

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Regeneration and Environment
2.	Date:	1 November 2010
3.	Title:	Charges Associated With Temporary Road Closures for Special Events
4.	Directorate:	Environment and Development Services

5. Summary

For Cabinet Member to consider revised charges to facilitate lawful closures of the highway for special events under The Road Traffic Regulation Act, 1984.

6. Recommendations

That the proposed charges associated with certain event types indicated within Appendix A to this report be agreed.

7. Proposals and Details

A Safety Advisory Group comprising representatives of South Yorkshire Police (SYP), South Yorkshire Fire, South Yorkshire Ambulance, and Rotherham Borough Council was established around 2002. This group is now known as the Public Events Advisory Team (PEAT), and meets at regular intervals to discuss proposed events. The group acts as the first point of reference for all those who are intending to organise a public event, on or off the highway. It provides advice and guidance regarding the specific areas of responsibility for both the organisers and the other agencies involved and also refers to best practice for the information of the organisers. Whilst there is no legal requirement for organisers to refer events to the PEAT, referrals have been established over the years and have become best practice amongst organisers.

Historically, SYP has taken the lead and has undertaken actions to facilitate public events on the highway, acting for what they believed to be the public good. SYP have been willing to provide Special Constables, for example, to assist with the management of vehicular traffic. In doing so, however, it has become apparent that SYP have not used their powers for managing traffic appropriately. In general the public perception is that the Police are the lead agency for approving all public events, including those which take place on the public highway. In reality, however, the Police have no authority to either approve or ban such events and in fact, Police powers to regulate traffic for planned events are limited.

A more focused approach has been taken by SYP since March 2010, when a new unit known as The Central Events and Operational Planning Team was established. In the past for example, where organisers have identified the need for temporary road closures for the health and safety of the public, SYP has provided officers to stop and direct traffic at certain events. SYP now inform organisers that traffic must be regulated through the making of legal orders by the Highway Authority (HA), should police officers be required to provide this service.

Legal advice indicates that HAs have powers to regulate traffic in planned temporary situations under The Town Police Clauses Act 1847 (TPCA) and The Road Traffic Regulation Act 1984 (RTRA). Section 21 of the TPCA allows for the making of orders, such that alternative routes are used by vehicles in times of public processions etc., for the purpose of keeping order and preventing obstruction. Case law suggests that this section can also only be used for the duration of an event. For planned events that are required to be held on a road, for example, sporting events, social events or entertainment, Section 16A of the RTRA is the most appropriate power. The RTRA allows HAs to temporarily stop up or divert roads, thereby prohibiting or restricting vehicles and or pedestrians, to such extent as is considered necessary or expedient. There are, however, some restrictions under Section 16B of the RTRA, such that the maximum allowable duration of a closure is 3 days

without authority from the Secretary of State, and notices are required to be advertised and posted on street.

The Council can facilitate a formal temporary road closure on behalf of any organiser of an event that affects the highway. It is the duty of the organiser to carry out appropriate risk assessments, and where a potential danger to highway users is identified a road closure can be a solution to a potential high risk situation. In 2007, for example, a temporary traffic regulation order (TTRO) was arranged under the RTRA by the Council following meetings with The Tour of Britain organisers, to facilitate a number of road closures for a national cycle race.

The Council currently charges £725 for arranging a TTRO under the RTRA, and this charge has raised concerns from a number of organisers, including The Rotherham District Scouts who hold an annual St. George's Day Parade, and The Rotherham Harriers who have held an annual series of road races since approximately 1980.

Generally, events that may require traffic to be regulated fall into the following three categories:

1. Sporting, social and entertainment events, such as cycle races, road running races, the switching on of Christmas lights by Parish Councils etc.
2. Parades and marches such as a Military parade, Armistice Day Parade, Scout / Girl Guide parade.
3. Street parties, for example, the national celebration of an event such as The Queen's Golden Jubilee.

Through consultation with neighbouring authorities within South Yorkshire, it is thought reasonable and justifiable to make a charge for arranging traffic regulation orders for sporting events, as an opportunity exists for organisers to levy a charge to participants in the form of an entry fee. Similarly, where street parties are proposed across the Rotherham Borough to celebrate a national event, the charge made for arranging a TTRO covering multiple streets could be potentially shared. Events are normally completed within 1 day, however, and consequently scope exists to review the charge currently made for arranging a TTRO under the RTRA.

8. Finance

Under Section 76 of The New Roads and Street Works Act 1991 (NRSWA) Liability for the cost of Temporary Traffic Regulations, the Council may recover the whole of the costs incurred by them in connection with or in consequence of the TTRO. Section 76 NRSWA allows for the costs to include:-

1. Cost of TTRO (legal costs)
2. Cost of advertising in London Gazette (where a closure lasts for 18 months or more)
3. Cost of advertising in a local newspaper (Rotherham Advertiser or Rotherham Star)
4. Cost of administration.

Although the costing below complies with NRSWA, these are actual average costs of the Council facilitating approximately 200 formal road closures per year in Rotherham and have therefore been adopted as the unit price for a road closure made under the RTRA. A closure order can contain details for more than a single road closure and it is not therefore a unit price per road but per order.

The practice of charging an average cost is accepted practice throughout the country and this is the case throughout the Yorkshire region of 12 local authorities encompassing the Yorkshire Highways and Utilities Committee and the Yorkshire Traffic Managers Group.

Rotherham's current charge of £725 for processing a TTRO under the RTRA for road and street works (RSW) purposes along with the maximum proposed charge for events, which would exclude parades and marches, is broken down in the table below.

	RSW (£)	Events (£)
Legal costs	60	60
London gazette (very rarely used).		
Rotherham Advertiser	250	250
Rotherham Star (rarely used)		
Administration including:-		
Traffic management evaluation + consults	125	125
Average mileage costs of posting and maintaining street notices	65	25
Average officer time in posting and maintaining street notices.	225	65
Total	725	525

Throughout the Yorkshire region average prices for road closure orders made under the RTRA vary between Sheffield (£1900 per order) and Doncaster (£540 per order), which is mainly due to the variation in advertising costs. Rotherham's current charge is consistent with charges made across the Yorkshire region for road closures associated with road and street works.

Events are normally held within the day, and therefore the officer time required to maintain street notices, including mileage costs is relatively low. Subsequently, the average cost associated with the maintenance of street notices is not justified in circumstances where TTROs are processed under the RTRA to facilitate lawful closures of the highway for an event. Similarly, the cost associated with the evaluation of traffic management and any associated consultation is not justified where SYP agree to manage traffic during an event, and where street parties are proposed where signage is expected to be minimal.

In circumstances where traffic management evaluation and consultation is not required, and SYP agree to manage traffic, then it is thought only reasonable that the associated cost of £125 in the table above should not be charged. It is also thought reasonable to reduce the combined officer time and mileage costs associated with notice posting/maintenance by £200. Subsequently, where SYP undertake traffic management at events, it is thought reasonable for the Council to charge organisers £400 for arranging a TTRO under the RTRA, and make a maximum charge of £525 where signs and barriers etc are to be introduced to manage traffic. These charges are tabulated in Appendix A to this report along with the current charge made for arranging a TTRO for road and street works purposes, which includes works promoted by utility companies.

Under the TPCA, the time taken to administer the making of the TTRO is low and the cost to the Council in doing so is negligible. Subsequently, a nil charge is thought reasonable in circumstances where the TPCA is used to facilitate closures of the highway for events such as parades and marches.

9. Risks and Uncertainties

There is no legal requirement for organisers to refer events to the Council, however, referrals have been established over the years and have become best practice amongst organisers. Whilst a charge is justified for arranging a TTRO under RTRA, organisers may decide not to refer events to the Council in the future. Subsequently, this could compromise the Council's network management duty under the Traffic Management Act 2004.

Statutory Undertakers may dispute the current charge of £725 that the Council makes for arranging a TTRO for road and street works purposes, which could compromise Streetpride's annual income of around £150k for arranging approximately 200 TTROs.

10. Policy and Performance Agenda Implications

The initiative is in full accord with the LTP2 objectives and the requirements of The Traffic Management Act 2004.

The project is in accordance with the 'alive' and 'safe' themes in Rotherham's Community Strategy.

11. Background Papers and Consultation

1. The Road Traffic Regulation Act 1984 (RTRA)
2. The Town Police Clauses Act 1847 (TPCA)
3. The New Roads and Street Works Act 1991 (NRSWA)
4. The Traffic Management Act 2004 (TMA)
5. LTP2 (2006-2011)

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Appendix A

Activity	Legislation	Traffic Management Type	Charge (£)
Parade/March	TPCA 1847	Police	Nil
Sporting/Social/Entertainment	RTRA 1984	Police	£400
		Signs/barriers	£525
Street Party	RTRA 1984	Signs/barriers	£400
Road and Street Works	RTRA 1984	Signs/barriers	£725