

CYNGOR SIR POWYS COUNTY COUNCIL

County Council

9th March 2016

REPORT AUTHOR: County Councillor John Brunt, Portfolio Holder for Highways

SUBJECT: Question from County Councillor Kelvyn Curry

I was recently contacted by a local cancer support charity, the Bracken Trust, concerned that PCC had increased its charges for temporary road closures from £130 to £330, an increase of over 150%. This makes the cost of running one of their most popular fund-raising events round the lake in Llandrindod Wells prohibitively expensive, and will similarly impact the fund-raising ability of other charities who run events of this type throughout Powys.

In reply to a number of questions I asked the Portfolio Holder recently, he admitted that “No impact assessment was undertaken when the cost of the temporary orders was increased in October 2015”, so it is unclear whether the increase will actually result in more revenue as it may well deter charities from running these events at all. Furthermore, we do not know what the effect will be on the fund-raising ability of these charities at a time when PCC is relying increasingly on local community groups and the Third Sector to take over functions previously operated by the Council.

The Portfolio Holder has stated that he anticipates the new fees will generate an income of £12,920 this year as opposed to £6,120 last year. However, without an impact assessment, this is impossible to know. £6,120 may not even be achieved! As it stands, PCC may very well have a decrease in income as local community groups and the Third Sector decide not to organise this type of fund raising event, and the organisations themselves will certainly lose income by this type of fund raising activity becoming uneconomic (costing more to run than it will generate). In fact, a double whammy, everyone loses!

In light of this, and the fact that many (but not all) Welsh councils do not charge for road closures relating to community or non-profit events, would it not be prudent for the Portfolio Holder to revert to the previous charging structure of fees for temporary road closures until a full impact assessment has been carried out? At that time a reasoned way forward could be developed, based on evidence, not a hunch.

Charges for Traffic Regulation Orders are permitted under the Local Authorities (Transport Charges) Regulations 1998. Section 4 of these Regulations stipulate the Local Authority should have regard to the costs incurred with dealing with the matter when determining the charge to be levied. Table 2 Item 5 of the regulations places the onus on the Event Organiser to pay the charges for ‘Anything done by the Local

Authority in connection with or in consequence of an order made or to be made by them under section 16A'

The Town Police Clauses Act 1874 does permit this Authority to close roads however this is not appropriate legislation to close roads for sporting events such as the run and cycle event that the Bracken Trust organises. These types of event require a closure under section 16A of the Road Traffic Regulation Act 1984.

An Order is needed in the first place because the Police will not place an officer on the highway for a planned event without one.

As Members will be aware we are facing difficult times going ahead and where possible, departments should seek to fully cost recover for the services they provide. Clearly the legislation allows this Authority to do this for making Traffic Regulation Orders for events upon the highway. The cost of a temporary traffic order was last set in 2003, some 13 years ago and since then the charge remained the same until the review was undertaken in October 2015. Costs are worked out based on average time spent drafting notices etc and placing them on site (there are also significant costs associated with advertising Orders). The review formed part of a full Fees and Charges review for Highways Transport and Recycling in October 2015.

Looking at some of the other Local Authorities in Wales, charges range from £2157 to no charge being raised. There is no consistent approach across Wales. However it is evident that this Authority does not charge as significantly as some other Councils and it is therefore considered our charging is proportionate for the work involved.

Since the two events the Trust organises propose to use the same section of highway it is possible to combine the events into one order this minimising the costs as much as possible, this would attract a single repeat order fee of £330. The only other alternative would be for the Trust to consider their options on whether to hold such event upon a highway or make any necessary changes to permit the event on the highway without requiring the closure. We will work with the Trust and other charitable organisations to support them the best we can with their arrangements in this regard.