

Events on the highway

Draft Policy and procedures for highway management

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Events on the highway

Executive Summary

It is recommended that the police, county and district councils adopt this document as the protocol for the management of road closures for events, parades and other activities that affect the highway network.

The local district council will be the primary point of contact for applicants, with the police and county council providing support in relation to their areas of responsibility. The Town Police Clauses Act 1847 is the preferred legislation (where appropriate) for governing road closures, and the county council will be responsible for approving traffic management plans for road closures.

The county council have identified a suitable accredited training course for eligible candidates to become traffic marshals. For the current financial year the county council and constabulary will consider requests to pay for training and vetting costs and will thereafter keep the position under review. The intention that by being empowered to control traffic it will better enable event promoters to manage events in the future.

Background

In recent years there has been a significant increase in the number of requests to hold events which affect the highway. This increase is partly due to a number of national events such as the Olympic Torch Relay, The Queen's Diamond Jubilee and the Big Lunch. These special events have been over and above the numerous parades, village fetes, civic processions and events that happen every year within Lancashire.

Each time the highway is used for an event it is necessary to close it to other users. This formal process helps to ensure the safety of event patrons, manage highway users' expectations (for example possible delays or diversion routes) and provides a legal framework for the event to occur legitimately.

Definitions

Marshal – A marshal for the purposes of this document is considered to be a person who has been accredited under a Community Safety Accreditation Scheme (CSAS) program, outlined later in the document. As a result they are empowered with the police constable powers of legally directing traffic when a road closure order is in place.

Steward – A steward for the purposes of this document is a person who has received basic training on traffic management but is not accredited and holds no legal powers for directing traffic. An example of the deployment of a Steward would be alongside a road closure sign/barrier to offer public advice and information (the sign or barrier facilitates the closure not the person).



Road closure powers

There are two main methods that can be used to close part, or all, 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.

Town Police Clauses Act 1847 (TPCA)

This gives to district councils' power 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.

Not all orders under this power need take the form of a full closure; "Rolling closures" are also covered as part of this process.

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.

It is proposed that the TPCA is used as the preferred method of processing requests to close the highway for events and parades. The advantages of this method are that the order is simple to produce, there are no significant costs and the work can be undertaken relatively quickly, in many cases. To process a TPCA closure, the district council would consult with the police and the county council and where all approve, generate a simple site notice giving the road closure legitimacy. The cost for this closure would be the administrative time necessary.

Road Traffic Regulation Act 1984 (RTRA)

This gives the county council 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.

A RTRA closure would follow the same general procedure of consultation; however, it is processed by the county council. The county council as part of the ordering making process will place a notice in the local press over and above the provision of a site notice. This will result in an advertisement cost being associated with the order. The process also takes more time than a TPCA closure would.

Furthermore, the permitted frequency of the order means that for events which occur in a local area and potentially use the same sections of highway there is a possibility that subsequent events occurring in the same calendar year would not be able to close the road. For a second closure to be facilitated on a section of highway under the RTRA in a calendar year the county council would need to seek secretary of state approval, on a case by case basis.

Police and the policing of events.

To meet the requirements set out in the Police Reform Act and subsequent ACPO guidance Lancashire Constabulary do not undertake any traffic management for an event on the highway other than those events that are deemed, by the police, to be of national importance (such as a Remembrance Day parade).

The requirement for police attendance and action at public events will be principally based on the need for them to discharge their core responsibilities:

- Prevention and detection of crime;
- Preventing 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.

Whilst the police retain discretion to attend and take action at public events in order to discharge their core duties, responsibility for stewarding and marshalling remains with the event organiser

As a result it is the event organiser's responsibility to liaise with the highway authority about how the event will be managed and to ensure robust traffic management plans are in place with a suitable number of marshals/stewards (as required). No event which involves stopping or directing traffic (other than that of a road closure by means of full chapter 8 signs) will be supported by the Police unless a suitable traffic management plan is provided that mitigates any expected issues.

The police recommend that, in the first instance, enquiries with regard to the planning of public events should be directed to the local district council who can raise the issues with the Event Safety Advisory Group (ESAG) (discussed later in this report). For further information they also recommend organisers visit the Health and Safety Executive website for 'Guidance on Running Events Safely' (<http://www.hse.gov.uk/event-safety/index.htm>).

Holding an event on the highway

The new ACPO policy being adopted nationally by the Police clarifies that traffic management planning and resourcing falls to the event organiser. Traffic management can be a simple "sign only" process with roads closed and if necessary diversion route signing, or involve a more complex signing and rolling road closure arrangement requiring stewards and potentially traffic event marshals.

The steps that have to be taken to hold an event on the highway need to be clearly defined in a process that is able to be followed by an applicant, irrespective of the legislation used to close the road. An outline flow chart of the process is included in the appendix.

The district council is the initial point of contact for the organiser and the district council will pass the information to the police and the county council to consider the traffic management plan.

An important part of the County Council consultation will be the Network Regulation team who manage occupation of road space under the Lancashire Permit scheme, if the proposed event conflicts with a planned utility work (for example) then the road space will not be available for the event. Similarly the parade/event would "book" the road space to allow for greater co-ordination with other highway needs. If the network requested is not available the parade/event will not be able to proceed.

Once the application has been received by the district council, the police, the county council and any other key stakeholder will need to be consulted. A recommended mechanism for processing this consultation process is a local Event Safety Advisory Group (ESAG). A number of these exist in the county and it is recommended that an ESAG for each district area is created.

After the ESAG has reviewed the application the district council will then process the TPCA order and notice allowing the legal closure of the road.

ESAG meetings do not need to be held on a regular basis. The meetings are convened as and when they are required.

A requirement of any application for an event will be an effective traffic management plan including the actions that will be taken to ensure the safety of those taking part and other highway users. By requiring the county council and the Police to approve the traffic management plan the issues around co-ordination with road works and other third party issues affecting the highway are accommodated.

Event Marshals

Under the Community Safety Accreditation Scheme (CSAS) it is possible for individuals belonging to certain organisations to become accredited marshals.

The powers that can be granted to a marshal in the area of event management are:

- The power to require giving of name and address;
- The power to control traffic for purposes other than escorting a load of exceptional dimensions.

Other powers are available under CSAS and a link is provided at the end of this document to the complete list of powers and the legislation that provides it.

The requirement set out in the Police Reform Act 2002 is that any person who wishes to be trained to become a Traffic Marshal needs to be in employment and the following conditions, for example, are met:

A chief officer of police shall not grant accreditation to a person under this section unless he is satisfied—

- A. that that person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;*
- B. that the person himself is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation;*
- C. that that person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him; and*
- D. that that person has received adequate training for the exercise of those powers.*

To facilitate the training of any persons who wish to become traffic marshals the county council have identified a suitable training course. To aid in the management of events in the county, the county council and constabulary have agreed that for the current financial year the following will be considered for eligible candidates:

- vetting costs of employees or employers will be covered by Lancashire Constabulary
- training costs for traffic marshalling will be covered by the county council.

The funding of this offer will be kept under review in the future.

Training can be provided (subject to availability) on demand and can be for up to 15 people at any one time.

The process from application to accreditation to become a marshal can take several weeks, it is therefore important to apply as early as possible.

Outline process

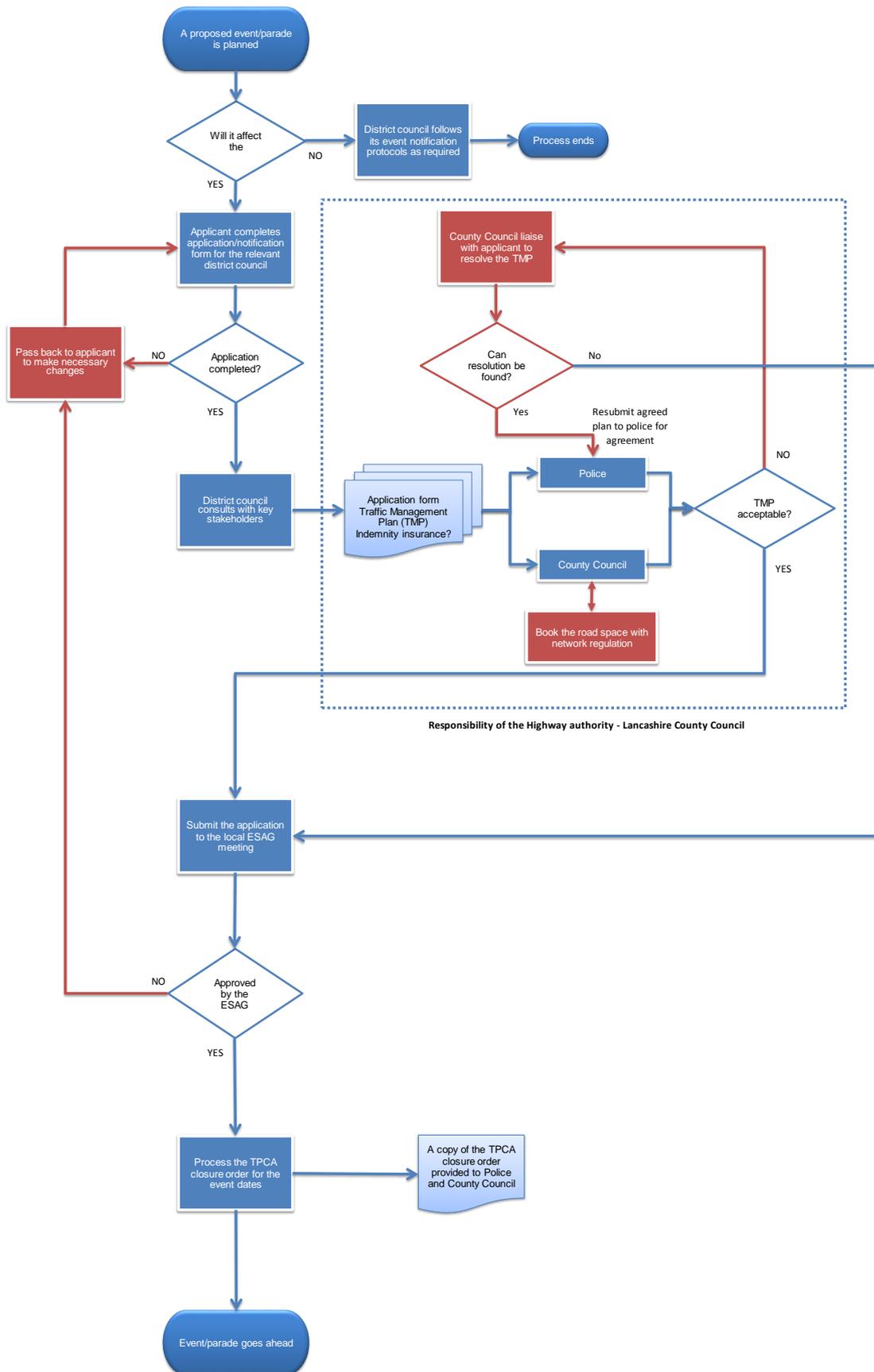


Figure 1 – Sample process for an event on the highway.

This flow chart outlines the general process for holding an event on the highway. District councils may adopt different procedures within this flowchart framework.

Documentation, hints and tips

- The District / County Council(s) may charge a fee for the administration of a closure under either piece of legislation, this will be made clear during the application process.
- A minimum number of weeks' notice is required for the processing of a road closure order. Your local district will be able to advise you further on these timescales. If the closure is made under the Road Traffic Regulation Act 1984 by the county council a minimum of 12 weeks' notice will be required
- Under the terms of the legislation, the County Council must be satisfied that it is necessary to close the road in order to facilitate the event.
- The Police / County Council / District Council and other key stakeholders will be asked to comment on the application and attached plans.
- If a road closure is necessary the event organiser is recommended to contact a traffic management company to prepare a traffic management plan if they are unable to create one. A traffic management plan should include (if necessary):-
 - a plan showing positions of the road closure/route diversion signs/barriers;
 - a description of wording/size/colour of the road closure/ diversion/ signs/barriers (All signs must conform to The Traffic Signs Manual Chapter 8); and
 - details of accredited marshals or stewards.
- The event organiser should consult with all residents and businesses which may be affected by the closure.
- Access for emergency vehicles and residents/businesses must be maintained at all times during the closure period.
- Evidence of public liability insurance cover for £5 million must be provided with the application.
- All litter, signs, public notices etc must be removed as soon as possible after the event.
- The county council have a stock of temporary traffic management signs that event organisers are able to borrow, these include Road Closed and Diversion messages
- A (non-exhaustive) list of traffic management companies is included in the appendix.

Further information

For further information you can contact Peter Bell (peter.bell@lancashire.gov.uk) or you can refer to the online information below.

Links:

CSAS home office documentation, including the employers guide:

<https://www.gov.uk/government/publications/community-safety-accreditation-schemes-employers-guide>

List of powers available under the CSAS scheme:

<https://www.gov.uk/government/publications/community-safety-accreditation-scheme-powers>

Example website from Preston City Council:

<http://www.preston.gov.uk/yourservices/events/planning-an-event-in-preston/process/>

Example form used by Fylde Borough Council:

https://www.fylde.gov.uk/forms/showform.asp?fm_fid=800

Appendix

Traffic management companies operating in and around Lancashire.

The council has no affiliation, and does not endorse these or any other event and traffic management companies, but will liaise directly with them where appropriate and in agreement with the event organiser.

Ventbrook Ltd

Tel: 01772 459459

E-mail: info@ventbrook.com

Road Safety Services Ltd

Tel: 01253 596388

E-mail: dawn@road-safety.net

Kays Traffic Management

Tel: 01254 877787

Stadium TM

Tel: 02476 158139

Email: info@stadiumtm.co.uk

Road Safety Services (RSS)

Telephone: 01253 596388

Email: shaun@road-safety.net