
Subject:	BURGOYNE HEIGHTS FOOTWAY LIGHTING
Date of Decision:	2 September 2022
Decision taken by:	Councillor Oliver Richardson, Portfolio Holder for Community and Corporate Property
Report of:	Martin Leggatt, Head of Assets and Building Control
Decision Type:	Executive Non-Key Decision
Classification:	Unrestricted
Authority:	Paragraph 12 (General Responsibilities Delegated to all Members of the Executive) of Section 3C of Part 3 (Responsibility for Functions) of the Constitution

Purpose of the report: To seek approval to proceed with a project to replace the footway lighting on the Burgoyne Heights housing estate.

Recommendation: To proceed with the project, purchase lighting components and approve the engagement of a contractor to deliver replacement lighting on the Burgoyne Heights estate.

1. Summary

- 1.1 The footway lighting at Burgoyne Heights, comprising 69 lights are in the region of 50 years old and reaching end of life. A small number of lamp posts have already been removed on structural safety grounds. These assets now need to be replaced and the lamps themselves converted to LED.
- 1.2 An ongoing dispute exists between Kent County Council (KCC) and Dover District Council (DDC) about rightful responsibility but, in order to ensure that the quality of life for residents that both bodies serve is not diminished whilst the dispute is resolved, Dover District Council allocated a sum of £140,000 for the purpose of replacing the lights and converting the lamps to LED. Discussions with KCC have not resulted in KCC accepting responsibility for maintenance and it is now expedient to proceed with a project to replace the lights, including the purchase of the lamps in advance of procuring the contractor to install them.

2. Introduction and Background

- 2.1 Dover District Council, both as a response to the climate change and as a means to decrease running costs, converted its entire street lighting stock, some 2,700 lights, to LEDs, a project that completed in 2021 and is delivering energy savings approaching 80% of previous usage.
- 2.2 The footway lighting at Burgoyne Heights, comprising 69 lights, was not included in that project because of a long-running dispute about where responsibility for their maintenance lay. The rest of the streetlights on the estate are the responsibility of KCC, as are the adopted footpaths, which are lit by these 69 footway lights. There is a strong argument that these lights should be maintained by Kent County Council, however they appear on the KCC map of street lighting as a Dover District Council

asset. They are shown on the map despite the fact that Dover District Council has never had any land-holdings at Burgoyne Heights. Approaches to KCC by DDC officers and Members had not resulted in any acknowledgement of maintenance liabilities on the part of KCC or a commitment to the maintenance of these lights.

- 2.3 The impasse regarding responsibility has had the inevitable effect of delaying maintenance work on the stock, which is in the region of 50 years old and reaching end of life. A small number of lamp posts have already been removed on structural safety grounds. Dover District Council recognised that a financial dispute between two public sector bodies should not diminish the quality of life for residents that both bodies serve. It therefore took the decision to allocate a budget of £140,000 in the 2022-2023 Medium-Term Financial Plan to be called upon should it not prove possible to persuade KCC to accept responsibility and maintain the lights. Subsequent approaches have again proved unsuccessful and it is now expedient to replace the lights in question, in order to complete the work prior to dark winter nights and avert any future structural stability risks.
- 2.4 Enabling design work has taken place to ensure speedy delivery will ensue once a decision is made to proceed with the project. The enabling work included engagement with KCC highways officers to identify the most efficacious design. The resulting minor adjustments of lamp positions allowed a reduction in the number of lights from 69 to 64 whilst retaining suitable lighting levels.
- 2.5 The design provides for a marine specification (and where vehicular access is not possible incorporates central pivots to allow safe easy maintenance) which not only will elongate the life of lamp posts but accords with KCC specifications, thus enabling an asset transfer should it become possible in the future.
- 2.6 Given the price volatility in the construction sector, the lead times for the lamp posts and the consequential impact on project costs and programme if the lamps arrive late, it is expedient to purchase the lamps in advance of procuring the contractor to install them. The financial risks to the Council will be mitigated using vesting arrangements.

3. Identification of Options

- 3.1 Proceed with project to replace footway lighting.
- 3.2 Retain existing lighting.

4. Evaluation of Options

- 4.1 *Proceed with project to replace footway lighting.* This option would provide lighting to Burgoyne Heights footpaths for the long term, fulfilling the wishes expressed repeatedly by residents to Guston Parish Council, Dover District Council and Kent County Council. Lighting is perceived to improve security and make residents feel safer. The lighting reduces the risk of claims emanating from trips, slips and falls. This is the preferred option.
- 4.2 *Retain existing lighting.* Whilst in the short-term this option obviates capital expenditure, the current state of the stock, being close to end of life, means there is an increasing chance of failures necessitating repair works or removal. With the matter of responsibility not being clear, and the lights appearing on the KCC inventory, there is also a risk of a claim against the Council should an injury occur where the lack of lighting is a contributory factor. This is not the preferred option.

5. **Resource Implications**

- 5.1 There is a budget of £140,000 identified in the 2022-2023 Medium-Term Capital Plan which will cover the separate purchase of the lamp posts, all contractors' costs and officer time.

6. **Climate Change Implications**

- 6.1 The project provides an obvious climate change benefit because the energy used will be reduced by approximately 80%. A judicious design review has identified that only five lamp posts need replacing, thus saving the embodied carbon of manufacture – the option of re-using existing columns, whilst considered, was not possible due to their poor structural condition. DDC will be taking on responsibility for energy costs, therefore albeit very energy efficiency lighting there will be an increase in kilowatt hours reported for the streetlighting element of the Council's Greenhouse Gas Emissions reported, the electricity purchased is from a renewable energy source.

7. **Corporate Implications**

- 7.1 Comment from the Section 151 Officer: The Section 151 Officer has been consulted and has no further comment. (DL)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>'KM 23/08/22
- 7.4 Comment from Climate Change and Energy Conservation Officer): I have been consulted have no further comments to make. (AM)

8. **Appendices**

None.

9. **Background Papers**

None.

Contact Officer: Keith Watson