

<b>Title of Report:</b>	<b>Council Managed Events – Road Closure and Traffic Management Legislation</b>
<b>Committee Report Submitted To:</b>	<b>Leisure and Development Committee</b>
<b>Date of Meeting:</b>	<b>15th October 2019</b>
<b>For Decision or For Information</b>	<b>For Information</b>

<b>Linkage to Council Strategy (2019-23)</b>	
Strategic Theme	Promote our tourism offering locally and internationally
Outcome	Improve Prosperity
Lead Officer	Head of Tourism and Recreation

<b>Budgetary Considerations</b>	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	No	Date:
	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	No	Date:
	DPIA Required and Completed:	No	Date:

## 1.0 Purpose of Report

The purpose of this report is to update Elected Members on recent legislation introduced around traffic management which has impacted on Council's delivery of events.

## 2.0 Background

Road Closures and Traffic Management Plans are essential at large events. They organise the traffic in and around an event, keeping visitors safe while allowing emergency service providers to operate effectively.

## 3.0 Road Traffic Legislation

The Roads (Miscellaneous Provision) Act (Northern Ireland) 2010 was enacted on 13 August 2010 but didn't come into effect in Northern Ireland until 2017 when an Order on specific 'special events provisions' was made, becoming operational on 4th September 2017.

The major change enacted as part of this legislation was that instead of PSNI closing roads for events under their general policing powers, Council now have the responsibility to issue road closure permits. The new legislation provides the power to authorise and approve, by Order, the holding of a special event such as a street party or sporting event on a road.

'Special' events are defined in the legislation as:

- Any sporting event, social event or entertainment which is held on a public road; or,
- The making of a film on a public road.

In the majority of cases the relevant authority is the District Council in which the road is located. The exceptions being any event proposed for a special road, which are mainly motorways, for which the Department for Infrastructure is responsible.

The following are 'Non - Special events':

- Public processions; (Form 11/1, police facilitate parade)
- Motor road races; and (Secretary of state issues 12 Racing licences a year)
- Cycle races or trials (3 x Categories A,B,& C. Advanced police motorcyclists assist with Cat A. Cat B & C are not policed and the road is not closed)

These are dealt with under separate legislation.

## 4.0 Road Closures

There are two types of Road Closures for 'Special Events':

**4.1 *Special Event on a Road (71A Applications):*** Event organiser applies to Council at least 12 weeks before event to close the road in the following circumstances: Sporting Event on a Road (running race), street party, filming for TV or making a film and the likes of the Lammis Fair.

The following costs apply to a Special Event on a Road under 71A:

Type of Event	Admin Cost	Advertising Cost	Refundable Deposit	APPLICATION FEE	Total Proposed Cost – (if deposit returned)
Community - (Not for Profit)	£0	£0	£200	£200	£0

Commercial/Business	£165	£250	£200	<b>£615</b>	£415
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Application processing time is approximately 12 weeks, with the fee of either £200 (not for profit community events) or £615 (Commercial/Business events). £200 of each respective fee is refundable if no costs incurred by Council eg for street cleaning). The Application Form must be accompanied by:

- The Application Fee.
- Signing Schedule.
- Copy of £10m Public Liability Insurance.
- Traffic Management Plan.
- Details of Consultees and Feedback (bus providers, residents, businesses).
- Copy of Sector Scheme 12ab (or Ch8) Certificate of Competence for those undertaking the signing work.
- Written agreement with Emergency Services.

#### Safety Advisory Group (SAG)

An appointment can be made with the Safety Advisory Group (SAG) where event organisers can put their applications to the Group for advice. The SAG's membership consists of Council, PSNI, DfI Roads, NIFRS and NIAS. The clinic is held on the third Tuesday of each month and offers 30 minute, one to one appointments. Once approval by Council has been given, the documentation will be forwarded to DfI, PSNI, NIAS, NIFRS and Translink for comment. Where Traffic Management is required, the Event Organiser must employ a Traffic Management Company who will also be responsible for signage and coning.

#### Consultation

Under the legislation the proposed Road Closure must be advertised in the local press as part of a 21 day public consultation process. This expense is included in the application fee. As part of the application process, which can take up to 12 weeks, the applicant must submit documentation including a Traffic Management Plan and Signing Schedule and a 21 day statutory consultation will be carried out involving agencies i.e. The DfI, PSNI, NIAS, NIFRS and Translink. If cones are required the applicant must state who will enforce them. There are only two enforcement options, PSNI or Traffic Attendants (NSL). Only when all agencies are satisfied and The DfI has given consent will a Road Closure Order be issued.

Within Council and the Events portfolio the Tourism and Recreation Team would make this application via Environmental Services Licensing Team for a Road Closure under a 71A application.

**4.2 Events near a road (71B Applications):** This is when an event is off the road, but the crowd has the potential to spill onto the road. In these circumstances the applicant applies to DfI for permission to close the road. If DfI are happy with the Traffic Management Plan and Coning Schedule submitted, they will issue a Road Closure Permit. To date, DfI have not charged Council for 71B applications since the enactment in 2017. However, a cost of £134 per application may be chargeable in the near future. Currently, the only indirect charge to Council is the booking of NSL or police to enforce the cones.

#### **5.0 Impact of new legislation on Council-run events:**

As part of the event management planning process, a dedicated resource with a level of expertise in traffic management and event safety is required to work up a case for or against

the need for a 71A or a 71B application, depending on the type and scale of and event. The assessment of need and the application process is carried out by the Tourism Events Team.

To adhere with the legislation, applications must adhere to the Safety Advisory Group and certain events will require a full traffic management plan, with the appointment of LANTRA approved traffic management specialists.

In 2019, Council were advised through the monthly event Safety Advisory Group Meetings that any event where 'No Waiting Cones' are placed as part of event Traffic Management Plans, these would need to be enforced by a third party NSL Traffic Attendants.

<b>Overview of Traffic Management Costs 4 Sept 2017 - 23 Sept 2019</b>	
TOTAL TM Costs- Events on Road (7.1a)	£28,060.00
TOTAL Cost (7.1a) Applications to Council	£2,800.00
TOTAL TM Costs- Events near Road (7.1b)	£24,858.00
NSL or Police	£3,824
<b>TOTAL</b>	<b>£59,542</b>

Projected Traffic Management Costs for 2019 are **£33,500**.

## **6.0 Conclusion**

The introduction of legislation and the requirement for making an application or permission to hold events on or close to public roads has had a significant impact on the events team in terms of time and expense. This legislation, along with increasing scrutiny from Department of Justice, Health and Safety Executive, PSNI has increased the time and knowledge burden on staff for governance of processes and accountability. In addition, Officers anticipate the possibility of further budget implications as new stipulations are imposed. (eg. the recent insistence to employ NSL to enforce traffic restrictions, and future 71B costs).