

From: Bryan Sweetland, Cabinet Member – Environment, Highways & Waste
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To: Environment, Highways & Waste Cabinet Committee

Date: 4 July 2012

Subject: Managing Events on the Highway

Classification: Unrestricted

Summary:

Local community events are an important part of Kent's culture and often take place on the Highway. These events need to be managed safely with minimal traffic disruption, whilst still enabling the event to take place wherever possible. Kent Police have recently withdrawn their support to control traffic at most events which has caused additional burdens and costs for event organisers. This report therefore discusses the impact of the Police's policy change and sets out policy options for KCC involvement in future events.

Recommendation:

That the Committee:

1. Support a formal request to Kent Police to review their change in policy and continue to provide traffic control support for events; and
 2. Consider the policy options set out in section 3 of the report and recommend any preference to help inform the Cabinet Member's decision.
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1.0 Background Information

Rules and Responsibilities

1.1 The Traffic Management Act 2004 places a statutory Network management Duty on traffic authorities such as KCC to secure the expeditious movement of traffic. This includes the need to ensure that actions of others, e.g. event organisers, do not cause unnecessary disruption to the travelling public.

1.2 There are between 700 to 900 events held on Kent's road network each year and most of these require some form of temporary traffic control to enable them to take place. Wherever possible we give advice to help organisers manage the event simply and safely without any disruption to traffic. However, many events require roads to be closed and closing a public road without a lawful closure order is illegal.

1.3 There are two sets of legislation that can be used to authorise road closures for events: The Road Traffic Regulation Act 1984 (RTRA 1984) and the Town Police Clauses Act 1847 (TPCA 1847).

1.4 KCC as highway and traffic authority has powers to authorise closures using the Road Traffic Regulation Act 1984. District Councils have powers to authorise closures using the Town Police Clauses Act 1847.

1.5 The nature of the event determines the legislation used. This is broadly as follows:

Type of Event	Legislation	Authorising Body
Sporting/leisure events on the highway and events of national importance (e.g. cycle races, triathlons, running races, Jubilee and Olympic events)	Road Traffic Regulation Act 1984	Kent County Council
Events involving processions, rejoicing, illuminations or “thronging” of street (for example parades and Remembrance Day events.)	Town Police Clauses Act 1847	Local Borough and District Councils

1.6 The use of the Road Traffic Regulation Act 1984 to close each road is restricted to once per year unless special consent is obtained from the Secretary of State. All recent requests for Secretary of State consent have been granted.

Police Withdrawal of Traffic Control

1.7 Prior to 2012 traffic control during road closures at most events was carried out by a Kent Police presence. District Councils are able to request a Police presence when a road is closed using the TPCA 1847. Kent Police has now, inline with a national Police directive, withdrawn this presence at most events (excluding Remembrance Day, veterans’ day events or military funerals).

1.8 The general public have no lawful powers to stop and direct traffic at planned events. Therefore most events now require signing of some sort to carry out this function, either to advise traffic of closures and diversion routes or to help in minimising disruption and safety risk. The provision of these signs is the responsibility of the event organiser and this can often be at a considerable expense. Some of the organisers of smaller or charitable events say their events can no longer take place because of these costs.

Rules on placing of traffic signs

1.9 Rules on placing temporary signs on the highway are set out in the Traffic Signs Regulations and General Directions 2002 and guidance is given in the Department for Transport’s Traffic Signs Manual. With very few exceptions, nobody can place a

sign on our highway without the permission from KCC as the relevant highway authority. The statutory Code of Practice with respect to temporary signs for street works (e.g. by utility contractors such as gas water etc.) require anyone placing signs to be trained and have accreditation to carry out this task. We require our own operatives and contractors to have the same accreditation. There is no similar statutory requirement for event signing but we do advise event organisers to consider using accredited personnel, as set out in 2.4 below and Appendix A.

2.0 Current Situation

Current Procedures

2.1 Applications to hold events on the highway are processed by the Roadworks Team within Highways & Transportation. Event Organisers are requested to submit with their application a traffic management plan. The size of this document largely depends on the impact an event will have on the highway. The impact is not necessarily determined by the size of the event, other factors such as the nature of the roads to be closed or affected also matter. KCC then work together with Kent Police and the relevant District Council in determining the suitability of the proposals. Advice is given on necessary amendments and a decision is taken to either object or not object as appropriate.

2.2 This procedure has been adopted on the understanding that it is the events organiser's responsibility to ensure the event is safe and causes minimal disruption. The organiser being liable to prosecution in the occurrence of an incident resulting from their event. The advice and guidance provided by KCC is aimed at minimising the risk of an incident occurring.

2.3 Prior to the Police withdrawal from events it was accepted that (where appropriate) they would control traffic and this therefore meant that extensive assessment by KCC of traffic management plans was not necessary. Now that this control no longer exists this has led to a considerable increase in KCC officer time having to be spent in assessing the suitability of these proposals.

2.4 With respect to the placing of signs at events KCC currently stipulate the placing, maintaining and removal of signs should always be undertaken by a "competent" person. The event organiser is responsible for determining if an individual is competent and how signing activity is carried out needs to be detailed in the events risk assessment. Appropriate competency will depend on the nature of the event and the road where signs are to be placed. KCC have produced a guidance sheet for event organisers on this, which is attached at Appendix A.

2.5 We have also been providing help and advice to event organisers to help them as far as possible minimise costs and run successful events by:

- grouping together with other organisers to purchase equipment and train their volunteers/staff; or
- seeking assistance or sponsorship from competent highway contractors, such as local utility companies.

Current Costs to Event Organisers

2.6 Advertising costs – Closures for events made using RTRA 1984 require 2 public notices to be advertised in a local newspaper. The Government is currently looking at making changes to simplify this requirement (allowing possible website advertising). In the meantime these costs are usually in the region of £200 and these must normally be met by event organisers. Closures made for events made using the TPCA 1847 require a public notice to be put on display at the location of the closure; District councils do not usually charge for this.

2.7 Administration costs – KCC do not charge any administration costs to non-profit making events when making an order using RTRA 1984. KCC do charge organisers of profit making events a £360.00 administration fee. Most District Councils do not charge administration costs for making orders using TPCA 1847.

2.8 Supply of Signs – As discussed earlier, this cost depends on the events impact on the highway, the required traffic management and nature of road affected. For most events involving a road closure the cost is in the region of £500. However, some recent event organisers for rural events requiring a lengthy diversion route have stated figures in excess of £2,500.

3.0 Options for future County-wide policy

Option 1

3.1 KCC maintains current situation where we act in an advisory role for the event organiser, only advising on suitability of measures to minimise traffic impact and reduce safety risk. This does not provide the event organisers any funding support but publishing this policy would manage expectations.

Option 2

3.2 As option 1 but KCC to contribute towards a signing equipment stock for District Councils to manage and distribute as required for events in their areas. This assumes that in accordance with localism principles District Councils would be best placed to promote and manage local events to support the diversity and the culture of their areas. A one-off grant to every District Council to acquire signs and cones would equate to a total estimated cost of £10,000 to be found from existing budgets. However, this would require District Councils to sign up to this proposal following development and consultation with them.

Option 3

3.3 KCC fully supports all non profit making (charitable) events with assistance on design of traffic management plans and provision of necessary signage across the county. This would require additional funding and resource from KCC - e.g. sign costs, storage, maintenance/replacement, staff resource (estimated 2 FTEs) and transport. A full assessment would be required to determine the amount of signs required to enable this to be carried out countywide. However, the total estimated

annual cost to KCC is likely to be in excess of £100,000, a considerable new budget pressure which will inevitably mean a reduction in service levels elsewhere.

3.0 Recommendation:

That the Committee:

1. Support a formal request to Kent Police to review their change in policy and continue to provide traffic control support for events; and
2. Consider the policy options set out in section 3 of the report and recommend any preference to help inform the Cabinet Member's decision.

Background Documents

Traffic Management Act 2004

The Traffic Signs Manual – guidance on the use of lawful signs.

Traffic Signs Regulations and General Directions 2002 – regulations pertaining to the use of signs.

KCC Guideline document to Event Organiser on levels of marshal competency and traffic control (draft). – **(APPENDIX A attached)**

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Appendix A

Marshalling and Traffic Management (TM) - Events on the Highway

Guidelines to Event Organiser on traffic control during event

Road/ Junction Type	Level of competency of Person placing sign (or equivalent)	TM requirement
Major road, junction of major road	Traffic Management Company Possible Police Involvement	Full TM required. High visibility clothing - roadworks equivalent
Main Road	Traffic Management Company Community Safety Accredited person (CSAS) Streetworks Accredited person	Full TM required High visibility clothing –roadworks equivalent
Estate through road	Off Duty Police Officer/ PCSO Community Safety Accredited person (CSAS) Streetworks Accredited person Qualified/experienced marshal	Road closed sign + cones High visibility jacket/ vest
Quiet estate road/ Cul-de-sac	Competent person - no specific experience	Road closed sign. High visibility jacket/ vest
Rural road (national speed limit)	**Assessed on individual conditions of road**	

Event Type

Events confined to specific area
Town centre/ village events, processions/parades around estate roads

Events requiring longer race routes

Half marathons, cycle races, etc

Method of Closure

Entire area/route made traffic sterile for duration of event

Routes closed in sections

Sign placers require method of communication - 2way radios/ mobile phones. Method statement required.

Minumum requirement for anyone placing or removing signs:-

- an adult and physically fit to carry and place/ remove the sign.
- wearing appropriate, high visibility clothing
- briefed on the exact requirements of the sign schedule
- aware of the road and the dangers involved