

PLAYING OUT

Head of Service:	Andrew Bircher, Interim Director of Corporate Services
Wards affected:	(All Wards);
Urgent Decision? (no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Play Streets Terms & Conditions Appendix 2 – Temporary Play Street Application form Appendix 3 – Play Street Consultation form

Summary

The report provides details of the Playing Out (Play Streets) scheme and seeks approval from the Committee to introduce this to the Borough.

Recommendation (s)

The Committee is asked to:

- (1) To approve the introduction of the Playing Out scheme as detailed in the report below.

1 Reason for Recommendation

- 1.1 The below report seeks to introduce the details of the of the Playing Out scheme in the Borough.

2 Background

- 2.1 Playing Out is a not-for-profit organisation set up by parents in 2009, to activate street play across the UK. The term 'Play Street' is now being used interchangeably with Playing out, to refer to the movement of resident-led temporary road closures to allow children to play out in the street where they live.

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- 2.2 Over 90 local authorities have play street schemes around the UK and at least a further 80 are developing one. We know that there are local Councils such as Elmbridge Borough Council and Azur and Worthing Council that are already running this scheme
- 2.3 The scheme, which is supported by Play England, allows for streets that are not a main road or bus route, to be closed to through traffic for short periods of time (up to 3 hours). This is organised by residents, with the agreement of their neighbours and allows children the freedom to play outside in the streets where they live and also helps to bring communities together. Volunteer stewards are at each road closure point and parents are responsible for their own children.
- 2.4 The playing out (play streets) scheme aligns well with some of the Borough's Health and Wellbeing priorities, such as:- Supporting the mental and emotional wellbeing of our residents, Supporting our residents to stay connected, as well as increasing children's physical activity and wellbeing and building strong, inclusive communities that overcome isolation.

3 Current Position

- 3.1 Epsom & Ewell Borough Council already have a process in place for requesting temporary road closures for street parties and events and the road closure process for Playing Out, would follow a similar process and be carried out by the same team.
- 3.2 A web page would need to be set up as well as an online and a paper application form. Links would have to be added to this that refer residents to the 'Playing out' website for guidance, information, and resources. Records of applications would need to be kept in line with the Councils GDPR and data retention policies.

4 Risk Assessment

- 4.1 If EEBC decided to go ahead with this initiative, the responsibilities would be as follows:-
 - 4.1.1 The Council would be responsible for:
 - Providing details of the proposed road closure to SCC highways for their consideration.
 - Providing guidance and a point of contact to help residents plan.
 - Providing a clear way of residents applying for the temporary road closure, this process is currently facilitated through an online application form on our website.

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- Signposting the 'Playing Out' website where residents can download information and resources such as guidance for residents, risk assessment templates and steward training videos.

4.1.2 The Residents would be responsible for:

- Consulting with all residences and businesses within the proposed closure area
- Applying for the road closure within the timescales given considering when and for and how long they would like the road closed.
- Identifying and training volunteer stewards to man the closure points
- Ensuring there is no permanent damage to the Public Highway
- Ensuring parents are aware they are responsible for their own children.
- Ensuring the road closure and re-opening is managed safely using correct signage.
- Completing their own risk assessment to ensure all organisers are aware of any risks and their responsibilities.

Options/Issues

4.2 Accessibility for residents to cones/barriers/road closure signs etc. Some councils offer a pack of these items for a refundable deposit, but this is extra administration for the teams involved as well as physically making sure all items come back each time. It is the Councils intention not to offer equipment. There are, however, packs available to purchase through the 'Playing Out' website or items could be bought online and the Council will be signposting interested residents to this

4.3 As Play Streets are frequent events, unlike normal road closures, it is possible to apply for repeat closures using a single consent application including for several roads over a 12-month period.

4.4 If the Playing Out scheme is approved, we would aim for a commencement date of 1 December 2023, This would allow time to develop a webpage with online forms as well as creating media content. We would then look to review the scheme after a year.

Legal or other duties

4.5 Equality Impact Assessment

4.5.1 Playing Out sessions are inclusive community events and there are no advantages or disadvantages to any protected groups.

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4.6 Crime & Disorder

4.6.1 No issues that arise from this report

4.7 Safeguarding

4.7.1 The organisers attention is drawn to the Terms and conditions ensuring a safe environment for play is created.

4.8 Dependencies

4.8.1 No issues that arise from this report

4.9 Other

4.9.1 None

5 Financial Implications

5.1 If the Council are not providing packs to residents, then the only financial cost would be the Officer time processing the applications and paperwork as well as the initial set up of a web page and online forms.

5.2 **Section 151 Officer's comments:** The set-up and administration costs can be funded from existing budgets.

6 Legal Implications

6.1 There are at least three pieces of legislation in use that can be used to enable a local street play scheme:-

- The 1847 Town Police Clauses Act
- The 1984 Road Traffic Regulation Act chapter 27 Part 11, section 16
- The 1984 Road Regulation Act chapter 27 Part 111, sections 29 and 31

6.2 Each piece of legislation has its advantages and disadvantages which will be assessed depending on the nature of the request received. However, it is anticipated that the majority of the temporary road closures will be processed under the Town Police Clauses Act 1847 as Business Support currently process road closures under this piece of legislation.

6.3 We have contacted Bristol City Council to find out more about their use of the Town Police Clauses Act 1847 for these Temporary Street Play Orders and are awaiting a response at the time of writing.

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- 6.4 Public liability – some councils recommend that residents take this out, but the cost is so prohibitive that it is normally not mandatory. There are a few councils that have made it mandatory, but they have seen very few numbers of applications. Implementation of this scheme is unlikely to expose the Council to any additional liability as it is Surrey County Council as Highway Authority who would bear the responsibility of any road related claim.
- 6.5 Indemnity Clause – To ensure they are meeting their duty of care; many councils ensure their residents are aware of their responsibilities and ask their volunteer residents to sign an indemnity clause.
- 6.6 **Legal Officer's comments:** As above

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Safe and Well
- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations** No issues that arise from this report.
- 7.4 **Sustainability Policy & Community Safety Implications** None
- 7.5 **Partnerships:** None

8 Background papers

- 8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- None