

LICENSING COMMITTEE



Belfast
City Council

Subject:	Road Closure – Categorisation of Events, Fees and Advertising of Notices
Date:	14th February, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, Ext. 6446

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Act) allows the Council to recover the whole of the costs incurred in connection with making an Order relating to the restricting or prohibiting traffic using a road for the holding of special events.
1.2	Members are asked to determine a schedule of fees for applications to close roads and the parameters for placing the legal notice which the Council must publish in respect of each application.
2.0	Recommendations
2.1	Members are asked to consider the information presented and make recommendations, subject to any necessary amendments, as to: <ol style="list-style-type: none"> 1. whether a fee scheme based on indicative notional costs should be established;

2.2	<ol style="list-style-type: none"> 2. the categories and definition of events for which fees will be charged will be those as set out in paragraphs 3.10 – 3.12; 3. the appropriate paper(s) that may be used to advertise an application for an order; 4. the appropriate fees that are set for events; and, 5. if a concessionary fee should be introduced in respect of voluntary organisations or charities and the level of that fee. <p>As these decisions are not a delegated function of the Licensing Committee, any decision will be subject to ratification by Council.</p>
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>The Council is permitted to recover the whole of the costs incurred in connection with or in consequence of making an Order relating to the restricting or prohibiting of traffic using a road for the holding of special events.</p>
3.2	<p>These costs may include:</p> <ol style="list-style-type: none"> 1. Officer time for tasks including: <ol style="list-style-type: none"> a. assessing information relating to the application b. consultation with all relevant parties c. dealing with representations d. drafting the Order e. on-costs such as office accommodation, IT, stationary, training, etc. 2. The cost of placing the advertisement in a local paper. 3. Any other relevant costs associated with the Order.
3.3	<p>There will be other costs which the applicant may be required to meet including:</p> <ul style="list-style-type: none"> • DfI Roads and PSNI costs • Traffic management planning • Erecting signage, cones and barriers, etc. • Insurance
3.4	<p>Further to Party Briefings that took place during September and October 2017, the views of Members have been reflected in the following proposals to assist Committee with your decision making.</p>
3.5	<p><u>SOLACE Working Group</u></p> <p>SOLACE, the umbrella body for the 11 District Council Chief Executives, established a working group to consider how the regulation of Road Closures could be implemented. The Group reviewed a number of key issues but, in particular, considered the setting of fees and how they are charged.</p>
3.6	<p>In considering fees, the SOLACE Working Group was mindful of the potential that the level of fees may deter some event organisers / film producers and be prohibitive to communities wanting to run small scale events such as a street party.</p>

3.7	The SOLACE Working Group recommended that applications fall into two categories as defined below and also suggested the fees to be charged for those categories.
3.8	Whilst there has been agreement in relation to the categories of events the setting of fees has been a matter, for those who have considered them, which each council has been keen to determine individually.
3.9	The legislation enables the Council to recover any costs incurred in dealing with an application from event organisers and film companies. This is discretionary and any decision taken by the Council in terms of recovering costs may be influenced by the nature of an event.
<u>SOLACE Recommendation on Categories of Events</u>	
Small Local Events	
3.10	The event is a small, local, neighbourhood event where people attending are not from outside the street (e.g. street party) or immediate neighbourhood.
3.11	<p>In order to be considered a 'small event', the event should meet the following criteria:</p> <ol style="list-style-type: none"> 1. be held on minor residential roads (e.g. cul-de-sacs or side streets); 2. the proposed road to be closed must not have a bus route along it; 3. the proposed road to be closed must not have a car park located on it which is accessed via the road to be closed (other than a car park for residents of the road); 4. the event must not be publicised for the general public and therefore will not draw in people from the wider area; 5. the event should apply to residents of one or two streets only and not to larger areas of the district/borough/city. It is up to the Council to consider factors such as the proposed attendance figures, etc. when making its decision on whether to grant an Order. 6. the event should finish by 11.00 p.m. and: <ol style="list-style-type: none"> a. Not have a stage built from which entertainment would be provided b. Not have amplified entertainment which may cause nuisance to the wider area c. Not have fireworks, pyrotechnics or bonfires on the street d. Not have alcohol or food <u>sold</u> at the event.
Large Event	
3.12	If the event does not meet the above criteria, then the event will be considered to be a large event.
Estimated Costs	
3.13	<p>The SOLACE working group estimated the following costs were associated with an application (averaging times for both small and larger events):</p> <ol style="list-style-type: none"> a) Estimated time spent for processing application <ul style="list-style-type: none"> • 5 hours' professional officer (@ £25 per hour) • 2 hours' administration officer (@ £18 per hour) <p>Total 7 hours processing time; Approximate cost £165</p>

b) Estimated advertising fees (dependent on council advertising policy)
Approximately £150-£250

SOLACE working group proposed application fees

Small local event

3.14 Proposal is to waive any administration cost but the applicant would be required to pay the newspaper advertising cost (as set on an individual council basis) of approximately £150 - £250.

Large event

3.15 For large events, including filming on the road, the proposed fee will include an application fee of £165 plus the cost of the newspaper advertising of approximately £150- £250.

Belfast City Council proposals

3.16 Following the Party Briefings there was general consensus that the SOLACE approach of classifying events into two categories of small local events and large events was acceptable.

3.17 It was also accepted that, rather than have a fee scheme where recovery of costs is calculated following every individual event, fees should be based on indicative notional costs which will be sufficient, on aggregate, to cover any reasonable costs associated with administering the Act.

Fees

3.18 The estimated cost of officer time involved in processing notional applications for small scale and large events is set out below. A breakdown of the administration costs is attached at Appendix 1.

3.19 Costs are based on current salary and employee on-costs and an estimate of the amount of time necessary, based on experience of dealing with other types of licensing applications, to complete the process to make an Order for:

A large event	£460
A small local event	£220

3.20 These costs do not include the mandatory publishing of a notice of the application by the Council in a local paper.

Publication of a Legal Notice

3.21 The Act requires that the Council must publish a notice in at least one local newspaper circulating in the district and that representations may be made in writing to any application for an Order to close a road for a special event.

3.22 Members will be aware that the Council has brand guidelines which apply to any advert or notice placed in the press to portray an instantly recognisable visual image for the organisation.

3.23	Following these guidelines, a notice, drafted in accordance with the requirements of the Act, was prepared by Corporate Communications and estimated publication costs sought from various Belfast newspapers.																								
3.24	The costs are detailed below and based on an 18 x 2 notice.																								
	<table border="1"> <thead> <tr> <th data-bbox="323 360 1002 389">Newspaper</th> <th data-bbox="1007 360 1211 389">Cost</th> <th data-bbox="1216 360 1417 389">Ave. cost*</th> </tr> </thead> <tbody> <tr> <td data-bbox="323 396 1002 425">Belfast Telegraph</td> <td data-bbox="1007 396 1211 425">£896.83</td> <td data-bbox="1216 396 1417 551" rowspan="4">£573</td> </tr> <tr> <td data-bbox="323 432 1002 461">Irish News</td> <td data-bbox="1007 432 1211 461">£593.28</td> </tr> <tr> <td data-bbox="323 468 1002 497">Newsletter</td> <td data-bbox="1007 468 1211 497">£513.36</td> </tr> <tr> <td data-bbox="323 504 1002 533">Daily Mirror</td> <td data-bbox="1007 504 1211 533">£288.36</td> </tr> <tr> <td data-bbox="323 539 1002 568">Andersonstown News</td> <td data-bbox="1007 539 1211 568">£270.00</td> <td data-bbox="1216 539 1417 694" rowspan="4">£199</td> </tr> <tr> <td data-bbox="323 575 1002 604">North Belfast News</td> <td data-bbox="1007 575 1211 604">£187.20</td> </tr> <tr> <td data-bbox="323 611 1002 640">South Belfast News</td> <td data-bbox="1007 611 1211 640">£187.20</td> </tr> <tr> <td data-bbox="323 647 1002 676">East Belfast and Shankill Mirror</td> <td data-bbox="1007 647 1211 676">£151.20</td> </tr> <tr> <td data-bbox="323 683 1002 712">Belfast Gazette</td> <td data-bbox="1007 683 1211 712">£150.00</td> <td data-bbox="1216 683 1417 712">n/a</td> </tr> </tbody> </table>	Newspaper	Cost	Ave. cost*	Belfast Telegraph	£896.83	£573	Irish News	£593.28	Newsletter	£513.36	Daily Mirror	£288.36	Andersonstown News	£270.00	£199	North Belfast News	£187.20	South Belfast News	£187.20	East Belfast and Shankill Mirror	£151.20	Belfast Gazette	£150.00	n/a
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3.25	It should be noted that the advertising costs in Belfast are generally higher than those suggested by the SOLACE working group.																								
3.26	Presently, the Council has no formal agreed policy on advertising. In most cases notices are placed in two of the three main papers, on a rotational basis, to ensure that all sections of the community are informed. On that basis the average cost of publishing notice of the application would be approximately £1,150.																								
3.27	Taking officer time with advertising costs the estimated total cost to the Council to process an application to close a road would therefore be:																								
	<table> <tr> <td data-bbox="416 1209 1018 1238">A large event</td> <td data-bbox="1023 1209 1126 1238">£1,610</td> </tr> <tr> <td data-bbox="416 1245 1018 1274">A community based / small scale event</td> <td data-bbox="1023 1245 1126 1274">£1,370</td> </tr> </table>	A large event	£1,610	A community based / small scale event	£1,370																				
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3.28	During the Party Briefings, there was unanimous agreement on minimising the cost to applicants regarding our requirement to publish a notice in the newspaper and a number of Parties were supportive of the notice being published in the Belfast Gazette.																								
3.29	The Belfast Gazette is an official newspaper of the UK government and is published by The Stationery Office (TSO) and includes official government related notices. It available only via a subscription.																								
3.30	Further to the Party Briefings, Legal Services has advised that The Belfast Gazette is not considered a 'local newspaper circulating in the district' as per the legislative requirements and the use of same does not adequately fulfil the Council's obligation to notify those who may be affected by the road closure thus has the potential to leave the Council open to challenge from persons affected.																								
3.31	In light of the legal advice, the Committee may wish to consider adopting the same procedures currently agreed for Entertainments Licence advertising and publish the notice in a local newspaper distributed or sold in the area where the special event is being held. Alternatively, if the special event is being held within the City Centre, then the notice will be advertised in either the Belfast Telegraph, Daily Mirror (Northern Ireland Edition), Irish News or Newsletter (Ulster Edition) on a rotational basis as each new application is received.																								

- 3.32 Where a special event extends beyond the City Centre to various areas of the City, such as the Belfast Marathon, then it is proposed that the advert is placed in one of the four main newspapers. These proposals would be regardless of the notice being for a large or small event.
- 3.33 To help heighten awareness about any proposed road closure, the notice will also be published on the Council's website which will benefit from being available over a longer period of time and to a wider audience.
- 3.34 To ensure Members are kept informed, it is also proposed to notify all Councillors directly of any application to close a road for a special event so that your views may be taken into account prior to making an Order.
- 3.35 Additionally, anyone who applies to close a road will be required to demonstrate that they have notified those in the vicinity regarding the road closure. This should ensure that the views of those most affected by the closure are also taken into account.
- 3.36 If the Committee agrees to adopt the same procedures currently used for Entertainments Licensing the overall costs would then be:

Newspaper	Average* Advert cost	Fee** for Large event	Fee** for Small event	Location of event
Belfast Telegraph	£573	£1000	£800	City centre
Irish News				
Newsletter				
Daily Mirror				
Andersonstown News	£199	£650	£400	Outside city centre
North Belfast News				
South Belfast News				
East Belfast and Shankill Mirror				

* Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.

** Fees have been rounded for convenience.

- 3.37 However, if Members are concerned that the above proposals do not adequately fulfil the Council's obligation to notify those who may be affected by a road closure for a large event then an alternative proposal for the placing of a public notice to consider would be that for:

- A large event, advertising would be undertaken in accordance with paragraph 3.26 and that this cost will be borne by the applicant as reflected in the proposed fee at 3.27; and
- A small event, the notice will be published in a local newspaper which is sold or distributed in the area where the road is situated or in 1 of the main papers if held in the City centre.

Concessionary fees

- 3.38 Through the Party Briefings concerns were raised about the impact the Act would have on organisers of community based/small scale events who have limited resources and often rely on small levels of Council funding to assist with the holding of their events.

3.39	In setting the fees in respect of Entertainments Licence applications, the then Department of the Environment had determined that any application for an outdoor licence by a voluntary organisations or charity would benefit from a reduced fee equivalent to 12.5% of the total standard application fee.																					
3.40	A voluntary organisation is defined as an organisation carrying on activities other than for the purpose of gain by the organisation or individual members thereof.																					
3.41	Members may wish to consider setting a similarly reduced fee for voluntary organisations or charities applying for an Order to restrict the use of or close a road for a small scale event.																					
3.42	If Committee were to agree to this concession then, based on the proposed fees at 3.37, the suggested fee for a small event would then be:																					
<table border="1"> <thead> <tr> <th data-bbox="272 658 735 790">Newspaper</th> <th data-bbox="735 658 906 790">Average* Advert cost</th> <th data-bbox="906 658 1086 790">Small event total</th> <th data-bbox="1086 658 1283 790">Concession fee for small events</th> <th data-bbox="1283 658 1469 790">Location of event</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 790 735 831">Belfast Telegraph</td> <td data-bbox="735 790 906 831" rowspan="4">£573</td> <td data-bbox="906 790 1086 831" rowspan="4">£793</td> <td data-bbox="1086 790 1283 831" rowspan="4">£100</td> <td data-bbox="1283 790 1469 831" rowspan="4">City centre</td> </tr> <tr> <td data-bbox="272 831 735 871">Irish News</td> </tr> <tr> <td data-bbox="272 871 735 911">Newsletter</td> </tr> <tr> <td data-bbox="272 911 735 952">Daily Mirror</td> </tr> <tr> <td data-bbox="272 952 735 992">Andersonstown News</td> <td data-bbox="735 952 906 992" rowspan="4">£199</td> <td data-bbox="906 952 1086 992" rowspan="4">£419</td> <td data-bbox="1086 952 1283 992" rowspan="4">£50</td> <td data-bbox="1283 952 1469 992" rowspan="4">Outside city centre</td> </tr> <tr> <td data-bbox="272 992 735 1032">North Belfast News</td> </tr> <tr> <td data-bbox="272 1032 735 1072">South Belfast News</td> </tr> <tr> <td data-bbox="272 1072 735 1106">East Belfast and Shankill Mirror</td> </tr> </tbody> </table>		Newspaper	Average* Advert cost	Small event total	Concession fee for small events	Location of event	Belfast Telegraph	£573	£793	£100	City centre	Irish News	Newsletter	Daily Mirror	Andersonstown News	£199	£419	£50	Outside city centre	North Belfast News	South Belfast News	East Belfast and Shankill Mirror
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3.43	During Party Briefings there was wide support for having no charge applied to small scale events. This is a further option for Members to consider.																					
<p><u>Summary of fee options</u></p>																						
3.44	Attached at appendix 2 is a summary of the options discussed and Members are asked to consider choosing option 1,2 or 3 for the fees and advertising criteria for large events and any of options 1-5 for small events.																					
<p><u>Financial and Resource Implications</u></p>																						
3.45	There will be direct financial costs attached to the administration of the Act by the Council 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 implications for the Council.																					
3.46	As we process more Road Closure applications the resources and costs associated with administering the Act will be reviewed annually to ensure that any necessary adjustments to fees may be brought to Committee for further consideration.																					

3.47	<p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Breakdown of Administration Costs</p> <p>Appendix 2 – Summary of fee options</p>

Road Closure

Administration Cost

Large Event	£ 460
Small Community / Street Party	£ 220

Large scale

Task	Hrs	Rate	Cost	
Pre application discussions	2	£ 43.50	£ 87.00	RS
Validation of application, checks, telephone calls	1	£ 37.00	£ 37.00	TSO
Consultation letters merge, edit and assign to BS. (PSNI, NIFRS, ASNI, Roads)	0.5	£ 43.50	£ 21.75	RS
Meetings may be required with consultees	1.5	£ 43.50	£ 65.25	RS
Assessment of response from consultees	1	£ 43.50	£ 43.50	RS
Merge, edit and assign to BS for a refusal	0.25	£ 43.50	£ 10.88	RS
Prepare notice for advertising	1	£ 43.50	£ 43.50	RS
Viewing proposals with customers that call at the office	0.75	£ 37.00	£ 27.75	TSO
Assessment of representations received	0.75	£ 37.00	£ 27.75	TSO
Assessment of all relevant information relating to the application including submission of insurance requirements and agreement to the undertaking	0.5	£ 43.50	£ 21.75	RS
Merge, edit and assign the Order	0.5	£ 37.00	£ 18.50	RS
Time allocation	9.75			
All tasks			£ 404.63	

Business Support tasks

Task	Hrs	Rate	Cost	
Input procedure for new application	0.25	£ 36.50	£ 9.13	BS
Issue of letters assigned from BCS (up to 4 letters)	0.25	£ 36.50	£ 9.13	BS
Telephone call queries relating to Road Closures	0.5	£ 36.50	£ 18.25	BS
Customer queries at reception	0.5	£ 36.50	£ 18.25	BS
Time allocation	1.5			
All tasks	11.25		£ 54.75	

Total Cost

£ 459.38
Say £ 460

Community Event

Task	Hrs	Rate	Cost	
Pre application discussions	0.5	£ 37.00	£ 18.50	TSO
Validation of application, checks, telephone calls	0.5	£ 37.00	£ 18.50	TSO
Consultation letters merge, edit and assign to BS. (PSNI, NIFRS, ASNI, DRD)	0.75	£ 37.00	£ 27.75	TSO
Assessment of response from consultees	0.5	£ 37.00	£ 18.50	TSO
Merge, edit and assign to BS for a refusal	0.25	£ 37.00	£ 9.25	TSO
Prepare notice for advertising	0.5	£ 37.00	£ 18.50	TSO
Assessment of representations received	0.5	£ 37.00	£ 18.50	TSO
Assessment of all relevant information relating to the application including submission of insurance requirements and agreement to the undertaking	0.5	£ 50.00	£ 25.00	RS
Merge, edit and assign the Order	0.25	£ 37.00	£ 9.25	TSO
Time allocation	4.25			
All tasks			£ 163.75	

Business Support tasks

Task	Hrs	Rate	Cost	
Input procedure for new application	0.25	£ 36.50	£ 9.13	BS
Issue of letters assigned from BCS (up to 4 letters)	0.25	£ 36.50	£ 9.13	BS
Telephone call queries relating to Road Closures	0.5	£ 36.50	£ 18.25	BS
Customer queries at reception	0.5	£ 36.50	£ 18.25	BS
Time allocation	1.5			
All tasks	5.75		£ 54.75	

Total Cost

£ 218.50
Say £ 220

EXPLANATORY NOTES

How was the hourly rate worked out?

The rate is based on the average cost for the Unit. The cost per hour of each officer was taken and the average rate was worked out.

Business Support @ SO2 (£39.50) + Scale 6 (£33.50)
Total £73 , 2 = £36.50

Regulatory Services @ 1 Regulatory Services Manager (£50) + 1 R. S. Officer (£37)
Total £87 , 2 = £43.50

Technical Support Officer @ £37

What is the Hourly rate based on?

The Hourly rate is based on the total cost for an officer including salary, employer's National Insurance contributions, superannuation contributions. This is not what an Officer is paid.

	Options	Large event			Small event		
		Advert	Officer cost	Proposed fee	Advert	Officer cost	Proposed fee
1	Any location, any applicant (see 3.27)	2 main papers	£460	£1610	2 main papers	£220	£1370
2	City centre location, any applicant	1 main paper	£460	£1000	1 main paper	£220	£800
	Outside city centre, any applicant (see 3.37)	1 local paper			1 local paper		£400
3	City centre location, any applicant	2 main papers	£460	£1610	1 main paper	£220	£800
	Outside city centre, any applicant (see 3.38)	2 main papers			1 local paper		£400
4	City centre - Voluntary organisations				1 main paper	£220	£100
	Outside centre - Voluntary organisations (see 3.43)				1 local paper		£50
5	City centre - Voluntary organisations				1 main paper	£220	£0
	Outside centre - Voluntary organisations (see 3.44)				1 local paper		£0

NB. Where a special event extends beyond the City Centre to various areas of the City, such as the Belfast Marathon, then it is proposed that the advert is placed in one of the four main newspapers. These proposals would be regardless of the notice being for a large or small event.