

Report to CABINET

Street Lighting Attachment Policy

Portfolio Holder: Councillor Chris Goodwin, Cabinet Member for Don't Trash Oldham

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Reason for Decision

Under Section 178 of The Highways Act 1980, there is a legal requirement for any individual who wishes to attach signage or equipment to a street lighting asset to obtain a licence from the local highway authority.

To date, the Street Lighting Service has been using a robust process to allow attachments to its lighting columns. However, the service has identified that there is no formal Council policy in place covering the requirements of the The Highways Act and the current contract for replacement of the streetlighting assets. This report is requesting approval of a policy, which outlines the legal and council requirements for anyone wish to attached items to the streetlights.

Recommendations

It is recommended the Street Lighting Attachment Policy (Appendix 1) is approved for implementation to allow the Council to formally provide the requirements needed for Applicants to gain an Attachment Licence, and therefore, ensuring compliance with The Highways Act 1980 and the councils contractual requirements.

Street Lighting Attachment Policy

1 Background

- 1.1 Under Section 178 of The Highways Act 1980 (the 'Act'), there is a legal requirement for any person, group, or organisation (the 'Applicant') that wishes to fix overhead apparatus over, along or across a road (including associated footways and verges) to first obtain an Attachment Licence from the Highway Authority (the 'Council'). The Street Lighting Attachment Policy sets out how consent can be obtained, the standards that shall be met and the general conditions that will apply for anyone looking to install attachment(s) to street lighting assets in Oldham.
- 1.2 The street lighting service is currently being provided under a 25 year Street Lighting Private Finance Initiative (PFI) in conjunction with the Service Provider, Community Lighting Partnership (CLP), and their day-to-day operating company, E.ON Lighting and Grid (E.ON).
- 1.3 As part of the PFI, there are contractual requirements covering the licensing of Attachments to street lighting assets by CLP on behalf of Oldham Council (the 'Council'). The requirements have been followed since service commencement on 4 July 2011 and will continue until service completion on 3 July 2036.
- 1.4 However, the service has identified that there is no formal Council policy in place covering the requirements of the Act and PFI contract. This report is requesting approval to rectify this omission and implementation of a policy which clearly outlines, for all Applicants, their legal obligations and Council requirements.
- 1.5 The service has undertaken a very robust process of identifying attachments and the processes required in developing the Street Lighting Attachment Policy (Appendix 1) including PFI contractual requirements.
- 1.6 Oldham Council recognises the contribution attachments such as signage, seasonal decorations, banners, hanging baskets, CCTV, communications, and traffic survey equipment to street lighting assets can make to its communities and local areas. The Council is committed to cooperating with residents and community groups to help ensure that all such installations are safe, secure, and meet legal and contractual requirements.
- 1.7 The Council is responsible for the management of over twenty-nine thousand (29,000) Street Lighting assets, including illuminated highway signage. This Policy sets out the requirements and core standards for the attachment of apparatus to street lighting and signing assets to ensure these assets can be maintained in a safe and reliable condition in line with the Council's corporate aims and priorities.

2. Current Position

- 2.1 A Street Lighting Attachment process has been in place since the commencement of the Street Lighting PFI in July 2011 without formal approval of a Council Street Lighting Policy to back up the process and requirements.
- 2.2 Without a formal policy document in place, persons, groups and organisations are not aware of their legal obligation to obtain an Attachment License or the requirements/conditions that need to be met to use the streetlighting asset.
- 2.3 The Streetlighting team, along with partners regularly identifies unauthorised attachments on columns that create significant risk of lighting column failure and serious injury to highway users. The service believes this is due to the lack of information detailing Council requirements when attaching anything to a street lighting asset.
- 2.4 Implementation of the policy with clear standards, guidance and application process will allow for the compliant use of the streetlighting asset by Oldham residents, groups and organisations.

3. Options/Alternatives

- 3.1 Due to the Highways Act and the current PFI contractual requirements, there is no alternative option for Street Lighting Attachments. A robust process has been undertaken to ensure the policy is fit for purposes and compliant with both the Act and PFI obligations.

4. Preferred Option

- 4.1 It is recommended the policy is approved and adopted in full.

5. Financial Implications

- 5.1 The finance team confirm there are no financial implications for the service with the implementation of this policy. License approval and enforcement costs are covered in the PFI contract and included in monthly contractual payments until service end in July 2036.”
John Edisbury (Service Accountant Environment - Finance)

6. Legal Implications

- 6.1 Under section 178 of the Highways Act 1980, no person shall fix or place any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway without the consent of the highway authority for the highway and the highway authority may attach to their consent such reasonable terms and conditions as they think fit. A person aggrieved by the refusal of a consent or by any terms or conditions attached to such a consent may appeal to a magistrates’ court. (A Evans).

7. Equality Impact, including implications for Children and Young People Implication

- 7.1 An Equality Impact Assessment (EIA) has been completed and no related issues identified from the proposed implementation of this policy. See Appendix 2.

8. Key Decision

8.1 No.

9. Appendices

9.1 Appendix 1 – Street Lighting Attachment Policy.

9.2 Appendix 2 - Equality Impact Assessment (EIA)