

## CITY OF PLYMOUTH

**Subject:** Events on the Public Highway Policy  
**Committee:** Cabinet  
**Date:** 7 February 2012  
**Cabinet Member:** Councillor Wigens  
**CMT Member:** Director of Place  
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**Ref:** IRE/NMU  
**Key Decision:** No  
**Part:** Part I

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### Executive Summary:

The Growth and Prosperity Overview and Scrutiny Panel established a Task and Finish Group to review the department's charges and procedures for Community Events and Road Closures. This paper sets out the responses to the five recommendations proposed by the Scrutiny committee, and proposes a new draft Events on the Public Highway policy.

The five scrutiny recommendations and the proposed response to them are as follows:

1. That representations be made to Central Government in relation to the medium used to advertise (Temporary Traffic Regulation Orders) TTRO's e.g. Local Government Association, Department for Transport, Secretary of State for Communities and Local Government.

Response: No longer necessary. Communication received from the Department for Communities and Local Government (DCLG) in February 2011, advised that the guidance on making 'special events' orders had been withdrawn by the DfT, effectively removing any explicit recommendation for advertising TTRO's in newspapers.

2. That there be an approved list of events for which the Council will provide TTROs free of charge and that this will be approved by the Cabinet Member for Transport. The list will include civic and other similar events that have been held across the city for at least the last 5 years, and will be reviewed on an annual basis.

Response: Agreed in part. Further work is needed to establish how best to manage this situation once the new policy on reduced charging has been introduced and after the Events and Economic Development teams have merged under the new Place Directorate.

3. That the department of the Council responsible for the decision to hold any event not included in the approved list, should provide the budget for the reimbursement of the cost of the TTROs to Transport & Highways.

Response: Agreed in part. This relates to recommendation 2 above. Further work is required for the reasons stated above.

4. That TTROs continue to be advertised in the local newspaper for all events except those falling within the criteria for street parties and fetes (pending any Government response from the representation).

Response: This is not agreed. The withdrawal of government guidance effectively removes the need to advertise TTRO's in the local press. The costs of such advertisements form the significant part of the cost of the process and therefore to continue to advertise in that manner would impact upon the ability to offer, free of charge, traffic orders for the smaller events. However, road closures for events will continue to be notified on the Council's PlymGo website and by on-site notices, and as part of the new process, it is proposed that event organisers undertake more proactive engagement on road closure information,

5. That a charging policy be implemented based on the proposed categories and charges, and be reviewed annually (or sooner if a change of law) with any changes to be approved by Cabinet Member for Transport. The criteria are to be finalised by officers.

Response: Agreed. This report sets out a new reduced charging regime for event road closures, and charges are differentiated based upon the category of road to be closed.

The proposed policy relates to all internally (council led) and externally organised events, and is summarised as follows:

- Events requiring temporary road closures are categorised as 1, 2 or 3 events, each category reflecting network importance. These categories are used to determine the charges levied for the production of TTRO's. The charges do not relate to other costs associated with organising an event on the highway, i.e. traffic management, insurance, permits etc. which are still to be borne by the event organiser.
- Category 3 deals generally with closures of quiet residential type roads for small events such as street parties and fetes; it is proposed that no charge will be levied in respect of such events. Categories 1 and 2 relate to events on more important routes and a scale of charges are proposed for these.
- The cost to undertake a TTRO will be reduced from the current flat rate fee of £1000, to £500, £250 and £0 for Category 1, 2 and 3 events respectively.
- £5m public liability insurance will be mandatory for Category 1 and 2 events. £1m public liability will be advisable for organisers of Category 3 events.
- Advertising of TTRO's in the local press will be discontinued; however proposed road closures will still be advertised on the Council's PlymGo website and through the placing of on-street notices to ensure local residents and businesses are aware of forthcoming road closures.
- All existing events currently supported by the City Council will continue to be supported in the current format, but a further review will take place during 2012/13.

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## **Corporate Plan 2011 – 2014:**

Providing a safe and well-maintained road network contributes to the economic well being of the City in support of the Growth priority.

Supporting local events contributes to the social health and well being of the community.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:**

The current process for undertaking TTRO's exceeds the monies received, and cost the Transport and Highways Service last year approximately £25,000. Further costs were borne by other departments who support events.

Changing the process and removing the need to advertise will not only reduce the costs to event organisers, but will also reduce the financial support of PCC and Transport and Highways significantly to approximately £6,000.

However, if the number and type of events were to rise significantly, particularly the Category 3 events, the budget pressure could rise. A further and ongoing review is therefore proposed.

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### **Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:**

None

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### **Recommendations & Reasons for recommended action:**

- I To note the recommendations of the Scrutiny Panel and provide responses as follows:
  - i. Making representations to Central Government in relation to the medium used to advertise TTRO's are no longer necessary following changes to government guidance.
  - ii. Further work is needed to establish how best to manage an Approved List of events once the new policy on reduced charging has been introduced and after the Events and Economic Development teams have merged under the new Place Directorate.
  - iii. Further work is needed on budget decisions once the new policy has been introduced and after the Events and Economic Development teams have merged under the new Place Directorate.
  - iv. The advertising of TTRO's for events will cease following the withdrawal of government guidance which effectively removes the need to do so.
  - v. The Authority will introduce a new, reduced charging regime for event road closures, with charges differentiated based upon the category of road to be closed.
- 2 To approve the Events on the Public Highway Policy

The 'Events on the Public Highway Policy' pulls together the recommendations of the Scrutiny Task and Finish group. These recommendations are derived from extensive work undertaken by officers and members and follow analysis of various costing options, government advice, and risk and legal implications. This policy will provide the framework for new guidance on events giving officers and events organisers a clear understanding of their responsibilities and charges.

**Alternative options considered and reasons for recommended action:**

Absorb all the costs of TTRO's within the Authority: Not accepted as this would remove significant revenue away from other important and statutory functions.

Continue to advertise traffic orders within the local press: Not supported. This is no longer provided for by government guidance and is not seen as the most effective way to alert people to such road closures. It is considered that the placing of on-site notices is retained to ensure local awareness raising takes place.

Retain the existing flat rate £1000 fee per event: Not accepted as this does not differentiate between the varying costs of administering such events dependent upon their scale or location and does not relate to the need for differing traffic management levels dependent upon the roads involved.

Charge all events the exact cost for implementing a TTRO: Not accepted as the certainty of costs will not be available to an event organiser, and the administrative costs would add to the overall costs of the scheme.

Remove all PCC financial support for TTRO's: Not accepted. PCC recognises the importance of supporting certain local events and this should continue until further work has been completed on developing an 'approved list'.

**Background papers:**

1. Events on the Public Highway policy
2. Overview and Scrutiny Management Board Task and Finish Group Scrutiny Review - Review of Community Events and Road Closure Policy October 2010

**Sign off:**

Fin F1112 0039	Dev	Leg	JAR /124 62A	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Clive Perkin											

## **1.0 Introduction**

- 1.1 In 2010, the Growth and Prosperity Panel established a Task and Finish Group to review the department's charges and procedures for Community Events and Road Closures. The recommendations for the Task and Finish group were as follows:
1. That representations be made to Central Government in relation to the medium used to advertise TTRO's e.g. Local Government Association, Department for Transport, Secretary of State for Communities and Local Government.
  2. That there be an approved list of events for which the Council will provide TTROs free of charge and that this will be approved by the Cabinet Member for Transport. The list will include civic and other similar events that have been held across the city for at least the last 5 years, and will be reviewed on an annual basis.
  3. That the department of the Council responsible for the decision to hold any event not included in the approved list, should provide the budget for the reimbursement of the cost of the TTROs to Transport & Highways
  4. That TTROs continue to be advertised in the local newspaper for all events except those falling within the criteria for street parties and fetes (pending any Government response from the representation).
  5. That a charging policy be implemented based on the proposed categories and charges, and be reviewed annually (or sooner if a change of law) with any changes to be approved by Cabinet Member for Transport. The criteria are to be finalised by officers.
- 1.2 The outcome of the Task and Finish review is the draft Events on the Public Highway policy. The policy draws on the recommendations of the Scrutiny review and details Plymouth City Council's approach, as a local highway authority, for managing pre-planned events i.e. sporting events, carnivals, parades, street parties and entertainments etc. on the public highway. This is an important step in fulfilling the Council's Network Management Duty established by the Traffic Management Act 2004, and aids in limiting the negative impact of such activities on the network.

## **2.0 Advertising road closures**

- 2.1 Traditionally, and in line with Department for Transport advice, Plymouth City Council has advertised proposed road closures for events in the local press. During the Scrutiny review, officers advised that, on average, 74 percent of the current charge for a TTRO (£1000) related to local newspaper advertising costs. Consequently, the Task and Finish group recommended (recommendation 1, above) that representations be made to the Government with a view to updating the guidance such that alternative, more cost effective media might be used, e.g. the internet.
- 2.2 A further communication received from the DCLG in February 2011, advised that the guidance on making 'special events' orders had been withdrawn by the DfT, effectively removing any explicit recommendation for advertising. Whilst this move was primarily timed to accommodate Royal Wedding street parties it now enables local highway authorities to determine their own processes for road closures.

- 2.3 Following consultation with the Council's Legal department, it is proposed that press advertisements will be discontinued, however, TTRO's will continue to be advertised on the Council's PlymGo website. Additionally, On-street notices advising of road closures will continue to be placed on affected streets whilst event organisers will be required to undertake consultation with affected residents, businesses and stakeholders.
- 2.4 The decision to no longer advertise in the local press runs contrary to the Scrutiny recommendation (recommendation 4, above) that the practice should continue. However, this recommendation was made before the DCLG's communication in February 2011, and reflected the legal advice given at the time. The current proposal now better aligns with the wishes of the Scrutiny Panel as detailed in 2.1, above.

### **3.0 Approved list of events and charges to other departments**

- 3.1 The Highways department has historically waived charges for some charity, community and PCC led events with the costs funded from the Highways revenue budget, despite having no specific allowance for this. Furthermore, some events are funded by other departments. However, there has never been an established protocol for deciding which events should be subsidised in this manner and consequently the decision to do so has been left at officers' discretion.
- 3.2 The Task and Finish Group was keen that the decision whether or not to charge event organisers for TTRO's should not rest with council officers. Consequently, the group recommended (recommendation 2, above) that an 'Approved List' of events for which the Transport and Highways department funds TTRO's should be established and agreed by the Cabinet Member for Transport.
- 3.3 An 'Approved List' of events that PCC as a whole supports would provide clarity to officers and events organisers in respect of the responsibility for the funding of TTRO's for events. However, it is considered prudent to allow the proposed new fee structure for TTRO's to become established before proceeding with the development of an Approved List. This will allow time to develop an understanding of the cost implications of such a list to the Authority.
- 3.4 Furthermore, many of the PCC events subsidised by Transport and Highways (and which may be included on any future list) are led by the authority's Events Team and Economic Development department, all of which are due to merge under the new Place Directorate. Consequently, it is considered that such an Approved List should be considered only after the merger has taken place when the budgetary implications can be properly considered.

### **4.0 Costs for the preparation of TTRO's**

- 4.1 The options for charging for TTRO's, which includes the preparation, noticing and advertising of orders, were considered by the Scrutiny panel. These were as follows:
1. Continue to charge a fixed fee for all road closures (currently £1000) – unless subsidised by PCC
  2. A sliding scale of fixed charges based on the size, e.g. small, minor, significant and major, and the complexity of the event
  3. Charging actual costs for all events

Table I summarises the benefits and disbenefits of these options.

Option	Advantages	Disadvantages
1	<ul style="list-style-type: none"> <li>▪ Easy and cost effective to administer</li> <li>▪ Easy for event organisers to understand costs</li> <li>▪ Keeps costs down for organisers of charity and community events</li> </ul>	<ul style="list-style-type: none"> <li>▪ Service absorbs costs of TTRO's and staff time totaling over £1000</li> <li>▪ Not most equitable as smaller events may subsidise larger events</li> <li>▪ Highest expense to the service</li> </ul>
2	<ul style="list-style-type: none"> <li>▪ Easy and cost effective to administer</li> <li>▪ Easy for event organisers to understand costs</li> <li>▪ Keeps costs down for organisers of charity and community events</li> <li>▪ Allows PCC to recover a greater proportion of cost</li> </ul>	<ul style="list-style-type: none"> <li>▪ PCC absorbs costs of TTRO's and staff time over and above fixed rate</li> <li>▪ Difficult to fix rate due to the varying complexity of events' requirements</li> </ul>
3	<ul style="list-style-type: none"> <li>▪ Reduces pressure on the highways maintenance/Parking budget</li> <li>▪ Most equitable method of charging</li> <li>▪ Allows greater understanding of costs of events</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not easy for event organisers to understand final costs</li> <li>▪ May be unpopular as charity and community events may not go ahead as a result of charges</li> <li>▪ More officer time required to administer repayment/additional invoicing if the costs are below or over the estimate initially given to organisers.</li> </ul>

**Table 1 – Benefits/disbenefits of charging options**

- 4.2 Following the Scrutiny review, the policy proposes using a variation of option 2 to replace the current single charge (see Table 2). The scale of these charges reflects the impact the event will have on the network (as opposed to the size of the event) and encourages organisers to hold events on less important roads. Fixing the fees, as opposed to charging actual costs for TTRO preparation, enables event organisers to understand their costs at the outset; this also removes the administrative cost to the council in re-invoicing/reimbursing the balance, which would otherwise be the case if actual costs were charged.
- 4.3 The policy categorises events based on the likelihood of disruption to the road network and defines a scale of fixed charges for the production of TTRO's.
- 4.4 Events requiring temporary road closures are categorised as 1, 2 or 3 events, the definitions for which are provided in Table 2, below. These categories are used to determine the charges levied for the production of TTRO's associated with events, and reflect network importance. The charges do not relate to other costs associated with organising an event on the highway, i.e. traffic management, insurance, permits etc. which are still to be borne by the event organiser.

Category	Definition	Charge
1	<ul style="list-style-type: none"> <li>▪ Closure of major roads, for example: <ul style="list-style-type: none"> <li>- Traffic Sensitive Roads</li> <li>- Major bus routes</li> <li>- Principal and Non-Principal roads</li> </ul> </li> <li>▪ Diverting significant traffic onto a major road</li> <li>▪ Closing more than 300m of road</li> <li>▪ Closing a road for more than 6 hours (including setting up and cleaning up)</li> </ul>	£500
2	<ul style="list-style-type: none"> <li>▪ Closure of Distributor Roads not identified within Category 1</li> </ul>	£250
3	<ul style="list-style-type: none"> <li>▪ All closures not identified in Category 1 or Category 2</li> </ul>	£0

**Table 2 – Categorisation of events and proposed charges**

4.5 The proposed scale of charges provides a clear, equitable and consolidated charging structure for event organisers whilst ensuring that the Highways revenue budget does not unnecessarily subsidise events. It should be noted that the proposed charges are significantly lower than those proposed at the Scrutiny meeting in October 2010, and reflect the reduced costs in processing TTRO's should the decision be made not to advertise in the local press.

4.6 As an example of the affect of the proposals, Appendix I to this report summarises the events in 2011 which required road closures and compares the actual fees collected, and costs incurred by the authority, with estimated figures taking into account the proposed policy and charging structure. From this summary it can be seen that the difference between fees collected and the actual cost to authority in administering the TTRO process is significantly reduced. This is largely as a result of removing advertising costs which, as described in 2.1 above, accounts for a considerable proportion of the authority's costs.

4.7 Following the Royal Wedding in 2011, and with the anticipated celebrations of the Queens Diamond Jubilee and the Olympics in 2012, it is likely that the authority will see an increase in the number of requests for street parties. Whilst it is difficult to determine the degree of interest for such activities, it is clear that sufficiently large numbers of requests will result in Plymouth City Council meeting the costs for TTRO's for these Category 3 events. Consequently, officers will continually monitor the costs throughout each financial year and review and increase the charges as appropriate on an annual basis. Such reviews will draw on previous actual costs to revise them fairly.

## **5.0 Street parties and fetes**

5.1 Communications from the DCLG received during the Scrutiny review requested that authorities cut red tape and make it easier for communities to hold street parties and fetes. A further letter of reminder was received from DCLG in January 2012 reiterating its desire to see local authorities accommodating its earlier wishes in time for the Queens Diamond Jubilee and the London Olympics/Paralympics later this year.

5.2 This request has been considered and accommodated in the new policy as the Category 3 type event. It is proposed that Category 3 will cater for activities on roads where they are unlikely to have any affect on more important roads.



5.3 Furthermore, a new, easy to use application form and guidance based on the example provided by the DCLG has been developed for street party organisers.

## **6.0 Public Liability Insurance**

6.1 Historically, Plymouth City Council has required event organisers to provide £5m public liability insurance (PLI) when holding events on the public highway. This was to ensure that both organisers and the council were protected against claims arising from organisers' negligence. However, the DCLG's advice to local authorities and event organisers was that PLI was not necessarily required for street parties and fetes and that it added unnecessary bureaucracy for communities wishing to hold such events.

6.2 Advice from the council's Risk and Insurance team is that, despite the DCLG advice, organisers of street parties should arrange insurance to protect themselves as the risk of claims still exists, however small. However, as a compromise, the Risk and Insurance team is prepared to support a relaxation of the requirement but only in so far as applicants are still strongly advised to consider insurance for their own protection.

6.3 This advice has been included in the application guidance to organisers of Category 3 events along with the recommendation that a minimum of £1m PLI is obtained. The reduction in the level of PLI reflects the reduced risk associated with smaller events and makes cover more affordable for organisers. Where organisers have decided not to obtain PLI the guidance advises that the Council's own insurance will not respond should claims arise due to an organiser's negligence.

6.4 For Category 1 and 2 events, the full £5m PLI is still required; this reflects the increased risk associated with larger events.

## **7.0 Recommendations**

7.1 It is recommended that the proposed Events on the Public Highway Policy be adopted in full, which includes:

- The categorisation of events based on their potential to disrupt the highway network
- Using the categories as the basis for defining the charges levied for road closures
- Adopting the charges described Table 2, above
- Reducing the level of PLI required by event organisers for Category 3 events
- Discontinuing the advertising of TTRO's in the local press

APPENDIX I

Event and Road Closed	Date	Existing Policy		Proposed Policy	
		Cost to applicant	Estimated PCC costs	Assumed cost to applicant	Estimated PCC costs
Plymouth Hoe 10k Road Race – various roads	Feb 2011	£0 (PCC funded)	£1,140	£0 (PCC funded)	£468
Plymouth Cancer Research Race for Life - various roads	Jun 2011	£0 (PCC funded)	£2,193	£0 (PCC funded)	£570
Royal Wedding Street Parties - nine streets incorporated into One Order	Apr 2011	£0 (PCC funded)	£1,029	£0 (PCC funded)	£268
Plympton May Fair - Dark Street Lane and Ridgeway	May 2011	£0 (PCC funded)	£1,070	£0 (PCC funded)	£278
Plymouth Half Marathon, Fun Run & Schools Challenge – various roads	May 2011	£0 (PCC funded)	£3,996	£0 (PCC funded)	£1,039
Lord Mayor’s Day – various roads	May 2011	£0 (PCC funded)	£1,902	£0 (PCC funded)	£494
Plympton Lamb Feast - George Lane, Longcause and Barbican Road	Jun 2011	£0 (PCC funded)	£1,736	£0 (PCC funded)	£451
America's Cup – various roads	Sep 2011	£0 (PCC funded)	£2,500	£0 (PCC funded)	£650
Firework Championship – various roads	Aug 2011	£0 (PCC funded)	£2,465	£0 (PCC funded)	£641
3 Commando Brigade Homecoming – various roads	Nov 2011	£1,000	£1,936	£500	£503
Union Street Residents Street Party – Union Street	Sep 2011	£1,000	£1,139	£500	£492
Plymouth 10k run – various roads	Nov 2011	£1,000	£1,977	£500	£514
5th Nov Celebration – various roads	Nov 2011	£0 (PCC funded)	£1,936	£0 (PCC funded)	£503
Christmas Lights Switch-on – various roads	Nov 2011	£0 (PCC funded)	£1,936	£0 (PCC funded)	£503
Remembrance Sunday parade – various roads	Nov 2011	£0 (PCC funded)	£1,936	£0 (PCC funded)	£503
<b>Total</b>		<b>£3,000</b>	<b>£28,891</b>	<b>£1,500</b>	<b>£7,877</b>