

**Report to the Cabinet**

Meeting to be held on Thursday, 6 October 2022

**Report of the Director of Highways and Transport**

**Part I**

Electoral Division affected:  
(All Divisions);

**Corporate Priorities:**  
Delivering better services;

**Review of Charging for Attachments to Lighting Columns**

(Appendix 'A' refers)

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**Brief Summary**

The council currently does not charge for permits or licences, to attach items to lighting columns, although a charge is currently levied for structural tests for columns over seven years old. Industry guidance has been reviewed and a revised proposal put forward.

It is proposed that, in line with many of the other Highway Authorities surveyed, a charge of £70 per application for a consent should be applied. This would normally trigger additional cost of structural tests for each column in addition but see below.

The idea of a three seasons licence is also proposed.

Consideration is also being given to waive the charge for parish and town councils, and charitable organisations, for structural surveys where applications for seasonable decorative items are received at least 10 weeks prior to installation.

**Recommendation**

Cabinet is asked to approve:

- (i) The introduction of a £70 charge per application for consents to attachments to lighting columns together with the cost of structural tests for each column where required.



- (ii) That such consents are valid for three seasons as defined in the report.
- (iii) That the charge to parish and town councils, and other charitable organisations, for said structural tests be waived where applications are for reasonable or event decorative items and are received at least 10 weeks prior to installation.
- (iv) That the charge for said structural tests where the application is for temporary lightweight correx type signs satisfying the tests set out in the report be waived.

## Detail

There are over 151,000 streetlights in Lancashire. At the end of March 2022, there were 29,000 lighting columns that were aged 40 years or older (19.24% of the total stock), up from 14,665 in March 2020. Streetlighting is covered by the Transport Asset Management Plan ([Transport asset management plan - Lancashire County Council](#)). The current condition of lighting stock is considered POOR and is expected to deteriorate further year on year.

The council currently does not charge for permits or licences to attach items to lighting columns, though a charge is levied for structural tests for columns over seven years old. The current guidance is published on the Internet at: [Column attachment guidance - Lancashire County Council](#)

Lancashire's ageing lighting stock is not a unique situation and is the same throughout the UK. The Institute of Lighting Professionals has provided a guidance document "Guide (PLG06) 'Guidance on Installation and Maintenance of Seasonal Decorations and Lighting Column Attachments". Lancashire's street lighting attachment guidance has been produced in accordance with the recommendations in this Institute of Lighting Professionals guidance document.

In summary:

- All lighting columns which are older than seven years must be structurally assessed by a professional organisation to prove there is sufficient structural integrity in the column for the additional load.
- The column must be re-tested every three years.
- Not complying with the guidance puts the county council and the public at risk.

Current charging policy was approved by Full Council on 17 February 2022 as part of the approval of the county council's revenue budget for 2022/23. (Appendix G1, fees and charges). The Street Lighting Column Structural Test fee is set at £55, and the test is valid for three years, the charge is not annual.

## Review of other Highway Authorities

The approach in 11 other Highway Authorities was reviewed via information obtained through the Association of Public Service Excellence, Midlands Highways Alliance



plus Street Lighting Service Improvement Group, Northwest Authorities Benchmarking Group and through internet searches. Further details are set out in Appendix 'A'. Of the 11 authorities:

- Nine require formal application or licence.
- Five set out costs for arranging the licence at a cost of between £40 to £150 per application. Other work is carried out on a cost recovery basis.
- For some authorities the applications cover entire streets not just single lighting columns.
- Nine require structural safety reports, seven of which require the applicant to provide safety reports directly to the authority.
- Two will arrange and charge the applicant for the structural report to be carried out at a starting cost of £60 per column.

### Review of column testing

The county council is currently following Institute of Lighting Professionals guidance, in testing columns which are over seven years of age. Institute of Lighting Professionals bases this on the legal length of time for which records must be maintained.

In Lancashire, since the lighting maintenance was transferred from the district councils under the S101 LGA Agreement back to Lancashire County Council as the Highway Authority in 2006, it can be assumed with some confidence that detailed records of the column type, age and specification is available.

There are:

<b>151,290</b>	<b>Lighting Columns in total</b>	
15,116	10%	Under 7 years of age
32,193	21%	Under 16 years of age

Consideration has been given to increase the age at which a column test is required to 16 years.

To allow columns which are older than 16 years to be used for an attachment without conducting a structural test, begins to increase the risk of harm due to column failure. This threshold is set out in the Institute of Lighting Professionals Guidance Note 22: Asset Management Toolkit: Minor Structures, where a lighting column requires a test taking into account all of the defined environmental and structural criteria.

In the event of a claim against the council by a third party, there may be an increased risk that the council is unable to defend the claim where industry recognised guidance has not been followed where a column has failed which has an attachment.



It is considered not prudent to increase risk for the small number of columns which would likely fall into the 7-to-16-year age group given that the high percentage of columns are older.

### **Cost of testing**

Where column testing is requested by applicants and where adequate notice is given, it is possible to coordinate the testing within the council's routine testing schedule. This results in a competitive rate of approximately £10 per column when a full day of testing can be issued to the contractor, where in the order of 70 to 80 column tests can be carried out.

From discussions with the testing company, the cost of a one-off batch of testing in the following bands would equate to:

<b>Number of columns</b>	<b>Cost per column (£) * exclusive of overheads and VAT</b>
Up to 10	48
11 to 25	35
26 and over	20

With notice of 10 weeks the council can arrange testing at a competitive rate. If short notice is given, then costs escalate significantly. If a column has already been tested and is within the re-test period, then no further test will be required.

It is therefore proposed that given the public appreciation of seasonal and event decorative items, and to encourage their applications, on adequate notice of a least 10 weeks by parish and town councils, or other charitable organisations for seasonal and event decorative items, the council could absorb the cost of structural testing. If less than 10 weeks' notice is provided then it is proposed that either the applicant can provide a structural test, as is an option now and is the norm for other authorities, or the council could arrange for the test to be carried out and charge the fees as above.

### **Licences including three-year licences**

The council has been issuing Section 178 licences for anything attached to its lighting stock including seasonal decorations and attachments such as bunting for many years. Consents are also required for hanging baskets.

There has never been a charge for these consents, and this has been encouraging for the parish and town councils in particular to participate in seeking approval. They have also benefitted from technical advice in this regard.

It is important that all attachments to lighting columns are considered by the council's street lighting engineers and given approval or refusal based on technical guidance. It is also important the council has adequate assurance that the contractors installing the attachments are covered by the appropriate insurance and indemnities and work to safe working methods, that a 24-hour point of contact is available in case of damage, and that each applicant has liability and indemnity insurance in place. It is



therefore advised that the council continues to licence all attachments to lighting columns.

It is proposed that, in line with other authorities, the council should charge administration of the licence at £70 per application per scheme, this is to cover the cost of a Grade 7 Officer (1 hour) and a Grade 10 overseeing Officer (15minutes) to review and approve the application.

Application and consent is required for all attachments to lighting columns.

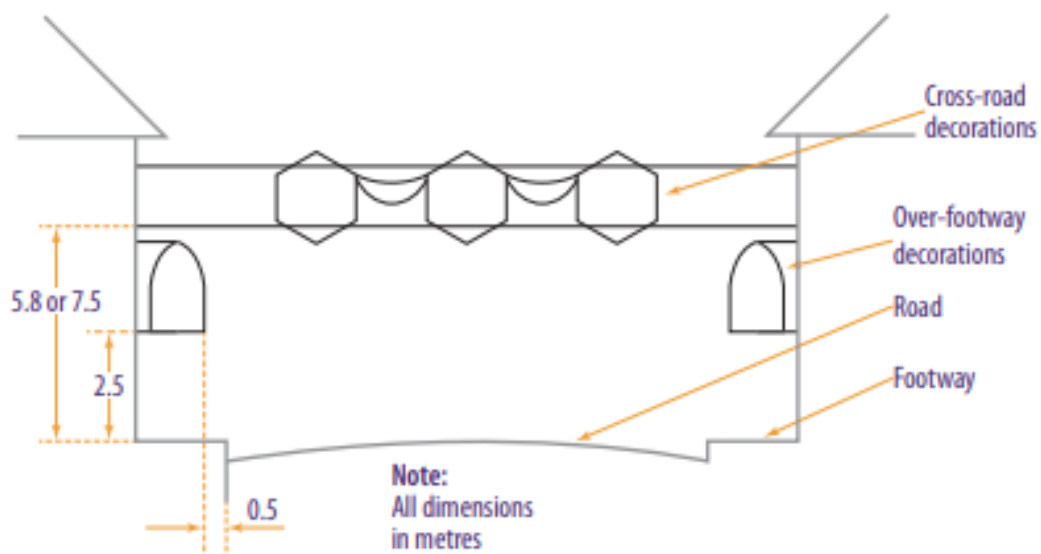
Applications for lightweight correx type signs, such as those used on the Royal British Legion National Day of Remembrance, will be exempt from the testing fee.

It is further proposed that a consent for seasonal and recurring or continuous event items attached to approved lighting columns could cover three seasons. The Institute of Lighting Professionals guidance for licenses for items is a period of 30 months which is then valid for three seasons, unless there are significant changes. A seasonal license would allow, for example, a Christmas lights licence to be granted in September which would then cover three subsequent Christmas periods with the licence expiring in March after the third Christmas. Three seasons could apply to any seasonal event be it for hanging baskets, bunting or lighting. The period for which attachments are permitted to be in situ will be stated in the licence or agreement and must be removed promptly following the expiry date.

There are basic general requirements for approval which can be summarised as follows:

- Minimum 4 weeks' notice.
- Evidence of a minimum £10m public liability insurance, to be presented annually.
- Details of the type, weight and locations of the items proposed to be attached to lighting columns.
- The applicant's commitment to be responsible for health and safety of the general public, its own staff and any contractors appointed by the applicant.
- A commitment not to impede the progress of traffic and pedestrians during the erection or removal of the items.
- To maintain clearances above the highway as shown in the example below:





- Only attach approved items to street lighting columns that are approved and satisfy the requirement for structural testing.
- No crossroad spans are to be supported by lighting columns.
- Displays to be erected and removed within the timescales stated on the licence.
- Evidence of the ability to pay for the electricity on illuminated displays.
- Payment of the structural testing if required

### **Absorbed cost of structural tests if over 10 weeks' notice given by certain bodies for seasonal and event decorative items**

It is suggested that given adequate notice of a least 10 weeks the council could absorb the cost of structural testing at the present time for applications from parish and town councils, or other charitable organisations for seasonal and event decorative items.

It is anticipated that parish and town councils in particular will be keen to take advantage of this.

### **Enforcement**

During the Platinum Jubilee celebrations, only three applications were processed across the county demonstrating poor compliance with the requirement. This represents a challenge to regulate should there be a decision to prosecute for non-compliance which would entail significant officer time with the potential to negatively impact on the collaborative relationship between the county council and others.

Whilst the feasibility of actively enforcing this requirement is low, where unlicensed attachments are found by or reported to the street lighting teams then the attachments will be removed until a licence has been applied for and granted. The county council has powers under the Highways Act 1980 to remove items deposited on highway (which includes in the airspace of the highway) forthwith (s149 Highways



Act). Serious dangerous placing of items may lead the authority to consider a prosecution under S178.

An extensive communications strategy is being developed and will be rolled out following confirmation of acceptance of the proposed changes.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

## **Legal and Financial**

Items attached to street lighting columns should require a consent from the Highway Authority.

Bunting, Christmas lights and similar lengths hung across or along highways require a consent under Section 178 Highways Act 1980 and that consent can contain conditions such as covering the costs, providing insurance and indemnity.

Hanging baskets can be placed in the highway by a district or parish council under their power to plant in highway attaching containers to posts or standards with the consent of the owner (s96 Highways Act as amended by S8 County of Lancashire Act 1984). This therefore again requires a consent.

Persons other than a district or parish council would need to fulfil criteria regarding placing their hanging basket in the highway under S115A-K Highways Act 1980 or S50 New Roads and Street Works Act, again with consent from the Highway Authority.

The county council should act reasonably and be consistent in its charging regimes. The suggested change in guidance from charging parish and town councils and charitable organisations for structural testing to absorbing the costs of some structural testing will mean the funds available for the risk based structural testing integral to the safe management of the street lighting stock will be reduced. Fewer columns already identified as high risk will be tested increasing the risk to the public and increasing the risk of claims against the county council.

The current number of applications is low however an increase in the number of applications which do not meet the 10 weeks notice criteria for exemption may impact on the revenue budget and so this should be kept under review, e.g. one year after implementing a change in procedure.



## List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

