

Changes to how Kent manages road closures for Events – managed by Street Works

Introduction

Event application process is and will continue to be managed by the district and borough councils. Those events that require a road closure or traffic restriction require the consent of Kent County Council as the highway authority and multi-agency partners within the Safety Advisory Group process. A relevant order is required to provide a legal mechanism for those events requiring a temporary road closure or temporary traffic restriction.

Relevant legislation

Currently there are 3 pieces of legislation that can facilitate a legal closure or restriction:

- (1) Use of Town Police Clauses Act 1847 for events involving processions, illuminations or ‘thronging’ of the street – e.g. carnivals, Christmas light switch on, street markets, remembrance parades. These orders are made by the relevant district/borough council as a delegated power from the Police Constable.
- (2) Use of 14(i) of the Road Traffic Regulation Act 1984 where the event does not take place on the public highway but restrictions are requested as part of the event by the organiser to manage traffic accordingly e.g. 50mph speed restriction on A249 for County Show. These orders are made by KCC.
- (3) Use of 16(A) of the Road Traffic Regulation Act 1984 (Special Events Act) where a major sporting event, social event or entertainment takes place on the highway. An order made under this part of the act can only be imposed for a maximum of 3 days and once per calendar year (Jan – Dec) per road, unless consent is sought from the Secretary of State. These orders are made by KCC.

Kent Police Procedure TPC

Kent Police will assess all events that they are notified of and this includes any requirements for traffic management or road closures, their position being one of advice and guidance through which they seek to assist event organisers and any Safety Advisory Group (SAG) process.

Where these plans include requests for road closures and traffic controls, Kent Police will look at what is being asked for and why any traffic mitigations are required. Kent Police will look at what legislation they feel fits these circumstances and base their advice on that.

Kent Police will then submit their comments, usually to the respective SAG, along with covering rationale explaining why they believe that legislation under the Town Police Clauses Act 1847, Road Traffic Regulation Act 1984, or some other form of management (i.e. temporary obstructions) is advised. This would be in the format similar to, -

- *Based on the documentation you have submitted, your requirement for a road closure order or traffic management is for (add details here). As this is a parade/procession/social/sporting/entertainment on a road/traffic control in special cases (delete as appropriate), our view is that the closures and controls for your event should be enacted using s21 TPCA 1847, s16A RTR 1984, s14 RTR 1984, or use of Temporary Obstruction signage (delete as appropriate).*

If at this point the advice of Kent Police is not taken by the District they will submit a further comment which gives caution to proceeding in such a manner as they may not be in a position to enforce any breaches should they occur. This comment may be as follows, -

- *Kent Police are aware that you may continue with your event planning relying on the Town and Police Clauses Act 1847 (amend accordingly). Please note that this Act may not allow Kent Police to enforce any potential breaches under the circumstances that you as an organiser have explained.*

Kent Police have made clear they do not have any veto or hold over local authorities or the county council on this decision; however, as the party responsible for any enforcement (or emergency response) they do have a significant interest in this process and ask that the most appropriate legislation is used at all times.

The decision to issue any traffic order rests with the respective local or county council as does any subsequent liability

that may be linked to that decision.

Events under a TTRO - Kent County Council

If an event is to proceed under a TTRO the following requirements must be adhered to by all event organisers:

1. A minimum of 12 weeks' notice is required in order for the TTRO to be processed
 - a. All applications must be received on the approved TTRO application form and must be accompanied by the Event application form and copies of Public Liability Insurance documentation.
 - b. A full traffic management plan must be provided including full diversion details. Failure to provide adequate information will result in the application being returned which may in turn delay approvals for the event.
 - c. Failure to provide a TTRO application in the required timescales may result in KCC being unable to process the application.
2. For events that only require a closure for a duration of 15 Minutes or less KCC Highways will give consideration to use of Temporary Obstruction Boards as per "Safety at Street Works and Road Works A Code of Practice"
3. For events that are off highway but require traffic management an order will be written under "14(i) of the Road Traffic Regulation Act 1984"
4. Where sporting events, Social events or entertainment are on the highway and require a closure an Order will be written under "16(A) of the Road Traffic Regulation Act 1984 (Special Events Act)"
Local traffic authorities are required to obtain the Secretary of State for Transport's approval to make a special event order where:
 - a. the order is to continue in force for more than three days; or
 - b. the affected length of road has already been subject to a section 16A order in the same calendar year.

Schedule of Charges

- **Charitable, non-profit event** – nominal fee to cover costs of advertising - approx. £20-£40
- **Part-charitable** – where pitches within the event are 'sold' to generate income – a medium range fee to cover costs including advertising. 50% of admin fee and nominal fee to cover advertising costs. £250 + Advertisement fee approx. £20-£40
- **Commercial (profit-making)** – Full TTRO costs applicable - £500 + advertising
- A further charge may be applicable where KCC needs to seek approval from secretary of state for the use of 16A beyond the prescribed means.