

RECEIVED
30 JUL 2020
CHIEF EXECUTIVE



Department for
Infrastructure
An Roinn
Bonneagair
www.infrastructure-ni.gov.uk

Anthony Tohill
Chief Executive
Mid Ulster Council
Dungannon Office
Circular Road
Dungannon
BT71 6DT

Engineering Services
Room 2.11
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Email: RoadsEngineeringServices@infrastructure-ni.gov.uk
Website: <https://www.infrastructure-ni.gov.uk/>

Date: 24 July 2020

Dear Stakeholder,

**SPECIAL EVENTS ON ROADS - REVIEW OF THE ROADS
(MISCELLANEOUS PROVISION) ACT (NORTHERN IRELAND)
2010**

The Roads (Miscellaneous Provisions) Act (NI) 2010 was enacted on 13 August 2010 to, in part; provide a defined legal basis under which special events can be held on roads.

The parts of the provisions specifically related to the holding of special events on roads were commenced by an order made on 25 January 2017, with a commencement date of 4 September 2017.

The Department for Infrastructure (DfI) is seeking your views on how the specific special events on roads provisions are operating in practice. We are also seeking any supporting data you may have that would help inform the overall review.

Detail

RECEIVED
13 JUL 2016
11:00 AM
11/07/2016 11:00 AM
The Department is committed to carrying out the review which will primarily be conducted via an online survey issued by the Department on the survey monkey platform.

We are also seeking to gather as much data as possible on a number of areas to help the Department fully assess how the legislation is operating in practice.

As a main stakeholder involved in the special events process, as well as asking you to complete the survey, we would be extremely grateful if you could provide information on the following:

Total number of enquires received about special events		
Total number of applications received for special events		
The number of road closure orders made for special events		
The types of events	Sporting	
	Social /Entertainment	
	Film	
	Other	

We would also seek information on costs, as this is a fundamental difficulty being cited by those with concerns about events.	Average administration cost of producing Order:	
	Average advertising costs of Notice :	

How to respond

Responses should be received no later than **Thursday 24 September 2020**

We would be grateful if you could respond in any of the following ways:

Post to: **Traffic & Development Control Policy Branch
Room 2.11
Department for Infrastructure
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB**

or

Email: Kieran.connolly@infrastructure-ni.gov.uk

RoadsEngineeringServices@infrastructure-ni.gov.uk

If you have any questions on any aspect of this review please contact us by using any of the above methods.

Internet Access

The on-line survey may be freely reproduced and passed on to others. If it is not in a format that meets your needs, please contact us as above and we will arrange for it to be provided in a suitable format.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the review process. Your response, and all other responses to the review process, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this review.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a review. The Department cannot automatically consider as confidential, information supplied to it in response to a review. However, it does have the responsibility to decide whether any information provided by you in response to this review process, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the review is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.

- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office at:

Information Commissioner's Office – Northern Ireland
Room 101
Regus House
33 Clarendon Dock
Laganside
Belfast
BT1 3BG

Tel. (028) 9051 1270
Email to ni@ico.org.uk

Alternatively, see their website at: <https://ico.org.uk/about-the-ico/who-we-are/northern-ireland-office/>

Yours Faithfully,

KIERAN CONNOLLY
Traffic and Development Control Policy Branch

Special Events Review

This survey aims to gather information to support a review of the legislation that is used to close or restrict traffic using a road to facilitate special events taking place - the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010.

The survey is seeking the views of anyone with an interest or involvement with events, be it planning, organising, managing or attending relevant events or anyone impacted by events. It also asks a number of questions about the application of the legislation and associated guidance.

The survey is open for responses until 5:00pm on 24 September 2020 and should only take around 5-10 minutes to complete and if you have any questions on the survey please contact:

Contact Name: Kieran Connolly

Email address: Kieran.connolly@infrastructure-ni.gov.uk

1. In what capacity are you responding to this questionnaire?

- ☐ Event Organiser
- ☐ District Council Administrator
- ☐ Traffic Management Industry
- ☐ Roads Policing
- ☐ Film Industry
- ☐ Attendee

Other (please specify)

2. How many events have you been involved in / attended the past two years?

- ☐ 1-2
- ☐ 3-5
- ☐ 6-10
- ☐ 11-20
- ☐ More than 20

3. What types of events were you involved in / attended?

- ☐ Film production
- ☐ Marathon event
- ☐ 5km /10Km Event
- ☐ Fun Run
- ☐ Street Party
- ☐ Social Event

Other (please specify)



Special Events Process

This section will ask for your views, if any, on the Special Events processes.

4. How strongly do you agree or disagree that the Special Events process met your needs?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Please provide any comment



5. Do you think there are any aspects of the process that you feel could be improved?













- Please provide any comment



Special Events Guidance
This section will ask you for your views on any of the Special Events guidance you may have used.



















Question Title

6. Did you use the Department's guidance documents at any time?

	Yes	No	N/A
 Special events On or Near Public Roads RSPPG E076 https://www.infrastructure-ni.gov.uk/publications/special-events-or-near-public-roads-rsppg-e076	 Special events On or Near Public Roads RSPPG E076 https://www.infrastructure-ni.gov.uk/publications/special-events-or-near-public-roads-rsppg-e076 Yes	 Special events On or Near Public Roads RSPPG E076 https://www.infrastructure-ni.gov.uk/publications/special-events-or-near-public-roads-rsppg-e076 No	 Special events On or Near Public Roads RSPPG E076 https://www.infrastructure-ni.gov.uk/publications/special-events-or-near-public-roads-rsppg-e076 N/A
 Special events on Roads – Guidance for District Councils https://www.infrasstructure-ni.gov.uk/publications/special-events-roads-guidance-notes-district-councils	 Special events on Roads – Guidance for District Councils https://www.infrasstructure-ni.gov.uk/publications/special-events-roads-guidance-notes-district-councils Yes	 Special events on Roads – Guidance for District Councils https://www.infrasstructure-ni.gov.uk/publications/special-events-roads-guidance-notes-district-councils No	 Special events on Roads – Guidance for District Councils https://www.infrasstructure-ni.gov.uk/publications/special-events-roads-guidance-notes-district-councils N/A
 Special events on Roads – Guidance for Promoters https://www.infrastructure-ni.gov.uk/publications/special-events-roads-guidance-promoters-events	 Special events on Roads – Guidance for Promoters https://www.infrastructure-ni.gov.uk/publications/special-events-roads-guidance-promoters-events Yes	 Special events on Roads – Guidance for Promoters https://www.infrastructure-ni.gov.uk/publications/special-events-roads-guidance-promoters-events No	 Special events on Roads – Guidance for Promoters https://www.infrastructure-ni.gov.uk/publications/special-events-roads-guidance-promoters-events N/A

Question Title

7. How strongly do you agree or disagree with the statement - 'The Department's guidance documents were useful?'

How strongly do you agree or disagree with the statement: The Department's guidance documents were useful						
	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	N/A - did not use guidance
Special events On or Near Public Roads RSPPG E076	 Special events On or Near Public Roads RSPPG E076 Strongly agree	 Special events On or Near Public Roads RSPPG E076 Agree	 Special events On or Near Public Roads RSPPG E076 Neither agree or disagree	 Special events On or Near Public Roads RSPPG E076 Disagree	 Special events On or Near Public Roads RSPPG E076 Strongly disagree	 Special events On or Near Public Roads RSPPG E076 N/A - did not use guidance
Special events on Roads – Guidance for District Councils	 Special events on Roads – Guidance for District Councils Strongly agree	 Special events on Roads – Guidance for District Councils Agree	 Special events on Roads – Guidance for District Councils Neither agree or disagree	 Special events on Roads – Guidance for District Councils Disagree	 Special events on Roads – Guidance for District Councils Strongly disagree	 Special events on Roads – Guidance for District Councils N/A - did not use guidance
Special events on Roads –	 Special events on Roads	 Special events on Roads	 Special events on Roads	 Special events on Roads	 Special events on Roads	 Special events on Roads

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	N/A - did not use guidance
Guidance for Promoters	– Guidance for Promoters Strongly agree	– Guidance for Promoters Agree	– Guidance for Promoters Neither agree or disagree	– Guidance for Promoters Disagree	– Guidance for Promoters Strongly disagree	– Guidance for Promoters N/A - did not use guidance

Please provide any further information or reasons for your response

Question Title

8. How strongly do you agree or disagree with the statement - 'The Department's guidance documents could be improved?'

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
Special events On or Near Public Roads RSPPG E076	<input type="radio"/> Special events On or Near Public Roads RSPPG E076 Strongly agree	<input type="radio"/> Special events On or Near Public Roads RSPPG E076 Agree	<input type="radio"/> Special events On or Near Public Roads RSPPG E076 Neither agree or disagree	<input type="radio"/> Special events On or Near Public Roads RSPPG E076 Disagree	<input type="radio"/> Special events On or Near Public Roads RSPPG E076 Strongly disagree	<input type="radio"/> Special events On or Near Public Roads RSPPG E076 Don't know
Special events on Roads – Guidance for District Councils	<input type="radio"/> Special events on Roads – Guidance for District Councils Strongly agree	<input type="radio"/> Special events on Roads – Guidance for District Councils Agree	<input type="radio"/> Special events on Roads – Guidance for District Councils Neither agree or disagree	<input type="radio"/> Special events on Roads – Guidance for District Councils Disagree	<input type="radio"/> Special events on Roads – Guidance for District Councils Strongly disagree	<input type="radio"/> Special events on Roads – Guidance for District Councils Don't know
Special events on Roads – Guidance for Promoters	<input type="radio"/> Special events on Roads – Guidance for Promoters Strongly agree	<input type="radio"/> Special events on Roads – Guidance for Promoters Agree	<input type="radio"/> Special events on Roads – Guidance for Promoters Neither agree or disagree	<input type="radio"/> Special events on Roads – Guidance for Promoters Disagree	<input type="radio"/> Special events on Roads – Guidance for Promoters Strongly disagree	<input type="radio"/> Special events on Roads – Guidance for Promoters Don't know

If you answered strongly agree/agree, please provide any further information or reasons how the guidance could be improved.

Special Events legislation

This page will ask you for your views on Special Events legislation and your awareness of it.

9. Are you aware of the underlying legislation associated with the special events – Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010?

- ☐ Yes
☐ No

10. If you answered yes to the previous question, are there any aspects of the legislation that you feel could be improved?

- ☐ Yes
☐ No
☐ n/a

If yes, please provide any further information.

11. If you have any further comments specifically in relation to the legislation that you

Any further comments

12. If you have any further general comments in relation to Special Events issues that you feel would be useful, please provide them below.

13. If you would like to opt in to allow us to contact you directly in future regarding any developments , communications or research in this area, please provide an email address in the box below.

environmentalhealth@midulstercouncil.org

10 September 2020

Mr Kieran Connolly
Traffic & Development Control Policy Branch
Room 2.11
Department for Infrastructure
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Dear Mr Connolly

Special Events on Roads – Review of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010

Further to your letter dated 24 July 2020 seeking views on the special events on roads legislation, Mid Ulster District Council welcomes the review into the above legislation and also the opportunity to provide feedback on the Council's administration of the legislative provisions following its commencement on 4th September 2017.

The Council wish to highlight the following areas of concern and make comments as set out below:-

1. Council Role

The purpose of the legislation is to close roads to facilitate the holding of special events activities such as sporting and social activities; fun runs; street parties; Christmas lights switch on and the making of films etc. in a safe manner.

This purpose is akin to the traffic management process already operated by Department for Infrastructure to manage the closure of roads for utility and other works associated with the public road, thereby not only ensuring the safety of other road users but also minimising the disruption to others who may be affected by proposed works.

Council's role in making road closures for special events within the current legislative framework is purely administrative in nature, with very limited decision-making. The Council's administrative role is time consuming and costly.

Whilst it is recognised there is a clear need for road safety on a public road and that all work associated with live traffic is a serious issue, it is Council's view that this legislative remit should fundamentally remain both with DfI (Roads) who have the necessary road safety and traffic management expertise to assess and process each application for closure and also with the PSNI who have the associated enforcement responsibility.

2. Costs and impact on event organisers

There has been considerable representation made to council officers and elected members by potential applicants in relation to the costs associated with applying for a road closure for special events.

There are significant costs to event organisers in seeking a road closure application, namely traffic management costs which can be significant; public liability insurance and advertisement fees. As many applicants are community groups and other organisations who operate on a not for profit basis, the council has now waived their administration fee so the cost is now absorbed on behalf of these applicants.

3. Costs to Councils

The resource implications to Council in administering the scheme are considerable and are not fully cost recovered through the process, as mentioned above. Additional costs exist over and above those associated with actual applications and they primarily relate to the queries and questions in relation to the process. These costs to Council not only include the time spend on dealing with the queries but also include the wider impact of diverting officer resource away from statutory and other functions that Council do have a clear legislative or enforcement role and input to.

4. Public Notification in the press

The road closure legislation prescribes that public notification be undertaken by way of advertisement in the public press. Although this element of the process is cost recovered by Council, it contributes to the significant costs that applicants, many of whom are operating on a not-for-profit basis for the benefit of the local community can ill afford. This cost could be eliminated through the use of advertisement via relevant websites of statutory agencies.

5. Inconsistency of approach

The process involved in DfI's remit for issuing road closure orders for utility works and closures to facilitate "off-road" special events, is much more streamlined and expedited than the more onerous one that Councils are expected to complete under the Roads Miscellaneous Provisions Act (NI) 2010 and associated guidance. DfI may be better placed to administer the closure of roads in its entirety, rather than to split the administration with Councils.

6. Enforcement

Enforcement associated with road closures for special events is the remit of PSNI. As Councils do not have any decision making, monitoring or enforcement role under the legislation local government may not be the best placed agency to administer the process.

7. Appeal Mechanism

Should final consent for an application for a road closure order be refused by the DfI following consultation with other agencies facilitated by Council, applicants have no redress

via an appeal's mechanism. Given that Council engage with applicants and are responsible for informing them of the outcome of applications, Council may receive poor press and reputational damage in connection with a decision that they have not made.

8. Equality or Good Relations impact

The legislation although initially subject to an equality assessment in 2009/10 was enacted in 2017 without further assessment despite the revision of equality legislation. Given the representations made to council from various sectors of the community it would appear that the legislation has had more than a minor adverse impact on certain groups and further assessment and potential mitigations are likely to be necessary to reduce this inequality.

9. Small Scale Events

The DfI Guidance refers to exemptions for small events, however the scope of this exemption is sufficiently narrow to exclude many small scale community events that require a road closure for a very limited time or section of road.

Similarly, the implementation of the DfI guidance appears to have had a disproportionate effect on certain sporting organisations and events, such as small charity runs and regular sessions organised by small running clubs. A number of these road running events have either been relocated off-road or have not taken place due to the prohibitive nature of the traffic management and other costs.

Requested Data for MUDC (1 January 2018 – 20 August 2020)

Total number of enquiries received about special events	118	
Total number of applications received for special events	33 <i>(this includes 1 event transferred to DfI in line with their guidance)</i>	
Number of road closure orders made for special events	25	
Types of events	Sporting	18
	Social / Entertainment	14
	Film	0
	Other	1
Information on costs, as this is a fundamental difficulty being cited by those with concerns about events.	Average admin cost to Council in producing Order	£320 <i>(This cost is not fully recovered by Council, however the council's fee structure, £165 is recovered from a small percentage of applicants)</i>

	Average advertising costs of Notice	£221 <i>(this cost is recovered from all applicants by way of a fee)</i>
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Additional Work that is not cost recovered but absorbed by Council

1. The costs of all Council work associated with dealing with enquiries – to date 118 have been received, many of which were complex and required research and liaison with other statutory agencies.

No fee is charged for advice and assistance.
2. The time and costs associated with organising and chairing a Safety Advisory Group (SAG) involving officers from multiple council departments and statutory agencies for events

I trust the above comments and information are of assistance and we look forward to the outcome of your review.

Yours sincerely

MG Kelso
Director of Public Health & Infrastructure