

Agenda Item	<b>14</b>
Report No	<b>EDI/11/18</b>

## HIGHLAND COUNCIL

**Committee:** Environment, Development and Infrastructure

**Date:** 1 February 2018

**Report Title:** Traffic Regulation Orders and Charging Policy for Events and Processions on the Public Road

**Report By:** Director of Community Services

### 1. Purpose/Executive Summary

- 1.1 This report provides a policy for the provision of Traffic Regulation Orders and associated traffic management for events and processions on the public road.

### 2. Recommendations

- 2.1 Members are asked to:
- i. Agree the policy and associated charges for the implementation of Traffic Regulation Orders for events and processions as shown in **Appendix A**.
  - ii. Agree that armed forces and Armistice Day events will be exempt from any charges and also that small scale community events will be exempt.
  - iii. Note that the service will continue to work to minimise charges for traffic orders by using the Council's website and permanent traffic orders.
  - iv. Agree that the policy and charges will be reviewed after 12 months with a report brought back to this committee

### **3. Introduction**

- 3.1 The Council has duties under the Roads (Scotland) Act 1984, Local Government Act 2003 and the Transport (Scotland) Act 2005 in relation to events and processions. Occupation of the adopted road network requires to be managed to ensure that public safety is maintained at all times. Legislative requirements require to be adhered to, while enabling the public to exercise their right to hold a procession.
- 3.2 Police Scotland have confirmed that they are not empowered to use their emergency powers to manage traffic at planned events. Therefore, Temporary or Permanent Traffic Orders will be required for any events requiring road closures.
- 3.3 At present the Council does not have a formal policy for Events or Processions which impact upon the adopted road network. Previously Police Scotland used their emergency powers to manage small road closures in co-ordination with Highland Council. For some larger events, such as Etape Loch Ness road closures are co-ordinated by Transport Scotland for both trunk and local authority roads. The differing procedures have led to varied responses across the Highland Council Area in how events and road closures are managed.
- 3.4 Consultation has been undertaken through the SCOTS Roads working group (Society of Chief Offices of Transport Scotland), there are various policy conditions used by other Roads Authorities in Scotland. Some do not have a published policy. There is no Scotland wide policy or associated guidance available for managing events and processions. Each Roads Authority needs to develop its own policy with associated guidance and ensure these are complied with.

### **4. Legislative Requirements**

- 4.1 Processions/events which require closure of an adopted road must obtain the required permissions from The Highland Council. This may be in the form of a Traffic Regulation Order (TRO). Note that not all processions/ events will require a closure and advice will be given by the Roads Authority (Roads and Transport, Community Services).
- 4.2 Temporary Traffic Regulation Orders (TTROs) and Permanent Traffic Regulation Orders (PTROs) are promoted under the Road Traffic Regulation Act 1984 to either restrict or prohibit traffic for safety reasons. There is no other legal means by which the Council can support closure of a road. Road closures without the appropriate TRO are open to legal action by any objector which may also impact events insurances.
- 4.3 TTROs cannot be produced for the same section of road more than once per year without the express consent of the Scottish Ministers. This significantly increases the cost and time associated with producing an order.
- 4.4 To reduce costs involved in making TTRO's each year, where feasible it is intended to arrange for permanent TRO's. Permanent orders would be introduced in locations where a series of events in a year or annual events are arranged. Signage would be installed allowing modification to enforce the TRO restrictions when required.
- 4.5 The Road (Temporary Restrictions) Procedure Regulations 1992 and Amendment (Scotland) Regulations 2005 do not specifically require TTROs made under Section 16A to be advertised in a newspaper. The Council can advertise orders on its website.
- 4.6 There is no legal obligation on the Council as Roads Authority to provide traffic

management for processions/ events.

- 4.7 Due to resource limitations it will not be practicable for the Council to provide traffic management staff or equipment for the majority of events. However, it is proposed that loaning of certain signs and cones for small, local gala/community events will be considered, which would be subject to the event organisers having staff (volunteer or employed) appropriately trained in traffic management who would be responsible for the signage.

## **5. Policy**

- 5.1 The term procession in this policy includes all parades, marches, processions, cavalcades, demonstrations, etc. regardless of the organiser. The policy also applies to street parties which are not subject to the same legislation as processions but may require other licencing.
- 5.2 The Council is unable to fund the provision of traffic orders or associated traffic management for events and will introduce a series of changes to covers its costs.
- 5.3 It is proposed that Armed forces events and Armistice Day events will be exempt from charges as well as small scale community events as shown in **Appendix A**.
- 5.4 Processions organised by a funeral director are exempt from the notification process under the Police, Public Order and Criminal Justice (Scotland) Act 2006
- 5.5 The proposed policy and associated charges for Traffic Regulation Orders for Events and Processions on the Public Road are shown in **Appendix A**.

## **6. Implications**

- 6.1 Resource – The policy is intended to be resource neutral.
- 6.2 Legal – The Council has a legal duty to co-ordinate events occurring on the public road
- 6.3 Community (Equality, Poverty and Rural) – The introduction of charges for order making and the requirement for event organisers to arrange traffic management could impact small scale local events. The scaling of charges is expected to remove the potential cost burden on the smaller local events.
- 6.4 Climate Change / Carbon Clever – There are no implications.
- 6.5 Risk –Without a policy there is a risk that it may not be possible for events to take place.
- 6.6 Gaelic – There are no Gaelic implications.

Designation: Director of Community Services

Date: 22 January 2018

Author: Robin Pope/Elizabeth Maciver  
Background Papers:

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**1. Introduction**

- 1.1. This policy applies to roads which are adopted by The Highland Council.
- 1.2. Where a procession or event includes part of the Trunk Road network, the Trunk Road Operating Company should also be consulted by the Event Organiser.
- 1.3. The policy defines the scope, times and costs associated with the occupancy of the adopted road network by a procession or other event.
- 1.4. The definition of an event, as used in this policy, includes all parades, marches, processions, cavalcades, demonstrations, street parties and concerts etc. regardless of the organiser.
- 1.5. However, processions organised by a funeral director are exempt from the notification process under the Police, Public Order and Criminal Justice (Scotland) Act 2006.

**2. Policy Objective**

- 2.1. It is essential that occupation of the adopted road network is managed to ensure that public safety is maintained at all times. Legislative requirements need to be adhered to, while enabling the public to exercise their right to hold a procession.
- 2.2. This policy is concerned with the arrangements for the safe occupation of the public roads which have been adopted by The Highland Council; and is not intended to be used to determine if an event or procession should proceed.
- 2.3. Normal events can be processed quickly. Events requiring consideration should also go to the Ward Manager and Licencing team.

**3. Legislation**

- 3.1. The Highland Council has duties under the Roads (Scotland) Act 1984, Local Government Act 2003 and the Transport (Scotland) Act 2005 to ensure events are managed to enable safe passage of the public.
- 3.2. Event Organisers are required to provide notification to, and obtain any relevant licences from The Highland Council. All applicants need to ensure that they obtain any necessary licenses in a timely manner in order to allow consideration by relevant parties.
- 3.3. All events which require the **closure** of an adopted road, must obtain the required permissions from The Highland Council. This will be in the form of a Temporary or Permanent Traffic Regulation Order (TTRO/PTRO). Applicants should note that not all processions/ events will require a closure and that

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advice on the requirement of a TTRO/PTRO will be given by the Roads Authority (Roads and Transport, Community Services).

- 3.4. Event Organisers are asked to note that while the minimum period for applying for a TTRO is 28 days (as stated in the Civic Government (Scotland) Act 1982); this deadline is intended for emergency applications only.
- 3.5. For planned events; especially annual events; Event Organisers are required to submit their applications no later than 56 days before the TTRO is required. Early applications can be accepted.
- 3.6. Event Organisers are asked to note that Temporary Traffic Regulation Orders and Permanent Traffic Regulation Orders are promoted under the Road Traffic Regulation Act 1984 to either restrict or prohibit traffic for safety reasons. There is no other legal means by which the Council can support the closure of a road. Event Organisers who have arranged for road closures without the appropriate TTRO (or TRO) may be required to arrange for their immediate removal and be subject to legal penalty.
- 3.7. TTROs cannot be produced for the same section of road more than once per year without the **express consent of the Scottish Ministers**. This would significantly increase the cost and time associated with producing an order for additional closures on the same section of road. Organisers should therefore be aware that the lead in times stated are the **MINIMUM** required and they should contact the Roads Authority as soon as possible.
- 3.8. A summary of the legislative advertising requirements for the different methods of providing a Traffic Regulation Order is shown below:

<b>Legislation</b>	<b>Newspaper Advert</b>	<b>Public Notices</b>
Section 16A	No	No
Section 62	Yes	No

- 3.9. Conditions may be placed on a procession under Part V of the Civic Government (Scotland) Act 1982.
- 4. Security, Stewarding and Traffic Marshalling**
- 4.1. Event Organisers are asked to note that the cost of providing stewards, signage or cones will not be met by The Highland Council.
  - 4.2. Event Organisers are responsible for undertaking a risk assessment for their event, and ensuring that an appropriate number of trained stewards and traffic

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marshals are available.

- 4.3. The Event Safety Guide (A Guide to Health, Safety and Welfare at Music and Other Events) contains recommendations on the numbers required. The Guide specifically states:

“Only the Police or someone under their direction can legally undertake traffic regulation on the public highway (road).”

**5. Application of Charges – Advertising, Inspection and Order making costs.**

- 5.1. The production of Traffic Regulation Orders requires the Highland Council to undertake preparation and consultation with a number of stakeholders including the Emergency Services, Transportation Providers and Utility Providers as well as other community representatives. The Highland Council is also responsible for ensuring that arrangements are made to inform the community of all Traffic Regulation Orders.

- 5.2. The following charges are intended to recover actual costs of this work while enabling The Highland Council to continue to support the excellent work undertaken by Event Organisers in the voluntary and commercial sectors in a sustainable manner.

- 5.3. All fees will be subject to an annual increase at the rate of inflation.

5.4. Advertising Fees:

- 5.4.1. Where TROs are required to be advertised in local newspapers, these costs will be passed onto the Event Organisers in full.

**The Highland Council will not pay for advertising costs associated with these events.**

- 5.4.2. However, The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 and Amendment (Scotland) Regulations 2005 do not specifically require TTROs made under Section 16A to be advertised in a newspaper. Therefore, the scale of charges for advertising on the Council website and/ or another website deemed suitable by the Council will be as described below.

<b>Event Type</b>	<b>Advertising Charge</b>
Gala/ small community event (no entry fee)	None
Charity events without an entrance fee (≤ 50 participants)	
Processions/ marches/ demonstrations (≤ 20 participants)	
Armed Forces & Armistice processions/ marches/ events	
Gala/ small community event (entry fee)	£60

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Large community event	£60
Charity events without an entrance fee (> 50 participants)	£60
Charity events with an entrance or participant fee (regardless of size)	£60
Processions/ marches/ demonstrations (> 20 participants)	£60
Games/ sporting event (regardless of size)	£60
Commercial events (regardless of size)	£60

**5.5. Inspection Fees**

In certain circumstances, it may be necessary to undertake a safety inspection to ensure that the appropriate traffic control measures have been taken into account. Depending upon the findings of the safety inspection and responsiveness of the Event Organiser in undertaking corrective action it may be necessary to charge a fee for the safety inspection. The fee will depend on the time of the event:

<b>Day/ Time</b>	<b>Fee</b>
Monday-Friday / 09:00-17:00	£50
Saturday or Sunday / 08:00-20:00	£75
Saturday or Sunday / 20:00-08:00	£100
On public/ local holidays	Add £100 to above charges

**5.6. Traffic Regulation Order preparation costs**

5.6.1. Wherever possible, existing Permanent Traffic Regulation Orders (PTROs) will be used for events. This will reduce costs for event organisers and administration time for the Highland Council.

5.6.2. Where a PTRO cannot be used, either an amendment to the PTRO can be requested (for repetitive/ annual events) or a Temporary Traffic Regulation Order (TTRO) made (for a one off event).

5.6.3. The scale of charges applied for the making of TROs are as follows:

<b>TRO</b>	<b>Fee</b>
Temporary Traffic Regulation Order (without newspaper advertising)	£675
Permanent Traffic Regulation Order (limited consultation)	£1,125
Permanent Traffic Regulation Order (extensive consultation)	£3,375

5.6.4 Extensive consultation for a PRTO will be required when an Event Organiser has not undertaken any advanced consultation and the Highland Council is aware that there will be objections to the order.

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**6. Traffic Management**

- 6.1. There is no legal obligation on The Highland Council to provide traffic management for processions/ events. It is incumbent on the Event Organiser to arrange for appropriate traffic management to be in place. This requires to be discussed with the Roads Authority at the earliest opportunity which may result in the requirement for a Traffic Management Plan.
- 6.2. The Highland Council will consider loaning signs and cones to small, local gala/ community events. However, this is not always possible and can only be organised at no cost to The Highland Council who cannot provide resources to distribute or remove signs and cones. Event Organisers will be required to do this at their own cost.
- 6.3. Any Traffic Management contractor employed by the Event Organisers to construct temporary road closures and associated signage must be suitably qualified and only use equipment that complies with current regulations.

**7. Scottish Road Works Register**

- 7.1. All events which require a road closure **MUST** be entered onto the Scottish Road Works Register by The Highland Council in undertaking its statutory obligation. This facilitates co-ordination of works undertaken in the public road and it is therefore important to give the required statutory notice to other interested parties (utilities etc.). Entering the event into the Register does not guarantee that the road will be free of any works. It allows the Roads Authority and utility companies to plan their works around the event wherever possible. Event Organisers should note that when an application for an event is received, a check will be made to see if the road space has already been 'booked' and the event organisers informed. If this occurs, the Event Organisers will then need to discuss this with the Roads Authority and a decision made if the dates for the event require to be changed.
- 7.2. The time required for noticing the event on the Register varies depending on the size and disruption to the road network. For large scale events such as a cycle race, a **MINIMUM** of 3 months' notice must be given on the Register. In order to undertake the appropriate consultation and prepare the notification, The Highland Council will require a minimum of 5 months' for large events and 4 months' notice for small events. Event organisers should contact The Highland Council at the earliest opportunity to determine this.

**8. Road Works Required for Events**

- 8.1. The Roads Authority will not pay for works to be carried out on the road network which it considers not to be part of its routine maintenance. This applies to any 'defects' identified by an Event Organiser due to the type of event taking place, which the Roads Authority would not categorise as



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requiring attention under normal operational circumstances.

- 8.2. The Event Organiser can request for these ‘defects’ to be fixed prior to any event but will reimburse The Highland Council the actual costs. To allow sufficient time to programme any works requests of this nature will need to be made at least 6 weeks in advance of the event.

**9. Responsibilities**

9.1. Event Organisers

- Inform the Roads Authority as soon as possible of an event.
- Ensure discussion takes place with the Roads Authority to determine if a road closure is required.
- Arrange for Traffic Management, stewards etc. for the event.

9.2. Roads Authority

- Check Symology for a clash with any other event/ roadworks. Inform Organiser as necessary.
- Determine if a road closure is required and discuss with Organiser.
- Calculate any payments required and inform Organiser as early as possible.
- Organise TROs if required.

**Useful Links:**

- Information on public processions, marches and parades is available on the Council website:  
[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/303/miscellaneous\\_licences/3](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/303/miscellaneous_licences/3)
- Information regarding other events which may require a public entertainment licence is also on the Council website at:  
[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/298/entertainment\\_licences/2](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/298/entertainment_licences/2)
- Information from Transport Scotland regarding Special Events is available at:  
<http://www.transport.gov.scot/road/legal-responsibilities/local-roads-traffic-regulation-orders-events-road>
- The Purple Guide is available at:  
<http://www.thepurpleguide.co.uk/>