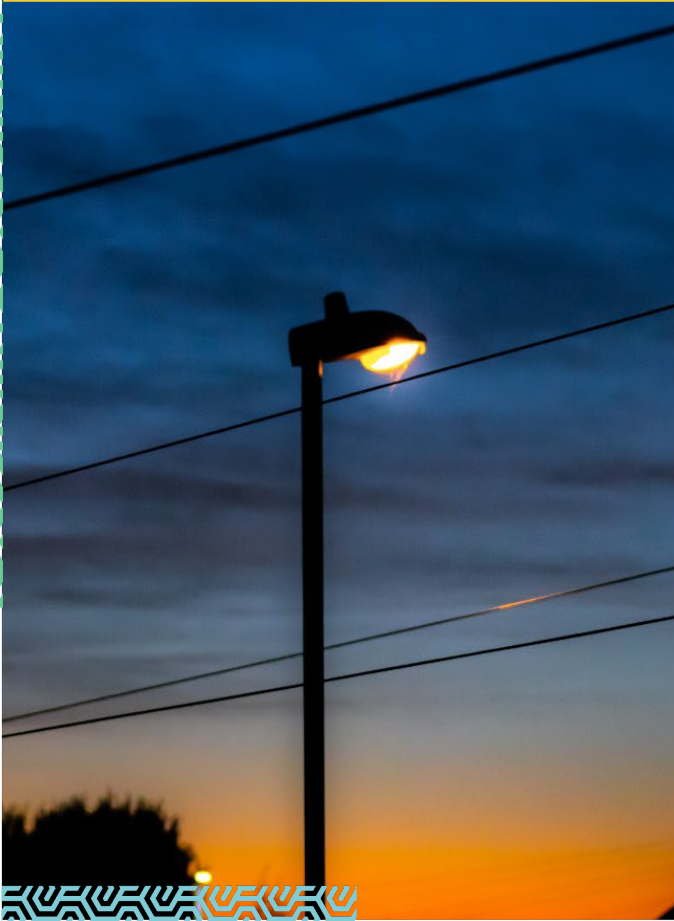


rmp

**Risk control**  
Street Lighting Advice for  
Local Authorities



In partnership with



# Street Lighting Advice for Local Authorities

## Introduction

This guidance is intended to help explain the legal position for UK Local Authorities regarding their responsibilities for the provision and maintenance of street lighting in the public domain. In addition, it will also discuss a few of the lighting strategies used by Local Authorities across the UK.

The UK has 382 Local Authorities spread across four Countries. Although the Office of National Statistics does not record the official number of street lights, the UK Roads Liaison Group collected data from 210 Councils across the UK. Their data set recorded 7,190,166 street lights of various design in their study<sup>1</sup>. UK Government public sector expenditure on street lighting for the year 2022/23 was £884 million<sup>2</sup>.

As many as up to 70% of UK Local Authorities who are responsible for street lighting now operate a dimming or partial night-time switch-off strategy in order to manage budgets and reach NET ZERO targets<sup>3</sup>.

Street lighting is considered a public good, and as such individuals cannot be charged for or excluded from using it. Street lighting is seen by the general public as a given and basic commodity that Local Authorities provide. Good quality street lighting offers cost savings to other services as the provision of lighting may reduce accidents<sup>4</sup>.

In many areas where street lighting hours have been reduced this has been largely gone unnoticed with little or no reported impact on safety or mobility, however, there can be strong community feelings where lights have been switched off. Street lighting at night can give residents in urban and suburban areas a sense of security. As such, the removal of this public good can be perceived negatively by local communities.

Any proposed changes to street lighting provision should be discussed with the emergency services and take into consideration any known hazards in the area.

There is plenty of evidence supporting claims that in well-lit areas hazard spotting and hazard perception increases and accident figures drop<sup>5</sup>. There is less evidence to support claims that where street lighting is removed crime figures increase<sup>6</sup>.

## Legal Requirements

It is important to consider the emotive nature of street lighting and to communicate any future strategy changes with key stakeholders before initiating any changes.

The legal stance regarding the provision of street lighting was clarified in a House of Commons briefing paper in 2018<sup>7</sup>.

“Local highways authorities have the power to provide street lights (either themselves or by virtue of a contract with another body) under section 97 of the Highways Act 1980. However, this only covers highways for which they are the highway authority and so would exclude private or un-adopted roads. However, while this power exists there is no duty on any local highway authority to provide lighting”.

So in England and Wales, it is the Highways Act 1980<sup>8</sup> which empowers a Highway Authority to provide lighting for any highway for which they are the Highway Authority. District Councils and many Parish or Town Councils also have the power to provide lighting as local Lighting Authorities. Their empowerment is by means of the Public Health Act 1984<sup>9</sup>, or the Parish Councils Act 1957<sup>10</sup>. The consent of the Highway Authority is required where local Lighting Authorities wish to provide highway lighting.

Elsewhere, The Roads (Scotland) Act 1984<sup>11</sup>, Section 35, and The Roads (Northern Ireland) Order 1993<sup>12</sup>, Section 44, empowers a local Roads and / or Highways Authority to provide lighting for roads which are maintainable by them and which in their opinion ought to be lit.

Therefore, the only legal requirement placed on Local Authorities is to maintain street lights that are in-situ as part of its overarching asset management strategy. Further guidance on how this can be achieved can be found within the Well Managed Highways Infrastructure Code of Practice (2016)<sup>13</sup>.

## Changing Street Lighting

There are a multitude of risks associated with changing street lighting in highway and community areas. Each of these risks need to be considered and mitigated so far as reasonably practicable to a level at which the Local Authority feels reasonable.

Areas to consider:

- Road traffic collision figures for the road and approaching roads
- Highway layouts and road speeds
- Historic and potential future civil claims made against the Local Authority for highway-related accidents and incidents
- Crime statistics for the areas and adjacent areas to the proposed changes.
- Footpath construction and locations
- Location of the assets to significant hazards (road or footpath adjacent to an open quayside or steep drop etc.)

- Asset condition
- At risk or vulnerable people

## Risk Assessment

The Management of Health and Safety at Work Regulations 1999<sup>14</sup> requires employers to make a suitable and sufficient assessment of the health and safety risks. The Local Authority should complete a risk assessment with input from key stakeholders. Different strategic options should be reviewed and considered for different areas.

Areas of concern such as accident blackspots, areas of increased criminal activity, or areas identified as having a significant night time economy should have different strategies to suit each areas unique requirements.

**General public safety** – Local Authorities should be inspecting highways and footpaths as part of their asset management program. Any defects reported should be classified and repaired on a priority basis.

**In the event of an accident** – street lighting strategies should be reviewed in conjunction with the risk assessment.

**Changes to community usage of an area** - any new changes to the use of an area such as changes in housing, the provision or relocation of new schools and hospitals or proposed changes to business usage will change the risk rating of an area and require an adjustment to the risk assessment and subsequent lighting strategy.

## Lighting Strategies

Local Authorities have been under pressure for some time to find efficiency savings in order to reduce funding gaps. Lighting strategies are a natural target for inclusion in any spending reviews undertaken.

There are four main strategies which are in use across the UK for reducing costs and minimising light pollution.

### 1. Switching off of lights permanently

As there is no legal requirement to provide street lighting this is an option that some Local Authorities have considered.

When exploring this option Local Authorities need to look at the hazards in the area and assess the likelihood and potential severity of foreseeable accidents due to the removal of lighting.

Areas such as but not restricted to, open quay sides, historic cobbled streets or highways with high speed sections or roundabouts will all need careful consideration and potentially a different strategy.

This option also has a political risk as the withdrawal of a public good can leave communities feeling neglected and vulnerable.

### 2. Reducing lighting hours

This option is one of the most popular strategies that Local Authorities are choosing but is reliant on a good understanding of the night time economy and requires regular checks. Lighting is operational only when it is required and switches off at a pre-determined time when activity in the area reduces.

There are criticisms to this option. People commuting in the early hours such as hospital workers or shift workers are doing so in darkness if lights are switched off. This can make them feel vulnerable and again can be perceived as a negative action by the Local Authority.

Typical switch-off times can be between 01:00 - 05:00 or 00:00 – 06:00 dependent on location or Local Authority<sup>15</sup>.

### 3. Dimming lights / trimming light levels

With the development of LED lamps the dimming or trimming of light levels can reduce costs considerably. This low light option provides some illumination for people moving around but is not as costly or intrusive as running street lighting at normal levels. It can however cause light pooling which can mask hazards and cause issues with people feeling uncomfortable. Individuals moving in and out of areas of lighting can experience problems with their eyes as they have to adjust to the different light levels.

### 4. Installing LED lamps

Many Local Authorities have undertaken replacement programs over recent years, replacing old sodium lamps which were introduced in the 1970s with more efficient white light LED lamps. These newer lamps provide a better quality of light which allows for better detail definition.

LED lamps have the ability to be run at reduced power levels for periods throughout the night. The ability to run at low power levels reduces running costs, reduces light pollution and also reduces the carbon footprint of the Local Authority. In addition to these benefits the lamps turn off immediately and don't flicker therefore reducing the risk to photosensitive individuals.

All these strategies maintain their pros and cons. In many cases Local Authorities will use a combination of different strategies in order to achieve an acceptable well-balanced risk-based solution to what is often a complex issue.

## Reduced Lighting Strategies

Lighting strategies when implemented correctly can significantly reduce costs and improve the natural environment as well as reduce the carbon footprint of Local Authorities.

Some strategies which involve completely switching off lights may have a negative impact such as increased potential for claims for trips and falls where members of the public fail to identify trip hazards in the street in the hours of darkness. This strategy can also leave communities feeling neglected and vulnerable especially in areas of high-reported crime rates.

Reduced lighting hour strategies potentially offer large cost savings. By assessing the usage of areas and only providing lighting in these areas when required, savings to Local Authorities and reduction of environmental pollutants can be significant. This is one of the more popular strategies implemented across the UK but is dependent on good knowledge of the contextual factors such as night time economy and crime statistics for the areas.

## Key Points

The legal stance is quite clear in that the Local Authorities are not legally obliged to provide street lighting. However, there is a moral obligation to protect the general public.

Any strategy chosen needs to be flexible and adaptable for different locations and risk factors.

Local Authorities should undertake a detailed risk assessment for the areas which are being considered for a reduced or changed lighting strategy. A detailed consultation should be undertaken with other key stake holders in order to fully understand the usage of the areas. Local Authorities should be prepared to review any decisions in light of new information or changes to technology. Any changes to lighting strategies should always be assessed, evaluated, documented, and communicated

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## Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

[contact@rmpartners.co.uk](mailto:contact@rmpartners.co.uk)



### **Risk Management Partners**

The Walbrook Building  
25 Walbrook  
London EC4N 8AW

020 7204 1800  
[rmpartners.co.uk](http://rmpartners.co.uk)

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