

Report to Licensing Committee

Date of meeting: 3rd December 2013

Subject: Temporary Road Closure Orders



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell - 01992 564017.

Committee Secretary: Adrian Hendry

Decisions Required:

To consider the resolution of the Local Council Liaison Committee and decide whether to recommend to the Council that:

(1) Epping Forest exercises its powers to make temporary road closure orders

(2) If the Committee considers that Epping Forest should undertake temporary Road Closures, that the fees and the necessary additional post be employed to undertake this work.

Report:

Executive Summary:

1. On 4th July 2013 the Local Council Liaison Committee resolved:

That the Committee made a formal recommendation asking that Epping Forest District Council consider the possibility of taking on the powers under Town Police Clauses Act 1847 to provide local means of road closures for temporary events.

2. The 1847 Act gives Local Authorities powers for preventing obstruction of the streets in times of public procession, rejoicing, or illuminations, and in any case when the streets are thronged or liable to be obstructed by substantial numbers of people, on foot or in a vehicle, participating as spectators or otherwise in the occasion. These powers have been interpreted to include making a temporary road closure although not all orders under this power need take the form of a closure. This Act can be used for commercial and non-commercial events.

Reasons for Proposed Decision

3. Members requested to consider the request from the Local Council Liaison Committee.

Other Options for Action:

4. n/a

Report

5. The provisions of the Town Police Clauses Act 1847 give powers to District Councils to make temporary road closures for markets, street parties, sporting events, fetes, processions etc. A request was made at the Local Council's liaison meeting that the Council considers that it use these powers to close roads for the specified reasons. At present this function is undertaken by Essex County

Council. Their website states that no charge is made for this service.

6. The licensing service has not undertaken any work in connection with road closures itself and so it has consulted with other authorities as to the procedure to be adopted, the time it took officers to undertake the work, and any disbursements that would be required e.g. road closure signs. It is estimated that the cost to the Council would be £170.00 per application and could be more for more complicated and possible lengthy events. It would have been necessary to monitor the time and costs before setting the fees for the next year.

7. It will be necessary to employ a member of staff part time to undertake this work. The procedure would require officers to:

a) Set up a system for road closure, prepare forms and put the information on the website. This will need to be monitored and updated periodically.

b) provide applicants with the information pack. This pack would have to contain the names and addresses of the persons or bodies with whom the applicants will have to consult, provide sample letters, and guidance and undertake other correspondence to ensure that this process is followed correctly.

c) ensure that the applicant had received the appropriate consents:

- Essex County Council,
- Fire Service,
- Police
- The bus company (if necessary)
- The owners of neighbouring properties.

d) where the road closure requires a main through road to be closed or one with a bus service it would be necessary to advertise the closure to give prior warning to other road users.

e) check that the Public liability insurance is acceptable and that a Risk Assessment has been provided

f) if there are any objections, to carry out further consultations and if necessary carry out an inspection.

g) if the objections are not resolved to prepare a report for the licensing sub-committee

h) if a sub-committee meeting is called there will be additional officers and members costs incurred

i) When a licence is granted there may be conditions imposed following consultations or the meeting of the sub-committee. The consent would have to be drafted to comply with these requirements.

i) Inspections may be required to ensure that any conditions are complied with

j) there may be a requirement as to signage etc required by the Highways service which could be expensive if each applicant had to purchase their own and so the Council may consider purchasing these signs or hire them which would need to be replaced from time to time.

8. Some of the steps listed above will be unnecessary in many cases.

9. If the Committee recommends that the District Council consents to street closures then additional staffing resources. There is set out below the necessary delegations for the Committee's consideration.

10. In considering these applications the licensing authority has also taken into consideration the extra workload of Scrap Metal Dealers, and has requested an additional post to undertake the extra workload. Having researched other authorities procedures a neighbouring authority stated that they carried out 35 street closures in a year, it is estimated that Epping Forest may receive 22 applications and this has been considered in the revised fee (para 6) above .

Research with other authority's revealed that most authority's do not make a charge for these closures as most of them are for charitable purposes and at the time of writing this report, the licensing authority were still awaiting more information on this. (More information will be given at the meeting)

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a Road Closure Order		If an objection	If no objection made
All policy matters except the formulation of the licensing policy	All cases		

Resource Implications:

New post required

Legal and Governance Implications:

The Council has authority under the Town Police Clauses Act 1847 to make these orders. The proposed procedure would allow the Council to assess the application in consistent way.

Safer, Cleaner and Greener Implications:

At present the applications are assessed by the Highway's service of Essex County Council which has experience in making these orders. Training would be required by the Licensing team members to undertake this work.

Consultation Undertaken:

This matter was referred to the Licensing Committee by the Local Council's Liaison Committee.

Background Papers:

Minutes of the Local Council's Liaison Committee of 4th July 2013

Impact Assessments:

Risk Management

Training would be required as this is a new area of work. Applicants would be required to provide a risk assessment of their application

Equality and Diversity

The report does not impact adversely on any group identified in the legislation as having protected characteristics.