

Meeting	SPA Policing Committee
Date	24 October 2017
Location	PQ, Boardroom, Glasgow
Title of Paper	Temporary Traffic Regulation Orders (TTRO)
Item Number	9.1
Presented By	ACC Bernard Higgins
Recommendation to Members	For Noting
Appendix Attached	No

PURPOSE

The purpose of this report is to provide members with information regarding Temporary Traffic Regulation Orders (TTRO).

1. BACKGROUND

1.1 Police Scotland is regularly involved in the policing of events such as galas, marches and parades. The focus for police officers is on preventing disorder and protecting life and property. Certain events take place either wholly or partly on public roads and it is apparent that a disparate approach has been taken with regards to traffic management.

In October 2016, Dr Michael Rosie published his Independent Report on Marches, Parades and Static Demonstrations. Following discussions with event organisers, Local Authorities and members of Police Scotland he made a number of recommendations, one of which was to seek legal advice regarding the application of TTROs. While this was specifically relating to marches and parades, the principle equally relates to all events on roads where traffic requires to be regulated.

In view of this Police Scotland sought legal advice in relation to the application of TTROs to regulate traffic flows during pre-planned events. Counsel advice was received in April 2017 and will impact on local communities, event organisers, Local Authorities, Scottish Government and Police Scotland.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Primary responsibility for roads rests with the appropriate roads authority, be that the relevant Local Authority or Transport Scotland for trunk roads. There is no requirement to restrict traffic at all pre-planned events that take place on a road. It is for the roads authority to decide if a road requires to be closed or other restrictions imposed to ensure a pre-planned event can take place safely. If a roads authority believe restrictions are required, a TTRO should be obtained under Section 16A of the Road Traffic Regulation Act 1984.
- 2.2 The closure or restriction granted by the TTRO should be implemented by the roads authority usually by appointing stewards. It would only be if there was a breach of the TTRO that the police would require to intervene. Police officers can intervene in certain circumstances. The statutory provisions in Section 67 of the Road Traffic Regulation Act 1984 allow for police officers to place restrictions or requirements on vehicular traffic in extraordinary circumstances. This does not apply to pre-planned events.
- 2.3 It is counsel opinion that common law powers available to the police in order to keep the peace, prevent crime, protect life and property do not extend to a power to close roads or restrict traffic for pre-planned events. Police would only invoke such common law powers if the roads authority had failed to discharge their duty which resulted in an immediate risk to the safety of the public. Counsel opinion is mostly unequivocal. The only area that is open to interpretation relates to whether or not 'historical, political or religious parades falls into the definition of 'relevant event'. Counsel states he can see no basis why these parades can be excluded from the definition of a relevant event however it is possible that this may be challenged. In summary, Counsel's opinion is that police officers have no power to close roads or restrict traffic flow at pre-planned events. Superintendent Andrew Clark has engaged with Scottish Government (including Transport Scotland and Event Scotland), Local Authorities and members of the event industry and discussed the impact of this opinion. This engagement appears to have generated communication from Mr George Graham, chair of the Policing Committee, Scottish Police Authority in which clarity is sought regarding impact and consultation.
- 2.4 The step away from previous informal arrangements and move to a corporate position based on legal opinion will have significant impact.

It must be reiterated that the decision making lies with the appropriate Roads Authority and not Police Scotland. Financially, the implementation of a TTRO comes with additional costs associated to advertising and Traffic Management infrastructure for the larger events. While it is within the gift of a Local Authority to absorb the costs of TTROs, it is most likely costs will be borne by event organisers and as such may make small community events less financially viable. There will also be additional staff related costs for Local Authorities and Scottish Government with the potential for a significant increased administrative requirement.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are legal implications associated with this paper. Failure to adopt a robust stance in relation to Counsel Opinion may compromise event commanders and operational officers by expecting them to undertake duties for which there is no legal basis.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are social implications associated with this paper. Adopting a robust stance in relation to Counsel Opinion may result in local community events being affected due to them being less

financially viable. However, decision making on such events will lie with local authorities and local roads authorities.

9. EQUALITIES IMPLICATIONS

9.1 There are equality implications associated with this paper. Adopting a robust stance in relation to Counsel Opinion may result in legal challenge.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to:

Note the information contained within this report.