

EAST HERTS DISTRICT COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 10 JUNE 2014

REPORT BY: THE DIRECTOR OF NEIGHBOURHOOD SERVICES

TEMPORARY ROAD CLOSURES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report was requested by Environment Scrutiny Committee to help explain the procedures around temporary road closures in East Hertfordshire.

RECOMMENDATIONS FOR ENVIRONMENT SCRUTINY COMMITTEE

That:

	Members consider the report and comment on how some of the common issues set out within the report (paragraph 6) might be addressed/mitigated.

1.0 Background

1.1 East Herts Council (EHDC) has power to temporarily redirect traffic under the Town Police Clauses Act 1847, but has no statutory duty to do so.

1.2 Herts County Council's Highways department has much wider powers to close roads.

1.3 Because many events require road closures, event organisers are encouraged to use an online event notification form (**Essential Reference Paper "B"**) which doubles as a request for a road closure to reduce bureaucracy for organisers and avoid duplication. It can be found on the internet here:

http://www.eastherts.gov.uk/media/word/9/t/Event_notification_road_closure_form_June_13.doc

- 1.4 In 2013 EHDC received a total of 62 event notifications. Thirty four of these requested a road closure. Five were dealt with by HCC Highways and the remainder by EHDC.
- 1.5 EHDC operates a large Safety Advisory Group (SAG) but has no statutory duty and very limited resource to do so. The SAG is a collection of senior representatives from the blue light services and complimentary agencies. It meets twice a year to reflect on previous events and horizon scan for new events. Otherwise it conducts business online via email to keep down costs. Relevant members meet with organisers of larger events as and when required i.e. Standon Calling festival.

2.0 Report

- 2.1 The process of requesting a road closure begins with an event organiser notifying EHDC about their event using a form which is available online. (**Essential Reference Paper “B”**). Once completed, this form can be handed in to EHDC, sent by post or emailed to a communal email address:-

safe.events@eastherts.gov.uk

The East Herts District Council Community Safety officer manages this inbox and acts as a single point of contact for event organisers. By using the simple online notification form event organisers can, with just one email or letter make contact with relevant departments of each of the different emergency services as well as critical non-emergency agencies such as Herts Highways.

- 2.2 Upon receipt of this form, the officer populates an internal events calendar and circulates the form to every member of the Safety Advisory Group (SAG) for information.
- 2.3 The event notification form contains the minimum information to allow the different agencies to make an initial risk assessment and assist them to plan resources. With the information contained in the form, they are also able to offer advice to organisers if appropriate.
- 2.4 If the notification form contains a request for a road closure, the

community safety co-ordinator, often with advice from Highways, Police and Democratic Services, decides which legislation is the most appropriate to use.

2.5 Two pieces of legislation are relevant:

2.6 Herts County Council powers

Temporary Traffic Regulation Order (TTRO). A TTRO is a legal document made under the Road Traffic Regulation Act 1984 by Herts County Council Highways department to render enforceable traffic or highways measures. This very wide ranging power cannot be enacted by a District Council.

2.7 Highways guidance require a minimum of 8 weeks' notice for TTRO's which require advertising or 4 weeks for TTRO's which do not require advertising.

2.8 East Herts Council powers

The Town Police Clauses Act 1847 is a limited power that EHDC is able to enact to temporarily redirect, or stop vehicle movement. The ancient act is limited to public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed.

2.9 It does have weaknesses. It affects traffic movement but importantly leaves traffic signage unaffected and still in force. Hence reversing an established procession or carnival route can have serious implications ranging from absolute liability in the case of a most minor accident to ceasing an event due to the lack of insurance coverage.

2.10 Event organisers do not have to pay for this simple closure. It is a delegated power, which requires minimal notice and is used by the Head of Democratic and Legal Support Services.

2.11 EHDC will only grant a road closure when the Police, Highways and local Members have no objections.

2.12 EHDC does not place conditions on a particular road closure, although negotiation may take place between the event organiser and the police and or highways.

2.13 How long does an application take?

As mentioned above, TPCA Road closures just need Police, Highways and local member agreement to ensure that there are

no issues. The Council encourage event organisers to provide as much notice as possible, but at least three weeks is ideal.

2.14 This piece of legislation is subject to much legal discussion and case law. In order to support and enable small local community events to avoid large road closure costs, EHDC has, for a number of years, applied a very liberal interpretation of the Act.

2.15 Also very supportive of small community events, Herts Highways and Police have, for a long time, accepted the Council's use of this power, but have always voiced a concern that many events are far more suited for a TTRO and will, in the fullness of time, have to change.

3.0 EHDC - Resources

3.1 There is no dedicated resource to deal with road closures or Temporary Events.

3.2 The Community Safety Co-ordinator (0.5 FTE) has a distinct and separate strategic community safety role. Dealing with event notifications/ road closures is an addition to this role.

3.3 Once a notification has been received the officer then:-

- Updates the event calendar
- Circulate event details to members of the SAG
- Sends an acknowledgement to the organiser
- Co-ordinates SAG discussion and activity
- Liaises with Licensing in respect of Temporary Event notices
- Consults with Police and Highways about temporary road closure requests
- Passes on requests to either Democratic Services or Highways as necessary for them to consider authorising the request.

3.4 Once the Community Safety co-ordinator has received agreement from the Police and Highways, the request is sent to Democratic services who consult with local members. They then authorise TPCA road closures by way of delegated authority.

4.0 How much do road closures cost?

4.1 Road closures that fall under the TPCA have a nil charge.

4.2 HCC Highways road closures charges range from £0.00 up to £1,056, HCC does have a degree of discretion. (Table within **Essential Reference Paper “D”**).

4.3 HCC also insists that events have £5 million public liability insurance.

6.0 Some common issues

6.1 The Event Notification form is occasionally updated, but we try to keep this to a minimum as we recognise that event organisers often use the previous year’s form for repeat events. The form was reviewed over a year ago and updated to include several important questions which SAG members say, the answers to which significantly increase the risk. Eg staging, generators, straw bales, hot air balloons etc. Despite being provided with information and also encouragement some organisers still use old forms – resulting in more work for officers.

6.2 Organisers often refer to road closure locations using local terminology which are not shown on the Council’s (Google) maps. This can take a great deal of officer time to consolidate as officers are not always as familiar with that locality as the applicant is. The current form uses a table for precise reference points whereas the earlier form asked for a description which was often very vague.

6.3 Organisers often take local conversations with Police as consent. Local police may agree and even say they will attend, but they are not authorised to do so, such requests should go through the Police Event Planning office so that dedicated resources can be allocated. Local officers can and often are redirected at short notice. Officer time for many events is also chargeable.

6.4 Because of resourcing issues and the sheer volume of events, EHC is not always able to engage in corresponding with applicants. They are advised that if they do not hear from us they should assume that there is no problem with the application. Officers recognise that this is not an ideal situation and strive to reassure applicants in a timely fashion when we are able to.

7.0 Street parties

These can have different rules for road closures. Normally organising a small street party just for residents and neighbours is

simple. The rules around these are:

- For residents/neighbours only
- Publicity only to residents
- In a quiet residential road or street
- Self-organised
- Normally no insurance needed
- No formal risk assessment needed
- No licences normally necessary unless the sale of alcohol is involved
- The Licensing Act 2003 does not require a music licence at a street party unless amplified music is one of the main purposes of the event.

There are also web sites that can assist organisers such as:

<http://www.streetparty.org.uk/road-closures.aspx>

7.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

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