



LEGAL ASPECTS

Any event which causes disruption to traffic must be carefully managed by Cumberland Council, as the Traffic and Highway Authority, whose Network Management Duty is to minimise congestion on the highway network in the Cumberland Council Area.

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.

If any event may have an impact on traffic, then regardless of whether the event is actually taking place on a road 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.

Holding an event on a road should only be used where there is no alternative, and an event organiser must provide the reasons and obtain approval from the Council to hold an event on the road.

LEGAL ORDERS

If it is necessary to hold all or part of an event on a road or if the event will affect the road (e.g. create extra congestion) it will be necessary to close or control the road using a Temporary Traffic Regulation Order (TTRO), using the appropriate legislation.

TTROs can be made to ensure safety and to ease traffic problems which may possibly occur when a proposed event or activity involves roads and other public rights of way for the reasons of ensuring 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.

The legislation utilised for these TTRO's is 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 a particular event being planned, the TTROs will be processed by Cumberland Council. Below is the detail of the legislation to explain what would be covered by each of the Acts: -

A. Town Police Clauses Act 1847

The Council would use this piece of legislation to make orders to temporarily restrict or prohibit traffic (including bicycles and pedestrians) on a road, or any part of it, for "public processions, rejoicings and illuminations." and in any case when the streets are thronged or liable to be obstructed.

A section 21 TTRO covers events such as local carnivals, street parties, military parades, processions and celebrations of marked events e.g. bonfire night. Section 21 of the TPCA 1847 is normally used when police are actively involved in traffic control.

The section expressly allows the control of a large body of people, a “throng”. It also prevents the unnecessary obstruction of the street (road) by vehicles when the street is thronged with people.

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, as well as authorisation from the Police.

B. Section 16A of the Road Traffic Regulation Act 1984

Where the use of The Town Police Clauses Act 1847 is not appropriate 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 for a relevant event as defined below:

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

A ‘relevant event’ means any sporting event, social event or entertainment which is held on a road (N.B. filming on the highway is not currently deemed as a relevant event and a TTRO cannot be made for this purpose as the legislation does not currently allow for this. However, the Council may consider restrictions if there is an element of entertainment to the filming e.g. spectators allowed and facilitated to watch the filming.

If the Traffic 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 temporarily restrict or prohibit the use a road, or any part of it, by vehicles or pedestrians, to such extent and subject to such conditions or exceptions as is considered necessary.

However it should be noted that 16A Event Orders are in force for a maximum of 3 consecutive days and limited to 1 Order per calendar year on any particular section of road unless written consent of the Secretary of State has been given.

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

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

Where the use of The Town Police Clauses Act 1847 is not deemed to be appropriate 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 stated above then a TTRO under Section 14(1)(b) of the Road Traffic Regulation Act 1984 may be considered and made “because of the likelihood of danger to the public...”

This would cover situations where the event is held on land adjacent to a road and will affect the road/public highway e.g. create extra congestion, so restrictions are required to be put in place to protect the travelling public from danger, e.g. by one-way restrictions, speed limits etc. Example: Solfest Festival – the event is held off the road/highway, but some traffic management is required on the roads surrounding the event.

Whilst these Orders are subject to a maximum duration of 18 months the anticipated duration of the restrictions is stated in the notice and should only be for the time deemed necessary i.e. for the duration of the event itself.