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| ROADS (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 2010 PROHIBITION OR RESTRICTION OF USE OF PUBLIC ROADS: SPECIAL EVENTS | 1st August 2017 |
| TO: ENVIRONMENTAL SERVICES COMMITTEE | |
| FOR DECISION | |

| Linkage to Council Strategy (2015-19) | |
|----------------------------------------------|--------------------------------------------|
| Strategic Theme | Resilient, Healthy and Engaged Communities |
| Outcome | Implementation of Statutory Legislation |
| Lead Officer | Head of Health & Built Environment |
| Cost: (If applicable) | Application fee to be determined |

Background

Further to report ES 160606 item 17, the purpose of this report is to:-

- (1) consider the scope of the Committee in the decision making process relating to the making of Orders restricting or prohibiting temporarily the use of a public road in connection with special events and to consider proposed amendments to the Scheme of officer delegation accordingly.

Key Issues

The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Roads Act) gives the Council the power to temporarily prohibit or restrict the use of public roads, to facilitate the holding of a special event.

Further to the previous report, the Department for Infrastructure (the Department) had determined that those aspects of The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Act) related to the holding of special events on roads will commence on the 4 September 2017.

From then on any 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.

The Act defines special events 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.

At a recent meeting with Northern Ireland Screen which is an agency established to maximise the economic, cultural and educational value of the screen industries for the benefit of Northern Ireland. During the meeting it became clear that if all Road Closure

Order applications had to be determined by the Committee, including those where there is no objection, this could have an impact on filming taking place in the Borough.

The film industry operates on relatively short lead in times prior to filming commencing on site and, whilst they are keen to see the legislation implemented, Northern Ireland Screen are concerned that our estimated turnaround time from application to determination could be 3 months or more if all applications are to be considered by Committee.

It is estimated that if delegated authority is granted to issue Orders where no objection is received an application could be determined within approximately 35 days; taking account of a statutory 21 days within which representations may be made.

Scheme of Delegation

To deal with applications to close roads for special events in a timely fashion it is suggested that the Scheme of Delegation is amended such that the exercise of the following functions, in line with relevant Council policies, is delegated to the Chief Executive and the Director of Environmental Services:

Exercising all powers in relation to the making of an Order restricting or prohibiting temporarily the use of a public road in connection with special events, excluding provisions relating to:

- Applications for an Order where adverse representations are received,
- The recovery of costs incurred by the Council as a consequence of making an Order, and
- Such other matters as the Director deems appropriate.

Members are advised that the ultimate responsibility for the administration of the making of an Order restricting or prohibiting temporarily the use of a public road in connection with special events will remain with the Council.

Financial & Resource Implications

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. A SOLACE working group are considering an appropriate fee to be levied for such applications and a further report with recommendation will be brought to committee when available.

We have not had the opportunity to factor the role and costs of administrating this legislation into our budget for the financial year 2017–2018.

Recommendation

It is recommended that the scheme of officer authorisation with respect to delegated authority is amended to reflect the above.