

FALKIRK COUCIL

Subject: TRAFFIC MANAGEMENT ARRANGEMENTS FOR MARCHES, PROCESSIONS AND PARADES
Meeting: EXECUTIVE
Date: 17 May 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 In a tradition that is shared with villages, towns and cities throughout the world, the Falkirk Council area hosts throughout the year processions and parades to celebrate and/or commemorate events of significance to our communities. In addition, we see, from time to time, marches that reflect the rights of individuals or groups to have the voice of protest or support be heard in relation to a particular cause or issue. This form of expression, walking through public thoroughfares, can form an important part of the cultural and community landscape of an area but in every case is a right enshrined in the European Convention of Human Rights. This right, however, is not entirely unfettered and can be restricted or denied where other over-riding factors exist.

2. THE ROLE OF THE COUNCIL

- 2.1 The Council's powers and duties in dealing with public processions are set out in the Civic Government (Scotland) Act 1982 which was amended in 2006 following publication of Sir John Orr's 'Review of Marches and Parades in Scotland'. The relevant provisions in the Act take as their starting point article 11 of the European Convention on Human Rights which provides that everyone has the right to freedom of peaceful assembly. This includes the right to march or parade. Any interference with that right must be proportionate, which means that the nature of any restrictions must be in proportion to the issues which the authority is trying to tackle.
- 2.2 When considering whether to prohibit a march or to impose conditions on it, the Act requires the Council to have regard to the likely effect of holding it in relation to public safety; public order; damage to property and disruption to the life of the community. For the purpose of this report, the principle issue is about managing traffic in a way that secures public safety. When making a determination on this matter, the Council in its capacity as the Civic Licensing authority will consult with the Council in its capacity as a Roads Authority to assist in forming a view.

3. TRAFFIC MANAGEMENT AT THESE EVENTS

- 3.1 The parades etc referred to above involve pedestrians walking on public roads. Without proper regulation and restriction of the vehicular traffic which normally use these roads there would be a clear danger to the public which would render the risk of such an event proceeding unacceptable. The council, as Roads Authority, require to be satisfied that appropriate measures in relation to traffic regulation are in place before it would be able to give a supportive consultation response as referred to above.

- 3.2 Until very recently, traffic management for such events in the Falkirk Council area was provided by the Police. Guidance issued by the then Scottish Executive in 2005 recognises that this has often been the practice throughout Scotland, albeit that it has been done on an informal basis. This has proved to be a very effective means of traffic management and one acceptable to Roads Authorities throughout the country. In a letter to the Council, dated 22 April 2016, Assistant Chief Constable Higgins on behalf Police Scotland wrote *inter alia*

“It is acknowledged that previously police officers may have assisted organisers of such events-by closing off roads, controlling traffic and general ensuring the safety of the public for the duration of an event. This appears to have been done on goodwill and on an informal basis but without authority. Police Scotland has no desire to jeopardise the future of community events but responsibility and activity must be restricted to and in keeping with the limitations of current legislation”.

Accordingly, it appears that the position of Police Scotland is that no such support will henceforth be provided.

- 3.3 The only other way for traffic at these events to be regulated, and thus, the public safety test met, is for the promotion by the council, as Roads Authority, of Temporary Traffic Regulation Orders (TTRO's). Before any such order can be promoted, there is a requirement for the Roads Authority to be satisfied that effective arrangements will be in place before, during and after the event, to ensure the proper implementation of its terms. This is effected by the submission of a traffic management plan (TMP). The process for this is an established one, it is used regularly where works on or around public roads require traffic regulation. The party who seeks the relevant Order simply makes an application in the appropriate form, including the appropriate TMP, and the application is processed by the relevant Council officers. Each TTRO application attracts a fee of £725. This process has also been used in the recent past in relation to events such as parades.
- 3.4 The fee identified above is a flat fee for all applications. Given the revised stance of Police Scotland in relation to management of traffic at community events, it is difficult to see how traffic regulation, and the consequent issues for public safety, can be properly achieved other than by means of TTRO'S. However, this will place an extra burden on event organisers, who are responsible for all aspects of the arrangements for the event, including public safety. In some cases this may be seen as simply another overhead to be factored in, in others, particularly very local events where the funding all has to be raised from within the community, this could be more of a challenge.

4. PROPOSAL FOR INTERIM MEASURES

- 4.1 Research undertaken by officers from within both the Governance Division and Roads Services has disclosed that there is no consistent approach being adopted throughout Scotland to this issue. This is possibly because there appears to be a certain inconsistency of application of the Police Scotland policy approach. This is not uncommon when these policies and practises are in a transitional phase. Given this level of uncertainty around consistency of approach and the fact that the Police Scotland national position has only recently been intimated to the Council, it is suggested that a review of the council's approach to the use of TTRO's for such events might be a useful exercise. This could include a charging structure.

- 4.2 In order to properly undertake this review, it would be necessary to ingather information from other local authorities and undertake other research with a view to developing and incorporating best practise into our own approach. This will take some time to ensure a satisfactory and robust outcome. Accordingly, it is unlikely that recommendations flowing from the review would be available for members to consider until late summer/early autumn.
- 4.3 Given the above, it would seem appropriate to consider a suspension of the fee payable for TTRO applications for such events, and those community based events of a similar nature, until such time as the review could be considered by Members.

5. IMPLICATIONS

5.1 Legal

None other than those described above

5.2 Financial

The anticipated fee income from such events for the relevant period has been estimated at £3,600, a significant proportion of fees going on advertising costs. This sum can be accommodated from within existing budgets given that it is a temporary suspension of charge only. The financial implications of any longer term proposals will be contained within the review.

6. RECOMMENDATIONS

- 6.1 **It is recommended that Members agree to a suspension of the relevant fee for TTRO applications where these relate to traffic regulation in respect of marches, processions and parades, and other similar community based activities, which suspension shall be in place until the review referred to in this report has been completed and considered by Members or a period of 6 months, whichever is the shorter.**

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Director of Development Services

Date: 9th May 2016

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LIST OF BACKGROUND PAPERS

1. Galas and events affecting public roads. Guidance to organisers. Issued by the Scottish Executive 16 June 2005
2. Letter from ACC Higgins, Police Scotland 22 April 2016.

Anyone wishing to inspect background papers should contact Rhona Geisler, Ext 4948