

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**18 October 2018**

**Report of the Chief Executive**

**Part 1- Public**

**Matters for Recommendation to Cabinet**

**1 SUPPLEMENTARY REPORT - ROAD CLOSURES REVIEW**

**A written statement from PS Gilmore was requested and is copied below to illustrate the Police position in relation to Road Closures.**

**Kent Police Statement:**

Kent Police will assess all events that we are notified of and this includes any requirements for traffic management or road closures, our position being one of advice and guidance through which we seek to assist event organisers and any Safety Advisory Group (SAG) process.

Where these plans include requests for road closures and traffic controls, we will look at what is being asked for and why any traffic mitigations are required. We then look at what legislation we feel fits these circumstances and base our advice on that. If at any time during our assessment we ourselves are unsure, we seek specialist and/or legal advice.

At this point we would submit our comments, this is usually to the respective SAG, along with covering rationale explaining why we believe that legislation under the Town Police Clauses Act 1847, Road Traffic Regulation Act 1984, or some other form of management (i.e. temporary obstructions) is advised. This would be in the format similar to, -

- Based on the documentation you have submitted, your requirement for a road closure order or traffic management is for *(add details here)*. As this is a parade/procession/social/sporting/entertainment on a road/traffic control in special cases *(delete as appropriate)*, our view is that the closures and controls for your event should be enacted using s21 TPCA 1847, s16A RTR 1984, s14 RTR 1984, or use of Temporary Obstruction signage *(delete as appropriate)*.

If at this point our advice is not taken then we would submit a further comment which gives caution to proceeding in such a manner as we may not be in a position to enforce any breaches should they occur. This comment may be as follows, -

- Kent Police are aware that you may continue with your event planning relying on the Town and Police Clauses Act 1847 *(amend accordingly)*. Please note that this Act may not allow Kent Police

to enforce any potential breaches under the circumstances that you as an organiser have explained.

I would be clear at this point that Kent Police does not have any veto or hold over local authorities or the county council on this decision; however as the party responsible for any enforcement (or emergency response) we do have a significant interest in this process and we ask that the most appropriate legislation is used at all times. The decision to issue any traffic order rests with the respective local or county council as does any subsequent liability that may be linked to that decision.

## **1.1 Legal Implications**

1.1.1 As set out in the main report.

## **1.2 Financial and Value for Money Considerations**

1.2.1 As set out in the main report.

## **1.3 Risk Assessment**

1.3.1 As set out in the main report.

## **1.4 Equality Impact Assessment**

1.4.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background papers:

contact: Gill Fox

Nil

Julie Beilby  
Chief Executive