



Subject:	Amendment to the Scheme of Delegation: Special events on roads
Date:	22 nd September 2017
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Sarah Williams, Programme Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of report or summary of main issues
1.1	The purpose of this report is to submit for approval an amendment to the Scheme of Delegation regarding road closures for special events.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none">• Agree the proposed amendment to the Scheme of Delegation as recommended by the Licensing Committee in June 2017.

3.0	Main report
	<p data-bbox="316 300 475 331"><u>Background</u></p> <p data-bbox="204 344 1501 479">3.1 The Roads (Miscellaneous Provision) Act (Northern Ireland) 2010 was enacted on 13 August 2010. An Order, commencing the specific special events provisions, was made on 25 January 2017 with the provisions becoming operational on 4 September 2017.</p> <p data-bbox="204 546 1501 725">3.2 Until now roads have been closed by police using general policing powers. This new legislation provides the Council the power to authorise and approve, by order, the holding of a special event such as a street party, sporting event or making of a film on a public road.</p> <p data-bbox="204 792 1501 1039">3.3 This legislation was due to be commenced in 2013 and at the time Members of the Licensing Committee agreed that the Council be recommended to delegate authority to the Licensing Committee to determine all applications under the Act. This decision was ratified by Council on 3rd April 2013. At that time, the Committee undertook to consider all applications whether or not any representations had been received by the Council.</p> <p data-bbox="204 1106 1501 1330">3.4 The Licensing Committee in June 2017 re-considered this issue based on feedback from Northern Ireland Screen who raised concerns that the estimated turnaround time of three months from application to determination could have an impact on the film industry in Northern Ireland, which operates on relatively short lead-in times prior to filming commencing.</p> <p data-bbox="204 1397 1501 1576">3.5 It is estimated that if delegated authority was granted to issue Orders, <i>where no objection is received</i> (as is the case with other licensing applications), an application could be determined within approximately 35 days, taking account of a statutory 21 days within which representations may be made.</p> <p data-bbox="204 1644 1501 1995">3.6 Therefore, it is recommended that the Scheme of Delegation is amended so that the exercise of the following functions, in line with relevant Council policies, is delegated to the Director of Planning and Place: “Exercising all powers in relation to the making of an Order restricting or prohibiting temporarily the use of a public road in connect with special events, excluding provisions relating to: <ul style="list-style-type: none"> • applications for an order where adverse representations are made </p>

	<ul style="list-style-type: none"> the recovery of costs incurred by the Council as a consequence of making an Order and such other matters as the Director deems appropriate“ <p>3.7 At the Licensing Committee it was also agreed that a notification procedure would be put in place to alert Members to all applications received by the Council to close roads. Thereby, even if representations were not made Members would be aware of all applications received and have an opportunity to comment on them if necessary. This will be managed by Building Control.</p> <p>3.8 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 Licensing Committee. Any decision of the Licensing Committee in relation policy and legislation concerning licensing matters must be ratified by Council.</p> <p>3.9 <u>Financial & Resource Implications</u> There will be direct financial costs attached to the administration of the new legislation and, whilst such costs may be recovered from applications, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implication. This will be determined by the Licencing Committee in due course. Building Control has not had the opportunity to factor the role and costs of administrating this legislation into its budget for the financial year 2017-18.</p> <p>3.10 <u>Equality or Good Relations Implications</u> Building Control had previously assessed the equality and good relations implications with the introduction of the legislation and liaised with the Equality & Diversity Officer to ensure all potential issues are appropriately addressed. Building Control will continue to do this.</p>
4.0	Appendices – Documents Attached
	None