

Bath & North East Somerset Council

DECISION MAKER:	Cllr Roger Symonds, Cabinet Member for Transport; Paul Crossley, Leader of the Council		
DECISION DATE:	On or after 27th February 2012	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2370
TITLE:	Proposal to dispense with the requirement to advertise road closures made under the Town Police Clauses Act 1847 in newspapers		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report: none			

1. THE ISSUE

- 1.1 Advertising Town Police Clauses Act 1847 (TPCA) road closures in a newspaper is current B&NES policy, but not a legal requirement. This report seeks authority to amend the policy to dispense with newspaper advertisement, which will represent significant cost savings for the Council.

2. RECOMMENDATION

- 2.1 The Cabinet Members are asked to agree that:
- 2.2 B&NES policy on road closures organised under the Town Police Clauses Act 1847 is amended to dispense with the need to advertise such closures in local newspapers.
- 2.3 Authorisation is granted to the Divisional Director Environmental Services to take all necessary action to advertise the change in the B&NES Events Policy

3. FINANCIAL IMPLICATIONS

- 3.1 Dispensing with the need to advertise TPCA closures in the press constitutes a saving to the Council. Currently all such advertising is paid for by the Council, with costs starting at around £350 for a basic closure, and rising for more complicated events. The number of TPCA closures varies from year to year, however in years with special events, such as last year's Royal Wedding, and this year's Jubilee celebrations, the numbers of TPCA applications increases significantly. Dispensing

with advertising in 2012 is likely to save the Council approximately £10,000 on Jubilee closures alone.

- 3.2 The B&NES Events Policy recently agreed by Cabinet allows TPCA closures for Small Community Events to be arranged for free (previously there was a £150 arrangement fee payable), which will make such events more attractive to organisers. B&NES recognises that such community events are beneficial in creating strong communities, and encourages this activity. Consequently there is likely to be an increase in TPCA closures in future, which would increase costs to the Council if the policy to advertise in newspapers was not revoked.
- 3.3 Waiving the arrangement fee for Small Community Events constitutes a loss of income to the Council. However, the combined waiving of the fee, and removal of the need to advertise in the press, constitutes a net saving of at least £200 per closure. Closures for events larger than local street parties, or for profit-making events, remain subject to the £150 arrangement fee.

4. CORPORATE PRIORITIES

- Building communities where people feel safe and secure

5. THE REPORT

- 5.1 As Highway Authority, B&NES uses two separate areas of legislation to close roads on a temporary basis. Closures for works on the highway, or for sporting events, are made using section 14, or 16A respectively, of the Road Traffic Regulation Act 1984 (RTRA), and are known as Temporary Traffic Regulation Orders (TTROs). It is a statutory requirement to advertise TTROs made under section 14 in the local press and whilst it is not a statutory requirement, TTROs made under section 16A, are also advertised.. Orders for street event closures such as for street parties and large community events like the Midsomer Norton Mardi-Gras, are made under the Town Police Clauses Act 1847 (TPCA). Under this legislation there is NO statutory requirement to advertise in the local press, however to date B&NES policy has been to do so, to ensure consistency, and to avoid confusion amongst the public, who do not necessarily understand the need to use different legislation to enact a road closure. Notices are posted up on-street in the vicinity of the proposed closure for all three types of closures and this is done either by the applicant, or at the applicant's expense.
- 5.2 Press advertisement for TTROs is recharged to the applicant, as these are generally business-driven closures. To date, however, B&NES has paid for advertisement for TPCA closures, as these are generally for charitable or community events where the costs of advertisement could discourage the event from going ahead. TPCA closures generally run at less than twenty per year, so the cost to the Council, although significant, is not huge.
- 5.3 Recent events suggest that there is now a need to review the policy on advertising TPCA closures. These are:

- a) the advent of the internet and the use of the Council website to advertise Council proposals means that it is no longer so important to advertise minor road closures in the press.
- b) the Council's recently approved Events Policy makes it easier and cheaper to organise Small Community Events such as street parties, so that the number of closure applications for such events is likely to rise.
- c) national events such as last year's Royal Wedding, and the upcoming Jubilee celebrations, generate many applications for street party road closures. Last year the Wedding alone generated 26 closures, which cost the Council over £9,000 in advertising fees.

5.4 It is appreciated that not all people have access to the B&NES website. The Events Policy requires organisers of events which affect the public highway to directly consult all affected frontagers by letter-drop, and post notices of the proposal on site. These measures are considered to be a much more positive consultation than either an advert in a local paper, or on the B&NES website.

5.5 Due to the current policy of advertising TPCA road closures in the press, a public expectation might exist that such closures will continue to be advertised in the same way in the future. To try and dispel this and to try and avoid potential legal challenges on this point for future closures, B&NES Legal Services have advised that the decision to alter the policy needs to be advertised in the local press, on a one-off basis, to try to overcome any public expectation and to try and reduce the possibility of challenges to future TPCA road closures.

5.6 Current policy in Bristol and North Somerset is to NOT advertise TPCA closures in the press (South Gloucestershire were asked for their policy but have not responded). The DfT has also recently launched a consultation on temporary road closures of all types, suggesting that advertising in the press should be generally dispensed with. The outcome of this consultation will lead to further review of B&NES current policy in regard to RTRA closures, however it is necessary to consider the TPCA position ahead of this time, if the costs of advertising Jubilee closures is to be saved.

6. RISK MANAGEMENT

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 An equalities impact assessment has been carried out

8. RATIONALE

8.1 There is no legal requirement to advertise TPCA road closures in the press, and alternative means of advertising, and consulting upon, such proposals, exist, and are considered adequate. Dispensing with the need to advertise in the press will save the Council £350 or more per closure, and is likely to save the Council up to

£10,000 in 2012/13, if the number of Jubilee closure applications is similar to that for last year's Royal Wedding.

9. OTHER OPTIONS CONSIDERED

9.1 None

10. CONSULTATION

10.1 Cabinet members; Staff; Other B&NES Services Section 151 Finance Officer; Monitoring Officer

10.2 This report has been circulated to all the above.

11. ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Corporate; Other Legal Considerations

12. ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Nick Jeanes 01225 394256
Background papers	B&NES Events Policy
Please contact the report author if you need to access this report in an alternative format	