

## **SCRUTINY REVIEW PANEL - THE COUNCIL'S POLICY FOR ACTIVE STREETS, PLAY STREETS AND SCHOOL STREETS**

Meeting: 29 March 2021  
At: 5.00 pm

### **PRESENT**

Councillor Adrian Nottingham (Lead Councillor) in the chair; Councillors Charles Gibson, John McGaha and Mark Roberts.

### **Also in attendance**

Jon Brown	– Team Manager Transportation, Stockport Council
Sarah Cook	– Insurance Manager, Stockport Council
Alessandro Giove	– Road Policing Unit, Greater Manchester Police
David Kearney	– Senior Active Neighbourhood Officer, Stockport Council
Gary Pritchard	– Senior Highways Engineer, Leeds City Council
Sue Stevenson	– Head of Highways & Transportation, Stockport Council

### **1. MINUTES**

The Minutes (copies of which had been circulated) of the meeting held on 3 March 2021 were approved as a correct record.

### **2. DECLARATIONS OF INTEREST**

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations were made.

### **3. COMPARATIVE DATA WITH OTHER LOCAL AUTHORITIES**

The Scrutiny Review Panel considered a series of reports and supporting data (copies of which had been circulated) that provided an overview of data and evidence that had collected both locally and further afield since the last Scrutiny meeting on Wednesday, 3 March 2021.

The Transport Strategy Team had been researching what approach other authorities across the UK and, more specifically, what approach other Greater Manchester authorities had taken to setting up play streets/ school streets in their local neighbourhoods. An examination had also been made of how other councils close streets around schools for school streets, what traffic regulation orders were used and also how play streets were closed off.

The following comments were made/ issues raised:-

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- It was noted that within the commentary in the report it was identified that the most successful local authorities in holding play streets were those who had not insisted on public liability insurance.
- Councillor support was also identified as a major factor in the success of play streets which it was noted was not an issue in Stockport.
- Play streets were an excellent way of delegating responsibilities to local communities and allowing them to 'get on with' operating such schemes.
- One of the lessons from the experience in Leeds had been that children were now more aware of road safety and that such schemes had generated more friendships between children and participants fostering a sense of community.
- There were potential pitfalls associated with not having public liability insurance that organisers needed to be made aware of.

RESOLVED – That the reports and associated information be noted.

### **4. WRITTEN REPRESENTATION FROM MARPLE NORTH WARD COUNCILLORS**

The Scrutiny Review Panel considered written representations (copies of which had been circulated) submitted to the Panel by the Marple North ward councillors that included comments and suggestions based on their collective experience.

The Chair thanked the Marple North ward councillors for their contributions both by virtue of their comments at the last meeting and through their written submission.

RESOLVED – That the representation be noted.

### **5. PUBLIC LIABILITY INSURANCE**

The Insurance Manager submitted a report (copies of which had been circulated) outlining the current requirement that the organiser of a Play Street must have their own public liability insurance cover and providing a commentary on alternative proposals based on the model currently in operations at Leeds City Council.

The following comments were made/ issues raised:-

- Concern was expressed in relation to the robustness of the indemnity clause used by Leeds City Council and whether this would provide the Council with sufficient protection in the eventuality that a claim arose.
- It was suggested that notwithstanding the indemnity clause, it may not be desirable from a reputational perspective for the Council to pursue claims against the organisers of play streets.
- It was noted that over 600 events had been held within Leeds and no incidents had been reported. It was stated that should damage occur to property during the operation of a play street then liability would remain as if such a scheme were not operating.
- Risk assessments would need to be undertaken in advance and any necessary highways repairs, such as to pot holes, would be remedied before the event took place.
- Leeds City Council provided adhesive signs that could be applied to wheelie bins to give effect to road closures.

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- The majority of play streets in Leeds had been on cul-de-sacs which meant that traffic conflict was relatively limited.
- For current street closures facilitated by the Council, organisers had public liability insurance and any claims made to the Council were referred to the organiser.
- While the risk associated with play streets may be low, not requiring organisers to hold public liability insurance would create an additional low exposure to risk. It was commented that any claims arising from accidents or injuries associated with children could continue to be made until that person's 21<sup>st</sup> birthday.
- The Council would be a facilitator for these events and not the organiser and as such was assume a commensurate degree of responsibility.
- Should public liability insurance be removed as a requirement, organisers would still be encouraged to do so.
- Anecdotally, it was suggested that the vast majority of schemes in Leeds did not have public liability insurance in place.
- There was a political drive in Leeds to encourage and facilitate play streets as much as possible that had been a factor in the number of schemes held.
- Consideration needed to be given the appetite for the Council to assume a level of risk and it was suggested that the experience elsewhere had been that there had been a low level of legal activity for an initiative that could have a beneficial impact on residents.

RESOLVED – (1) That the report be noted.

(2) That an item be placed on the agenda for the next meeting of the Panel providing an input from officers in Children's Services on their analysis of the benefits associated with play streets.

(3) That an item be placed on the agenda for the next meeting of the Panel providing a statement from Legal Services on the legal position of the Council with regard to liability associated with the operation of play streets.

**6. DISCUSSION IN RELATION TO POTENTIAL CHANGES TO STOCKPORT'S CURRENT POLICY FOR ACTIVE STREETS/ PLAY STREETS/ SCHOOL STREETS**

The Chair invited members of the Panel and invited attendees to discuss the Council's current policy for Active Streets/ School Streets/ Play Streets and determine whether they wish to make any recommendations at this stage,

The following comments were made/ issues raised:-

- It was commented that there appeared to be an element of liability on the part of the Council regardless of whether the organiser had public liability insurance in place or not. As a result it was queried how much additional risk would be associated with removing the requirement.
- Organisers should be made aware of the risks involved and where appropriate should be encouraged to have insurance in place.
- Further exploration needed to take place with regard to alternative models of insurance.

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- It was suggested that organisers might be more inclined to take risks should there be no requirement for insurance.
- There needed to be better promotion of the opportunity for residents to take up the opportunity to organising a play street event and in a much more user-friendly format.

RESOLVED - That the comments and discussion held by members be used to inform later stages of the review

**7. DATES FOR FUTURE MEETINGS**

RESOLVED – That the next meeting of the Panel be held on Wednesday, 14 April 2021.

The meeting closed at 6.39 pm