

Report on	The Roads Miscellaneous Provisions Act (NI) 2010 – Streamlining Road Closure Process
Date of Meeting	8 th October 2019
Reporting Officer	Mark Kelso

Is this report restricted for confidential business?		Yes	X
If 'Yes', confirm below the exempt information category relied upon		No	
X	Information relates to financial or business affairs of a person (including the council)		

1.0	Purpose of Report
1.1	To update Members in regards the options for streamlining the road closure process for special events within the Mid Ulster District Council area.
2.0	Background
2.1	Further to previous reports, Members will be aware that The Roads Miscellaneous Provisions Act (NI) 2010 introduced by The Department for Infrastructure (DfI) permits the closure of roads for the holding of special events.
2.2	<p>The above legislation enables Council to deal with requests to close public roads for special events in its area. Special Events are defined as:</p> <ul style="list-style-type: none"> Any sporting event, social event or entertainment which is held on a public road; or The making of a film on a public road (including making TV programmes, films or advertisements).
2.3	<p>Special Events do not include the following:</p> <ul style="list-style-type: none"> Public processions; Motor road races; Cycle races or trials; or Road works
2.4	<p>The underlying principle in relation to special events on roads is that it would not be reasonably practicable to hold the event elsewhere. The restriction or prohibition of traffic using the public road will only be permitted for:</p> <ul style="list-style-type: none"> Facilitating the holding of a special event, or Enabling members of the public to watch a special event, or Reducing traffic disruption in adjacent streets
2.5	Although the legislation provides the Council with the power to prohibit or restrict the use of a public road, an Order cannot be made that would at any time prevent

	pedestrian access to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from and only from the road.
3.0	Main Report
3.1	Following some concerns raised by members at a recent Environment Committee in relation to in the administration of <i>The Roads Miscellaneous Provisions Act (NI) 2010</i> (the Act), it was agreed that a workshop for members should be held and the processes subsequently reviewed.
3.2	A workshop on the 'road closures for special events' was held on 8 th August 2019 attended by members, representatives from the PSNI and Council officers. Apologies were submitted by the Department for Infrastructure.
3.3	Members were refreshed on the administrative procedures surrounding 'the Act' and Officers gave a summary of the situation in relation to number of applications received to date; some of the associated challenges and a brief snapshot of the regional situation in terms of applications, fees and delegated powers (see Appendices 2 & 3).
	Administrative Process
3.4	Members will be aware from previous reports that Council is obliged to follow the relevant administrative procedures when issuing a 'road closure order' for a special event . The process is as laid out in the legislative framework and associated guidance – Appendix 1.
3.5	As of the end of August 2019, MUDC Officers have responded to over 80 road closure queries and have processed / issued 20 road closure applications. The average time to fully process a road closure order has been 16 weeks, with the quickest ones being processed in 12 weeks. The DfI's guidance for event promoters (Appendix 8) recommends that applications are submitted to district councils at least 12 weeks before the proposed event in order to allow adequate time for the required public and statutory consultations to take place.
3.6	When the legislative process for consideration and approval was first considered by Committee in July 2017, members decided that all applications for road closures would be brought before Committee for consideration and approval. As members will be aware this has resulted in additional time being required to process and issue Temporary Road Closure Orders.
	Fee Element
3.7	The average cost to Council from placing a public notice in the press in connection with a road closure for a special event is £222. The most expensive public notice advertised to date has cost £442, however, each application is unique so the costs to both council and the event promoter (who bears the traffic management and other event costs) is largely dependent on the complexity of the closure and the diversionary routes.

3.8	<p>From the regional overview (Appendix 3) it is noted that half of the Councils in Northern Ireland have a fee structure for 'road closures for special events' that is consistent with the current MUDC fee structure set out below:</p> <ul style="list-style-type: none"> • £415 fee levied for large / commercial / filming events • £250 fee levied for small community events
3.9	<p>Council is not fully recovering the cost of administering the 'road closure for special events' function under the current fee structure.</p> <p>Options for Streamlining</p>
3.10	<p><u>Delegated Authority:</u></p> <p>The current procedural arrangements are quite time consuming and make it difficult for Council to facilitate any road closure request that requires an accelerated response . The ability to issue a road closure order as soon as is practicable after the minimum period of 21 days for public representations could be aided by delegating authority to senior officers.</p>
3.11	<p>With this in mind it is proposed that Committee agree the delegation of the administration and issue of Temporary Road Closure Permits to the Director of Public Health and Infrastructure and in his absence the Head of Service, unless and in the event of specific objections being received from statutory consultees and/or complaints which may render the holding of the 'Special Event' to be unsafe .</p>
3.12	<p>In such occasions where objections have been received and mitigating measures cannot be agreed, the applicant and any objectors will be invited to attend a meeting of the Committee to have the issues heard and determined.</p>
3.13	<p><u>Reconsideration of the fee structure:</u></p> <p>Options include-</p> <ol style="list-style-type: none"> 1. Leave the current fee structure in place; or 2. Reduce the administrative fee for large / commercial / film industry applicants, to £250 being levied towards the cost of public advertisement for all applicants (<i>in the event of a complex event the above £250 fee would not meet expected advertisement costs</i>); or 3. Retain the £415 fee levied for large / commercial / filming events and introduce a £250 charge for 'Not for Profit' organisations irrespective of the size of the event, or 4. <i>Specify the details of the advertisement and require the applicant to place the advert in local press and provide proof of same to Council.</i>

3.14	<p><u>Refund policy:</u></p> <p>In the event that the application does not proceed to public advertisement and the applicant decides to withdraw their application, Council will provide a full refund of all fees incurred.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/a
	Human: N/a
	Risk Management: N/a
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
5.0	Recommendation(s)
5.1	Members to note the content of this report and give consideration to the following
5.2	<p><u>Delegated Authority on Roads Closure for Special Events legislation</u></p> <ol style="list-style-type: none"> 1. Agree the delegation of the administration and issue of Temporary Road Closure Permits to the Director of Public Health and Infrastructure and in his absence the Head of Service, unless and in the event of specific objections being received from statutory consultees and/or complaints which may render the holding of the 'Special Event' to be unsafe. 2. In such instances the application to be heard at the next available meeting of Committee
5.3	<p><u>Review Fee Structure</u></p> <p>Members to reflect on the Fee Structure and indicate their preference from Section 3.13 above.</p>
6.0	Documents Attached & References
6.1	Appendix 1 – Legislative Framework – Roads (Miscellaneous Provisions) Act (NI) 2010
6.2	Appendix 2 – Summary of MUDC Road Closure Process – August 2019
6.3	Appendix 3 – Road Closures for Special Events – NI Overview
6.4	Appendix 4 – PSNI Correspondence with Event Promoters
6.5	Appendix 5 – Guidance for Promoters of Events