



Appendix B

**Lancashire
Constabulary**

police and communities together

Public Events and Engagement

Police Guidance to Event Organisers

21 March 2014

Version 0.5

Foreword

Despite the changes to public services over recent years, keeping the public safe remains the cornerstone of all our service delivery promises. How we do this takes on many guises, some obvious and some not so and how we support public events and engagement is a very highly visible example of this.

These events are varied in theme and duration and add immense value to communities. They are often run by volunteers who dedicate their time and commitment to raising money for charity and generating a sense of pride across communities.

Local authorities and the police have a key role to play in supporting these events; however we need to be clear about what role each agency is responsible for. There is a misconception that the police have the power to close roads for public events, when in fact they don't. The law does not allow the police to do this and road closure notices can only be granted by and obtained from the local authority.

This guidance sets out the police's and local authority's role in assisting public event organisers and explains core duties at events. It also explains the process that event organisers must follow when requesting to close the highway for any period of time to enable their event to take place safely.

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 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. It is the responsibility of the event organiser to ensure that the relevant road closure orders are secured and in place ahead of the event. This is done by making an application to the local authority, more details of which can be found in this document. It is also their responsibility to ensure that the closures are properly marshalled.

Careful consideration must be given to the closure to ensure the safety of individuals participating in the event and to minimise the impact on other road users. Road closures can involve diversions including changes to bus routes and services and impact on emergency services attending incidents. Event organisers are asked to consider whether it is absolutely necessary for the event to take place on the highway and in the first instance consider whether the event could be held elsewhere therefore negating the need to close the highway.

This process helps ensure the safety of the event patrons, manages highway users' expectations (for example possible delays or diversion routes) and provides a legal framework for the event to legitimately occur.

District Councils are the primary point of contact for applicants, with the police and County Council providing a consultation service with published lists of traffic

management providers being kept up to date by Lancashire County Council. Furthermore, it is outlined in this report that the use of the Town Police Clauses Act to facilitate the closure is the universally preferred, first choice, piece of legislation.

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 of 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 the district council's powers 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

This power is normally used for carnivals and processions where the closure is for a short duration and / or traffic management requirements are not substantial.

It is recommended 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 fairly 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 site notice (Laminated A4 sheet) giving the road closure legitimacy. The only cost for this closure would be the staff time in processing it.

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 major 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. A condition of the order is that it is necessary to place a notice in the local press over and above the site notice. This has a potential advertisement cost associated with it, depending on the newspaper involved.

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

Lancashire Constabulary's role in working with communities and supporting engagement activity remains a key priority for them. They will continue to support public events, and will work with event organisers to ensure public safety is considered from the very start of the planning phase. Local policing teams are part of the community and will very rightly play a key role in ensuring these events run smoothly.

Lancashire Constabulary have adopted the Association of Chief Police Officers' (ACPO) 'National Guidance' which means that the police do not undertake any traffic management for an event on the highway other than those events that are deemed to be of national importance (such as a Remembrance Day parade).

The policing approach to these events will be based on the following principles:

- x Engaging with the public to offer reassurance and to prevent and detect crime;
- x Preventing or stopping breaches of the peace;
- x 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);
- x Activation of a contingency plan where there is an immediate threat to life and coordination of resultant emergency service activities.

It is noted that whilst the police retain discretion to attend and take action at public events in order to discharge core duties, the ownership for stewarding and marshalling remains with the event organiser.

As a result it is the event organiser's responsibility to liaise with the local authority about how the event will be managed and to ensure robust traffic management plans are in place with a suitable number of marshals to enforce it. No event which involves stopping or directing traffic (other than that of a road closure by means of full chapter 8 signage) would be supported by the Police unless the marshals were correctly accredited.

In the first instance, enquiries with regard to the planning of public events should be directed to the district councils. In most areas an Event Safety Advisory Group (ESAG) will deal with such applications.

For further reading and detailed advice it is recommended that organisers visit the Health & Safety Executive website 'Guidance on Running Events Safely' (<http://www.hse.gov.uk/event-safety/index.htm>).

Holding an event on the highway

The process of holding an event on the highway is detailed in the flow chart at Appendix 1.

1. District councils are the initial point of contact for event organisers.

2. District councils will forward applications to the county council if it is felt that a TPCA closure is not suitable, i.e. a road traffic regulation act order is required.
3. District councils will consult with the police, county council and other key stakeholders as required.
4. In most districts the applications will be considered and approved by the Event Safety Advisory Group (ESAG).
5. If approved, the council will process a legal notice allowing the legal closure of the road

The following is a summary of advice for event organisers:

- x A legal order will be required to close a road either under the Town and Police Clauses Act 1847 (TPCA) which is processed by the district council or under the Road Traffic Regulation Act 1984 (RTRA) which is processed by Lancashire County Council.
- x By law the police cannot approve such applications; they will however be consulted along with the County Council, District Council and other key stakeholders and be asked to comment on the application and attached plans.
- x The District / County Council(s) may charge a fee for the administration of a closure under either piece of legislation.
- x 3 months' notice is required for the processing of a road closure order under the RTRA and in cases under TPCA where the application is an official bus route. Applications under the TPCA not involving an official bus route can be processed in less time by local district councils and these will vary dependant on the district council, however the more notice provided, the better.
- x 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.
- x Event organisers are asked to consider whether it is absolutely necessary for the event to take place on the highway and in the first instance consider whether the event could be held elsewhere therefore negating the need to close the highway.
- x The event organiser is responsible for traffic management and an essential 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.
- x Traffic management can range from sign only schemes such as "road closed", diversion routes and can also include using accredited event marshals.
- x If a road closure is necessary the event organiser will need to contact a traffic management company to prepare a traffic management plan of :- (if necessary)
 - o a plan showing positions of the road closure/route diversion signs/barriers;
 - o a description of wording/size/colour of the road closure/ diversion/ signs/barriers (All signs must conform to The Traffic Signs Manual Chapter 8)
 - o details of accredited stewards/marshals.
- x Evidence of public liability insurance cover for £5 million must be provided with the application.
- x In addition event organisers must consult with all residents and businesses which may be affected by the closure
- x Access for emergency vehicles and residents/businesses must be maintained at all times during the closure period.

x All litter, signs, public notices etc must be removed as soon as possible after the event.

Further Information and Advice

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

If you would like to consult with a police expert on such matters you can contact a Traffic Manager by emailing the following address TrafficManagement@lancashire.pnn.police.uk or by dialling 101 and asking to speak to your local traffic manager.

Links:

Article on the AA accreditation for the open:

<http://nationaltraffic.co.uk/viewtopic.php?f=2&t=6161>

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 1 – Sample process for an event on the highway.

