

TITLE	Temporary Closure Remenham 4 (part)
FOR CONSIDERATION BY	The Executive on 22 February 2018
WARD	Remenham, Wargrave and Ruscombe;
DIRECTOR	Interim Director of Environment - Josie Wragg
LEAD MEMBER	Executive Member for Environment - Norman Jorgensen

OUTCOME / BENEFITS TO THE COMMUNITY

The Temporary Closure will allow the Henley Festival to be organised and run in a safe manner whilst enabling residents and visitors to continue to use Remenham Footpath 4 via a short detour.

The Festival Trust applies annually for this closure to enable the safe management and execution of a locally and regionally enjoyed festival.

RECOMMENDATION

The Executive is recommended to:

- 1) approve the making of an Order for the closure of Footpath Remenham No 4, for a closure of an 80m section of the footpath for the set up and de rig of the Festival stage from Monday 9th to Wednesday 11th July 2018 inclusive and from Monday 16th July to Tuesday 17th July 2018 inclusive;
- 2) to include within the closure a 620m section for evening performances from Wednesday 11th July to Sunday 15th July 2018 inclusive and day time performances on Saturday 14th July and Sunday 15th July, under Section 16A of the Road Traffic Regulation Act 1984, subject to the receipt of the requisite consent of the Secretary of State for Transport.

SUMMARY OF REPORT

The Authority is required to consider whether it is necessary for traffic to be restricted for the purpose of facilitating the holding of a relevant event and whether it is reasonably practical to hold the event otherwise than on the highway (in this case a footpath). The applicant has stated that it is necessary to restrict traffic for the holding of the event and that it is not reasonable for the organisers to hold the event other than on the road in question. Therefore a decision is needed on whether to approve the making of the Closure Order if the event is to proceed. The duration of the closure is also required to be approved by the Secretary of State for Transport.

Background

A request has been received from the organisers of the Henley Festival of Music and the Arts for the closure of part of Footpath No.4 Remenham between the hours of:

Day (2018)	Times	Length of closure (metres approx)
Monday 9th July	00.01- midnight	80m
Tuesday 10th July	00.01- midnight	80m
Wednesday 11 th July	00.01- 17: 45pm	80m
Wednesday 11 th July	17: 45 -midnight	620m
Thursday 12 th July	17: 45 - midnight	620m
Friday 13 th July	17:45 - 1:00	620m
Saturday 14 th July	10:45- 14:45	620m
Saturday 14 th July	17: 45 – 2:00	620m
Sunday 15 th July	10:15 – 14:15	620m
Sunday 15 th July	17:45 - 23:30	620m
Monday 16 th July	06:00 - midnight	80m
Tuesday 17 th July	00:01- 23:59	80m

The closure periods from Monday 9th July to Wednesday 11th July 2018 and from Monday 16th July to Tuesday 17th July 2018, are for the build and dismantling periods when there will be movement of equipment and vehicles on the footpath. The closures required for the set up and dismantling of the stage will be for the shorter length of footpath approximately 80m. An alternative route will run parallel to the closed section of the right of way at a distance of approximately 15m from the footpath. Henley Festival will make every effort to re-open the towpath sooner on Tuesday 17th July, as long as it is safe to do so.

The Festival takes place after the Henley Regatta. The Festival's organisers make use of the Regatta's infrastructure such as marquees and stands, which are already in situ. The main Festival events are held on a large 'floating stage' constructed in the river bed, the building of which takes place on and adjacent to Footpath No.4.

As Highway Authority, this Council has a statutory duty under the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority. As such, it is for the Council to consider any application for the closure of a highway, albeit on a temporary basis, in conjunction with this statutory duty.

Notwithstanding the above, in its capacity as a Traffic Authority, the Council is empowered by the Road Traffic Regulation Act 1984 to make an Order to regulate traffic on a temporary basis in order to facilitate the holding of certain events (a "relevant event") on the highway, provided that it is satisfied that the event cannot be held otherwise than on a road. At section 142(1) of the Act the term "road" is defined as any length of highway or any other road to which the public has access and therefore includes any footpath.

If the Order is made as recommended, it would continue in force for more than three days. Section 16B(1)(b) of the 1984 Act provides that, before the Order

can be made, the consent of the Secretary of State for Transport would be required. Since 2009 the Secretary of State, after detailed consideration of the material facts, approved the making of a similar length closure order annually. However, the length of time for the closure and the alternative route requested for 2018 is slightly different to previous years.

The reason for the change of the alternative route is driven by safety concerns which were raised by Thames Valley Police this year. This Festival took place in 2017 a few weeks after the Manchester bombing attack where a suicide bomber detonated a bomb at a crowded venue. Although a similar attack is unlikely at the Henley Festival it cannot be ruled out. As a result of the attack and the meeting with police, the Festival organisers made some changes to their health and safety procedures this year by placing concrete bollards along the closed footpath to prevent vehicular access.

The police advised for the event in 2018 that the alternative route used by the public did not go through the main marquee site where there were guests, performers and the main event entrance but took the public away from the main venue along a metalled path behind the marquees. The alternative route for 2018 was discussed with the police who felt it was preferable for safety reasons, see plan. This would mean that a longer section of Remenham 4 (A-B see map) will need to be closed in 2018 to accommodate the new alternative route.

Further to this, the organisers of the Festival do plan to use the extended closed section of Remenham 4 as part of their licenced event area and conference area to hold activities on the lawn in front of the boat sheds down to the water front. Guests will be able to view activities on the river from the riverbank. Therefore they are requesting an additional section between A and C, see map, to be closed in 2018 to be able to hold the 'relevant event' on the footpath and to ensure that public access is moved further away from the festival site for increased safety of the venue.

For 2018, the Festival has also requested an extended closure for Saturday during the day from 10:45 am to 14:45 pm. The organisers are wishing to develop their work with local community organisations by offering a facility for groups to perform at the Festival using its performance venues. According to the Festival, in many cases local groups cannot perform in the town due to a lack of large enough facilities. The performances will be ticketed to cover the Festival's costs and therefore the footpath closure is required to prevent the public accessing the site.

Whilst there is no legal requirement to consult in respect of the application, the Council agreed at Executive on June 25th 2015, that for applications for temporary closures on rights of way affecting the Thames Path and the Blackwater Valley Footpath, (for special events) the following policy will be adopted: 1) prior consultation will be carried out with the following groups: The Ramblers' Association, The Open Spaces Society, Natural England, the relevant Parish Council and the ward member for the area through which the path is situated; and 2) the decision as to whether a closure will be made will be taken by the Executive unless it is agreed by the Executive Member for Environment that such referral to the Executive is not required.

Consultations were sent out in November to those organisations agreed by the Executive as well as Henley Town Council, who had asked to be consulted in previous years. The deadline for comments was Friday 1st December 2017.

The Ramblers' Association has no objection to the Temporary Closure. There has been no response from Natural England. Remenham Parish Council has stated that they will always have difficulty in agreeing to any extension for closure of any public right of way but they are not objecting to the closure.

The Open Spaces Society has objected to the closure. The issues raised by the OSS in their letter are consider below.

In 2017 there were no complaints or objections to the Temporary Closure of part of footpath Remenham 4 during the Festival in July, from members of the public, local clubs or Remenham residents.

Analysis of Issues

Open Space Society issues	WBC response
Objection to the additional four hours added to the closure time for 2018.	The Festival wants to develop its work with local community organisations by offering a facility for groups to perform using the Festival's performance venue. The performances will be using the floating stage and therefore the footpath is considered to be a part of the Festival venue and closure of the path is necessary at this time to enable the event to take place.
The event could be held elsewhere.	The event uses the same infrastructure as used during the Henley Regatta. It is not a matter for the Authority to state where the organisers should hold the Festival but whether it is necessary to close the footpath or not where they chose to hold the event.
The council must satisfy itself that it is not reasonably practicable for the event to be held otherwise than on a road. The OSS believes that there is nothing about the Festival which requires the use of a road.	The stage is next to the footpath where ticket holders watch the performances. Access needs to be limited to satisfy the licensing requirements and because electrical cabling etc is placed across the footpath. It is therefore considered that it is necessary that the relevant event encompasses the use of the adjoining footpath.
The council needs to be aware of its statutory duty, under section 130 of the Highways Act 1980, 'to assert and protect the rights of the public to the use and enjoyment of the highway.	The duty is effectively suspended during such times as the Council uses its available statutory powers to close the path by legal order,
This is the Thames Path National Trail, a route of international importance, which should not be interfered with merely for a private event.	The legislation does not preclude the making of orders for commercial events or on national trails.

The council needs to 'have regard to the safety and convenience of alternative routes suitable for traffic which will be affected by the order.	The alternative routes identified for use by the public during the closure period is considered to be appropriate for this relatively short term diversion.
The Society urges the council 'to challenge the festival to demonstrate why it cannot operate with the path left in place'.	The council is satisfied that the event cannot be held without the closure of the footpath for the reasons given above.
The OSS states that the alternative route needs to be a public highway.	This is not the case. WBC should only have regard to the suitability and convenience of the alternative route for the traffic affected by the order. The owner of the land agrees annually to the use of their land as an alternative footpath during the closure period.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	The organisers of the Henley Festival pay all legal, advertising costs of the Closure Order.	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other financial information relevant to the Recommendation/Decision
N/A

Cross-Council Implications
N/A

List of Background Papers
Application from the organisers of the Henley Festival Map Letter of objection from the Open Spaces Society Email response from the Ramblers' Association Letter of permission from the Stewards of the Henley Royal Regatta Letter of response from Remenham Parish Council

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