
Report To:	Policy & Resources Executive Sub-Committee	Date:	1 November 2017
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	LP/098/17
Contact Officer:	James Douglas	Contact No:	01475 712034
Subject:	Policing of Remembrance Sunday Parades		

1.0 PURPOSE

- 1.1 To seek the Sub-Committee's approval for the implementation of Temporary Traffic Regulation Orders on 12 November 2017 to allow Remembrance Day parades to be appropriately policed at various locations within Inverclyde and for the Council to absorb the costs of implementation.

2.0 SUMMARY

- 2.1 The Assistant Chief Constable of Police Scotland wrote to all Chief Executives in Scotland by letter dated 13 October 2017. This letter, which is attached at Appendix 1, was received by Inverclyde Council on 20 October 2017. The letter advises that the informal policing arrangements that have been provided by Police Scotland during pre-planned events in the past can no longer continue. Police Scotland has received legal advice that it does not have powers to control and direct traffic during pre-planned events under common law or under statute. The Police's legal advice provides that the Police may only control and direct traffic relative to pre-planned events under a Temporary Traffic Regulation Order (hereafter "TTRO"). **App 1**
- 2.2 To date, all pre-planned events with a requirement for a police presence, have been policed by way of a Police officer walking at the head of a parade and directing traffic to stop or give way to allow the parade to pass safely. Legal advice now given to Police Scotland provides that the Police do not possess powers to control and direct traffic in this manner unless they do so under powers conferred by a TTRO.
- 2.3 Within Inverclyde there are six parades that take place on Remembrance Sunday which do not form part of the Council's own Remembrance Day events. The locations of these parades are attached at Appendix 2. In order that these parades can take place safely this year, given the short period of notice by Police Scotland, and to provide adequate police protection, six Temporary Traffic Regulation Orders will be required. TTROs involve a processing fee of £200 per TTRO together with advertisement costs. It is anticipated that the cost to the Council to implement the six TTROs in question will be in the region of £2,000. **App 2**

3.0 RECOMMENDATIONS

- 3.1 That the Sub-Committee:
- I. Agrees to the implementation of Temporary Traffic Regulation Orders at the six locations within Inverclyde where Remembrance Day parades are scheduled to take place on 12 November 2017; and
 - II. Agrees that the Council meet the relevant costs of implementing the TTROs this year only.

4.0 BACKGROUND

- 4.1 The Council organises formal Remembrance Day events at Port Glasgow, Greenock and Gourock each Remembrance Sunday and a number of independent parades take place within Inverclyde on the same day. The Police have always provided resources to ensure that these smaller independent events are undertaken safely. The Police ensure that parades are able to take place safely by way of a “rolling road-block”. This takes the form of a Police officer walking at the head of a parade and directing and controlling traffic until the parade passes by. Once the parade has passed, roads are immediately reopened to traffic. Police Scotland has now advised that it has received legal advice from a Senior Advocate that it does not possess the power to police parades in this manner under common law or statute.
- 4.2 Police Scotland has advised that it is willing to police all parades within Inverclyde in the same manner that it has done in the past, but it requires formal power to do so. Such powers are conferred by the implementation of Temporary Traffic Regulation Orders.

5.0 TEMPORARY TRAFFIC REGULATION ORDERS

- 5.1 The Council has the power to implement a Temporary Traffic Regulation Order (“TTRO”) under the Road Traffic Regulation Act 1984 sections 14 and 16A. These statutory provisions allow the local authority to close roads for varying lengths of time to allow for works or for “relevant events” to take place on the roadway.
- 5.2 It is proposed that TTROs be implemented at the locations referred to within Appendix 2 to this report for the times detailed therein. The TTROs would confer powers on the Police to direct and control traffic to allow the scheduled Remembrance Day parades to take place at the locations referred to.
- 5.3 An application for a TTRO involves a processing fee of £200 from the Council’s Roads department. A TTRO necessarily has to be advertised, and an advertisement detailing the six proposed TTROs detailed at Appendix 2 will incur estimated costs of £800-£1,000. The Roads department has confirmed that it is willing to waive the £1,200 processing fee for the 6 TTROs on this occasion.
- 5.4 Police Scotland has indicated that in future it will require TTROs to be in place for all pre-planned events regardless of size, location or the nature of the event. The purpose of this report is to seek Committee approval for the implementation of six TTROs for 12 November 2017 to allow six scheduled Remembrance Day parades to take place. In order that these parades can take place safely this year, given the short period of notice by Police Scotland, and to provide adequate police protection, the six Temporary Traffic Regulation Orders will be required.
- 5.5 This report does not seek to establish a precedent for future years and is proposed to assist these community parades in the light of the short period of notice that has been given by Police Scotland. As more information becomes available and as dialogue between local authorities and Police Scotland takes place, a further report shall be provided to Committee on how the Council intends to deal with parades of varying natures throughout the year and address the question of costs

6.0 IMPLICATIONS

6.1 Financial

Cost Centre	Budget Heading	Budget Year	Proposed Spend	Virement From	Other Comments
Corporate Communications	Armistice	2017/18	£800-£1,200		
Roads	TTRO	2017/18	£1,200		

6.2 Human Resources

Currently being met within existing staffing.

6.3 Legal

Legal and Property Services will ensure that the necessary TTROs are implemented in terms of the Road Traffic Regulation Act 1984 and will continue to monitor and report on future developments relative to the policing of pre-planned events.

6.4 Equalities

When delivering services to our customers, full cognisance is taken of equality and diversity processes and procedures.

6.5 Repopulation

There are no repopulation implications arising from this report

7.0 CONSULTATIONS

7.1 Officers from Legal & Property Services, Corporate Communications and Environmental & Commercial Services have consulted with Police Scotland.

APPENDIX 1

13 October 2017

Mr Aubrey Fawcett
Chief Executive
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY



Chief Constable
Philip Gormley QPM

ASSISTANT CHIEF CONSTABLE
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Dear Mr Fawcett,

PRE-PLANNED EVENTS TAKING PLACE ON PUBLIC ROADS REQUIREMENT FOR TEMPORARY TRAFFIC REGULATION ORDER (TTRO)

Since the introduction of Police Scotland in April 2013, a corporate and consistent approach to the application of key processes has been a priority in all areas of business to ensure that they have sound legal basis and are fair and transparent to all. More specifically, Police Scotland's position in respect of the requirement for Event Organisers to have a TTRO in place for pre-planned events taking place on public roads (including trunk roads) is an area that has required extensive consideration and review. Aspects of this work and the subsequent concerns raised by Event Organisers have, as you will likely be aware, been the subject of various reports in the media over the last year or so.

I now write to confirm Police Scotland's position regarding this issue.

Local policing is at the heart of Police Scotland, as is our focus on keeping people safe, however, existing legislation does not contain powers to enable police officers to regulate traffic for pre-planned events. The legislation permits officers to regulate traffic in certain circumstances, such as in emergencies or in response to offences being committed. As you will be fully aware, the primary responsibility for roads rests with the relevant roads authority and not with police (Local Authorities and Scottish Government with regards trunk roads). As such, it is for the roads authority to make a judgement as to whether a pre-planned event requires a road to be closed or other restrictions imposed on the flow of traffic to allow it to proceed safely.

It is acknowledged that police officers have previously assisted organisers of such events in the past by closing off roads, controlling traffic and generally ensuring the safety of the public for the duration of the event. This appears to have been done on an informal basis but crucially, without lawful authority. Police Scotland is fully supportive of the future of community events and will continue to support and assist organisers but must do so within the confines of the legislation.

2.

It is the position of Police Scotland that all actions by police officers must be discharged within the parameters of the legal framework and as such Police Scotland will ensure due compliance and lawful application.

Where the staging of an event interferes with traffic, the Road Traffic Regulation Act 1984 (both Sections 16A and Section 14) gives powers to the relevant traffic authority to grant a TTRO and it is this order that permits road closures or other traffic management measures to be implemented.

As it is primary the duty of the roads authority, officers would only invoke their common law powers if the roads authority had failed to discharge their duty and had failed to put appropriate measures in place.

Consequently, in order to facilitate an event that impacts on traffic management, Police Scotland will recommend that organisers work with the local roads authority to put the necessary TTROs and any appropriate traffic management plans in place.

The relevant local authority is the main point of contact for Event Organisers and Police Scotland will encourage organisers to make contact at the earliest opportunity. Officers from Police Scotland will continue to support and assist in this as part of a multi-agency approach driven through the Local Authority and will continue to attend Safety Advisory Groups that may take place in preparation for an event.

As with all process changes, I acknowledge that this may have an impact on some events where alignment to new procedures requires an element of change to local practice.

I am aware that Superintendent Jamie Frame delivered a presentation in this regard to COSLA members at the Safety at Public Events Seminar held on 7th March 2016. Chief Inspector James Jones now supports me in this area of business and as such, if you would like any further information on the legislation mentioned, or any other matters regarding this issue, please contact him directly on 07789 924 533 or by emailing james.jones@Scotland.pnn.police.uk.

Yours sincerely



Bernard Higgins
Assistant Chief Constable
Operational Support

TEMPORARY TRAFFIC REGULATION ORDERS 2017

To permit the Remembrance Ceremony to be carried out on 12/11/2017, the Council has made the undernoted Orders under Section 16A of the Road Traffic Regulation Act 1984, as amended. In the interests of public safety the following roads will be closed to all vehicles, except those engaged in the event.

KNOCKBUCKLE RD, LOCHWINNOCH RD, BRIDGE OF WEIR RD, KILMACOLM

From 10am – 3pm the following roads will be closed:-
Knockbuckle Rd from Florence Dr to Lochwinnoch Rd
Lochwinnoch Rd from Knockbuckle Rd to Bridge of Weir Rd
Bridge of Weir Rd from Lochwinnoch Rd to Glebe Rd.

**ROYAL ST, JOHN ST, SHORE ST, KEMPOCK ST, ALBERT RD, LOWER KEMPOCK ST,
BINNIE ST, KEMPOCK PL, BATH ST, BROOMBERRY DR, McCALLUM CRES & KING
ST, GOUROCK**

From 10am – 2pm the following roads will be closed:-
Royal St from Church St to John St
John St from John St to Shore St
Shore St from Church St to Kempock St
Kempock St from Shore St to Albert Rd
Albert Rd from Kempock St to western boundary of No. 39
Lower Kempock St from Albert Rd to Shore St
Binnie Street from Barrhill Rd to John St
Kempock Place from Shore St to Kempock St
Bath St from Kempock Pl to St. John's Church
Broomberry Dr from McCallum Cres to King St
McCallum Cres from Binnie St to Broomberry Dr
King St from Broomberry Dr to Royal St.

LYLE RD, GREENOCK

Lyle Rd will be closed from the viewing point to Grieve Rd from 10.30am – 2.30pm.

**SHAW PL, TRAFALGAR ST, REGENT ST, MOUNT PLEASANT ST, DEMPSTER ST,
BAKER ST & MEARN'S ST, GREENOCK**

From 10.30am – 3pm the following roads will be closed:-
Shaw Pl from Mearns St to Bank St
Trafalgar St from Regent St to Shaw Pl
Regent St from Dellingburn St to Mearns St
Mount Pleasant St from Dempster St to Wellington St
Dempster St from Mount Pleasant St to Mount Kirk

LANGHOUSE RD & MAIN ST, INVERKIP

From noon – 2pm the following roads will be closed:-
Langhouse Rd from Millhouse Rd to Main St
Main St from Langhouse Rd to A78.

**LOWER BOUVERIE ST, NEWARK ROUNDABOUT PORT GLASGOW RD, CALEDONIA
ST & ROBERT ST, PORT GLASGOW**

APPENDIX 2

From 1 – 3pm the following roads will be closed:-
Lower Bouverie St from Bouverie Motors to Newark Roundabout
Port Glasgow Rd from Newark Roundabout to Caledonia St
Robert St from Caledonia St to Bruce St.

The above restrictions will only be effective when displayed by signs and cones in accordance with The Traffic Signs Regulations and General Directions 2016 or under instruction from a Police Officer in uniform. No alternative routes: these are rolling road closures during the Remembrance Parade. Pedestrian access for residents and access for emergency services will be available at all times.

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