

Scrutiny Committee

Meeting to be held on 4th April 2014

Electoral Division affected: All

Events on the Highway, Policy and Procedures for Highway Management. (Appendix 'A' and 'B' refers)

Contact for further information:

Peter Bell, 01772 536818, Environment, peter.bell@lancashire.gov.uk

Executive Summary

Lancashire Constabulary is no longer providing traffic management at parades and events in Lancashire (except those of national significance such as Remembrance Sunday). As a result the County Council alongside the district councils and the police have been working towards mitigating the impact of this for event organisers by setting out a clear process and the requirements expected for events to occur safely and legally on the highway.

Recommendation

The committee is asked to note this report and the draft policy and procedures and make any comments on them that it sees fit.

Background and Advice

Parades and events occur on a regular basis throughout Lancashire. These events can either take place on or off the highway network. Parades that are proposed to use the highway network require careful management to ensure that they can legally proceed and are safe for those taking part. For an event to be able to use the highway it is necessary to restrict or close the affected section of road to remove traffic that could conflict with the event taking place. There are two types of road closure that can be considered for any event on the highway.

1. **A full closure** – this involves physically closing the road to traffic and providing signed diversion routes, similar to what happens during road works. A full closure could be used for a street party, for example the national "Big Lunch" event where communities were encouraged to set up tables in the street for a community meal.
2. **A rolling closure** – these closures are best considered in the context of a parade moving down the street. The section of road closed extends in front and behind the parade and moves with them, acting as a buffer zone. This type of closure does not use barriers and diversions but rather marshals (with Police powers) to direct traffic safely in the vicinity of the parade.

Each type of closure requires a legal order to facilitate the closure of the highway. For events and parades there are two options available to councils to legally close the road.

- **Town Police Clauses Act 1847** – This provides district councils with powers for preventing obstruction of the streets in times of public procession, rejoicing, or illuminations, and in any case when the streets are thronged or liable to be obstructed. It may apply to a special occasion when the ordinary day to day use of a street or highway is likely to be obstructed by substantial numbers of people, on foot or in a vehicle, participating as spectators or otherwise in the occasion.
- **Road Traffic Regulation Act 1984** - This gives county councils the power to make an order to regulate traffic on a temporary basis to facilitate sporting events, social events or entertainment on the highway. The restrictions may be imposed for a maximum of three days and only one such set of restrictions may be imposed on any particular section of road in a calendar year. Consent to extend the length of time beyond three days and increase the number of events held within a calendar year must be sought from the Secretary of State.

In both types of closure it is possible to use either legislative framework to facilitate it.

Historically the police attended parades and events requiring rolling closures and provided traffic management including directing traffic and stopping vehicles on side streets. However recent Association of Chief Police Officers (ACPO) guidance to local forces is to stop providing this traffic management role, effectively passing the responsibility to councils and event organisers.

The county council, district councils and the police have been working together to put measures in place to facilitate this withdrawal of the police resource from the numerous parades that occur in Lancashire. The county council has also been developing a draft policy for parade and event management on the highway, in consultation with the district councils and the police, (Appendix A). The Lancashire Constabulary have subsequently created an edited version of Appendix A to create a 'Police Guidance to Event organisers' document (Appendix B).

The police will continue to be involved in the organisation of parades and events. Police officers may still attend events and parades to fulfil their core duties such as dealing with crime prevention and breaches of the peace.

There is currently no systematic recording of proposed and actual parades and events on the highway so therefore it is very difficult to quantify the impact of the change in police practice.

The procedures that are proposed under the draft policy provide a clear process as to how events are handled by the relevant parties and aim to ensure that an event organiser understands the obligations on them, the points of contact for them and the responsibilities that other parties have.

For an event that requires a full closure it is possible to use only signing to manage traffic. Diversions and the extent of a closure can be agreed in advance and a number of companies can provide a traffic management service. At the 'Big Lunch' events referred to earlier, residents of lightly trafficked residential streets and cul-de-sacs were encouraged to use printed signs and wheelie bins to facilitate the closure under guidance at the time from the Department for Communities and Local Government. Closures to enable the Big Lunch were promoted by the district councils using the Town Police Clauses Act (TPCA). More strategic routes or roads with bus services would require more robust closure management. Any road closure that is requested needs to be agreed by the County Council as the highway authority and the Police. Individual traffic management plans are needed and would be considered on a case by case basis.

Lancashire County Council as the local highway authority has a duty of care to all the users of the network. If the county council knowingly allowed parades to occur on the highway network outside the correct legal framework and without sufficient traffic management, and an accident was to take place, the county council could be open to legal action.

Events that require a rolling closure have presented a different challenge to the council. Police have the power to control traffic under sections 35 and 37 of the Road Traffic Act 1988. It is this power alongside a legal closure that allows them to direct traffic whilst a parade is on the highway, for example. Community Safety Accreditation Schemes (CSAS) were introduced by the Police Reform Act 2002 to allow organisations that provide community safety and security services to enter into formal agreement with their local police chief officer to take limited but targeted powers. Under the CSAS scheme operating in Lancashire it is possible for marshals to become accredited with the powers available to a Constable for directing traffic. An employer whose staff perform community safety or security roles may seek accreditation for its staff, regardless of whether they are in the public, private or voluntary sector, for example:

- Local Authority neighbourhood and street wardens
- security guards
- park rangers
- parking attendants

However individual members of the public cannot become accredited.

Currently in Lancashire the Automobile Association (AA) is the sole body with traffic marshals with this accreditation. The AA also has an accredited training scheme that allows it to train marshals. The AA had staff accredited to facilitate the Open Golf tournament in Lytham in 2012.

A traffic management plan for an event that involves a rolling closure will not be accepted by the Lancashire Constabulary unless the directing of traffic is being legally undertaken by an accredited marshal. If a marshal without accreditation was in a traffic accident the council could be open to a legal challenge as to why the event was permitted to proceed.

It is understood that two other companies, Stadium TM and Kays Traffic Management, are in the process of having employees of their companies accredited to allow them to offer marshalling services. Whilst the commercial market of these companies is not yet known this initiative could create competition and make the services more accessible to event organisers. It has yet to be tested as to whether the AA or either of the other two companies would be looking to provide the service to local parades and events within the county.

However, any costs could be prohibitive to event organisers. Therefore the county council is exploring the establishment of an accredited training scheme, which would provide opportunity to train county council or district council staff, or other parties, to the appropriate levels of accreditation to allow a marshalling service to be offered to local events. It would be for those organisations to decide what level of cost to charge for those services.

The TPCA closure processed by a district council can be facilitated through a site notice, and as a result in many cases the only cost would be staff time in processing the application. For a Road Traffic Regulation Act (RTRA) closure it is the county council's practice to include a notice in the local press, which would be a cost normally borne by the event organiser. Where a RTRA closure is not required the use of the TPCA to facilitate parades and events would incur the least cost on this basis.

Consultations

The Lancashire Constabulary and District Council officers have been consulted on the draft policy and procedure document. Comments from these parties has resulted in the current draft policy and procedure. The police have used the draft to create their own policy document

Implications:

This item has the following implications, as indicated:

Risk management

Financial

With the police removing themselves from traffic management the main financial risk is to event organisers having to pay for traffic management.

The county may wish to set up an accredited training scheme which will have a financial cost associated to it.

Staff accredited will be available to marshal parades, depending on the charges this may be cost neutral to the council, i.e. staff costs covered.

Legal

All road closures require a legal closure, allowing an event to take place. If the County Council allow an event to occur without the correct level of traffic management (signs/marshals) and an accident occurred then the council would be open to legal challenge.

Any event occurring without a road closure would be technically an obstruction of the highway, the county council as the highway authority is responsible for the safe and expeditious movement of traffic and would be failing in its network management duty by allowing the event to occur without the correct closure in place.

Crime and disorder

The police could still attend events in the capacity of preventing crime and disorder however the presence of the police at events would be diminished overall.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Events on the highway (Policy and procedures for highway management)	March 2014	Peter Bell Environment Directorate 01772 536818
Public Events and Engagement (Police Guidance to Event Organisers)	8 March 2014	Lancashire Constabulary

Reason for inclusion in Part II, if appropriate

N/A