

# Policy and Guidance for Parish/Town Councils operating P/T owned Traffic Management Equipment (TME) on the highway.

## 1 Introduction

- 1.1 The management of the roads within the West Berkshire Council (“WBC”) district (“the District”) is shared between Highways England (“HE”) and WBC. HE has responsibility for the M4 and A34, with WBC being responsible for all other roads.
- 1.2 As the local Highway Authority (“HA”), WBC has a statutory duty to take steps both to reduce and prevent accidents.
- 1.3 WBC works in partnership with a number of bodies in helping to improve road safety in the District through the delivery of the range of road safety measures and initiatives that are outlined in its Local Transport Plan.
- 1.4 WBC’s Speed Intervention Programme (“SIP”) is aimed to help tackle speeding at identified locations. Data collected is employed to enable the WBC Traffic and Road Safety Team to make an informed decision about a solution or the potential next steps and looks to form part of WBC’s casualty reduction targets.
- 1.5 Data is collected using different types of equipment, with some being operated by WBC, and others loaned by WBC to a Parish or Town Council (“P/TC” - to include a group of parish councils joining together for the purpose) and operated by P/TC Councillors or trained volunteers.
- 1.6 Several P/TCs have expressed an interest in purchasing their own traffic management equipment to replace this service, for use at locations where excessive speed is a concern to them.
- 1.7 This Policy and Guidance (“this Policy/Guidance”) sets out the process to be followed to implement such a scheme within the area of a P/TC and answers frequently asked questions.
- 1.8 WBC will be unable to process any data from P/TC owed devices.
- 1.9 P/TCs can present their analysed data to WBC for consideration for further support in WBC’s SIP.
- 1.10 It should be noted that speed limit **enforcement** is the responsibility on the police. If a P/TC considers enforcement is required it will need to contact the local Neighbourhood Policing Team directly with appropriate supporting evidence.

## 2 Purpose

- 2.1 The purpose of this policy is to formalise the use of P/T Council owned traffic management equipment on the Highway. The Council is the Highway Authority for West Berkshire.
- 2.2 The Council is committed to road safety and supporting community concerns about speeding vehicles in West Berkshire as outlined in the Councils Speeding Framework document

- 2.3 Some Parish Councils and Members have expressed frustration with our current practises and therefore the purpose of the Policy is to introduce consistency and ensure safety standards are followed.

### **3 Applicability**

- 3.1 This Policy applies to:

3.1.1 All Parish and Town Councils that wish to purchase/ use parish owned equipment to gather data within West Berkshire.

3.1.2 Other persons including Elected Members, Consultants, Agency staff, volunteers and Contractors working on behalf on the Parish and Town Councils to gather data within West Berkshire.

3.1.3 It is the responsibility of each operative and other person mentioned in Section 3.1.2 to familiarise themselves with and adhere to this Policy.

3.1.4 Adherence to this Policy is a condition of working on the highway or using its assets.

### **4 Policy**

- 4.1 The Policy seeks to guide the parish and Town Councils based on the current national research on the effective exposure of data collection equipment and current Department for Transport (DfT) guidelines around unnecessary street furniture on the Highway.
- 4.2 To ensure WBC are compliant with the requirements of the Road Traffic Act 1998, which states that Highway Authorities have a responsibility to ensure those working on the highway are not only safe themselves but do not become a risk to others.
- 4.3 To ensure compliance with the Road Traffic Act 1984 section 65 – Powers and Duties [F1 traffic] authorities as to placing of traffic signs and section 72 – Powers exercisable by parish or community councils.

### **5 Parish/Town Council owned traffic management equipment (TME)**

- 5.1 P/TCs in West Berkshire that wish to purchase traffic management equipment to undertake data collection (“P/TC TME”) can do so on a self-financing basis - the management and finance of the P/TC TME will be the sole responsibility of the P/TC.
- 5.2 If a P/TC wishes to use a P/TC TME in relation to a public highway they will need a licence from WBC as HA to do so (“the Licence”) – see Appendix 4. Once the P/TC has entered into such an agreement (see further below), they may manage the deployment themselves provided that they comply with this Policy/Guidance.
- 5.3 The P/TC’s are responsible for any necessary training and must ensure operating the P/TC owned TME is fully trained.
- 5.4 The Licence will require the P/TC to comply with regulations for safe and competent working on the highway and third party insurance, effectively becoming a contractor in terms of liability. The requirements below regarding placement periods and location approval will also apply.
- 5.5 Each TME will need to be either (a) a standalone portable device eg by way of a tripod system (b) attached to highway street furniture or lighting columns, or (c) mounted on a temporary post by way of a permanent socket at an agreed location. The cost of the temporary post and permanent socket system is to be borne by the P/TC. If using highway

street furniture or lighting columns permission from Streetworks is required pre-deployment [streetworks@westberks.gov.uk](mailto:streetworks@westberks.gov.uk)

- 5.6 Each TME may **only be deployed on roads with speed limits up to and including 40 mph**.
- 5.7 Any TME product purchased will need to be TOPAS registered OR designed and tested within a certified EN ISO 9001 Quality Management System or nationally recognised equivalent.

## **6 Ground rules**

- 6.1 For clarification of this Policy/Guidance contact [trafficandroadsafety@westberks.gov.uk](mailto:trafficandroadsafety@westberks.gov.uk) (“the email address”).
- 6.2 There are no statutory powers for P/TCs to erect a P/TC TME on a highway so WBC, as HA, must consent to such use and approve each location (“Location” – see Location Approval below).
- 6.3 Ideally a P/TC TME will be placed at any one Location for two weeks but in any event a placement should not exceed three weeks to retain the maximum effectiveness of the TME in managing speed.
- 6.4 A TME should not return to the same Location for a minimum of eight weeks. This is to try and maximise the effectiveness of the TME’s deployment.
- 6.5 The P/TC will be responsible for agreeing and producing a deployment programme for the P/TC TME at each Location in compliance with the Guidance.
- 6.6 A P/TC TME may only be erected and dismantled on the highway by a P/TC operator in accordance with the Licence (or by WBC staff or appointed contractors).

## **7 Location approval**

- 7.1 Appendix 1 gives information on the requirements and criteria that need to be adhered to when considering a proposed Location.
- 7.2 Appendix 3 is the form to be used by the P/TC to propose a Location or Locations to WBC.
- 7.3 Each proposed Location must be checked and approved by WBC or its agent to make sure that it is suitable and safe (if the guidance in Appendix 1 is followed, the likelihood of problems arising is minimised).
- 7.4 If a Location is not approved, WBC will work with the P/TC to seek an appropriate alternative Location.
- 7.5 To submit a request for Location approval the pro forma in Appendix 2 (one per proposed Location) should be completed and returned electronically to the email address.
- 7.6 Approval will be completed within 2 weeks of request.

## **8 Guidance on moving a TME**

See Appendix 2.

## **9 Setting up a Parish/Town Council Deployment Agreement**

- 9.1 It is recommended that the P/TC nominates a lead member/officer to act as a contact point.
- 9.2 Once WBC has approved all the relevant completed paperwork TME can be deployed.

## FREQUENTLY ASKED QUESTIONS

- Q Can P/TCs erect a P/TC TME themselves?
- A Yes, but in order to ensure work is carried out safely it must be undertaken by suitably trained operatives with the appropriate public liability insurance and risk assessment training.
- Q Which P/TC TME design would you recommend?
- A Each TME would have been developed with the supplier to give a robust sign which gives a clear and unambiguous message in the form of standard Department for Transport sign faces which drivers can instantly understand. It will be the decision of the P/TC to decide on the most effective sign based on current research available. Ideal the TME should be TOPAS approved or ISO 9001 compliant.
- Q What vehicle speed over the limit activates the SID?
- A The lowest speed at which the TME should be set to trigger is the ACPO enforcement speed of 10% + 2 mph above the speed limit (the minimum speed at which prosecutions are instituted), ie a minimum of 24mph in a 20 limit, 35mph in a 30 limit and 46mph in a 40 limit.
- Q What if the TME breaks down?
- A The only component which may need replacing every few years is the battery. However, should a fault develop the supplier should be contacted. Any costs to repair the equipment are the responsibility of the P/TC.
- Q Why can't the sign be mounted permanently?
- A1 Because research has proved that the longer the sign stays in one place the less drivers slow down when they see it, and after about two weeks the speed of traffic returns to what it was before the sign was erected, so keeping signs up longer has no effect and may bring them into disrepute.
- A2 Apart from being unsightly, signposts form a potential hazard and can be classified as an "obstruction in the highway", raising issues of liability.
- Q Why isn't WBC paying for these signs?
- A WBC is already has a Speed Intervention Programme and prioritises its resources to those locations where there is a history of personal injury crashes.
- Q What about insurance?
- A The signs remain the property of the P/TC, and it is the responsibility of the P/TC to arrange insurance.

## APPENDIX 1: REQUIREMENTS FOR TME LOCATION APPROVAL

- 1 The posted speed limit must be 20, 30, or 40 mph
- 2 The location must be inside the speed limit and a minimum of 50 metres inside the speed limit terminal sign.
- 3 There must be adequate forward visibility to the location:
  - for a 20mph limit: a minimum of 60 metres
  - for a 30mph limit: a minimum of 90 metres; and
  - for a 40 mph limit: a minimum of 120 metres.
- 4 The sign must not obscure visibility to another sign.
- 5 The sign must not obscure visibility from any access or junction.
- 6 The sign must not obstruct the footway.
- 7 The sign and its face must have at least 500mm clearance from the edge of the carriageway, and if it is sited over a footway at least 2.1m vertical clearance, or over a cycle path 2.4m vertical clearance.
- 8 Each TME will need to be either deployed by using (a) a standalone portable device eg by way of a tripod system (b) attached to highway street furniture or lighting columns, or (c) mounted on a temporary post by way of a permanent socket at an agreed location. The cost of the temporary post and permanent socket system is to be borne by the P/TC. If using highway street furniture or lighting columns permission from Streetworks is required pre-deployment [streetworks@westberks.gov.uk](mailto:streetworks@westberks.gov.uk)
- 9 All proposed locations for TME will require WBC approval prior to any deployment of the TME.

## **APPENDIX 2: NOTES FOR GUIDANCE REGARDING MOVING TME**

It is not possible to cover every eventuality, so if you have concerns that these notes cannot assist with you must contact WBC staff for advice.

### **1 Things you and your operative must consider when moving a TME**

- 1.1 There is always risk associated with working on the public highway and you must ensure that you minimise this risk to both yourself and to others using the highway by:
- ensuring that you are physically able to carry out the task as it involves lifting and carrying;
  - ensuring you have the correct high-visibility jacket, safety boots, hard hat and gloves (if necessary);
  - ensuring your vehicle is parked off the highway wherever possible, or fitted with the appropriate reflective strips and flashing beacon where not;
  - ensuring that sufficient clear sight lines are available for motorists to see what you are doing (60 in a 20mph speed limit/ 90m in a 30mph speed limit/120m in a 40 mph speed limit);
  - ensuring you have the necessary training to set up / set down access and move the TME, and have a firm and level base upon which to place it.
- 1.2 You should undertake a risk assessment for the erection and removal of the sign and identify the control measures to be taken to minimise risk to the operative and all road users. The risks to be considered must include as a minimum:
- an operative falling, being struck by a vehicle or injured through lifting;
  - a member of public injured by a road traffic accident associated with the works.
- 1.3 You should produce a method statement for the safe erection and removal of the sign.
- 1.4 The operator(s) must be competent to perform the operation according to the method statement.

### **2 Legal requirements when deploying/removing a TME**

- Have you placed the signs correctly for other road users to understand what is going on?
- Are you wearing the correct safety equipment?
- Have you placed your vehicle off the highway, or if that is not possible, is fitted with the correct beacon and reflective markings?
- Do you have the correct insurance for both the vehicle to be used for this purpose and for yourself to be carrying out the task?
- Have you taken all appropriate steps to minimise the risk to yourself and other road users when carrying out this task?

### **3 Equipment you must have**

- Correct personal H&S equipment.
- Correct safety equipment for your vehicle if it has to be parked on the highway.
- Access equipment for the deployment / removal of the TME.

#### **4 General issues you must consider**

- Is it clear to other road users what is going on?
- Have I got all the necessary safety equipment available?
- Can I carry out the task safely in the present weather conditions/ remaining daylight/ etc?
- Have I minimised the risk to myself and other road users by correctly following these guidance notes, or do I need to get some further advice from WBC?

**Finally – you must always ask yourself, “If I was driving/walking down the road and came across these works, would I clearly see what was going on and would I understand what I need to do to avoid an accident?”**

It must be remembered that a minimum footway clearance of 1.2m must be maintained around the work site to allow pedestrian access past. A minimum of 0.5m sideways clearance must be maintained from the edge of the carriageway to the work site where no footway is present. If the sign is sited over a footway at least 2.1m vertical clearance is required or for a cycle path a minimum of 2.4 clearance is required.

**At all locations, any vehicles associated with the deployment/removal of the apparatus MUST be removed from site to a suitable location to ensure lines of sight and clear footway/carriageway are maintained at all times during the operation.**

# APPENDIX 3 –REQUEST TO APPROVE LOCATION(S)

Return this form to: [Trafficandroadsafety@westberks.gov.uk](mailto:Trafficandroadsafety@westberks.gov.uk)

Site Reference					
Parish					
Location					
Speed Limit					
Description of TME placement					
Dates of TME deployment					
Parish Contact	Name				
	Contact Number				
	Date				
Parish Licensed Operators	Name				
	Name				
	Name				
	Name				
	Name				
Site approved by WBC	Name				
	Contact Number				
	Date				
Map of Site (www.bing.com/maps)					



**APPENDIX 4**

**LICENCE  
PURSUANT TO s72 ROAD TRAFFIC REGULATION ACT 1984**

**WEST BERKSHIRE COUNCIL**

and

**[FULL NAME OF PARISH/TOWN COUNCIL]**

WBC File ref: [T&C/TRSCE/1/2019](#)

Head of Legal Services  
West Berkshire Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

**LICENCE** pursuant to s72 Road Traffic Regulation Act 1984

Dated this [ X ] day of [ X ] 20[ X ]

**BETWEEN (1) WEST BERKSHIRE COUNCIL** of Market Street, Newbury RG14 5LD (“the Council”) and **(2) [FULL NAME OF PARISH/TOWN COUNCIL]** of [address for service of Parish/Town Council] (“the Licensee”)

**WHEREAS**

- (1) The Council is the Highway Authority for the district of West Berkshire (“the District”).
- (2) The Licensee wishes to enter into a Licence with the Council for the purposes of providing on or near any highway for motorised vehicular use (other than a footpath or bridleway) within the District (“Highway”) a traffic sign or signs indicating a warning of the existence of any danger and associated equipment, collectively known as Traffic Management Equipment (“TME” which phrase shall refer to a single TME or multiple TMEs as the context requires).
- (3) The Council has a “Policy and Guidance for Parish and Town Councils considering purchasing Traffic Management Equipment (TME)” (“the Policy”) and the Licensee acknowledges receipt of a copy of the version current at the date of this Licence. Amongst other things the Policy sets procedures for agreeing, and guidance in respect of, locations for the siting of the TME (“Location”).
- (4) The Council is satisfied pursuant to s72 Road Traffic Regulation Act 1984 that the TME will be used for the purposes of warning of the existence of a hazard such as excessive speed and further that pursuant to s2 of the Local Government Act 2000 that the presence of the TME at a Location on or near a Highway is likely to promote the economic social and environmental wellbeing of West Berkshire residents.
- (5) The Council hereby grants to the Licensee and the Licensee hereby agrees to a Licence pursuant to s72 Road Traffic Regulation Act 1984, s2 Local Government Act 2000, s111 Local Government Act 1972 and all other enabling powers.

**NOW THIS LICENCE WITNESSES AS FOLLOWS:**

- 1 This Licence is personal to the Licensee and its successors and shall not be assigned to any third party.

- 2 The Licensee warrants that it owns or has exclusive control of the TME for the purposes of this License and will meet any operating or maintenance costs associated with the TME and/or any costs of repair or replacement if the TME is damaged or stolen.
- 3 The Licensee shall abide by the provisions of the Policy (or any subsequent version that has been notified to it) and deploy the TME in accordance with its provisions.
- 4 In particular the Licensee shall seek agreement from the Council to each and every Location for deploying the TME in accordance with the Policy and this Licence. The Licensee shall only deploy the TME at such a Location when written approval has been received from the Council.
- 5 The Licensee shall ensure that any operation involved in siting the TME at a Location or in moving the TME from one Location to another complies with all necessary signing and guarding measures (for example the provision of barriers, lamps, traffic signs) and relevant safety measures (including the wearing of personal protective clothing and safety equipment at all times).
- 6 The Licensee shall be responsible for ensuring the training, and health and safety, of any person engaged on its behalf to carry out any works or operations under this Licence.
- 7 The Licensee shall be responsible for ensuring that the installation use and maintenance of the TME complies with all relevant existing and future United Kingdom legislation so long as the TME remains on a Highway.
- 8 The Licensee hereby indemnifies the Council in respect of all reasonable actions demands expenses and proceedings arising out of or in connection with or incidental to the placing or presence of the TME on a Highway in respect of the Licensee's legal liability arising out of this Licence.
- 9 The Licensee shall without prejudice to its liability to indemnify the Council be insured against public liability risks for a sum of at least five million pounds (£5m) in respect of any one claim and shall ensure that any person carrying out installation repair or maintenance work to remove or replace the TME or move the TME from one Location to another is similarly insured.
- 10 The Licensee shall upon the reasonable request of the Council produce its relevant policies of insurance together with receipts for the premiums paid.
- 11 Should the Highway at a Location cease to be a Highway then the TME shall be removed forthwith at the expense of the Licensee and to the satisfaction of the Council.
- 12 Should the TME in the opinion of the Council cause an obstruction to users of the Highway then the Council reserves its right to serve the appropriate notice under the Highways Act 1980 requiring removal of the obstruction.

13 This Licence shall be terminable by either party upon three months written notice being given to the other party at their address recorded in this Licence.

14 The Council may withdraw this Licence on giving fourteen days' notice in writing to the Licensee if:

- (i) the Licensee fails to comply with any of the conditions specified in this Licence or with the Policy; or
- (ii) the Licensee ceases to use or has abandoned the TME or gives an indication that it intends to do so; or
- (iii) the Council considers the withdrawal necessary for the purpose of the exercise of its powers and duties as Highways Authority.

15 Where the Licence is withdrawn or surrendered the Council may:

- (i) remove the TME to which the Licence relates and reinstate the Highway and may recover from the Licensee the expenses incurred by them in so doing; or
- (ii) if satisfied that the Licensee can do so, within such reasonable time as the Council may specify, authorise the Licensee at its expense to remove the TME and reinstate the Highway (for the avoidance of doubt a further specific Licence would be required for such works).

Signed by West Berkshire Council acting by [name and role]

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Signed by [full name of Parish/Town Council] acting by [name and role]

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