

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY COMMITTEE

Agenda Item No. 14

meeting date: 13 JANUARY 2015
title: MANAGEMENT OF EVENTS ON THE HIGHWAY
submitted by: DIRECTOR OF COMMUNITY SERVICES
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1. PURPOSE

- 1.1 To inform members of the intended withdrawal of police support in providing traffic management for certain events that are staged, or encroach, upon the public highway.
- 1.2 To advise members of the subsequent intended development by Lancashire County Council of a policy for the management of events on the highway.
- 1.3 Relevance to the Council's ambitions and priorities
 - Corporate Priorities - To be a well managed Council, providing efficient services based on identified customer needs
 - To sustain a strong and prosperous Ribble Valley, encompassing our objective to encourage economic development throughout the borough with a specific focus on tourism.
 - Other considerations – To work in partnership with other bodies in pursuit of the Council's aims and objectives.

2 BACKGROUND

- 2.1 It has been established practice that the police have provided the necessary traffic management support for numerous charity and community type events such as parades, village fetes, civic processions and local celebrations, where the events have been staged either partly or wholly on the public highway etc. The events are generally small and are of a relatively short duration, i.e. up to one hour and they may be supported by one or two uniformed police officers who control the traffic around the event to minimise any conflict between patrons of the event and other road users.
- 2.2 The police have previously undertaken this work without charge to the charity or community event organiser on an informal basis, there being no formal traffic management order in place to support their direction of traffic.
- 2.3. Lancashire Constabulary have however recently adopted the Association of Chief Police Officers (ACPO) "National Guidance" which means that the police do not undertake any traffic management for an event on the highways, other than those events that are deemed by the police, to be of national importance, such as a Remembrance Day parades. The requirement for police attendance and action at public events will be principally based on the need for them to discharge their core responsibilities, which are:-

- Prevention and detection of crime
- Prevention or stopping breaches of the peace
- Action against a breach and subsequent investigation of a closure within the legal powers provided by statute for, a Road Closure Order (Town Police Clauses Act 1847) or a Traffic Regulation Order (Road Traffic Regulation Act 1984)
- Activation of a contingency plan where there is an immediate threat to life and co-ordination of resultant emergency service activities.

2.4 The police had intended to withdraw their traffic management support of community type events from the 1 April 2014. Soon after this date the police re-considered their position and decided that they would continue to support the events that they had previously supported for a further period, until the 31 March 2015. Police support of events of national importance, such as remembrance events would continue beyond this date.

2.5 Event organisers would from thereon be responsible for the provision of appropriate traffic management measures that would enable their event to be undertaken in safe and proper manner. Technically event organisers have always been responsible for the traffic management that supports or facilitates their events but the historic intervention of the police has protected the organisers from this responsibility. The withdrawal of the police clearly places event organisers back in a position where they will carry the responsibilities for the safe operation of their event in terms of traffic management. This will be seen by event organisers as an additional burden.

2.6 It is the intention of Lancashire County Council as the Highway Authority for the area, to produce a policy that defines the respective responsibilities of parties involved in the staging of events on the highway and to also provide a set of procedures which collectively would lead to the delivery of events in a safe and proper manner. It was recognised that the development of these documents would take some time. They are currently being drafted by the County Council and following consultation will be proposed for adoption by the County Council, district councils and Lancashire Constabulary. A copy of the current LCC **“Events on the highway - Draft Policy and procedures for highway management – May 2014”** is attached as Appendix 1 to this report”. The **“Events on the highway INTERIM GUIDANCE – May 2014”** is also attached as Appendix 2.

2.7 It is intended that the County Council will disseminate this information to prospective event organisers.

2.8 Approximately 36 events which would have impinged upon the highway were either proposed or undertaken in the Ribble Valley area in the last 12 months

3 ISSUES

3.1 Event organisers are generally unaware of the technicalities and procedures in arranging both the legal necessities and the practical onsite management of traffic. Below is an overview of the implications of the withdrawal of the police support for certain events on the highway.

3.2 There are two potential options by which event organisers can provide the safe and proper traffic management to support or facilitate an event that encroaches on a highway, be that a walking procession or an event that is actually staged on or overflows onto a highway and would physically block or restrict the width of the road. The method selected will depend upon the location, the normal use of the highway,

and the type of the event and the impact of it on other road users. The potential options are explained below

3.3. Method 1:- Active Traffic Management

3.3.1 This is typically where traffic is briefly halted behind a procession that walks or travels on the highway, or traffic is guided around it. This direction of traffic can only be undertaken by an accredited Traffic Marshal or a uniformed police officer (see page 5 of Appendix 1, for the definition of a Traffic Marshal). It is important to note that no organiser of a charity or community event undertaken in the Ribble Valley area is known to be an “accredited Traffic Marshal”. If this control method is selected event organisers would therefore need to engage an accredited Traffic Marshal, the costs of which would unlikely to be less than £100 for the most modest of events

3.4 Method 2:- Temporary Full Closure Utilising Traffic Signage

3.4.1 This involves the actual closing of the highway to all traffic by means of appropriate and approved signage as described in a traffic management plan prepared by the event organiser (and agreed with LCC as the Highway Authority and the police), where the actual signage closes the road as opposed to the Traffic Marshal. More detail on this method is described in Appendix 2 page 3 onwards.

3.5 In addition to the practical onsite management of the traffic it is a legal requirement to formally close the road to other users by way of a legal order. This formal process helps to ensure the safety of the event patrons, to manage the highway user’s expectations (for example to quantify or minimise possible delays or identify diversion routes) and to provide a legal framework for the event to occur legitimately.

3.6 A formal “road closure” is required for both the active traffic management and the temporary traffic signage methods as described in 3.3 & 3.4 above. There are two main methods that can be used to close all or part of a highway for an event. The power is given to the district councils in Lancashire under the Town Police Clauses Act 1847 and to the county council under Section 16A-C of the Road Traffic Regulation Act 1984. These two methods are summarised below.

3.7 Town Police Clauses Act 1847 (TPCA)

3.7.1 This gives only the district councils the power or authority for “*preventing obstruction of the streets in times of public procession, rejoicing or illuminations and in any case where the streets are thronged or liable to be obstructed by persons*”. It may apply to special occasions 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 involved in the occasion. This power is normally used for carnivals and processions where the closure is for a short duration and where traffic management requirements are not substantial. Note that it would not be appropriate to use the TPCA to facilitate, for example, a road cycle or running race where the route is neither congested with competitors or spectators for the duration of the closure.

3.7.2 The advantages of the TPCA method are that the order is simple to produce, the order does not need to be advertised in the local press and as a result there are no significant costs. The work can be undertaken relatively quickly provided that the organiser is specific about the sections of road to be closed etc. Note that whilst an order under the TPCA can only be processed or prepared by the district council it remains the responsibility of the highway authority (LCC) to agree suitable traffic management measures with the event organiser.

3.8 Road Traffic Regulation Act 1984 (RTRA)

- 3.8.1 This gives only the county council the power or authority to make an order to regulate traffic on a temporary basis to facilitate sporting events, social events or entertainment on the highway. Only one such restriction may be imposed on any particular section of road in a calendar year. The making of an order requires the proposal to be advertised in the local press and hence a substantial cost is involved, which is typically £800 per closure. A RTRA closure is typically used to support a road cycle or running event.
- 3.8.2 It follows that where possible the preferred method of closures is to use the Town Police Clauses Act 1847.
- 3.9 Cost Implications for the Council
- 3.9.1 The administrative cost to the Council of the preparation of a single road closure under the TPCA, provided that the task is limited to the staff time involved in the physical preparation and issue of the documentation, is unlikely to exceed £100. Again it is stressed that the responsibility to liaise with the event organiser to agree appropriate traffic management to enable the event to be safely staged lies firmly with the highway authority (LCC). The county council may involve the police in agreeing such matters with the event organisers. Ribble Valley Borough Council is able to recover the administrative costs in the preparation of the TPCA orders from the event organiser on whose behalf the order has been prepared. A decision on whether the Council is to recover the costs incurred in organising future events is to be considered when a firmer policy on the management of the events is available from the County Council as this is likely to affect the number of future events.
- 3.9.2 Road closures under the TPCA as prepared by this Council would have been appropriate to support 19 events staged in the Ribble Valley area in the last 12 months. These are largely regular events and it could have been expected that they will arise again in the next 12 months except that the withdrawal of the police support in providing the onsite traffic management for events and the implications of this on the event organisers must encourage organisers to reconsider the need to stage their events on the highway, as it will be the event organisers who will need to both prepare a Traffic Management Plan for the event and to arrange the necessary on site protection. These features will have implications to the event organisers, certainly in terms of resources and also very likely, financially
- 3.10 Implications for the Event Organiser
- 3.10.1 As explained above the intended withdrawal of the police will place a considerable burden on the organisers of community and charity type events. The key feature of the proposed LCC policy is that the county council seeks to establish an accredited training programme for traffic marshals which will be empowered to control traffic. This training would be provided under the Community Safety Accreditation Scheme (CSAS). The DCLG guidance on the CSAS is that individuals belonging to certain public, private and voluntary organisations may be suitable to become accredited marshals. This is explained on page 5 of the LCC draft policy (Appendix 1 to this report).
- 3.10.2 It was intended that this training to produce accredited Traffic Marshals was to be made available to representatives of the voluntary sector and hence would, when completed, have helped build within the community the capacity to enable them to safely prepare, manage and deliver aspects of their community orientated events, without the need to engage specialist support. Furthermore, the County Council have indicated that they may make available a stock of highway signs to support such events, thereby further reducing the burden on the event organisers imposed as a result of the withdrawal of police support. (Appendix 2, Page 3)

3.10.3 These features (3.10 above) which would ease the burden on the event organisers have been explained to organisers who have attended meetings of the Ribble Valley Event Safety Advisory Group (chaired by RVBC). The features have also been explained and presented to the Ribble Valley 3 Tier Forum and to the Parish Council Liaison Committee.

3.10.4 It is important to note that since the previous meetings of the 3 Tier forum, and the Parish Council Liaison Committee, we have been informed by the county council that there are to be significant changes to their proposed policy. The interpretation by the ACPO of the DCLG guidance on the Community Safety Accreditation Scheme (CSAS) specifically excludes the inclusion of the "Voluntary Sector" as suitable recipients for accreditation under the CSAS. The resultant implications for event organisers is that if their event on the highway is unsuitable for management by temporary road closures (as outlined in 3.4 above) the organiser will have no option but to engage an external accredited Traffic Marshal.

3.11 It is in light of this recently gained information that the current LCC draft policy, which itself has been developed after considerable discussion between the county council and districts, will need further adjustment. This update is awaited.

4 CONCLUSIONS

- The withdrawal of police in providing traffic management support for charity and community type events will have significant implications for the event organisers.
- The policy and procedures for events on the Highway that are been prepared by the County Council need further development
- The County Council is to disseminate the updated information to the known event organisers.
- Timing is critical as the police intend withdrawing their support for events which they have previously supported, from the 31 March 2015.
- Police support for events of National importance, such as remembrance events, will continue. The police do not provide traffic management for commercial events or those which can generate funds to provide their own traffic management
- The updated policy and procedure to be presented to a later meeting of this committee.

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List of Background papers – Draft LCC reports as included as Appendices 1 & 2 to this report

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