



Temporary Play Street Orders

Updated May 2021

Introduction

Since Bristol City Council introduced the UK's first 'Temporary Play Street Order' in 2011, at least 85 other local authorities have implemented similar policies, allowing residents to make a one-off (usually annual or biannual) application to open their street for children to play out freely on a regular basis - usually up to 3hrs/week.

Most streets are doing this following the resident-led 'playing out' model, where through-traffic is diverted but residents still have car access. Along with official 'Road Closed' signage and barriers, volunteer stewards redirect traffic and escort vehicles in and out at walking pace.

Many local authorities have shown an interest in supporting this model of resident-led street play as it has been shown to be 'do-able', sustainable, low risk and low-cost. There has been some confusion over the legal basis for implementing a 'TPSO' or street play policy as there are several possible routes on offer, but as of August 2019, there is now official guidance from the UK government (see below). This briefing aims to help local authorities understand the legalities and to suggest best practice, based on the experience of councils and residents around the country.

The Playing Out website www.playingout.net contains detailed film and written guidance for residents wanting to follow this model as well as evidence of the health and wellbeing impact for children and communities.

Legal framework

There are currently three different pieces of legislation being used by councils to enable play streets. These are listed below, with some pros and cons under each one.

1. 1847 Town Police Clauses Act

<http://www.legislation.gov.uk/ukpga/Vict/10-11/89/contents>

Used by many local authorities in England to enable events and street parties. More recently used by Bristol and many other local authorities outside London to allow 'Temporary Play Street Orders' (TPSO).

Positives:

- Minimal bureaucracy, no requirement for permanent signage.
- Flexible: Enables councils to make order to close street "whenever it is thronged...or likely to be obstructed" i.e. not just for special events.
- No advertising costs.
- No limit on number or length of closures.
- Already being successfully used by many local authorities for this purpose and legally tested.

Issues/questions:

- Not applicable in London (replaced by Metropolitan Police Act)
- Predates motor vehicles and may be rescinded at some point

FFI on using 1847 Act contact: Duncan Venison, Bristol City Council Highways Team.

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2. 1984 Road Traffic Regulation Act chapter 27 Part II, section 16 (DfT-recommended legislative route)
<http://www.legislation.gov.uk/ukpga/1984/27/section/16A>

Positives:

- This is the legal route for Play Streets recommended by the Department for Transport: see [guidance here](#) and 2019 [letter from the minister to all council CEOs here](#)
- More up to date than TPCA and universally applicable across England, Wales & Scotland
- May allow for regular closures on one street under a single annual order (see section 16B, 6)
- No requirement for councils to advertise in newspaper

Issues/questions:

- Orders lasting more than 3 days or for repeat closures still need Secretary of State approval a minimum of 4 weeks prior to the event

3. 1984 Road Traffic Regulation Act chapter 27 Part III, sections 29 & 31
<http://www.legislation.gov.uk/ukpga/1984/27/section/29>

The Street Playgrounds clause gives councils the power to temporarily prohibit traffic on roads to be used as playgrounds ('Play Streets') and to make bylaws pertaining to this and erecting permanent signage. In the 1950's and 60's there were nearly 700 play streets in London. Most original 'Play Streets' have fallen out of use due to the volume of traffic although some signs are still in place. Some London boroughs (including Hackney, Waltham Forest, Islington, Lambeth) are now using this law to allow for 'playing out' sessions.

Positives:

- Clear piece of legislation unequivocally allowing restriction of traffic for children's play
- Long history and tradition
- Official 'Play Street' signage may help increase awareness amongst drivers (though DfT have confirmed that temporary signage alone can be used)
- Gives residents flexibility to decide the frequency the street will be closed for play (e.g. 2-6pm weekends, April-Sept or 4-7pm, Tuesday and Thursday).
- Universally applicable across the UK.
- Period of order can be limited (e.g. to one year) – not necessarily permanent (ensuring continuous resident support).

Issues/questions:

- Cost. Requirement to advertise in press at cost to LA as above
- Single annual advert may be only cost-effective option, meaning less flexibility for streets. Many authorities set deadlines for streets to apply, which is limiting and can discourage residents.
- Permanent 'Play Street' signage alone no longer sufficient to ensure driver compliance and safety for children (stewards and 'road closed' signs still needed).

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Best Practice for Temporary Play Streets

If councils wish to support residents to follow the 'playing out' model using the guidance and resources freely available on the Playing Out website, we strongly recommend the following considerations when drafting a local play street policy and procedure, based on best practice from Bristol and elsewhere. It is also well worthwhile looking at other councils' application forms and guidance so as not to entirely reinvent the wheel.

1. Political and council-wide support.

- It helps enormously to gain high-level political support for play streets and children's right to play out more generally.
- Different council departments including Housing, Highways, Public Health and Communities should all understand what play streets are and the benefits for children and communities.
- The local authority should host a steering group including key council officers, resident-activators, community organisations and police, to ensure the policy and practice is working well.

2. Good policy.

- Do not charge residents for processing applications. The public health benefits for children alone far outweigh the minimal administrative costs to the council.
- Make the application form/process simple, accessible and easy for residents to use.
- One annual application form should allow for multiple play street closures.
- Don't set any limit on the number of closures per year and let residents choose the days/times that suit them (within reason).
- Don't set deadlines for applications but accept them year-round.
- Signage and barrier requirements should ensure safety without being too onerous for residents.
- The Order should be clear that all through-traffic is prohibited and vehicles may enter or leave the road *only at walking speed and under supervision, once the road is clear of children playing.*
- Keep consultation requirements reasonable. A formal letter to all households within the closure area is good practice to ensure any concerns can be addressed.
- Permission should only be refused where objections outweigh support on the street, or where there are genuine safety concerns.
- Allow residents to make more than one application during a year, so that they can trial the idea or change the day/time if it becomes unworkable.
- Ask residents to sign a reasonable indemnity clause rather than insist on public liability insurance (which could prove a major barrier for many streets).

3. Promotion to parents and residents.

- Have a dedicated, resident-facing web page for play streets, signposting clearly to www.playingout.net and other sources of support.
- Ensure all promotion is aimed at motivating parents to take action (see Playing Out toolkit for more info).

4. Guidance and support for residents.

- Have a clear point of contact for residents within the council - someone who understands and supports the idea.
- Offer residents personal advice on road closure layout, correct signage etc.
- Provide residents with simple (easy to store) signage and barriers for duration of their order.
- Where possible, objections should be resolved between neighbours but the council can help mediate or offer practical solutions (e.g. having a one-off 'trial' session or moving the road closure to another part of the street).
- Residents should be required to follow standard procedure for placing signage, cones etc. in the street and to ensure two stewards are at each road closure point at all times. (Ask residents to follow the guidelines in Playing Out's 'manual for organisers', 'Step 4' video and steward briefing).
- It should be clear in guidance notes that *parents are responsible for their own children* at all times.
- Make it clear to residents that there is no obligation to close the road every time they have permission to do so and should only go ahead if there are sufficient stewards and it is safe to do so.
- Clearly signpost residents to www.playingout.net for free advice, resources and to join the national Playing Out network.
- Encourage and support local peer-support groups and networks to form. Signpost to these and to any other local sources of support.
- As well as providing road closure 'kit' to all streets, the council can directly or indirectly provide hands-on support for streets or estates where needed (e.g. printing letters, attending resident meetings and first sessions). See our council toolkit for more info.