

Agenda Item No: 9.9 **Report No:** 124/16
Report Title: Play Streets
Report To: Cabinet **Date:** 28th September 2016
Cabinet Member: Cllr Tony Nicholson
Ward(s) Affected: All
Report By: Nazeya Hussain, Director of Regeneration and Planning
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Purpose of Report:

To agree a process and criteria for agreeing regular road closure orders to enable 'Play Streets' in suitable locations and at suitable times.

Officers Recommendation(s):

- 1** To agree to use the council's existing road closure powers to enable the implementation of Play Streets where requested.
 - 2** To make the agreement to issue a regular road closure for a Play Street to be dependent on agreement from Sussex Police and East Sussex County Council, and to be subject of consultation of all affected parties. Where the proposers cannot show support of at least 60% of affected residents and businesses, or where one or more resident or business can show their interests are particularly prejudiced by the proposal then it will not be allowed to go ahead.
 - 3** To agree that if, once a Play Street is implemented, one or more resident or business shows their interests are being particularly prejudiced by the event then the regular road closure order may be rescinded.
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Reasons for Recommendations

- 1** To enable the implementation of Play Streets to enable children to play out in a community setting, but to ensure that it occurs in safe and suitable locations with the agreement of affected neighbours and businesses.

Information

- 2** **Background**

- 2.1** LDC is responsible for road closures orders, and deals with a number of requests every year for annual or one-off events. Officers were approached by a local resident who wanted to apply for a road closure to allow a Play Street in Lewes.
- 2.2** Play Streets are temporary road closures for 2-3 hours. Starting in Bristol in 2009, they are now established in around 30 local authorities including several London Boroughs, Brighton & Hove (since 2012), and Adur & Worthing (since 2013).
- 2.3** They can take place regularly, but no more often than once a week, on a school afternoon or a weekend morning or afternoon or during school holidays. Generally they only operate during daylight hours. They are designed to allow children to claim back the streets for play. Parents or other carers supervise the play and it acts as a community-building opportunity for the grown-ups. The road is closed off to vehicular movements using signs, though access is allowed to residents to park in existing parking bays.
- 2.4** A play street has taken place in Wheatsheaf Gardens in Lewes in July and September 2016. The events were operated well and attracted positive publicity, with further ones planned in the same road. This pilot was arranged by individual road closure orders for each date, but the proposal in this report will simplify that process.
- 2.5** As with ad hoc road closures, it is up to the organisers of the Play Street to close the road and supervise the movement of traffic. There is no requirement for LDC staff to oversee the process. The organisers will need to obtain the necessary equipment, including high-vis vests etc, but LDC staff will be able to direct them towards sources of advice and suppliers.

Consultation

- 2.6** Local Authorities operating Play Streets usually require evidence of 60% of residents and/or businesses affected by the Road Closure indicating their agreement prior to the application being made. It is proposed that this is replicated for any applications to LDC. It is up to the proposers to undertake the consultation and show evidence of having obtained the support of the affected residents and businesses.
- 2.7** Whilst the test is whether 60% support the Play Street proposal, if a resident or business can show they would be particularly negatively affected by the proposal then that one objection would be given due weight and the road closure order for the Play Street would not be agreed. This also applies once the Play Street is established – so if a neighbour or business can show they have been negatively affected once the Play Street has started to regularly operate then we would be able to rescind the road closure order.
- 2.8** In addition to neighbours, as with all road closure orders LDC would consult Sussex Police and East Sussex County Council to make sure the proposed location for the play street would not affect traffic and public transport unduly. Play streets are only likely to be suitable on no through roads, or residential streets with limited traffic movements that can easily use alternative routes.

Financial Appraisal

- 3** There are no financial implications arising from this report.

Legal Implications

The Legal Services Department has made the following comments:

- 4** Local Authorities operating Play Streets use either the Road Traffic Regulation Act 1984 legislation or the Town Police Clauses Act 1847, depending upon their status as a Local Authority. LDC uses the 1847 legislation for all current Road Closure Orders.

LDC's powers of road closure are limited to those conferred by Section 21 of the Town Police Clauses Act 1847. The amendment of this provision by Section 28 East Sussex Act 1981 extends the power to prohibiting the passage of vehicles along particular streets.

Section 21 does not prevent us from making an order whose effect is to close a road on a regular basis. Therefore LDC would be acting lawfully if it made an occasional order under s 21, even if the road closures specified therein were for regular or frequent closures.

Consultation with affected parties is a must in relation to a proposed street closure occurring at regular times: this encompasses statutory service providers (police, fire, ambulance etc) as well as local residents and businesses who may be prejudiced by the proposal.

A new Order would have to be drafted to allow for Play Streets in Lewes District.

Risk Management Implications

- 5** I have completed a risk assessment. The issues covered by this report are not significant in terms of risk. No new risks will arise whether or not the recommendations are implemented or rejected.

Equality Screening

- 6** There are no equalities implications arising from this report.

Background Papers

- 7** For more information on Play Streets, including a video, see www.playingout.net

Appendices

- 8** None