
Highway Event Planning Guidance

Environment & Community Services Directorate
Highways & Transportation

Version 0.6 – June 2015

Contents:

	Page
Introduction and background	2
Roles and Responsibilities	2
Legal Framework and Powers	4
The Application Process	6
The Highway Authority Approval Process	7
Flow Chart	10

Introduction and background

Cumbria County Council encourages events in the County that boost the life experience of its residents. As many of the County's businesses rely on tourists, those events which attract visitors into the area are especially supported.

However, any event which causes disruption to traffic must be carefully managed as the County Council, as Highway Authority, has a Network Management Duty to minimise congestion on the highway network.

With this in mind the Council plays an active role within the local Event Advisory Group (EAG). EAGs are partnerships involving local District Councils, the County Council, emergency services, major landowner associations, major event organisers and other agencies and are set up to provide a central group to agree the legal requirements which will be expected to be undertaken by any organisers of events. The EAG will look at Health and Safety, Licensing and Law and Order.

There are many events held within Cumbria which have an impact on the local infrastructure and community. This guidance document sets out to provide a consistent approach to highway matters relating to events across the County.

The Traffic Management Act 2004 places a Duty of Network Management on Highway Authorities. Included within this duty is effective planning and management of planned events.

The aim of this document is to provide guidance to event organisers to enable them to understand and manage the risks associated with events on or affecting the Highway. This document will explain the actions required by event organisers in order that the Highway Authority can demonstrate that any resultant disruption to road users has been minimised as required by the Network Management Duty.

Further helpful advice and guidance including a blank generic risk assessment form can be found in 'The Good Practice Safety Guide – for small and sporting events taking place on the highway, roads and public places' published by the Home Office in 2006. This Guide can be found on Cumbria County Council's Outdoor Event website at <http://www.cumbria.gov.uk/eventscalendar/eventsafetyinformation.asp>.

Failure to follow the guidance does not, in itself, make a person or organisation liable to proceedings. However, failure to follow the guidance may result in consent for the event being refused.

Roles and responsibilities

The event organiser is responsible for planning, managing and running the event in a safe manner whilst avoiding unnecessary disruption and impact on the rest of the community.

If it is decided that any event may have an impact on traffic, then regardless of whether the event is actually taking place on the highway or not, the event organiser will be required to apply for a Temporary Traffic Regulation Order (TTRO). This allows for signing to be placed on the road (by suitably qualified operatives) and may allow roads to be closed or temporary traffic signals to be

erected. It should be noted that the event organiser is responsible for all the associated costs of the event including traffic management and TTRO costs.

- Carefully consider where the safest location for the event is. The public highway should only be used where there is no alternative.
- Prepare a management plan, risk assessments, traffic management plan, contingency plans and site plan and / or route of event.
- To assist in planning the event, the event organiser should first of all go to the County Council's Outdoor Event webpage at <http://www.cumbria.gov.uk/eventscalendar/eventsafetyinformation.asp> where advice and guidance can be found. This page is the start of the contact process from the event organiser to the relevant authorities and other partners.
- On the Outdoor Events page, the event organiser should link to the Centralised Events Calendar at GoLakes, where other events already planned in the area at the time can be viewed. This will assist in planning the event. The event organiser should also place their own event on the Calendar to inform others.
- From the Outdoor Events page, an EAG 1 Notification Form should be submitted along with the relevant documentation as described above. This will be circulated to the relevant partners, including Highways where appropriate, for review and comment by the relevant Highways officer. A period of up to 2 weeks is given to make returning comment. This will allow time for the officer to include the assessment within his/her normal duties and verify any planned road works on the route which may affect the event or cause safety issues.
- As many of Cumbria's roads are adjacent to rivers and other waterways, care should be taken that any event on the Highway does not cause any detriment to the biodiversity and wildlife already established in the County.
- The event organiser should consider travel associated with the event and encourage the use of public transport and other non-car modes of travel.
- Be aware of the need for early and timely notification of an event. The more complex and large scale the event, the more time is required to organise. Any requirement to temporarily close a road to traffic requires a notification at least four months before the event, preferably longer. Discussions with the Highway Authority should therefore begin to take place six months before the event.
- Be responsible for appointing competent and qualified contractors to undertake functions such as traffic management which cannot legally be carried out by non-qualified personnel.
- Ensure that all affected parties including neighbours, businesses, the emergency services, passenger transport companies, parish/town councils, regular road users etc. are notified of the event and that their needs are fully considered in the planning of the event.

The role of the Police is to provide advice with regards to crime and disorder issues and to assist the EAG with the determination of threat assessments with respect to public safety. The Police, in common with all the EAG members will work in partnership, but are not required to act as the lead agency. In this respect ACPO Public Safety Policy and Police Force Operational Planning Policy will be observed with regards to the extent to which the Police become involved in a particular event and their role in that event.

The role of the Highway Authority is to ensure that any event which may impact on the road infrastructure is managed in a safe manner and minimises the impact on other highway users. This may involve either road closures or traffic management schemes.

Legal Framework and Powers

If it is necessary to hold all or part of the event on the public highway or if the event will affect the public highway (e.g. create extra congestion, involve the use of a normally little used access, etc.) it will be necessary to close or control the highway using a Temporary Traffic Regulation Order (TTRO). Any planned road closures or controls must be authorised correctly, using the appropriate legislation.

Police powers to regulate traffic are for emergency use (e.g. a road traffic incident) and are designed for the 'protection of life and property'. This does not include closing sections of the highway to allow events to take place or for filming to be carried out, nor is there currently any provision in the Road Traffic Regulation Act 1984 which would allow the closure of a road for the purpose of filming, in Cumbria.

Any planned road closures or other traffic measures should be the subject of a TTRO. TTROs can be made to ensure safety and to ease traffic problems which may possibly occur when a proposed event or activity involves public highways and other public rights of way and where a diversion or other control measure for vehicular or pedestrian traffic is required for the safety of the public or to facilitate the holding of an event, to enable members of the public to watch an event or to reduce the disruption to traffic likely to be caused by an event.

TTROs are made under either:-

- The Town Police Clauses Act 1847 Section 21
- The Road Traffic Regulation Act 1984 Section 14(1)(b) or Section 16A

Depending on which Act and Section is relevant and appropriate to the particular event being planned, the TTROs will be processed by the relevant authority. Details of these Acts are provided below:-

Town Police Clauses Act 1847

The Town Police Clauses Act 1847 was incorporated into general effect by the Public Health Act 1875 and later by Section 180 of the Local Government Act 1972. Although Police notification is recommended, it is not necessary for the police to lead in the use of Section 21 to close a road.

All local district authorities are able to use this piece of legislation to make orders for the route to be observed by vehicles and persons during an event which impacts upon the highway "in all times of public processions, rejoicing or illuminations, and in any case when the streets are thronged or liable to be obstructed ...". Therefore, providing the Order is made for instances/events similar to those three, such as special occasions (not necessarily limited to a single day), "when the ordinary day to day use of the street or highway is, or is liable to be obstructed or dislocated by substantial numbers of persons, on foot or in vehicles, participating as spectators or otherwise", any district authority in Cumbria area can make an order under Section 21 with the agreement of the Highway Authority.

Note: - District Councils will carry out their own assessment and determination of the situation prior to making a Town Police Clauses Act closure and their decision as to whether or not to make such an Order will be final and binding upon the event organiser.

If the District Council is unable to make a Town Police Clauses Act Order, because the event is not for one of the reasons outlined above, or considers that it is not appropriate to make such an Order, Cumbria County Council can make an Order for the normal charge (See Section 4.1) providing the criteria for a TTRO under either Section 14(1) (b) or Section 16A of the Road Traffic Regulation Act 1984 are met.

Section 21 of the Town Police Clauses Act 1847 is a very useful section frequently used (in the absence of any local Act) to close streets to traffic on such occasions as Coronation celebrations, local carnivals and fairs, Guy Fawkes night etc. However, the words “in any case where the streets are thronged or liable to be obstructed” must be read ejusdem generis as “public processions, rejoicings or illuminations”: The three instances sufficient to constitute a genus which, even if not confined to instances directly similar to those three, may be stated as special occasions (not necessarily limited to a single day), when the ordinary day-to-day use of the street or highways is, or is liable to be, obstructed or dislocated by substantial numbers of persons, on foot or in vehicles, participating as spectators or otherwise in the occasion.

Although the use of Section 21 (rather than Road Traffic Regulation Act Section 14(1) (b) or Section 16A) may appear to result in reduced costs; as advertising costs are less, it should be noted that authorised signs and traffic management will still be required and Cumbria Police will require competent and qualified staff to undertake these potentially expensive activities before authorisation is given.

Section 14(1) (b) of the Road Traffic Regulation Act 1984

Where the use of The Town Police Clauses Act 1847 is not appropriate or the District Council is not able or willing to make such an Order, (and where the Police are not actively engaged in traffic control), and the event is not being held on the road and is not a “relevant event” as defined below, for the purposes of Section 16A (see below), then a TTRO under Section 14(1)(b) of the Road Traffic Regulation Act 1984 may be made “because of the likelihood of danger to the public...”

This would cover situations where the event on land adjacent to the highway will affect the public highway (e.g. create extra congestion, involve the use of a normally little used access, etc.) and restrictions are required to be put in place to protect the travelling public from danger, eg. by one-way restrictions, speed limits etc.

Such Orders are subject to a maximum duration of 18 months.

No such Order may be made so as to prevent at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

Section 16A of the Road Traffic Regulation Act 1984

Where the use of The Town Police Clauses Act 1847 is not appropriate or where the District Council is not able or willing to make such an Order, (and where the Police are not

actively engaged in traffic control), a TTRO under Section 16A of the Road Traffic Regulation Act 1984 may be made.

This section, however, has its restrictions as only one Section 16A Order may be made a calendar year on any particular section of road and for a maximum of 3 days for a “relevant event” (as defined below) unless the consent of the Secretary of State has been given.

Section 16A (Road Traffic Regulation Act) states:-

- 1) In this section ‘relevant event’ means any sporting event, social event or entertainment which is held on a road.
- 2) If the Highway Authority for a road is satisfied that traffic on the road should be restricted or prohibited for the purpose of:
 - a) facilitating the holding of a relevant event,
 - b) enabling members of the public to watch a relevant event, or
 - c) reducing the disruption to traffic likely to be caused by a relevant event.the authority may by order restrict or prohibit temporarily the use of that road, or any part of it, by vehicles or vehicles of any class or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary or expedient.

Special authorisation is required from the Secretary of State for Transport when the relevant event is anticipated to last for more than 3 days or where a further closure is required under Section 16A on a particular section of road within the same calendar year.

If an order under Section 16A (Road Traffic Regulation Act) is required, the event organiser should apply to the Highway Authority to issue the necessary Order (and make it clear to the EAG that it is requested).

Before making an order under this section the Highway Authority must be satisfied that it is not reasonably practicable for the event to be held otherwise than on a road.

No such Order may be made so as to prevent at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

The Cycle Racing on Highways Regulations, 1960 (and 1980 and 1995 amendments) enables Cumbria Police to authorise ‘time trials’ and ‘bicycle races’ on the highway, save that no timed cycle event can be authorised on a public bridleway

TTRO Application Process

It is to be emphasised here that it is the responsibility of the event organiser to undertake all of the necessary actions required to plan and hold the event safely and with minimum disruption to other highway users. This will include:-

- Consultation and liaison with all affected parties including local residents, regular highway users, emergency services, passenger transport companies, district and parish/town councils, etc.

- Preparing a detailed Event Plan which includes Risk Assessments and Method Statements (including a Traffic Management Plan, Emergency Plan, etc.). These documents consider what might go wrong, how this can be avoided, and how any problems which might arise will be managed.
- Arranging appropriate Public Liability Insurance (a minimum of £5million in any one claim) to indemnify the Authorities and to provide protection to third parties who may be injured or harmed by or as a result of the event.
- Arranging and paying for suitably qualified and insured traffic management personnel to undertake the necessary traffic control measures.
- Paying for all costs for arranging any TTROs and advertising cost. Provided all TTROs are written and sealed at the same time, there should only be one fee payable. The charges for Town Police Clauses Act Section 21 Orders can be obtained from the relevant district councils. Note that if any TTROs require amending or extra Orders are required, extra fees will be payable. Charitable events and not-for-profit organisations may be exempt from the TTRO fee, although the Council reserves the right to recover the costs of advertising from the event organiser.

An application for any TTRO can be made to the County Council's Highways department in liaison with the relevant Highways officer.

The Highway Authority Approval Process

Following receipt of the application, the EAG will advise the appropriate agencies of the event and seek their views. The Highway Authority (Cumbria County Council for most roads, the Highways Agency for trunk roads) will consider the effect of the event on the highway and highway users.

Consultation

Before implementing any proposed traffic measures or making any TTROs it will be necessary for the event organiser to carry out consultation and liaison with all the affected parties including directly affected local residents, emergency services, passenger transport companies, parish/town councils, etc. Details of all consultation including responses received and objections must be provided to the Highway Authority.

Consideration should be given to the degree of disruption likely to be caused. Most events are of short duration and the disruption caused can usually be managed provided sufficient notification is provided.

Temporary Traffic Regulation Orders

The Traffic Management Plan should identify what traffic management measures are required for the event to be held safely and whether TTROs will be needed to implement these measures. The legislation appropriate to implementing any TTROs will be based on the type of event to be held e.g.

- For a small parade or mobile gathering, either the District Council should be requested to make an order under the Town Police Clauses Act 1847.

- For a major event it is appropriate to make the order under Section either Section 14(1) (b) or 16A of the Road Traffic Regulation Act as outlined above. A reminder that as consent is required from the Secretary of State where the proposed event requires an Order to be made on a particular road for more than once within one calendar year or where the event is for more than 3 days; it is important to allow additional time for obtaining this consent when planning your event.

A fee will be payable (by the event organiser) to the Highway Authority, the District Council and/or Cumbria Police for the administration and advertising costs in order to implement these TTROs. The schedule of fees can be found at <http://www.cumbria.gov.uk/roads-transport/fees.asp>

Signs in the Highway

In order to implement these TTROs and other traffic management measures it will usually be necessary to erect appropriate signs in the highway. The Home Office document 'The Good Practice Safety Guide' sets the following as a useful principle:-

NO ROAD USER SHOULD APPROACH IN ANY DIRECTION TOWARDS THE EVENT
WITHOUT UNDERSTANDING EXACTLY WHAT IS HAPPENING
AND WHAT IS EXPECTED OF THEM

All signs which are placed on the highway must comply with the Traffic Signs Regulations and General Directions 2002 (as amended by the Traffic Signs Regulations and General Directions 2005) and Chapter 8 of the Traffic Signs Manual or be specifically authorised by the Department for Transport (check new name?)

All signs should also be placed by a person trained, accredited and insured in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Street Works Act 1991.

It is the responsibility of the event organiser to appoint suitably qualified and insured traffic management personnel to undertake this work in agreement with the Highway Authority. The event organiser will be required to provide evidence that the traffic management personnel are qualified, competent and insured to undertake such tasks.

Marshals and Stewards

A Marshal is someone responsible for the safety and care of competitors (participants), and a Steward is responsible for the safety and care of spectators.

Although traffic management can only be undertaken by those properly qualified and authorised for the task, marshalling and stewarding may be undertaken by people under the direction of the event organiser. Marshals and Stewards are not permitted to control and direct traffic unless they are formally trained and competent. The Event Plan should consider how many people will be required to properly direct participants and spectators in order to maintain safety for all at the event.

Arrangements for Access

In addition to the access required for participants and spectators, many events will disrupt access for residents and businesses in the affected area. The event organiser must detail how access is to be maintained for these people. In order to notify other highway users who may need to use the affected section of road, advance notice of any TTRO should also be given in the form of:-

- On site notice boards complying with Chapter 8 of the Traffic Signs Manual (in addition to legal notices) erected at least one week in advance of the event. Signs may only be placed on the highway by a competent, accredited and insured operative (see previous section Signs in the Highway).
- Information letters to affected properties providing contact information for the event organiser including emergency contacts for when the event is in operation.
- Advertisements in the local press and other media if appropriate.

Public Transport services providers and users will need to be considered if bus services are affected by any event or TTRO. The event organiser is expected to liaise with the relevant public transport operators in sufficient time to effect route and/or timetable amendments.

Arrangements for Emergency Services

The Event Plan and Risk Assessments should consider what will happen in the event of an emergency and what arrangements are necessary to allow emergency services onto or through the event site.

As well as considering the possibility of emergencies happening at the event, it may be necessary to consider the need to provide emergency vehicles with rapid progress through any road closures or traffic congestion caused by the event.

Advertising

For major events with significant traffic disruption (when Road Traffic Regulation Act Section 14(1) (b) or 16A is used) it will be necessary to advertise the proposed TTROs. The cost of any advertising will be borne by the event organiser.

Advertising may also be beneficial for increasing awareness of the event to reduce disruption and to advise participants/attendees of travel and parking arrangements. This can be particularly useful in encouraging the use of public transport to reduce traffic problems.

The Highway Authority will assess all of the above information and proposals and, providing they are satisfied that the safety and convenience of highway users has been properly protected, will process any necessary traffic orders and confirm their permission for the event to take place.

The Highway Authority retains the right to withdraw consent for the event should they receive significant objections prior to the event taking place.

Flow Chart

