

## **Appendix A**

### **Background to street lighting responsibilities**

#### **Legislation and the national picture**

##### **1833 – 1974**

1. Prior to the establishment of modern local authorities, most Municipal Corporations had the power to provide lighting in streets and public places under their respective Charters. Apart from the City of London, all were abolished in 1974.
2. Parishes were given the power to provide lighting in public places as "Local Lighting Authorities" (LLA) under the Lighting and Watching Act (1833). Since 1966, that power can only be exercised on a public highway (including in respect of footways forming part of the highway) with the approval and to the standards set by the County Council for adoption. This is a discretionary power, not a duty.
3. The 1875 Public Health Act created urban districts, which displaced Parish Vestries in those districts as the Local Lighting Authority (LLA). It also created Rural Districts that could apply to the Local Government Board to be designated LLAs, but not to displace parish councils. Urban and Rural District Councils have now been abolished.

#### **County councils and other highways organisations**

4. 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, they were required to fund the Parish or District LLA to do so if they wished lighting to be provided on a highway). Although the county council has no duty to provide lighting, it has a duty to ensure the safety of the highway, which may include the provision of lighting if required for road safety purposes.
5. The Highways Act 1980 empowers a highway authority to provide lighting for any highway or proposed highway for which they are, or will be, the highway authority. The highway authority has a duty of care to the road user. However, this duty does not require the highway authority to keep the public lighting lit. It does require the authority to be able to demonstrate that they have systems in place to maintain the public lighting equipment in a safe condition, including the detection of dangerous equipment.
6. Until the coming of the motorway, the Department for Transport (DfT) had no power to light trunk roads, and had to secure (by payment) lighting by LLAs if it wished trunk roads or motorways to be lit. The first motorways were unlit. The DfT now has the power to provide trunk road and motorway lighting in its own right.

#### **District councils and other LLAs**

7. District councils established in 1974 were given the power to become LLAs, but not to displace the parish council's original powers. Again, this is a power, not a duty.
8. In addition, some Registered Social Landlords (RSL) can provide lighting on housing estates transferred from local authority ownership.
9. Anyone can light the road or footway at or outside their property with the requisite development consents.