

STOCKPORT COUNCIL TEMPORARY STREET CLOSURE SCRUTINY REVIEW **SCOPING REPORT**

Report of the Head of Highways and Transportation

1. Introduction

- 1.1. There are several types of temporary street closures that the council do or could provide to the public. These different closures all have a range of benefits but are not without their problems. This report identifies the different opportunities and the issues related to them.

2. Play Streets

2.1. What They Are

- 2.2. Play Streets are resident-led temporary road closures that allow children to play on the road outside where they live, with activities restricted to specific days and time durations. Street closures tend to be small scale and restricted to one residential street.

2.3. Current Position in Stockport

- 2.4. Stockport Council has had a Play Street policy in operation since 2013.¹ The policy and accompanying guidance provides step-by-step information for local residents about how to organise and run play street events. However, the policy has not been updated since it was introduced and therefore does not reflect the growing recognition of the importance of on-street activities; developments in walking and cycling at the Greater Manchester level, including the introduction of active neighbourhoods; and does not reflect developments and the impacts of Covid-19 and the need for social distancing.

- 2.5. To date, the council has issued temporary street play orders for at least three different residential streets in Stockport.² Of these, only Aldwyn Crescent in Hazel Grove is currently in operation,³ where organisers have been closing the road on the last Sunday of every month since 2019.⁴

2.6. Requirements for Creation and Enforcement

- 2.7. There are three main methods of temporary street closure that councils can use to create and adopt Play Streets:

- The Town and Police Clauses (TPCA) Act 1847;
- The Road Traffic Regulations (RTRA) Act 1984, Section 16A; or
- The Road Traffic Regulations (RTRA) Act 1984, Sections 29 and 31.

¹ <https://playingout.net/near-you/?localauthority=Stockport%20Metropolitan%20Borough%20Council#map>

² <https://playingout.net/near-you/?localauthority=Stockport%20Metropolitan%20Borough%20Council#map>

³ Verified with Legal team

⁴ <http://democracy.stockport.gov.uk/documents/s152833/Ward%20Flexibility%20Fund%20Application%202019.pdf>

- 2.8. Stockport Council's legal team use the Town and Police Clauses Act (TPCA) in order to create and adopt play streets across the borough. However, other local authorities in England use the other options available to them, depending on local context.
- 2.9. The general process for creating each of the relevant Orders is shown below.
- 2.10. The Town and Police Clauses (TPCA) Act 1847 The TPCA allows local planning authorities to make a Section 21 Temporary Traffic Regulation Order to temporarily restrict or prohibit traffic (including bicycles and pedestrians) on a road, or any part of it, for "public processions, rejoicings and illuminations".
- 2.11. The power is usually used when the restriction or closure is for a short duration, or the traffic management requirements are not substantial. Although there is no statutory consultation process under Section 21 of the TPCA, a local planning authority normally requires the approval of the local police, other emergency services and the local traffic authority before making a Section 21 TTRO.
- 2.12. If an application is successful, the LPA must send a copy of the section 21 TTRO and a notice of the making of the order to the event organiser. The event organiser is then responsible for displaying notices at either end of the road sufficiently in advance of the event, and for removing the notices as soon as possible after the event.
- 2.13. The event organiser is also required to inform all relevant stakeholders who may be affected by the event, in advance of the street closure; maintain and remove all signs and barriers; ensure vehicular access for emergency vehicles; and steward the event.
- 2.14. The Road Traffic Regulations (RTRA) Act 1984 The Road Traffic Regulation Act 1984 (RTRA) also allows for the closure of roads through the creation of Temporary Traffic Regulation Orders (TTROs).⁵
- 2.15. However, with Section 29 of RTRA Act requiring local authorities to advertise road closures, local councils - having experienced increased costs (with some of these costs sometimes been passed on to residents) - have increasingly turned to 'Special Event' orders to enforce the temporary closure of roads. These Orders, used under Section 16 of the RTRA 1984, are being used instead as they do not require any advertising requirements and costs.⁶ Moreover, the Department for Transport has recommended the use of S16A of the Act as the "most appropriate power to use as an alternative to section 29".⁷
- 2.16. When considering making a section 16A TTRO, a traffic authority must be satisfied that it is not reasonably practicable for the event to be held somewhere else rather than on the road in question and consider the suitability of alternative routes for traffic affected by the order.

⁵ <https://www.transportxtra.com/publications/local-transport-today/news/62000/dft-offers-councils-cheaper-way-of-supporting-play-streets/>

⁶ <https://www.transportxtra.com/publications/local-transport-today/news/62000/dft-offers-councils-cheaper-way-of-supporting-play-streets/>

⁷ [DfT Letter to all Local Authorities about powers available to them to create school streets.](#)

- 2.17. Councils can use a single consenting application to close, several roads repeatedly for children’s play over any 12 month period (not restricted to calendar years). For example, it could cover:
- closing road A every Saturday and Sunday between 14.00 and 16.00
 - closing road B every Saturday between 13.00 and 16.00
 - closing road C every Sunday between 12.00 and 14.00.⁸
- 2.18. It is important to be aware that under 16A of the RTRA, Secretary of State approval is needed on some occasions, such as for multiple street closures or where the affected length of road has already been subject to a section 16A order in the same calendar year. The DfT’s updated guidance also recognises the fact that as play streets are frequent events, it would be impractical for local highways authorities to submit individual applications for each repeat closure:⁹ some local authorities such as Leeds have found that they have been able to create multiple school streets with just one application, and have not required SoS approval to do so.¹⁰
- 2.19. Enforcement Under both the TPCA and the RTRA, there is a legal requirement for ‘Road Closed’ signs to be placed at either end of the road closure to inform drivers that road closures are in force¹¹; this may be supplemented by temporary signs and traffic cones. However, there is also a degree of flexibility over how these ‘signs’ are displayed. Some councils have issued play street organisers sets of ‘Road Closed’ ‘stickers’ which can then be placed onto wheelie bins and used instead of road signs. ‘Road Ahead Closed’ signs may also be used before the closure point as well as appropriate diversion signs for an alternative route.
- 2.20. In Stockport, signage is supplied by the council to organisers at a cost of £72 per closure point. The area committee responsible for the play street area may cover the costs of the signs, although this is not guaranteed.¹² Outside of Stockport, the cost of providing signage varies between local authorities, with some offering signage to play street organisers for free.¹³
- 2.21. In terms of access, residents living on the street are still able to drive through the play street area to access their home, with stewards marshalling each end of the street closure.
- 2.22. **Other Requirements and Considerations**
- 2.23. Application Process To apply for a Play Street, residents must complete the application form found on the [Council’s website](#). It currently takes the council 6 weeks to process the application with proposals for a temporary street closure also

⁸ Temporary traffic regulation orders for special events

⁹ <https://www.gov.uk/government/publications/section-16-temporary-traffic-regulation-orders-for-special-events/temporary-traffic-regulation-orders-for-special-events#play-streets>

¹⁰ [Playout Webinar](#) with Leeds CC Senior Highways Engineer

¹¹ <https://www.newham.gov.uk/Documents/Community%20and%20living/GuideIntroducingPlayStreets.pdf>

¹²

https://assets.ctfassets.net/ii3xdrqc6nfw/4MU7FqZY3SOeq60KYlyGkM/03f983c28b04fb1fbd66ece52246449d/Play_streets_closure_guidance.pdf

¹³ As in the case of Leeds CC

requiring Area Committee approval. Currently, the Council only provides a permit for a road closure for the purpose of children's play for no more than three hours at weekly periods.

- 2.24. Event organisers must provide evidence of consultation with neighbours and gain at least 60% support from other local residents. The Council will then only confirm the road closure if they receive an organiser's application at least eight weeks before the date of the first event.¹⁴
- 2.25. These applications are currently provided online in the form of a PDF which may prove a barrier to those with more limited ICT and is less auditable for the Council.
- 2.26. However, whilst it is essential play streets have support from local residents, some local authorities are less strict with the evidence required from organisers: Leeds City Council do not require any evidence of support, with the council deciding to resolve any conflicts as and when members of the public phone up the council's play streets team; if they receive a significant number of complaints, the council will then review and possibly tweak the location of an existing play street.
- 2.27. Public Liability Insurance Stockport Council also requires that event organisers are covered by public liability insurance of a minimum of £5 million.¹⁵ Claims made against the Council regarding damage or injuries caused by playstreet events are passed to the relevant organiser(s) by the council's claims handlers. Although not guaranteed, residents can request funding from the Area Committee to help with the insurance payment. However, charging for public liability insurance is generally uncommon, with most other local authorities with play streets in operation either putting an Indemnity Clause or liability statement for an applicant to sign on their school streets webpage and guidance.
- 2.28. Removing the need for public liability insurance ensures that the cost of hosting a play street doesn't act as a barrier for residents wanting to host an event. However, having insurance in place does ensure the council does not have to pay any significant sums of money towards a claimant. Playing Out has not heard of any claim for liability being made as a result of a playing out session.¹⁶ (For more information about Playing Out and public liability insurance, see [here](#).) It should be noted that Playing Out does also advise that people seek professional advice on the issue.
- 2.29. Prior the adoption of the council's play streets policy, Members were already concerned about the requirement for public liability insurance acting as a barrier to people organising play street events. However, legal advice from Stockport Council

¹⁴ Stockport Council Play Streets Closure Application Form

¹⁵ Stockport Council Play Streets Closure Application Form

¹⁶ <https://playingout.net/play-streets/how-councils-support-street-play/faqs-local-authorities/public-liability/>

Legal Services found it was necessary, especially due to the potential repeated nature of the events.¹⁷

- 2.30. The organisation behind the Aldwyn Crescent play street application, Aldwyn Crescent Community Club, has previously received funding from the Area Committee to help towards the cost of hosting street-based play sessions, with money going towards public liability insurance and road closure points.¹⁸ More recently In March 2019, the organisation were awarded £600 for contribution towards the cost of public liability insurance for street-based play sessions for the next two years.¹⁹
- 2.31. In light of the success of the Aldwyn Crescent Community Club, the Cabinet Member was asked to review the Council's Street Play policy for public liability insurance in March 2019 and consider whether a risk-based approach, or a Council group policy was more appropriate to encourage greater uptake.²⁰
- 2.32. Previous investigation has also been undertaken in to the potential for providing insurance through the Council after appropriate training was given to those holding such events. This has significate resource implications for the Council especially in terms of managing training and reviewing risk assessments in regards to the events.
- 2.33. Stockport Homes has also been interested in working with the Council to utilise local charitable /community groups to provide a base for such events. However, this has never advanced beyond initial planning discussions.
- 2.34. Future Roll-Out Further ambitions for play streets have been made by MCF Active Neighbourhoods including Walk Ride Romiley and Walk Ride Heaton projects. However, there is a chance that these closures may be subsumed under the wider Greater Manchester Open Streets initiative.
- 2.35. Play Streets may also be called open streets or active streets where the focus is on wider activity not just children playing out.

3. School Streets

3.1. What They Are

- 3.2. School Streets place a temporary restriction on motorised traffic outside schools at school drop-off and pick-up times. The restriction applies to school traffic and through traffic but allows users with permits (usually residents and blue badge

¹⁷ <http://democracy.stockport.gov.uk/documents/s27788/Introduction%20of%20Play%20Streets%20-%20Report%20to%20Executive%20June%202013.pdf>

¹⁸ <http://democracy.stockport.gov.uk/documents/s135601/Ward%20Flexibility%20Fund%20Application-%20Aldwyn%20Crescent%20-%20Redacted.pdf>

¹⁹ <http://democracy.stockport.gov.uk/ielIssueDetails.aspx?IId=78897&Opt=3>

²⁰ <http://democracy.stockport.gov.uk/ielIssueDetails.aspx?IId=78897&Opt=3>

holders) access to the area. Restrictions tend to only be valid during school term times.

- 3.3. Where currently in operation, a number of schemes have also introduced a 20mph speed limit throughout the 'School Streets' area effective at all times to promote road safety for all road users.
- 3.4. Importantly, the creation of the School Streets requires liaison between key stakeholders including local residents who are likely to be affected by the scheme, school staff, parents and pupils and the local authority.
- 3.5. **Current Position in Stockport**
- 3.6. There are currently no School Streets in Stockport, but Walk Ride Romiley are looking to work with St Christopher's Primary School to trial a street closure outside the school in Romiley.²¹
- 3.7. The council also submitted a bid as a part of tranche 2 of the Department for Transport's (DfT) Emergency Active Travel Fund for the creation of School Streets in suitable locations across the borough, alongside other walking and cycling improvements.
- 3.8. Other authorities in Greater Manchester have also started to trial these initiatives. In 2019 two school streets were created outside primary schools in Chorlton, Manchester.²² In Levenshulme, Manchester, a school street was due to be trialled in March 2020 outside Chapel Street Primary School as a part of the Levenshulme Bee Network.²³ This followed on from trials on residential streets in Levenshulme in the summer of 2019.²⁴
- 3.9. **Legal Requirements for Creation**
- 3.10. School Streets are usually created through the introduction of an Experimental Traffic Regulation Order (ETRO) granted under the Road Traffic Regulation Act 1984. The length of an ETRO is limited to a maximum period of 18 months.
- 3.11. Unlike a permanent or temporary traffic regulation order, there is no requirement to consult the public prior to commencement, and only once an Order is in force, may objections be made to the order being made permanent, and these must be made within six months of the day that the experimental order comes into force.
- 3.12. During this period each scheme will be reviewed and a decision made as to whether the Order should be made permanent, be modified or be revoked.

²¹ https://twitter.com/search?q=WALKRIDEROMILEY%20St%20Christopher%27s&src=typed_query

²² <https://www.cyclinguk.org/event/clean-air-day-1-chorlton-brookburn-road-school>

²³ <https://twitter.com/LevyBeelines>

²⁴ <https://www.manchestereveningnews.co.uk/news/levenshulme-locals-close-street-kids-16460894>

- 3.13. If successful, the TRO will be made permanent under the Road Traffic Regulation Act 1984. Under this Act, the Council must advertise the proposals for a period of 21 days, allowing residents, parents and carers to provide feedback on the proposals.²⁵
- 3.14. Some local authorities have also recently been trialling school streets through the use of temporary traffic regulation orders, after the DfT introduced an emergency procedure for temporary orders. The amendments speed up the process for temporary Orders made in these circumstances so that they can come into effect within 7 days after notice of intention to make the Order has been published.²⁶ The amendments also allow for publication of that notice via digital media, for example, websites, online publications, social media or email; letter or leaflet drops could also be used. The amendments however are only temporary and will be revoked on 30th April 2021.²⁷
- 3.15. **Other Requirements and Considerations**
- 3.16. Permits Where already implemented, authorities have exempted residents and businesses located within the scheme area, as well as blue badge holders. However, in some cases residents and business owners still require a permit in order to drive in, out or through the area during restricted times.²⁸
- 3.17. Some authorities have also permitted additional groups such as doctors and nurses, statutory undertakers and removal vans. This can be seen in the case of Solihull, shown in the box below.
- 3.18. However, as more vehicles are allowed access, the impacts of the scheme may become more diluted. The number of exemptions issued should be kept small to ensure that the number of vehicles legitimately entering the School Streets zone during operating hours is kept as low as possible.
- 3.19. Administration of permits will depend on the type of enforcement (see Enforcement section below): paper if to be inspected by the Police or virtual if to be used for bollard controls. Solihull and Edinburgh produced paper permits as enforcement is carried out by Police (as shown below). Hackney created a permit type, similar to a parking zone permit, labelled 'SS1', 'SS2'.. etc and vehicles registered to these permits are kept on a 'white list'/exemptions list – using their vehicle registration number. This exemptions list ensures that penalty charge notices (PCNs) are not issued to exempt vehicles.

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<http://eservices.solihull.gov.uk/mginternet/documents/s60529/Report%20from%20Head%20of%20Highways%20Services.pdf>

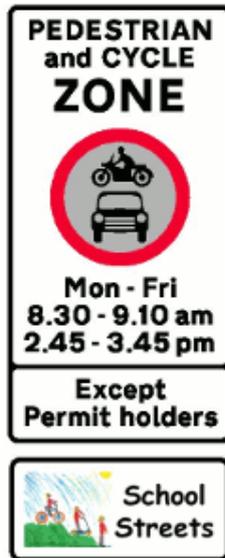
²⁶ Explanatory memorandum to the traffic orders procedure (coronavirus) (amendment) (england) regulations 2020

²⁷ Explanatory memorandum to the traffic orders procedure (coronavirus) (amendment) (england) regulations 2020

²⁸ [Solihull School Streets Pilot, 2017](#)

- 3.20. The scheme will only operate during the week, Monday to Friday.
- 3.21. Enforcement In terms of enforcement, local authorities have used a variety of measures to ensure road users adhere to TRO and do not breach the road closure. For council's that have decided to implement a permanent school streets model, some local authorities have used automatic number plate recognition (ANPR) cameras, whilst others have used police or parking enforcement officers. Usually, the penalty for ignoring the prohibition is a fixed penalty notice.²⁹
- 3.22. Alternatively, where councils have decided to implement a more temporary school streets model, perhaps as a part of a trial before implementing a permanent school street, councils have used physical barriers as a means of enforcement; for example, Camden Council's pilot School Street scheme used folding bollards, which were put up and taken down each day by school staff.³⁰
- 3.23. Significantly, local authorities outside of London are not currently permitted to enforce moving traffic offences. Restrictions could therefore not be enforced by the Council by Civil Enforcement Officers (CEOs), by camera or by volunteers or School Staff – only the Police would be able to prosecute any drivers breaching the conditions of the TRO. Nevertheless, the Council could still prosecute drivers for any parking offences that take place within the School Street area.
- 3.24. In July, the Transport Minister, Grant Shapps MP, confirmed in the House of Commons that the government will enact legislation to give moving traffic offence powers to councils outside of London. The timescale is not clear however it would be very helpful as it would ease the implementation of schemes, reduce pressure on police resources and make schemes much less resource intensive to sustain.
- 3.25. If a TRO is adopted, barriers could still be installed, but there would be nothing to stop a vehicle from ignoring the signage and forcing their way through into a School Street, unless the Police were near the vicinity of the school to prevent the driver from doing so.
- 3.26. Signage School Streets are fundamentally 'Pedestrian and Cycle Zones' which use traffic orders and some of the tools of filtered permeability to create quieter or motor traffic-free streets around schools. The basic traffic sign to be aware of is 618.3C of the Traffic Signs Regulations & General Directions 2016 (TSRGD16). Signs would need to be either only visible in the operation hours or have a visible means of showing when it is in operation. Variations of the sign are shown below:
- Pedestrian and Cyclist Zone sign

²⁹ Hackney Toolkit
³⁰



- A folding sign could also be used which locks open or closed as required and could be managed by a school by agreement. Issues about the safety of the use of these has been raised by some officers and they would need to be maintained regularly.



- The same sign as above could be used, with the addition of LEDs (although this is currently only approved by Transport Scotland).



- Zone end signs would also be needed to notify drivers that the end of the School Street zone is approaching and normal traffic regulations apply. The sign below would also be required:



4. Street Parties

4.1. What they are

4.2. A short term closure of an appropriate smaller street for a private event.

4.3. Current Position in Stockport

4.4. The Council has a policy for Street Parties³¹. Organising a small, private street party is very simple and generally does not include activities which would require a licence such as the sale of alcohol, providing certain types of entertainment, or charging an entrance fee for an event open to the wider public.

4.5. There is a form to apply to hold a street party on the public highway on the Council website it is a form that is filled in online with the facility to upload the relevant paperwork. For larger events and parades a more comprehensive approach is taken.

4.6. In the form applicants are asked to provide:

- the event location, date and times
- contact details for the organiser
- number of people expected at the event
- relevant documents such as risk assessments, public liability insurance and form of indemnity

4.7. The Council require street party applications to be submitted four weeks before the event.

4.8. Legal Requirements for Creation

4.9. The Town and Police Clauses (TPCA) Act 1847 is used to facilitate these small sort term closures

³¹ <https://www.stockport.gov.uk/permits-and-licences/street-parties-application>

4.10. Other Requirements and Considerations

- 4.11. The council does not require public liability insurance for applicants of street parties, although the council strongly recommends that this is considered.³² This came in to place after the Queens Diamond Jubilee when the Council was requested to make the closure of streets for street parties free. Part of the reasoning behind this is that they are time limited one-off events that have a lower period of opportunity to have incidents. That said there have been incidents where Street Parties have had claims of damages for property made against them. Clearly showing that while we do not demand that it is in place there is reasonable cause to make it very clear that it would be of benefit to have it.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Sue Stevenson on telephone number Tel: 0161-474-4351 or alternatively email sue.stevenson@stockport.gov.uk