



Subject:	Road Closure – Categorisation of Events, Fees and Advertising of Notices
Date:	14th February, 2018
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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/Summary of Main Issues
1.1	The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Act) allows the Council to recover the whole of the costs incurred in connection with making an Order relating to the restricting or prohibiting traffic using a road for the holding of special events.
1.2	Members are asked to determine a schedule of fees for applications to close roads and the parameters for placing the legal notice which the Council must publish in respect of each application.
2.0	Recommendations
2.1	Members are asked to consider the information presented and make recommendations, subject to any necessary amendments, as to: 1. whether a fee scheme based on indicative notional costs should be established;

2.2	<ol style="list-style-type: none"> 2. the categories and definition of events for which fees will be charged will be those as set out in paragraphs 3.10 – 3.12; 3. the appropriate paper(s) that may be used to advertise an application for an order; 4. the appropriate fees that are set for events; and, 5. if a concessionary fee should be introduced in respect of voluntary organisations or charities and the level of that fee. <p>As these decisions are not a delegated function of the Licensing Committee, any decision will be subject to ratification by Council.</p>
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>The Council is permitted to recover the whole of the costs incurred in connection with or in consequence of making an Order relating to the restricting or prohibiting of traffic using a road for the holding of special events.</p>
3.2	<p>These costs may include:</p> <ol style="list-style-type: none"> 1. Officer time for tasks including: <ol style="list-style-type: none"> a. assessing information relating to the application b. consultation with all relevant parties c. dealing with representations d. drafting the Order e. on-costs such as office accommodation, IT, stationary, training, etc. 2. The cost of placing the advertisement in a local paper. 3. Any other relevant costs associated with the Order.
3.3	<p>There will be other costs which the applicant may be required to meet including:</p> <ul style="list-style-type: none"> • DfI Roads and PSNI costs • Traffic management planning • Erecting signage, cones and barriers, etc. • Insurance
3.4	<p>Further to Party Briefings that took place during September and October 2017, the views of Members have been reflected in the following proposals to assist Committee with your decision making.</p>
3.5	<p><u>SOLACE Working Group</u></p> <p>SOLACE, the umbrella body for the 11 District Council Chief Executives, established a working group to consider how the regulation of Road Closures could be implemented. The Group reviewed a number of key issues but, in particular, considered the setting of fees and how they are charged.</p>
3.6	<p>In considering fees, the SOLACE Working Group was mindful of the potential that the level of fees may deter some event organisers / film producers and be prohibitive to communities wanting to run small scale events such as a street party.</p>

3.7 The SOLACE Working Group recommended that applications fall into two categories as defined below and also suggested the fees to be charged for those categories.

3.8 Whilst there has been agreement in relation to the categories of events the setting of fees has been a matter, for those who have considered them, which each council has been keen to determine individually.

3.9 The legislation enables the Council to recover any costs incurred in dealing with an application from event organisers and film companies. This is discretionary and any decision taken by the Council in terms of recovering costs may be influenced by the nature of an event.

SOLACE Recommendation on Categories of Events

Small Local Events

3.10 The event is a small, local, neighbourhood event where people attending are not from outside the street (e.g. street party) or immediate neighbourhood.

3.11 In order to be considered a 'small event', the event should meet the following criteria:

1. be held on minor residential roads (e.g. cul-de-sacs or side streets);
2. the proposed road to be closed must not have a bus route along it;
3. the proposed road to be closed must not have a car park located on it which is accessed via the road to be closed (other than a car park for residents of the road);
4. the event must not be publicised for the general public and therefore will not draw in people from the wider area;
5. the event should apply to residents of one or two streets only and not to larger areas of the district/borough/city. It is up to the Council to consider factors such as the proposed attendance figures, etc. when making its decision on whether to grant an Order.
6. the event should finish by 11.00 p.m. and:
 - a. Not have a stage built from which entertainment would be provided
 - b. Not have amplified entertainment which may cause nuisance to the wider area
 - c. Not have fireworks, pyrotechnics or bonfires on the street
 - d. Not have alcohol or food **sold** at the event.

Large Event

3.12 If the event does not meet the above criteria, then the event will be considered to be a large event.

Estimated Costs

3.13 The SOLACE working group estimated the following costs were associated with an application (averaging times for both small and larger events):

a) Estimated time spent for processing application

- 5 hours' professional officer (@ £25 per hour)
- 2 hours' administration officer (@ £18 per hour)

Total 7 hours processing time; Approximate cost £165

b) Estimated advertising fees (dependent on council advertising policy)
Approximately £150-£250

SOLACE working group proposed application fees

Small local event

3.14 Proposal is to waive any administration cost but the applicant would be required to pay the newspaper advertising cost (as set on an individual council basis) of approximately £150 - £250.

Large event

3.15 For large events, including filming on the road, the proposed fee will include an application fee of £165 plus the cost of the newspaper advertising of approximately £150- £250.

Belfast City Council proposals

3.16 Following the Party Briefings there was general consensus that the SOLACE approach of classifying events into two categories of small local events and large events was acceptable.

3.17 It was also accepted that, rather than have a fee scheme where recovery of costs is calculated following every individual event, fees should be based on indicative notional costs which will be sufficient, on aggregate, to cover any reasonable costs associated with administering the Act.

Fees

3.18 The estimated cost of officer time involved in processing notional applications for small scale and large events is set out below. A breakdown of the administration costs is attached at Appendix 1.

3.19 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:

A large event	£460
A small local event	£220

3.20 These costs do not include the mandatory publishing of a notice of the application by the Council in a local paper.

Publication of a Legal Notice

3.21 The Act requires that the Council must publish a notice in at least one local newspaper circulating in the district and that representations may be made in writing to any application for an Order to close a road for a special event.

3.22 Members 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.

3.23 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.

3.24 The costs are detailed below and based on an 18 x 2 notice.

Newspaper	Cost	Ave. cost*
Belfast Telegraph	£896.83	£573
Irish News	£593.28	
Newsletter	£513.36	
Daily Mirror	£288.36	
Andersonstown News	£270.00	£199
North Belfast News	£187.20	
South Belfast News	£187.20	
East Belfast and Shankill Mirror	£151.20	
Belfast Gazette	£150.00	n/a

* Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.

3.25 It should be noted that the advertising costs in Belfast are generally higher than those suggested by the SOLACE working group.

3.26 Presently, the Council has no formal agreed policy on advertising. In most cases notices are placed in two of the three main papers, on a rotational basis, to ensure that all sections of the community are informed. On that basis the average cost of publishing notice of the application would be approximately £1,150.

3.27 Taking officer time with advertising costs the estimated total cost to the Council to process an application to close a road would therefore be:

A large event	£1,610
A community based / small scale event	£1,370

3.28 During the Party Briefings, there was unanimous agreement on minimising the cost to applicants regarding our requirement to publish a notice in the newspaper and a number of Parties were supportive of the notice being published in the Belfast Gazette.

3.29 The Belfast Gazette is an official newspaper of the UK government and is published by The Stationery Office (TSO) and includes official government related notices. It available only via a subscription.

3.30 Further to the Party Briefings, Legal Services has advised that The Belfast Gazette is not considered a 'local newspaper circulating in the district' as per the legislative requirements and the use of same does not adequately fulfil the Council's obligation to notify those who may be affected by the road closure thus has the potential to leave the Council open to challenge from persons affected.

3.31 In light of the legal advice, the Committee may wish to consider adopting the same procedures currently agreed for Entertainments Licence advertising and publish the notice in a local newspaper distributed or sold in the area where the special event is being held. Alternatively, if the special event is being held within the City Centre, then the notice will be advertised in either the Belfast Telegraph, Daily Mirror (Northern Ireland Edition), Irish News or Newsletter (Ulster Edition) on a rotational basis as each new application is received.

- 3.32 Where a special event extends beyond the City Centre to various areas of the City, such as the Belfast Marathon, then it is proposed that the advert is placed in one of the four main newspapers. These proposals would be regardless of the notice being for a large or small event.
- 3.33 To help heighten awareness about any proposed road closure, the notice will also be published on the Council's website which will benefit from being available over a longer period of time and to a wider audience.
- 3.34 To ensure Members are kept informed, it is also proposed to notify all Councillors directly of any application to close a road for a special event so that your views may be taken into account prior to making an Order.
- 3.35 Additionally, anyone who applies to close a road will be required to demonstrate that they have notified those in the vicinity regarding the road closure. This should ensure that the views of those most affected by the closure are also taken into account.
- 3.36 If the Committee agrees to adopt the same procedures currently used for Entertainments Licensing the overall costs would then be:

Newspaper	Average* Advert cost	Fee** for Large event	Fee** for Small event	Location of event
Belfast Telegraph	£573	£1000	£800	City centre
Irish News				
Newsletter				
Daily Mirror				
Andersonstown News	£199	£650	£400	Outside city centre
North Belfast News				
South Belfast News				
East Belfast and Shankill Mirror				

* Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.

** Fees have been rounded for convenience.

- 3.37 However, if Members are concerned that the above proposals do not adequately fulfil the Council's obligation to notify those who may be affected by a road closure for a large event then an alternative proposal for the placing of a public notice to consider would be that for:

- A large event, advertising would be undertaken in accordance with paragraph 3.26 and that this cost will be borne by the applicant as reflected in the proposed fee at 3.27; and
- A small event, the notice will be published in a local newspaper which is sold or distributed in the area where the road is situated or in 1 of the main papers if held in the City centre.

Concessionary fees

- 3.38 Through the Party Briefings concerns were raised about the impact the Act would have on organisers of community based/small scale events who have limited resources and often rely on small levels of Council funding to assist with the holding of their events.

- 3.39 In setting the fees in respect of Entertainments Licence applications, the then Department of the Environment had determined that any application for an outdoor licence by a voluntary organisations or charity would benefit from a reduced fee equivalent to 12.5% of the total standard application fee.
- 3.40 A voluntary organisation is defined as an organisation carrying on activities other than for the purpose of gain by the organisation or individual members thereof.
- 3.41 Members may wish to consider setting a similarly reduced fee for voluntary organisations or charities applying for an Order to restrict the use of or close a road for a small scale event.
- 3.42 If Committee were to agree to this concession then, based on the proposed fees at 3.37, the suggested fee for a small event would then be:

Newspaper	Average* Advert cost	Small event total	Concession fee for small events	Location of event
Belfast Telegraph	£573	£793	£100	City centre
Irish News				
Newsletter				
Daily Mirror				
Andersonstown News	£199	£419	£50	Outside city centre
North Belfast News				
South Belfast News				
East Belfast and Shankill Mirror				

* Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.

- 3.43 During Party Briefings there was wide support for having no charge applied to small scale events. This is a further option for Members to consider.

Summary of fee options

- 3.44 Attached at appendix 2 is a summary of the options discussed and Members are asked to consider choosing option 1,2 or 3 for the fees and advertising criteria for large events and any of options 1-5 for small events.

Financial and Resource Implications

- 3.45 There will be direct financial costs attached to the administration of the 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.

- 3.46 As we process more Road Closure applications the resources and costs associated with administering the Act will be reviewed annually to ensure that any necessary adjustments to fees may be brought to Committee for further consideration.

3.47	<u>Equality or Good Relations Implications</u> There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	Appendix 1 – Breakdown of Administration Costs Appendix 2 – Summary of fee options