighting. There will be an ongoing need for Parishes to establish a sustainable way forward to safeguard both their lighting assets and the local community.