



Belfast City Council

Report to:	Licensing Committee
Subject:	Roads (Miscellaneous Provisions) Act 2010 - Road Closures for Special Events
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext 2450
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1	Relevant Background Information
1.1	Members may recall that, at its meeting of 21 March 2012, the Committee considered a report on the introduction of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Roads Act) which gives the Council the power to temporarily prohibit or restrict the use of public roads, with the consent of the Department for Regional Development (DRD), to facilitate the holding of a special event. A special event is defined as any sporting event, social event, entertainment or film making on a public road.
1.2	DRD are finalising a Commencement Order which we have been informed will be effective from 1 April 2013 (Easter Monday) and will bring the Roads Act into operation. This means that the Council will assume a statutory duty for: <ul style="list-style-type: none">▪ handling applications from event promoters▪ consulting with the relevant blue light agencies▪ publishing public notices for road closures▪ considering representations made in accordance with public notices▪ preparing Road Closure Orders and securing DRD approval.
1.3	A joint DRD and Local Government team was set up under SOLACE to examine the operational issues that introducing the Act will create for local government. Officers from Building Control, Legal Services and Corporate Policy unit have taken a lead role in this team and at the outset raised major concerns with DRD regarding the transfer of this new function, including the lack of understanding of what was required to be undertaken by councils and the associated governance and resource implications.
1.4	Officers have worked in conjunction with DRD to produce guidance notes for both councils and applicants in relation to the legislation and have attended meetings of SOLACE when this matter has been discussed. Arising from the SOLACE meetings, DRD agreed to hold three awareness events, aimed primarily at council officers, on both the legislation and supporting guidance documents across the Province. Officers from Building Control contributed to these awareness sessions.
1.5	The Council now needs to ensure that the necessary governance arrangements, processes and policies are put in place to administer this function and to minimise the potential risks to the Council.

2	Key Issues
2.1	Due to the regulatory nature of the legislation and that there will be applications submitted under it which may be subject to challenge and public representations, it is important that the Council puts in place a central process for administering this function.
2.2	As Members are aware, the Licensing Committee has delegated authority for determining applications in relation to a variety of matters, such as entertainments licences, where objections have been received. In addition, the Committee is also responsible for determining such other matters of a licensing nature as the Director of Health and Environmental Services, in consultation with the Director of Legal Services, deems appropriate.
2.3	Given the licensing/regulatory nature of the Roads Act and the similarities with the role of the Licensing Committee in terms of process, it is recommended that the Licensing Committee assumes responsibility for determining those applications for an order to temporarily prohibit or restrict the use of public roads in connection with special events where representations have been received either as a result of the public notice of an application or as a result of consultation with the PSNI, NIFRS or NIAS.
2.4	Advice from Legal Services is that there is no need for Standing Orders to be amended to make specific reference to the Roads Act to enable the Licensing Committee to assume this role as 'such other matters of a licensing nature' is sufficiently broad and the process of making an Order is sufficiently similar to be considered to be of a licensing nature.
2.5	To deal with applications as expediently as possible it is recommended that the Council's scheme of delegation be amended in line with the delegated powers for other licensing matters which will enable the Director of H&ES to make Orders in relation to special events except in circumstances where representations are received. Where representations are received, or in such other circumstances as the Director deems appropriate, that application will be brought before the Licensing Committee for consideration.
2.6	As there is a statutory public notice period of 21 days for any application made, we are bound by the legislation as to how quickly an application can be dealt with. Awareness raising work has therefore been undertaken with stakeholders including those in the film industry and with colleagues in other Departments to help them prepare for the introduction of the legislation.
2.7	Additionally, the close links between Building Control and the Events Unit of the Development Department will not only ensure that any road closures required for Council run events are progressed in a timely fashion but through the Events Advisory Panel there is an established forum where we can raise awareness about impending road closures and obtain the views of the relevant statutory agencies.
2.8	Any decision of the Committee in relation to policy and legislation concerning licensing matters must be ratified by Council.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>There will be direct financial costs attached to the administration of the Roads 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 implication. A separate report outlining fee charging options will be presented at your meeting for consideration.</p>
3.2	<p><u>Human Resources</u></p> <p>The introduction of the Roads Act will create an additional workload for the Service. Quantifying this has proven difficult but it is estimated that in the past 12 months there have been 5 large,</p>

3.3	10 medium and 10 community events in Belfast. Once the Roads Act comes into force, the resources and costs associated with administering it will be kept under review so that any necessary adjustments to resources may be more fully considered.
3.4	<u>Asset and Other Implications</u> None.

4	Equality and Good Relations Implications
4.1	There are no relevant equality and good relations implications.

5	Recommendations
5.1	It is recommended, that: <ul style="list-style-type: none"> ▪ The Licensing Committee assume responsibility for determining those applications, under the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010, for an Order to temporarily prohibit or restrict the use of public roads in connection with special events where representations have been received either as a result of the public notice of an application or as a result of consultation with the PSNI, NIFRS or NIAS. ▪ The Director of Health & Environmental Services, except where representations have been received or in such other circumstances as the Director deems appropriate, is authorised to make Orders to temporarily prohibit or restrict the use of public roads in connection with special events and that the Council's scheme of delegation is amended accordingly. ▪ These provisions will come into operation upon publication of the Commencement Order by the DRD.
5.2	As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.

6	Decision Tracking
Your recommendation in this regard will be brought to Council for consideration. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.	

Key to Abbreviations
DRD – Department for Regional Development SOLACE – Society Of Local Authority Chief Executives PSNI – Police Service of N. Ireland NIFRS – N. Ireland Fire and Rescue Service NIAS – N. Ireland Ambulance Service