

Report to the Council

Committee: Licensing

Date: 17 December 2013

Subject: Temporary Road Closure Orders

Chairman: Councillor K Angold-Stephens

Recommending:

- (1) That, subject to provision being made in the budget to employ an additional member of staff, the Council exercises its powers to make temporary road closure orders from 1 April 2014;**
- (2) That a fee of £170 be charged for a temporary road closure; and**
- (3) That the following delegated authorities be approved and appropriate changes made to the Constitution:**

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		

Background

- 1 We received a report informing us that until recently temporary road closures for events such as street parties, processions and similar events were made by Essex County Council. However, the Network Operations Officer at Essex County Council has advised us that the County will no longer be undertaking the work and that the District Council should use its powers to undertake this work. Temporary Road Closures are already undertaken by most of the other district councils in Essex.
2. We have been advised that the Town Police Clauses Act 1847 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.

Procedure.

3. The Licensing Service has consulted with other authorities as to the procedure to be adopted, the time it takes officers to undertake the work associated with a road closure, and any disbursements that would be required e.g. road closure signs. The Licensing Manager has estimated that the cost to the Council would be £170.00 per application but this could be more costly for more complicated and lengthy events. Some district councils make no charges when road closures are being applied for by charities.
4. The procedure required to make a road closure requires 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.
 - (j) Inspections may be required to ensure that any conditions are complied with;
 - (k) 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 the applicant could be required to hire them.
5. Some of the steps listed above will be unnecessary where applications are made in respect

of small roads.

6. It was reported to us that a neighbouring authority stated that they carried out 35 street closures in a year, it is estimated that we may receive 22 applications and this has been considered in the fees proposed to be charged.
7. We were informed that it will be necessary to employ a member of staff to undertake this work. The Cabinet on 2 December 2013 approved in principle the inclusion of a growth item in the Continuing Services budget of £28,810 per annum to enable the employment of a permanent member of staff who would carry out this work as part of their duties. This sum includes on-costs. This new post is required to carry out the increased workload arising from the introduction of wider consultation in respect of Premises licences, new statutory licensing regime for scrap metal dealers as well as the temporary road closures. The growth item will be considered by the Council in February 2014.
8. We recommend as set out at the commencement of this report. If the growth bid is not approved we will need to consider the matter further.