

DEPUTY LEADER AND CABINET MEMBER FOR COMMUNITIES, CAMPUSES, AREA
BOARDS AND BROADBAND – CLLR JOHN THOMSON

HIGHWAYS AND TRANSPORT

OFFICER CONTACT: Allan Creedy 01225 713444
email: allan.creedy@wiltshire.gov.uk

REFERENCE: HT-14-16

WILTSHIRE COUNCIL

TOWN POLICE CLAUSES ACT 1847 S.21 PROPOSED ROAD CLOSURE OF NEW ROAD, HIGH STREET (PART), KINGSBURY STREET (PART) AND THE PARADE (PART) IN MARLBOROUGH BETWEEN 10AM AND MIDNIGHT ON 16 JULY 2016

Purpose of Report

To consider representations made in relation to the above proposed road closure to facilitate the 2016 Marlborough Jazz Festival.

Consultation

Consultations held during May and June 2016 sought views on, inter alia, a proposed road closure of New Road, High Street (Part), Kingsbury Street (Part) and The Parade (Part) in Marlborough between 10am and midnight on 16 July 2016 for the Marlborough Jazz Festival.

A total of 15 responses from individuals were received producing:

- 6 responses against the road closure;
- 8 responses against the road closure but would be happy for a 5pm closure; and
- 1 response in support of the road closure.

At their meeting on 23 May 2016, Marlborough Town Council discussed the application and made the following resolution as its feedback:

“Marlborough Town Council objects to the application. It would support a compromise with any road closure beginning at 5pm and 3 compromise options for the bandstand which would involve closing just The Parade or closing just the section of the highway running along High Street/Kingsbury Street from the Town Hall to Silverless Street or just New Road (the existing proposed site for the bandstand and part closure).”

Options Considered

To:

- (i) Implement the proposals as advertised.

- (ii) Not implement the proposals.
- (iii) Implement a closure beginning no earlier than 5pm with the proviso that Marlborough Arts Association submits an event plan that ensures public safety with the road being open prior to 5pm.

Reason for Decision

The Council has prepared a set of guidance notes for event organisers outlining a relatively simple procedure where temporary road closures are requested to facilitate special events.

The guidance note admits the possibility of unresolved objections – in that event, the guidance advises:

“...the Application and the Objection(s) will be passed to the Cabinet Member for Highways and Transport in consultation with the Chair of the appropriate Area Board and the local Divisional Member, who will make the final decision as to whether or not the Closure should be permitted.”

It is clear that there are unresolved objections to the proposed closure, and a decision needs to be taken in that light.

<p><u>DECISION MADE</u></p> <p>I approve:</p> <ul style="list-style-type: none">(i) A road closure beginning no earlier than 5pm until midnight on Saturday 16 July 2016 is approved, conditional on the prior submission and approval of an event plan that ensures public safety. <p>This decision was published on 1 July 2016 and will come into force on 11 July 2016.</p>
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The following supporting documents are attached:

- Appendix A – Copy of the Cabinet Member decision on the 2015 road closure application
- Appendix B – Plan indicating extent of proposed temporary road closure
- Appendix C – Marlborough Arts Association Road Closure Risk Assessment
- Appendix D – Wiltshire Council safety audit report

The following supporting documents are available from the officer named above:

Application forms submitted by Marlborough Arts Association

Date1 July 2016.....

.....signed.....

Cllr John Thomson
Deputy Leader and Cabinet Member for
Communities, Campuses, Area Boards and
Broadband

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TOWN POLICE CLAUSES ACT 1847 S.21
PROPOSED ROAD CLOSURE OF NEW ROAD, HIGH STREET (PART), KINGSBURY STREET
(PART) AND THE PARADE (PART) IN MARLBOROUGH
BETWEEN 10AM AND MIDNIGHT ON 16 JULY 2016

Purpose of Report

1. To consider representations made in relation to the above proposed road closure to facilitate the 2016 Marlborough Jazz Festival

Relevance to the Council's Business Plan

2. The proposed temporary road closure has relevance to two priorities in the Plan:
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them.
 - Outcome 6 – People are as protected from harm as possible and feel safe.

Background

3. The Marlborough Jazz Festival is an annual event for which a road closure has been sought for many years by the Marlborough Arts Association. The application for a road closure always attracts opposition during the consultation period.
4. Following unresolved objections to the 2015 application, the road closure was conditionally approved through the formal Cabinet Member delegated decision procedure (attached as **Appendix A**). A key element of that decision was that Wiltshire Council would support Marlborough Town Council's resolution to facilitate a post event meeting that would allow the festival organisers to resolve outstanding concerns in advance of future year events.
5. Consultations held during May and June 2016 sought views on, inter alia, a proposed road closure of New Road, High Street (Part), Kingsbury Street (Part) and The Parade (Part) in Marlborough between 10am and midnight on 16 July 2016 for the Marlborough Jazz Festival (see plan attached as **Appendix B** indicating extent of proposed closure).
6. A total of 15 responses from individuals were received producing:
 - 6 responses against the road closure;
 - 8 responses against the road closure but would be happy for a 5pm closure; and
 - 1 response in support of the road closure.

7. Of the 14 responses received against the closure the comments which directly relate to the road closure can be summarised as below:
- Objectors state the closure of the High Street has an adverse effect on the ongoing traffic and parking problems in Marlborough which in past years has caused chaos due to build up of traffic and long delays on the day of the closure. When motorists realise the east end of the High Street is closed it causes a bottle neck resulting in u-turns.
 - Inconsiderate drivers cause exasperation to other drivers and residents by parking wherever they can find a space.
 - The already struggling businesses on High Street cannot afford the disruption; the closure in the past has resulted in a detrimental impact on sales for a great number of High Street businesses.
 - Closing the A4 is not at all necessary and upsets residents, traders and visitors. Emergency vehicles find it very difficult to move quickly through the town due to queuing traffic.
 - Buses are forced out of the High Street to bus stops a considerable way away, passengers are dropped off at unsuitable locations and pensioners have to then walk considerable distances with heavy shopping.
 - Concern for the closure at the bottom of Kingsbury Street in particular for larger vehicles into Silverless Street due to the narrowness and tight turning, which in the last few months has lead to vehicles becoming stuck and/or hitting the listed building at this corner. Would like to see sufficient signage in place at the top of Kingsbury Street and at the junction of The Common.
 - No reasoning as to why the closure is needed from 10am as no Jazz Festival activities take place until much later in the day.
 - Damages the image of the town, having long term affects on local businesses due to anger of motorists being held up in traffic delays leading them to say they will not return.
8. Other comments received, which are not directly related to the road closure, include:
- The unpleasant clean up after the event of vomit, human faeces and the non-collected drinking vessels to make premises fit for the arrival of customers.
9. Many objectors have stated whilst they support the event they object to a closure from 10am with several stating they would be in favour of a closure from 5pm.
10. The 1 email in support of the road closure can be summarised as follows:
- The supporter notes a loss of business during the Jazz Festival so take the opportunity to have their own Jazz Festival Fringe Stage in a private car park which helps to be part of the festival.
 - Reduced traffic as a result of the partial closure in the area of the High Street enables pedestrians to wander safely.

- If the road is open would like an indication of what can be done to make drivers aware of increased pedestrians.

11. Marlborough Town Council

At its meeting on 23 May 2016, Marlborough Town Council discussed the application and made the following resolution as its feedback to the consultation exercise:

“Marlborough Town Council objects to the application. It would support a compromise with any road closure beginning at 5pm and 3 compromise options for the bandstand which would involve closing just The Parade or closing just the section of the highway running along High Street/Kingsbury Street from the Town Hall to Silverless Street or just New Road (the existing proposed site for the bandstand and part closure).”

Main Considerations for the Council

12. In the light of representations received, to decide whether the proposed temporary road closure should be approved.

Safeguarding Considerations

13. There are no Safeguarding Considerations.

Public Health Implications

14. Public safety is a primary objective of the road closure.

Corporate Procurement Implications

15. There are no Corporate Procurement Implications.

Environmental Impact of the Proposal

16. There are no significant environmental impacts associated with the proposal.

Equalities Impact of the Proposal

17. None.

Risk Assessment

18. Marlborough Arts Association has submitted a risk assessment (attached as **Appendix C**) identifying potential hazards and measures to be implemented to ensure safety during the event. Wiltshire Council commissioned a separate safety audit considering a number of alternative options (alongside the organisers preferred option) a copy of which is attached as **Appendix D**).

Financial Implications

19. None.

Legal Implications

20. The Council's procedure for considering and approving temporary road closures for special events is drawn from, and consistent with, the provisions of Section 21 of the Town Police Clauses Act 1847.

Options Considered

21. To:
- (i) Implement the proposals as advertised.
 - (ii) Not implement the proposals.
 - (iii) Implement a closure beginning no earlier than 5pm with the proviso that Marlborough Arts Association submits an event plan that ensures public safety with the road being open prior to 5pm.

Reason for Proposal

22. The Council has prepared a set of guidance notes for event organisers outlining a relatively simple procedure where temporary road closures are requested to facilitate special events.
23. The guidance note admits the possibility of unresolved objections – in that event, the guidance advises:
- “...the Application and the Objection(s) will be passed to the Cabinet Member for Highways and Transport in consultation with the Chair of the appropriate Area Board and the local Divisional Member, who will make the final decision as to whether or not the Closure should be permitted.”*
24. It is clear that there are unresolved objections to the proposed closure, and a decision needs to be taken in that light.
25. In reaching a decision on the proposal for a road closure, the Council needs to consider a number of issues namely:
- public safety
 - impacts on local economy
 - local opinion
 - network management duty (ie the need to minimise congestion and obstruction of the highway)¹
26. In terms of public safety, the Council has considered the risk assessment commissioned by the Arts Association. The Council also commissioned an additional safety audit, which assesses the risks associated with a range of available options.
27. Considerable weight should be attached to the views of the Town Council. It has resolved to object to the application but would however support a compromise with any road closure beginning at 5pm, suggesting 3 compromise options for the bandstand.

¹ Traffic Management Act 2004

28. Marlborough Arts Association have been contacted with details of the comments received during the consultation period inviting them to explore whether local objections might be resolved. The Arts Association have also been advised that if those objections are not resolved, a delegated decision by Cabinet Member would be necessary. MAA have not resolved the objections which were received, hence the need for this report.
29. The Arts Association was advised that Wiltshire Council were minded to consider an option for a closure no earlier than 5pm on the day of the event, with corresponding alternative arrangements put in place to ensure public safety. The Arts Association has responded by confirming that it has discussed this option and “...rejects it *absolutely...*”.²
30. The Council needs to give fair consideration to the implications of the proposal as submitted, but also consider whether there is an alternative arrangement that safeguards public safety without the adverse implications for disaffected traders and the local road network.
31. Having regard to the Council’s safety audit, it is considered that such an option exists, involving a road closure no earlier than 5pm.
32. It would require the Arts Association to submit an event plan that ensures public safety with the road open prior to 5pm, however it is considered that there are no insurmountable issues associated with that.

Proposal

33. That:
 - (ii) A road closure beginning no earlier than 5pm until midnight on Saturday 16 July 2016 is approved, conditional on the prior submission and approval of an event plan that ensures public safety.

The following unpublished documents have been relied on in the preparation of this Report:

None

² email response dated 17th June 2016