



Belfast City Council

Report to: Licensing Committee

Subject: **Proposals on fees charges for Road Closures Orders for Special Events**

Date: 20 March 2013

Reporting Officer: Trevor Martin, Head of Building Control, ext 2450

Contact Officer: Stephen Hewitt, Building Control Manager, ext 2435

1	Relevant Background Information
1.1	<p>The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Roads Act) allows the Council to recover the whole of the costs incurred in connection with or in consequence of making an Order relating to the restricting or prohibiting traffic using a road for the holding of special events. The Commencement Order for this legislation is expected in April 2013. The Council is then required to apply the legislation.</p>
1.2	<p>These costs may include:</p> <ol style="list-style-type: none">1. Officer time for:<ol style="list-style-type: none">a. assessing information relating to the applicationb. consultation with all relevant partiesc. dealing with representationsd. drafting the Ordere. on-costs such as accommodation, IT, stationary, training etc.2. The cost of advertisement in a local paper3. Any other relevant costs associated with the Order.
1.3	<p>There will be other costs which the applicant may be required to meet including:</p> <ol style="list-style-type: none">1. Roads Service and PSNI costs2. Traffic management planning3. Erecting signage, cones and barriers etc.4. Insurance
1.4	<p>In considering the resource implications for the Council an indicative piece of work has been undertaken to estimate the costs for processing different notional applications for special events to form the basis of a fee charging structure.</p>
1.5	<p>Whilst the legislation enables the Council to recover any costs incurred in dealing with an application from event organisers and film companies this remains discretionary and any decision taken by the Council in terms of recovering costs may be influenced by the nature of an event.</p>
1.6	<p>In preparing estimated costs we were mindful of the potential that if they are set at too high a level, it would deter some event organisers/film producers from coming to Belfast and be prohibitive to communities wanting to run small scale events such as a street party. We have attempted to avoid such a situation.</p>

2	Key Issues						
2.1	<p>In formulating estimated costs consideration was given to three different types of events. Significant consideration has been given to community based events, such as a party in a residential street, and we have endeavoured to keep costs to a minimum and not to charge a fee for officer time.</p>						
2.2	<p>It is suggested that applications will generally fall into the following categories of event and that each be defined as set out below:</p> <ol style="list-style-type: none"> 1. Large scale event e.g. Tennent's Vital, Christmas Light switch-on, Belfast Marathon <ul style="list-style-type: none"> ▪ Where more than 500 patrons are expected, or ▪ Which will involve disruption or closure of an arterial road, arterial route or main road, or ▪ The Order will apply for more than one calendar day. 2. Medium scale event e.g. restrictions for filming purposes <ul style="list-style-type: none"> ▪ Where less than 500 patrons are expected, or ▪ Where disruption is limited to a side street and is of little importance to through traffic, or ▪ The Order will apply for no more than one calendar day. 3. Community based / small scale event e.g. street party <ul style="list-style-type: none"> ▪ Where less than 150 patrons are expected ▪ Where disruption will be confined to minor residential roads, e.g. cul-de-sacs or side streets, and which do not have a bus route along it ▪ Which does not have a car park located on it or a car park which is accessed via the road to be closed (other than a car park for residents' of the road) ▪ Which is not publicised for the general public and therefore will not draw in people from the wider area ▪ Which would apply to the residents of one or two streets only and not to larger areas of the city ▪ Which will finish by 11pm ▪ Which does not have a stage built from which entertainment would be provided or have amplified entertainment which may cause nuisance to the wider area ▪ Which does not have fireworks, pyrotechnics or bonfires on the street ▪ Which does not have alcohol or food sold at the event ▪ Where the organiser/applicant will ensure that all frontages (both residential and commercial) of the road to be closed, and of any road(s) that directly adjoin the road to be closed, have been individually notified and have no substantial objection. 						
2.3	<p>It is recommended that, rather than have a fee scheme where full recovery of costs is calculated for every individual event, fees should be based on reasonable indicative notional costs. These fees will be sufficient on aggregate to cover any reasonable costs associated with administering the Roads Act.</p>						
2.4	<p>Such an approach would be in line with other legislation where the Council has the power to set fees to recover full costs, e.g. as contained in the Street Trading Act 2001. Setting fees based on notional costs has the advantage that the applicant knows exactly what they will be required to pay before making an application and will also be much less of an administrative burden for the Council.</p>						
2.5	<p>The estimated cost of officer time involved in processing different types of notional applications is set out below. Costs are based on current salary and employee on costs and an estimate of the amount of time necessary, based on experience of dealing with other types of licensing applications, to complete the process to make an Order for:</p> <table data-bbox="319 1993 1005 2089"> <tbody> <tr> <td>A large scale event</td> <td>£875</td> </tr> <tr> <td>A medium scale event</td> <td>£585</td> </tr> <tr> <td>A community based / small scale event</td> <td>£260</td> </tr> </tbody> </table>	A large scale event	£875	A medium scale event	£585	A community based / small scale event	£260
A large scale event	£875						
A medium scale event	£585						
A community based / small scale event	£260						

2.6	<p>These costs do not include the mandatory publishing of a notice of the application in a local paper. This requirement is part of the legislative framework and hence must be applied.</p>												
2.7	<p>Committee will be aware that the Council has brand guidelines which apply to any advert or notice placed in the press to portray an instantly recognisable visual image for the organisation. Following these guidelines a notice, drafted in accordance with the requirements of the Act, was prepared by Corporate Communications and estimated publication costs sought from various Belfast newspapers. The costs are detailed below.</p>												
	<table border="0"> <tr> <td>Belfast Telegraph</td> <td>£611</td> </tr> <tr> <td>Irish News</td> <td>£360</td> </tr> <tr> <td>Newsletter</td> <td>£269</td> </tr> <tr> <td>Andersonstown News Group (3 papers)</td> <td>£224</td> </tr> <tr> <td>Shankill Mirror</td> <td>£135</td> </tr> <tr> <td>Community Telegraph (3 papers)</td> <td>£406</td> </tr> </table>	Belfast Telegraph	£611	Irish News	£360	Newsletter	£269	Andersonstown News Group (3 papers)	£224	Shankill Mirror	£135	Community Telegraph (3 papers)	£406
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2.8	<p>The Council normally places notices in the three main papers to ensure that all sections of the community are informed and, on that basis, the cost of publishing notice of the application would be £1240.</p>												
2.9	<p>Taking Officer time with advertising costs the estimated notional cost to the Council to process an application to close a road would be:</p> <table border="0"> <tr> <td>A large scale event</td> <td>£2115</td> </tr> <tr> <td>A medium scale event</td> <td>£1825</td> </tr> <tr> <td>A community based / small scale event</td> <td>£1500</td> </tr> </table>	A large scale event	£2115	A medium scale event	£1825	A community based / small scale event	£1500						
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2.10	<p>Committee should note that the legislation only requires one notice to be published.</p>												
2.11	<p>To minimise the cost to applicants, it is suggested that for community based/small scale events one advert only need be placed in a local community paper circulating in the area as the nature of the closure should be small and have little impact; this would greatly reduce the cost. For budgetary purposes it is recommended that the average cost of advertising be adopted at £255.</p>												
2.12	<p>A similar argument could be made for a medium scale event, if the definition in 2.2 is agreed, that one advert placed in one paper circulating in the area may be sufficient notification. For budgetary purposes it is again recommended that the average cost of advertising be adopted at £335.</p>												
2.13	<p>For large scale events the advertising requirements for entertainment licence applications is suggested as a reasonable comparator. It is Council policy that such applications are required to be published in two of the main papers or, where the application relates to an area where a local community paper circulates, the advert may be placed in the community paper and one of the main newspapers. This option would again provide savings in relation to advertising costs. For budgetary purposes it is recommended that the average cost of advertising be adopted at £970.</p>												
2.14	<p>A variety of charging options have been proposed for consideration as set out in Appendix A.</p>												
2.15	<p>In setting the fees in respect of Entertainments Licence applications the Department of the Environment has determined that any application for an outdoor licence by a voluntary organisations or charity would benefit from a reduced fee equivalent to 25% of the total standard application fee. A voluntary organisation is defined as organisation carrying on activities other than for the purpose of gain by the organisation or individual members of thereof.</p>												

2.16	Committee is therefore asked to consider if a similar reduced fee for any voluntary organisations or charities that may apply for an Order to restrict the use of or close a road should be set.
2.17	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 fees may be brought to Committee for further consideration.

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 implications for the Council.</p>
3.2	<p>By way of illustration it is estimated that in the past 12 months there have been 5 large, 10 medium and 10 community events in Belfast. The advertising costs associated with a similar number of road closures applications, if notices are placed in the three main papers to ensure that all sections of the community are informed, will be in the region of £31000.</p>
3.3	<p><u>Human Resources</u></p> <p>The introduction of the Roads Act will create an additional workload for the Service. Based on the figures outlined in paragraph 2.5 the cost of officer time associated with administering 5 large, 10 medium and 10 community events in Belfast equates to £12825.</p>
3.4	<p>The full impact on resources will be kept under review once the Roads Act comes into force so that any necessary adjustments may be explored.</p>
3.5	<p><u>Asset and Other Implications</u></p> <p>None.</p>

4	Equality and Good Relations Implications
4.1	<p>Equality and good relations implications are still under review and following the Committee's decision a completed screening form will be forwarded to the Equality and Diversity Officer.</p>

5	Recommendations
5.1	<p>Members are asked to consider the information presented and make recommendations, subject to any necessary amendments, regarding:</p> <ol style="list-style-type: none"> 1. Whether a fee scheme based on indicative notional costs should be established; 2. The categories and definition of events for which fees will be charged as set out in paragraph 2.2 and if they are appropriate; 3. The level of advertising that is appropriate for the three proposed event types and if the Council should depart from the guidelines which apply to any advert or notice placed in the press as set out in paragraphs 2.11 to 2.13; 4. The preferred level of application fees that should be set based on the options in Appendix A; 5. Whether a reduced fee, equivalent to 25% of the full fee, should be introduced in respect of voluntary organisations or charities; 6. Whether a review of fees is undertaken after 12 months to reassess the resource implications associated with the function; and

5.2	Members are also asked to agree that all recommendations made will come into operation on the date which will be stipulated upon publication of the Commencement Order by the DRD. As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.
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6	Decision Tracking Your recommendations 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.
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Documents Attached	
Appendix A	Possible fee charging options for applications for an Order restricting or prohibiting traffic using a road for the holding of special events.

Possible fee charging options

Appendix A

Option 1: to proceed with actual cost recovery following the event; this will be resource intensive and will require payment after the fact. It also increases the chance that the Council will be left with bad debt.

Option 2: to base fees on notional costs which are sufficient in the aggregate, taking one application with another, to cover all reasonable administrative or other costs.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event	£260	£1240	£1500	£515

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 3: to base fees on notional costs for large and medium scale events, Community based events are subsidised at a rate covering the cost of advertising and 50% of officer time.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event	£130	£1240	£1370	£385

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 4: to base fees on notional costs for large and medium scale events, Community based events are subsidised at a rate covering the cost of advertising only.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event			£1240	£255

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 5: to base fees on the cost of the advertising only. The Council bears the full officer cost.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	-	£1240	£1240	£970
Medium Event	-	£1240	£1240	£335
Community Event	-	£1240	£1240	£255

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 6: to base fees on a level of cost recovery of 50% of all expenditure.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£1057.50	£922.50
Medium Event	£585	£1240	£912.50	£460
Community Event	£260	£1240	£750	£257.50

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 7: to base fees on notional costs for large and medium scale events, the costs of Community based events being fully rate borne.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event	-	-	Free	Free

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 8: no recovery of any costs, all applications costs are fully rate borne.

Based on indicative figures for processing applications for 5 large, 10 medium and 10 community events estimated total expenditure is in the region of £44000.