

Report to the Licensing Committee



**Epping Forest
District Council**

Date of meeting: **22nd March 2023**

Portfolio: **Technical Services; Councillor K Williamson**

Subject: **Road Closure Policy**

Responsible Officer: **David King 01992 564034)**

Democratic Services: **Adrian Hendry (01992 564246).**

Recommendations/Decision Required:

- 1. Agree the proposed road closure policy; and**
- 2. Recommend Full Council adopt the proposed road closure policy.**

Executive Summary:

Epping Forest District Council has the power to issue temporary Road Closure Orders for special public events such as a public procession, street party, festival etc. under s.21 Town Police Clauses Act 1847.

Currently the Council does not have a policy that sets out the general approach to regulation under the Act, guides administration of its functions and its expectations in relation to road closure applications for special events. If adopted the policy and process will simplify the process, provide clarity to residents, and assist the Council in ensuring that an appropriate balance is drawn between the interests of those wishing to apply for a road closure, and those who might be affected by such activities.

Reasons for proposed Decision:

There is no legal requirement for the Council to have a road closure policy however, if agreed the proposed policy and process will reduce unnecessary and avoidable burden on residents and partner agencies, provide clarity to applicants and guide the Council in its administration and decision making.

Other Options for Action:

Continue using the existing process however, the existing process is out of date and does not reflect current Government guidance. There is no existing road closure policy.

Report:

1. Epping Forest District Council has the power to issue temporary Road Closure Orders for the purpose of processions, illuminations, rejoicings, or any case where the streets are thronged by the public for purpose of a specific event. special public events such as a public procession, street party, festival etc. under s.21 Town Police Clauses Act 1847.
2. This includes processions, street parties, national days of celebration or commemoration.
3. In 2022 Her Majesty The Queen became the first British Monarch to celebrate a Platinum Jubilee after 70 years of service. To mark this momentous occasion residents were

encouraged to organise and host parties across the bank holiday weekend (2nd – 5th June), or as part of The Big Jubilee Lunch.

4. Local authorities were asked to encourage and facilitate these events by promoting them through their communication channels and by facilitating any necessary road closures. In a letter to Local Authorities from Rt Hon Michael Gove MP on 6th January 2022, he stated;
“Street parties should be encouraged, and you can play an important role in supporting residents who want to organise parties for their neighbours. For example, relaxing road closure rules to enable street parties to take place as easily as possible will be important.”
5. On 21st March 2022, the Councils Licensing Committee agreed to simplify the process to make it more accessible for residents to apply for road closures and in doing so they agreed to:
 - Waive the fee for closures associated with non-commercial Platinum Jubilee celebrations.
 - Reduce the 6 week application period to 4 weeks.
 - The Councils Licensing Team to undertake consultation with Essex Highways and partner agencies (previously the applicant was required to do this).
 - The applicant to remain responsible for notifying neighbours, businesses, Town and Parish Councils and anyone who will be affected by the road closure.
 - Remove the need for risk assessments to be submitted at application stage and substitute with the following advice; *If your event is for 500 people or less, we will not normally ask for a risk assessment to be submitted as part of the application. However, you should ensure that you consider all the risks involved and document these. This will help you to identify any particular areas where problems may occur and that you have addressed them. Documenting this process and demonstrating that you have prepared to mitigate risks offers you protection if something happens at your event. Please refer to the ‘Guide to Street Party and Planning’ for further guidance. You can get further advice from the Health and Safety Executive at www.hse.gov.uk*
 - Remove the requirement for public liability insurance. There is no requirement from central government to have public liability insurance and many councils do not insist on this. However, organisers are advised that the Council will not be held responsible for any damage to property, or injury to any person arising from or in connection with the street party. Therefore, it is for applicants to consider if they wish to obtain insurance for their own peace of mind.
6. Guidance was prepared, the Councils website updated a press releases were issued advising residents of the simplified process. The adopted process was a success and the Councils Licensing Team processed 47 applications and issued 45 road closure notices for the Platinum Jubilee Celebrations (some were withdrawn as no longer required) and feedback from residents was positive:
 - *“Thank you very much for your advice. This is all very helpful and informative. I am sure many people in Epping Forest will have great parties!”*
 - *“Once again thank you for all you did during the Jubilee period. Our street part was amazing!”*
7. The process was also a success with Essex Highways and other partner agencies including Police, Fire, ambulance and bus network operations and the key benefits of the adopted process are as follows:
 - Residents have only one formal point of contact.
 - Residents are only responsible for consulting with Hospitals, Schools, Churches, residents, businesses, and Town/Parish Council etc. that may be affected by closure

in their immediate area.

- Limits unnecessary contact on partner agencies.
 - The Council can be assured that key partners have been properly notified and consulted before making a decision on a closure.
 - The Council can ensure that all of the relevant information (diversion routes etc.) has been included at the point of application, avoiding unnecessary delays and back and forth between those involved.
8. On 1ST November 2022 the Councils Licensing Committee agreed again to simplify the road closure process and waive the fee to make it more accessible for residents wishing to celebrate the Coronation of His Majesty The King and Her Majesty The Queen Consort in May 2023. Once again guidance has been prepared, the Councils website has been updated and press releases issued advising residents of the simplified process.
9. Currently the Council does not have a road closure policy however, given the success of the process adopted for both Her Majesty The Queens Platinum Jubilee Celebration and the forthcoming Coronation of His Majesty The King and Her Majesty The Queen Consort. It is recommended that the Licensing Committee agree the attached policy and recommend it is adopted at Full Council.

Resource Implications:

None. The Councils Licensing Team are already responsible for processing temporary road closures and a fee is payable by the applicant. The fee is set on a cost recovery basis and applies to all applications unless the Council determines it should be waived for reasons of national celebration or charitable purposes. The policy, if adopted, will simplify the process for both the Council and residents.

Legal and Governance Implications:

There is no requirement under s.21 Town Police Clauses Act 1847 for the Council to publish a road closure policy. However, if adopted, the policy sets out the Councils general approach to regulation under the Act, guides administration of its functions and its expectations in relation to road closure applications for special events.

The policy also delegates decision making responsibility to the Service Director, in consultation with the Portfolio Holder and Chair or Vice Chair of the Licensing Committee where objections are made and not withdrawn. This is in line with the process adopted under the Councils Pavement Licensing Policy.

Currently, contested applications are to be determined by Licensing Sub-Committee however, there are no procedures in place for this function and this can prove difficult due to time constraints.

Safer, Cleaner and Greener Implications:

The policy will promote better regulation of road closures.

Consultation Undertaken:

The Council has worked closely with Essex Highways and other partner agencies including Police, Fire, ambulance, and bus network operations in developing this policy however, wider consultation has not been undertaken or considered necessary as the key aim of the policy is to guide the Councils internal processes when dealing with applications.

Background Papers:

- Appendix A – Draft Road Closure Policy
- Appendix B – Secretary of State for Communities and Local Government Guidance for organising a Street Party

Risk Management:

If adopted the policy will be kept under review and where necessary changes will be made to the policy to reflect legislation and Government guidance.