



<b>Subject:</b>	<b>Roads (Miscellaneous Provisions) Act (NI) 2010 – Road Closures for Special Events</b>
<b>Date:</b>	14th December, 2016
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
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<b>Is this report restricted?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
<b>1.1</b>	To inform the Committee that the Department for Infrastructure (“the Department”) has begun the legislative process which will commence, on 1st January, 2017, those parts of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Act) relevant to the holding of special events on roads.
<b>1.2</b>	From that date, councils will assume responsibility for dealing with requests to hold special events on all public roads apart from special roads (which are mainly motorways) for which the Department assumes responsibility.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the contents of this report and that proposals will be presented at a future meeting regarding its role in determining applications for an Order to temporarily prohibit or restrict the use of public roads in connection with special events.
<b>2.2</b>	A report outlining fee charging options will also be presented to you at a future meeting for your consideration.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 received Royal Assent on the 13th August, 2010 but has yet to be commenced.
<b>3.2</b>	Currently there is no statutory basis to close roads for special events. At the moment the PSNI close any road being used to hold an event, such as the Christmas Light Switch-on, but this has been done on the basis of their general powers for public safety and to protect the safety of road users.

3.3	The legislation will provide councils with the power to prohibit or restrict traffic using roads to facilitate special events taking place on roads.
3.4	The Act defines special events as any sporting event, social event, entertainment or the making of a film which is held on a public road.
3.5	From 1st January, 2017, a person wishing to close a public road for a special event will be required to apply to the council and, after public notification and consultation with various statutory bodies including the PSNI and NIFRS and after receiving the consent of the Department, the council will determine if a Road Closure Order is to be made.
3.6	The Department, through Transport NI, will still maintain responsibility for the closure of special roads, such as motorways and the Westlink.
3.7	Members may recall that the legislation was previously planned to commence in 2013 and at a meeting of the Licensing Committee on 20th March, 2013 it was agreed that the Council be recommended to delegate authority to the Licensing Committee to determine all applications under the Act for an Order to temporarily prohibit or restrict the use of public roads in connection with special events.
3.8	The Committee also agreed that the need for the Committee to consider all applications be reviewed one year after the commencement of the Order; and that those provisions would come into operation upon publication of the Commencement Order by the DRD, at that time.
3.9	The Committee also considered a report at the same meeting regarding proposed fees and charges for the Act but agreed to defer until its next monthly meeting consideration of the report to enable further information to be obtained in relation to fees, Council costs and the advertising costs for event organisers.
3.10	The recommendations of the Licensing Committee were subsequently adopted by Council at the meeting of 3rd April, 2013. A copy of the minutes from the meeting of the Licensing Committee on 20th March, 2013 is attached.
3.11	However, in May 2013, the then Minister for Regional Development, who was responsible for introducing the Act, chose to defer commencing it until a later date.
3.12	<p>The responsibility for administering the new legislation will include the following duties:</p> <ul style="list-style-type: none"> <li>• validating and processing applications.</li> <li>• publishing a Public Notice and consulting with the relevant agencies.</li> <li>• dealing with representations from interested parties.</li> <li>• preparing Road Closure Orders and ensuring appropriate road closure and diversion signage is in place.</li> </ul>
<p><b><u>Concerns and Impact</u></b></p>	
3.13	<p>Notification that the Act is to be commenced on 1st January, 2017 was received on 16th November, 2016. Whilst the introduction of this new power for local government is welcome, the proximity of the commencement date and the short lead in time of less than 6 weeks is problematic. Issues faced with the short lead in time include, for example:</p> <ul style="list-style-type: none"> <li>• a need to review the potential financial liabilities and costs associated with this including the support currently provided by PSNI (at no cost) for policing and securing these events. It is understood that this may incur costs in the future;</li> <li>• a need to review and assess the advertisement costs of notices under the Act;</li> <li>• a need to review both the Licensing Committee Standing Orders and the Scheme of</li> </ul>

<p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p>	<p>Delegation to allow for the new provisions; and</p> <ul style="list-style-type: none"> <li>• a need to review and agree appropriate and acceptable fee levels with Members for recovering costs from organisers of events.</li> </ul> <p>The introduction of the new legislation will also create an additional workload for the Service. It is difficult to quantify numbers at this stage but events such as St. Patrick's Day Celebrations, Belfast Marathon, Culture Night and Christmas Light Switch-on will require road closures as well as closures for film recordings and any special commemoration events.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>There will be direct financial costs attached to the administration of the new legislation and, whilst such costs may be recovered from applicants, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implication.</p> <p>We have not had the opportunity to factor the role and costs of administrating this legislation into our budget for the financial year of 2016-2107.</p> <p>A separate report outlining fee charging options will be presented to you at a future meeting of the Committee for your consideration.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>The implementation of the Act will be subject to an equality impact assessment to identify any equality issues and we will work with the councils Equality and Diversity Officer to ensure all potential issues are appropriately addressed.</p>
<p>4.0</p>	<p><b>Document Attached</b></p>
	<p>Minute of the meeting of 20th March, 2013</p>