

Scrutiny Review

The Council's Policy for Active Streets, Play Streets and School Streets

Final Report of the
Communities & Housing Scrutiny Committee

September 2021

Foreword

From the onset of the very first meeting, it was clear that this review had the engagement and focus of a large number of committed contributors; several of whom have consistently worked for positive changes in the practical outworking of this policy area. It proved to be a well-chosen and timely topic. It demonstrated the value of a well formulated process that ensures voices are heard, evidence is gathered, understanding is gained, and clear recommendations are made.



Whilst the scrutiny review took place in the middle of the most restrictive period of COVID lockdown, the online meetings paradoxically supported the opportunity for a wider engagement, with contributors joining from across Greater Manchester and as far afield as Leeds and Bristol.

Stockport's Active Streets, Play Streets and School Streets Policy should lead to the realisation of outcomes that we all could celebrate and be proud of; active children, engaged communities, enhanced wellbeing, an improved environment, and safe streets.

Without question the members of the scrutiny review panel were left in no doubt that Stockport could and should do much better in creating the circumstances that would lead to a much-improved outworking of this policy. The panel discovered that the existence of a small number of barriers ensure that our performance in Stockport is poor and consequently we are missing the opportunity to realise the positive outcomes we all desire.

It was a pleasure to lead the review and I am grateful to my fellow panel members and the many contributors who presented such valuable evidence and insights that made for a thorough process and led to clear recommendations for the way forwards.

I have no hesitation in inviting the Cabinet to give full consideration to this report, its findings and the seven clear recommendations reached at the conclusion of the scrutiny review process. I am convinced that adoption of these recommendations will support positive outcomes for our Stockport residents, our communities and the natural environment around us.

Councillor Adrian Nottingham
Chair of the Scrutiny Review Panel

1. Introduction

- 1.1 In June 2013, the Council's Executive considered a proposal to allow local residents to seek the regular closure of their street to through traffic for the purposes of children being able to play out near their home; otherwise known as 'play streets'.
- 1.2 The report considered by the Executive in 2013 reflected on the experience of other local authorities, and in particular Bristol, who had been closing roads since 2009 for the purposes of play using the provisions of the Police Town Clauses Act 1847.
- 1.3 At the time, the Executive Councillor for Economic Development and Regeneration stated that:-

"Play streets [would] give communities the opportunity to take control of their own road and, once a week, to give local children a safe and secure environment to play outdoors in the street for a few hours. This policy balances our desire to make setting up a play street as easy as possible with the need to protect residents, and the Council, and ensure that play streets are implemented properly."

- 1.4 The policy was subsequently approved by the Executive on 11 June 2013, a copy of which can be accessed [here](#).

2. Background to the Review

- 2.1 The Communities & Housing Scrutiny Committee selected 'The Council's Policy for Active Streets, Play Streets and School Streets' as a topic for review at its meeting on 13 July 2020.
- 2.2 At the meeting members commented that it had been almost eight years since the policy had been introduced by the Council, and it was noted that there had not been a significant number of groups that had taken advantage of the ability to operate play streets and it would be useful to review whether there were any aspects of the policy that might be serving to disincentivise residents from doing so.

3. Terms of Reference for the Review

- 3.1 At its first meeting, the Panel considered a briefing report outlining the current position with regard to active streets, school streets and play streets and the powers the Council utilised to give effect to the closures.
- 3.2 The report also identified the Council's role and responsibilities and those of the organisers.
- 3.3 In considering this information, the Panel agreed that the role of the Panel should be to:-

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- Understand whether Stockport had a lower uptake of school street/ play street and active street schemes when compared with similar local authorities.
- Understand what the barriers were to a wider adoption of such schemes across the borough including the impact of the requirement for groups to have public liability insurance in place.
- Consider the evidence presented to the Panel to determine whether it would be appropriate to make recommendations in relation to the current policy and how it operated in Stockport.

4. Methodology

4.1 The Communities & Housing Scrutiny Committee appointed a Panel to carry out the Review comprised of the following members:-

Councillor Adrian Nottingham (Lead Councillor)
Councillor Charles Gibson
Councillor John McGahan
Councillor Mark Roberts
Councillor Kerry Waters

4.2 As part of the Review, the Panel had the support and assistance of:-

Rosie Batut - Senior Engineer
Amy Beasley - Transport Strategy & Growth Manager
Erika Siemaszko - Engineer Transportation Officer
Sue Stevenson - Head of Highways and Transportation
Damian Eaton - CSS Manager, Legal & Democratic Services

4.3 The Panel met on four occasions between February and April 2021 and followed the timetable set out below:-

Meeting 1 – 3 February 2021

- Baseline information and terms of reference agreed.
- Determine focus for the review and agree project plan.

Meeting 2 – 3 March 2021

- Introduction to active neighbourhoods.
- Consideration of representations from community groups, residents and key sector organisations.
- Consideration of representations from elected members.

Meeting 3 – 29 March 2021

- Comparative data analysis
- Position statement on Public Liability Insurance
- Discussion in relation to the current policy and potential barriers.

Meeting 4 – 14 April 2021

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- 4.4 Due to the ongoing impact of the Covid-19 pandemic, meetings of the Panel were held remotely. The Panel noted, however that this afforded a wider range of contributions and participation than might otherwise have been the case and highly valued the flexibility that these revised arrangements afforded during the conduct of this review.

5. Categories of Temporary Street Closures

- 5.1 The Panel heard that 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 also not without their problems.

Play Streets

- 5.2 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. Play streets typically allow children to play freely, without organised games or activities.
- 5.3 As previously noted, the Council has had a Play Street policy in place since 2013, however this has not been updated since it was introduced.
- 5.4 To date, the council has issued temporary street play orders for at least three different residential streets in Stockport. Of these, only Aldwyn Crescent in Hazel Grove is currently in operation where organisers have been closing the road on the last Sunday of every month since 2019.

School Streets

- 5.5 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 holders) access to the area. Restrictions tend to only be valid during school term times.
- 5.6 Where currently in operation elsewhere, 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.
- 5.7 There are currently no School Streets in Stockport, but it was noted that Walk Ride Romiley are currently looking to work with St Christopher's Primary School to trial a street closure outside the school in Romiley.

6. Key Findings

- 6.1 The Panel noted that notwithstanding that the Council had policies that permitted residents and local schools to operate temporary street closures, there had been an extremely limited take-up of that ability to so.
- 6.2 From the documentary evidence provided from those authorities that had supplied comparative data for the Panel's consideration, there was a wide range in the number of operational schemes and that some had been far more successful than others in generating public interest and participation.
- 6.3 The Panel had the benefit of first-hand input in its deliberations from Gary Pritchard (Senior Engineer, Leeds City Council). The Panel heard that Leeds had introduced its 'Playstreets Initiative' in 2015, and that they had operated between 14 and 101 closures in any given year. In total, throughout Leeds there has been in excess of 600 sessions running across 93 streets in the six-year period from 2015 to present.
- 6.4 The Panel was keen to understand why there was such a disparity between the two authorities, and why those such as Sheffield and Manchester had generated similar levels of participation; whereas others including many of Stockport's nearest neighbours in Greater Manchester had not had the same level of uptake.

Gathering the evidence

- 6.5 At its second meeting on 3 March 2021, the Panel heard from a range of external contributors to facilitate a discussion on how the current active street, play street and school streets policies in the borough operated and to provide the benefit of the experience of other authorities and organisations from elsewhere in the country.
- 6.6 The Panel considered evidence from the following contributors during the course of the meeting:-
- | | |
|--------------------|---|
| 1) Holly Beasley | Chair, Aldwyn Crescent Community Club |
| 2) Sarah McLelland | Representing Stockport Walk Ride Groups |
| 3) Alice Ferguson | Co-director of Playing Out |
| 4) Katrina Adam | Project Co-ordinator, UK Liveable Streets |
| 5) Lynsey McGarvey | Principal Transport Planner, Leeds City Council |
- 6.7 In addition, the Panel issued an open invitation to all elected members to also attend the meeting to provide their views and experiences. The meeting was subsequently attended by the following additional elected members:-
- 1) Malcolm Allan
 - 2) Grace Baynham
 - 3) Kate Butler
 - 4) Yvonne Guariento
 - 5) Aron Thornley
 - 6) Iain Roberts
 - 7) Matt Wynne

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6.8 The Panel heard from a further range of contributors at its third meeting on 29 March 2021 to assist in detailed discussions in relation to potential changes to Stockport's current policy for play streets and school streets:-

- 1) Jon Brown - Team Manager Transportation, Stockport Council
- 2) Sarah Cook - Insurance Manager, Stockport Council
- 3) Alessandro Giove - Road Policing Unit, Greater Manchester Police
- 4) David Kearney - Senior Active Neighbourhood Officer, Stockport Council
- 5) Gary Pritchard - Senior Highways Engineer, Leeds City Council

6.9 The evidence obtained from these meetings was incredibly useful in assisting the Panel in its deliberations and understanding of the key issues. Specifically, the following key themes were identified during course of these meetings:-

(1) Public Liability Insurance

6.10 The Panel heard consistently from a range of participants and elected members that the requirement to obtain public liability insurance was a factor in the limited uptake of schemes in Stockport.

6.11 Persuasively, the Panel heard from Holly Beasley who was the Chair of the Aldwyn Crescent Community Club that organised the only existing scheme in the borough, that identified this as being the single biggest factor in the failure of other interested organisations in not pursuing further their own play street scheme.

6.12 This was reinforced by Alice Ferguson who is the Co-Director of Playing Out (the national organisation providing advice and support to local play street schemes) who stated that most local authorities used an indemnity clause rather than a requirement for public liability insurance. It was noted that in local authority areas that did not require public liability insurance, there had been an exponential increase in the number of play streets operated in those areas such as Bristol (233 streets); Hackney (66 streets); North Tyneside (60 streets) and Leeds (93 streets).

6.13 Representations received from the additional invited elected members at the meeting very much supported this analysis where it was stated that

“The two most significant barriers were the requirement for Public Liability Insurance and the need to reduce bureaucracy associated with the application process.”

and

“The barrier that needs dealing with is highlighted in the paper before the committee. This is the requirement for £5 million public liability insurance. For many community organisations, let alone small groups of residents, this puts the prospect completely out of reach.”

6.14 Further comments were made in relation to alternative models for insurance such as self-insurance which had worked for other temporary road closures.

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- 6.15 At its third meeting on 29 March 2021, the Panel received a report providing a comparative analysis with other local authorities in which it was stated that:-

*“The **main barrier** and reasons councils are failing to see playstreets set up despite having a policy and guidance in place is the need for **public liability insurance**, time consuming form filling, risk assessments and the need for it to be a formal process.*

“The most successful local authorities with the most playstreets in place are those that have not insisted on PLI and have also had easy simple guidance and application procedures.”

- 6.16 The Panel was therefore persuaded on the weight of evidence before it that the requirement to obtain public liability insurance was one that was proving difficult, and in many cases insurmountable, for many local communities and was actively preventing residents from operating their own schemes.
- 6.17 However, the Panel was mindful that the issue of public liability insurance was one that required careful consideration to ensure that the Council was not exposed to undue risk resulting from any change to the existing policy.

Risks associated with removing the requirement

- 6.18 Accordingly, at its 29 March 2021 meeting the Panel received a report from its Insurance Manager that clearly identified the risk considerations associated with the removal of the requirement for PLI. It also provided a commentary on the scheme currently operated by Leeds City Council which simply recommends the organisers have public liability insurance and includes an indemnity clause as part of the agreement.
- 6.19 The report cautioned that if the Council moved to a model where public liability insurance cover was recommended rather than mandatory, where organisers chose not to do so, this would leave the liability exposure to fall to the Council. It was suggested that as the Council was then insuring them against any risk, it may create more of a carefree approach to planning and managing closures. In addition, if an organisers behaviour was not just negligent but reckless, there may be an element of personal responsibility which the Council would be unable to protect them against.
- 6.20 While it was noted that the proposed indemnity clause provided a right of recourse for the Council against a negligent operator in the event of a claim. However, it was stated that in reality it may not be financial beneficial nor reputationally advantageous to proceed with a claim against the individual to recoup any costs.

Subsequent legal advice

- 6.21 However, at its final meeting on 21 April 2021, the Panel had the benefit of advice from the Council's Legal Services department in relation to where liability for possible incidents might arise during a closure of the road as a play street.

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- 6.22 The advice note clarified that it was not the case that the Council was responsible for all incidents which occur on its highways and streets. In relation to the play streets schemes, where a road has been designated for play under an order or other statutory authorisation, parents still have responsibility for supervising their children at play and road users still need to have consideration for other members of the public using the highways and roads legitimately.
- 6.23 It was further stated that for the Council to be held liable in the event of a claim, it would be necessary for the claimant to demonstrate that the Council had failed in its statutory duty, or been negligent in the exercise of its powers. No liability would attach to the Council merely as a consequence of authorising the use of the street for play purposes under statutory powers.

Conclusion

- 6.24 The Panel acknowledged the risks identified with removing the requirement for public liability insurance identified during the course of the Review, but ultimately it found the case for change to be overwhelming. Despite Stockport being at the forefront of the 'play street' initiative in 2013, the uptake had been minimal; however the evidence from members and other participants in the review was not that this was due to a lack of interest from residents, but that the barrier that PLI represented was in many cases insurmountable. The Panel was firmly of the view that consideration needed to be given to the appetite for the Council to assume a level of risk and to recognise that the experience elsewhere had been that there had been a low level of legal activity for an initiative that would have a significant beneficial impact on residents.
- 6.25 As a result, as its starting point the Panel determined that its first recommendation should address this issue.

Recommendation One

That the requirement that event organisers must have public liability insurance in place before operating a play street scheme should be removed and replaced with a suitably worked indemnity clause that encourages residents to take out such insurance but does not mandate it as an absolute requirement.

(2) Canvassing Residents

- 6.26 In many cases, those who made representations in relation to public liability insurance also commented on the level of bureaucracy associated with the current application process.
- 6.27 The Council's current policy requires proof from the applicant that they have consulted with local residents, addressed their concerns and filled in a risk assessment. It also mandates that the applicant must have obtained the consent of 60% of residents for any scheme to proceed.
- 6.28 It was suggested by various participants in the Review that this requirement was too onerous and "unnecessarily confrontational". It was suggested that Stockport's starting point seemed to be to assume that such initiatives would be a problem,

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whereas some other authorities started from the opposite viewpoint which was perhaps a feature in why they had far more schemes in operation.

- 6.29 The Panel heard representations that consultation with residents should be a simple process and should not require applicants to produce a petition indicating support. An alternative arrangement was discussed whereby residents were simply notified of the proposal to introduce a scheme and asking people to raise any concerns if they had them.
- 6.30 The Panel concurred with this view and agreed that this should form the second of its recommendations.

Recommendation Two

That the need to provide proof of the support of 60% of the households affected be replaced with a more permissive scheme which includes the circulation of a model notification letter that asks those who do not approve of the scheme to contact Network Management with their objections which permits contact via traditional as well as electronic means.

(3) Support

- 6.31 The Panel welcomed the contributions and experience brought to the Review by Alice Ferguson (Co-director of Playing Out). Particular attention was drawn to the wide range of resources and support on their website at <https://playingout.net/> that provided a range of materials and resources for organisers and local authorities to guide them through the establishment of play street schemes.
- 6.32 The Panel considered a report at its final meeting on 21 April 2021 that discussed ways in which additional support for play streets could be provided at a more local level. Particular consideration was given to the idea of having an overarching support mechanism in place for play streets across the borough.
- 6.33 The idea would be to have a central online hub/ group/ forum that would offer council support whilst at the same time enabling the community to share ideas and support one another which would also have the benefit of allowing communities to take ownership.
- 6.34 The report considered the potential for the removal of the need for mandatory liability insurance (see recommendation one above) and suggested that the hub would provide an opportunity to allow for further research into the opportunities for alternative support for insurance. Potentially, creating a central hub group gives the option of overarching group insurance to cover all applications.
- 6.35 Even if this was not possible, the use of the central hub group would still provide a platform for improving training options thereby further minimising the Council's risk.
- 6.36 The central online hub/ group/ forum could house all documents relating to the scheme including an easy step-by-step how to guide, possible video demonstrations,

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training webinars and risk assessment guidance. It would be available for all members to upload and share their own experiences and share collectively.

- 6.37 The Panel agreed that this proposal would underpin and support recommendations one and two and that this should form the third of its recommendations.

Recommendation Three

That work takes place to develop a hub to support Play Street coordinators and enable sharing of ideas, best practice and advice across the Borough that includes the option of overarching group public liability insurance to cover all applications.

(4) Publicity

- 6.38 A recurrent theme highlighted during the Review was that play-streets were designed to be a resident-led model that shouldn't require significant levels of help and support from the Council. However, Alice Ferguson stated that there did need to be a supportive policy in place that needed to be straightforward and simple.
- 6.39 It was suggested that for schemes to work councils as a minimum needed to 'get out of the way' but could go further and offer support.
- 6.40 One comment made by members during the Review that the play streets policy was 'hiding in plain sight' and more could be done to advertise and promote play streets as a feature of living in the borough with specific regard to the benefits of starting a scheme which included increased physical activity, community cohesion and contributing to a cleaner environment.
- 6.41 The Panel had the benefit of a written statement from the Council's Consultant for Physical Education, Sport & Physical Activity which stated that:-

"Play streets and school streets are positive programmes which can have great benefit to not only children and young people but also to the wider family and local community."

However,

"The current policy is not user friendly (perhaps best exemplified by the very low number of schemes in Stockport) & the application process needs to be as simple as possible."

And

"Discussions with various communities over the years has also highlighted a low awareness that Stockport even has this policy"

- 6.42 It was also critical that the information was readily digestible and easy to understand. Concern had been raised that "without some application support being available this could exacerbate inequalities and become a 'leafy suburb' programme".

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- 6.43 The Panel was therefore of the view that any relaunch of a revised policy for play streets and school streets should be supported by a wide range of clear, simple and readily accessible publicity materials to generate interest and take-up, and duly made this their fourth recommendation.

Recommendation Four

That clear, simple and readily accessible publicity materials and how-to guides be developed in a range of formats to support the relaunch of the play streets policy

(5) Elected Member Engagement

- 6.44 The Panel heard from Lynsey McGarvey (Principal Transport Planner, Leeds City Council) that one of the key drivers behind the success of their school streets initiative was that it had been a member-led initiative from the outset with a political drive to get school street schemes off the ground.
- 6.45 This was a view reiterated by Katrina Adams (Project Co-ordinator, UK Liveable Streets) who confirmed that the council's that had the strongest policies were those that had a clear indication of support from the council and its elected members.
- 6.46 It was a theme that was picked up on by members of the Review at its subsequent meeting where in considering the comparative analysis with other local authorities it was noted that councillor support was identified a major factor in the success of play streets.
- 6.47 However, members also noted that the almost unprecedented level of engagement by councillors that weren't otherwise members of the Panel during the conduct of the review and the support expressed for its aims and objectives demonstrated that this was not considered to be a significant issue.
- 6.48 One benefit of this high level of engagement was that it was clear that there was an active pool of individuals who were perfectly placed to engage with local communities to assist with the dissemination and promotion of play street and school street initiatives. The Panel was therefore keen to include a recommendation that was able to capitalise on this support.

Recommendation Five

That the school streets and play streets policy including the benefits of active and healthy communities be actively promoted to all communities in Stockport and using all avenues and mechanisms including through the use of all member briefings to engage elected members in the dissemination and promotion of such schemes

(6) Signage

- 6.49 During the discussion on the operation of the existing play street scheme in Stockport, it became apparent that there were a number of issues with the existing approach to the placement of signs and barriers on the highway to 'enforce' the operation of the scheme.

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- 6.50 There were additional one-off costs associated with acquiring signs and barriers to give effect to the road closures. The storage requirements for such physical barriers may also prove difficult to manage in certain locations. The Council currently required organisers to use official highways 'Road Closed' signs to signal to drivers that a legal road closure is in force which needed to be supported by the use of traffic cones
- 6.51 WalkRide Stockport stated during the course of their statement to the Panel that in their view the cost of such signage should not be borne by residents. This cost was estimated to be in the region of £82 per closure point. However, it was noted that funding could in some circumstances be obtained from the local area committee to offset this via the Ward Flexibility Fund.
- 6.52 The written representation from Playing Out made a further plea that signage and barrier requirements should ensure safety without being too onerous for residents.
- 6.53 The Panel heard that the Department for Transport had revised its guidance for play streets in 2019 to make residents aware of cheaper and easier ways of closing their roads to through traffic and some authorities had experimented with alternative signage such as the provision of stickers for use on existing wheelie bins that also served as barriers to prevent the need for additional storage and reduce the associated cost.
- 6.54 The Panel considered that there was merit in further exploration of alternatives to the existing signage and barrier requirements and accordingly made this their sixth recommendation.

Recommendation Six

That a flexible approach be adopted to the use of barriers and signage that reflects the needs and circumstances of local communities.

(7) Implementation of the recommendations of the Review

- 6.55 The Panel noted that the experience of other authorities, and from the evidence presented to it during its four meetings suggested that there appeared to be a significant untapped demand for play streets and school streets in the borough. Moreover, many communities had now realised the benefits of the reduction in traffic on local roads as a consequence of the coronavirus pandemic which may generate further interest in temporary closures of this nature.
- 6.56 The Panel was keen to ensure that local communities were able to take advantage of the many benefits to be afforded by play street and school street schemes as soon as practicable and therefore wished to make a further recommendation that sought the implementation of these recommendations as soon as practicable.

Recommendation Seven

That upon adoption, the recommendations of the Panel be implanted as soon as practicable such that pilot and early adopter schemes are able to commence as early as possible.

7. Conclusion

- 7.1 The Panel was keen to express its view that Stockport had a great deal to be proud of through being one of the early adopters of play street schemes in the country. However, since 2013 there had been a number of developments which had meant that the policy landscape had evolved hugely and that now was an opportune moment to fundamentally review and challenge the assumptions from that time.
- 7.2 Having time and space to play is widely recognised as fundamental to every child's health, happiness and development and playing outside together is vital to children's physical and mental wellbeing as well as having many associated benefits such as improved community cohesion and improving air quality.
- 7.2 The package of recommendations made by the Panel are aimed to make it easier and simpler and to empower local communities and are based on the wealth of evidence that it heard during the course of its four meetings. The Panel accordingly wished to place on record its thanks and gratitude to those representatives of the many external organisations and elected members that participated in the Review and made invaluable contributions to its work.
- 7.3 The Panel's recommendation is that the Cabinet gives full consideration to the seven recommendations contained within this report and ultimately adopts them.