

## **Temporary Road Closures: Special Events Act 1994**

Report of the Director of Environment, Economy and Culture

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that this report be noted.**

### **1. Summary**

This report outlines the procedure for applications to temporarily close a road for special events in Devon under the Special Events Act 1994.

### **2. Background – Town Police Clauses Act 1847**

Historically roads have been closed to hold a Special Event (Carnivals, charity races, Street parties etc) using a piece of legislation called the Town Police Clauses Act 1847.

This Act was originally designed to enable the 'Commissioners' (of Police) to 'observe and prevent obstruction of streets in all times of public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed'. It also gave 'directions to the constables for keeping order and preventing any obstruction of the streets in the neighbourhood of theatres and other places of public resort'.

The Act, therefore, was designed as a tool to allow the Police to prevent obstruction of a street by crowds of people. It does not appear to give the power to 'close a road' for an event to be held on the public highway.

The Act has been used by District Councils throughout the country to apply to the Police to close a road for events that would obstruct the street, including significant events in Devon such as Goosey Fair in Tavistock, the Tar Barrels in Ottery St Mary and the Great West Run in Exeter. Currently, the organiser of an event makes an application to the relevant District or Borough Council who in turn request that the Police close the road. The Police may approve or reject the application or require certain conditions to be attached to the approval. Devon County Council, as highway authority is consulted but does not have the power to deny the closure. The Act requires that the physical presence of a Police Constable is necessary to close the road. Neither the District Council nor the organiser has the authority to close the road. If the Police approve the closure, the District Council then completes the legal process of 'sealing the order'.

### **3. Proposal**

In the early 1990's the UK hosted 'Le Tour', and during the planning process it was recognised that the Town Police Clauses Act was inadequate for administering road closures to stage the event. In 1994, the 'Special Events Act' was introduced which was designed specifically for the 'Prohibition or restriction on roads in connection with certain events'. As in other parts of the country, however, the Act was not widely adopted in Devon and events continued to be administered under the Town Police Clauses Act.

In 2006 the organisers of the Dartmouth Regatta requested, as usual, that South Hams District Council apply to Devon and Cornwall Constabulary to close a number of roads in Dartmouth using the Town Police Clauses Act. The Devon and Cornwall Constabulary took the view that the Town Police Clauses Act was not the correct piece of legislation and that the Special Events Act should be adopted. On this occasion, the Special Events Act was employed and proved quite successful.

The Special Events Act places the responsibility on the organisers for placing signs on the highway and maintaining them throughout the closure. The Police only become involved for public order or public safety reasons. For large events, a safety advisory group should be formed, consisting of the event organiser, the Police, the highway authority, the licensing authority (for entertainment and drinks licences) and other relevant bodies, to ensure the event is well planned.

During the last 12 months the Police have increasingly questioned the use of the Town Police Clauses Act and following a number of discussions with officers from Devon County Council, advice and guidance has now been drawn up to enable event organisers to plan and organise an event. This guidance has been available on the internet for some months.

[http://www.devon.gov.uk/index/transport/roads/road\\_licences/eventaffectinghighway.htm](http://www.devon.gov.uk/index/transport/roads/road_licences/eventaffectinghighway.htm)

In 2004, the Traffic Management Act came into force, with a duty 'to manage the network'. The Act requires the traffic authority (Devon County Council) to manage all activities and events on the public highway. Roadworks are managed, as are the placing of skips and scaffolds, under a number of legislative powers, enabling roads to be closed for utility works and road repairs. The Special Events Act enables DCC to manage all social events in a similar manner.

Devon County Council is keen to support social events as they are an important element of our culture and heritage. However, there is a need to strike the correct balance between the various demands for the use of the highway. The public have a right to pass and re-pass along the highway and a road should not be closed unless it can be demonstrated that there is a clear need to do so.

Where an event is a parade or march, such as Remembrance Day Parades, Freedom of the City Parades, and funeral processions, and does not require a road closure, the police will provide a safe passage for the procession to proceed; this will not involve a road closure and would be covered by the Town Police Clauses Act. For other planned and re-occurring events, the Special Events Act appears to be the most suitable legislation.

Views have been sought from Devon and Cornwall Constabulary on the continued use of the Town Police Clauses Act 1847. The following statement was issued:

“As for the continued use of the TPCA for road closure, It can not happen, as in the consultation process we will object and not support it!. as said before, we do not have the power to close a road for a pre-planned event, even if directed by the district, the TPCA only directs us to provide free passage for a procession to proceed, not close the road to traffic etc.”

#### **4. Consultations/Representations**

Officers have met and discussed the proposals with the Traffic and Road Safety Reduction Officer from Devon and Cornwall Constabulary. The seven District Councils and Exeter City Council have been consulted as part of the process.

Officers have attended the East Devon Carnival Committee and an item was published in the south west counties carnival newsletter in April of this year. There has been no feedback from event organisers with reference to this.

## **5. Financial Considerations**

There is no cost to the authority, other than officer time in processing applications.

The standard fee for DCC to administer a road closure is £160 which includes officer time in assessing the application and attending planning meetings. A scale of fees recognising the social or community nature of events using the Special Events Act will need to be developed. It may be appropriate, where the event is a small, local charitable community (e.g. small carnivals or Christmas fairs) event and a significant charge would threaten the viability or continuation of the tradition, for there to be a nominal charge of say £10-£20 to cover some of the costs of processing, co-ordination and providing advice in terms of safe working in the highway.

The event organiser is responsible for the placing, maintaining and removal of all signs on the closed section of road and associated diversion route. This must be carried out by accredited personnel eg AA, RAC, SWH, with all costs being borne by the event.

For comparison, South Somerset District Council charge a scale of fees depending on the size of the event, from £50 to £300. Kent County Council charge up to £1,025.

## **6. Sustainability Considerations**

The process being described is similar to the previous process. The main difference is that the application will be processed by Devon County Council rather than the District Councils and the responsibility for erecting and maintaining signs lies with the event organiser, not the Police or Devon County Council.

## **7. Carbon Impact Considerations**

There are no carbon impact issues.

## **8. Equality Considerations**

The process applies equally to all organisations wishing to close a road to hold an event on the public highway.

## **9. Legal Considerations**

The Special Events Act 1994 was designed specifically to enable a road to be closed to hold an event on the public highway. The Town Police Clauses Act has served a function since its inception, but is no longer considered the correct piece of legislation.

## **10. Discussion**

Devon and Cornwall Constabulary have advised events organisers that they will no longer authorise applications for road closures for special events under the Town Police Clauses Act. This leaves a single option for applications to be made under the Special Events Act. This piece of legislation is administered by Devon County Council as traffic authority.

Devon County Council supports and encourages local community events as they develop community spirit and boost the local economy. There are however conflicting demands for

the use of the road network and these have to be balanced against the prime use of the road, to pass and re-pass. There cannot be any presumption that an event will be permitted to be held on the highway and the road be closed to facilitate the event. By administering applications for special events, Devon County Council is able to minimise and co-ordinate any potential conflicts on the road network, such as utility works and routine road maintenance works.

It is recognised that the District Councils have been fulfilling an important role in applying to the Police for road closures for special events, but it has to be recognised that the use of the highway network has changed significantly in recent years, as have the demands for road space. In order to ensure a balance of use and that that use is effectively planned and co-ordinated, it is considered a positive move to employ the relevant legislation to administer road closures for special events.

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### **Electoral Divisions: All**

Local Government Act 1972

List of Background Papers

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Background Paper	Date	File Ref
1. Details on File	January 2006 to April 2007	EXM/567

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sc/temporary road closures  
2 hq 270907