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**Guidance Notes for Temporary Road Closures on a Public Road for the Purpose of Holding a Special Event**

**FERMANAGH & OMAGH DISTRICT COUNCIL**

**Building Control & Licensing Department**

Dated: 21 June 2017

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1. **Title**

Temporary Road Closures on a Public Road for the purpose of holding a Special Event guidance

1. **Statement**

Council approves this guidance and any associated procedure in relation to the closure of roads under The Roads (Miscellaneous Provisions) (2010 Act) (Commencement No.1) Order (Northern Ireland) 2017.

1. **Aim**

3.1 The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 amends the Road Traffic Regulation (Northern Ireland) 1997 Order to provide relevant authorities (District Councils and Transport NI) the power to prohibit or restrict the use of a public road for the purpose of holding a special event on a public road. A ‘special event’ is defined 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. Consent of the Department for Infrastructure (Roads Service) (DFI) is required. If the DFI Roads Service objects on the grounds of road safety issues or traffic management issues, then approval shall not be given.

3.2 This guidance is intended to ensure that the District Council’s Members and Officers are aware of those matters to be taken into consideration when determining if a street of part thereof should be prohibited or restricted for the purpose of holding a special event on a public road.

1. **Scope.**

The Council may by order restrict or prohibit temporarily the use of the road or part of the road by vehicles, class of vehicle or pedestrians, to such extent and subject to such conditions or exceptions it considers necessary or expedient.

* 1. A closure may only be permitted for the purpose of:
1. Facilitating the holding of **a special** event
2. Enabling members of the public to watch **a special** event or
3. Reducing the disruption to traffic likely to be caused by a **special** event, and
4. Restricting traffic on adjacent streets in order to facilitate the event.

The principles of the process are as outlined in the Temporary Road Closures Procedure.

4.2 No Order will be made with respect to any public road that will prevent at any time access for pedestrians:

(a) to any premises situated on or adjacent to the road, or

 (b) to any other premises accessible for pedestrians from, and only from, the

 road.

* 1. The Council will ensure prior to making the order that it is not reasonably practicable for the event to be held otherwise than on a road. The council will have regard to any guidance issued by the DFI.
	2. Council may issue an order to:
1. Suspend or modify any statutory provision such as parking provision or waiting restriction.
2. A restriction on the amount of time an event can last.
3. Approval shall be authorised by the Director of Environment And Place under delegated authority.
4. Refusal shall be referred to the Environmental Services Committee for consultation.
	1. Activities NOT covered in this Act include:
5. **A public procession (within the meaning of the Public Processions (NI) Act 1998)**

(includes vintage car rallies and other motorised cavalcades)

1. **A Motor Race falling within the Road Races (NI) Order 1986 \***
2. **A Race or Trial falling within Article 45 of the Road Traffic (NI) Order 1995 (Cycle racing on roads)\***
3. **Roads works or street works**
4. **Special roads**

\* A NEW Motor Race should be referred to Transport NI

\* A NEW cycle race should be referred to Cycling Ulster

4.6 The council may monitor any special events as it deems necessary and report any significant non-compliance issues to the PSNI for enforcement.

4.7 Any breaches of the conditions of the order shall be referred to the PSNI as the enforcement authority.

**5. Related Policies.**

5.1 The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010

5.2 Temporary Road Closures Procedure

5.2 Guidance for Applicants

**6. Costs**

6.1A Closure Special Event Order including advertisement costs of public notices for large and small events to be as outlined in the Temporary Road Closures Procedure. (See Appendix 1 for small events).

6.2A Closure for filming to be outlined in the Temporary Road Closures Procedure and that the following applies:

* If Transport NI objects then administration/advertising fees will not be refunded.

6.3 Fees are non-refundable if there are objections from consultees

* All clean up costs after the event are to be covered by the applicant.
* Transport NI and PSNI may also incur costs and may seek to recover these directly from the applicant.
1. **Definitions**
	1. Public Roads (NI) Order 1993, Definition of a public road:
2. A road which is maintained by Transport NI
3. Includes carriageway, footway and verge
4. Includes any bridge or tunnel

7.2 Special Road:

* All motorways
* The Westlink (A12); and
* A8M Sandyknowes to Corrs corner
	1. The Department:
* The Department of Regional Development
	1. A Notice:
* A legally required document that presents the details of the special event, its organisers, and the impact on the local public road, which is placed in a local newspaper and invites written representation in respect of the proposals.
	1. An Order
* A legal document that permits the relevant authority to prohibit or restrict traffic from using the road.
1. **Guidance Owner**

Director of Environment and Place

**9. Contact details in regard of this policy are:**

Licensing Manager

(Building Control and Licensing)

 Fermanagh and Omagh District Council

16 High Street

OMAGH

Co Tyrone

BT78 1BQ

Tel 0300 303 1777

**10. Guidance Authorisation**

SMT Authorised on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Environmental Services

Committee Authorised on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Council Authorised on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**11. Guidance Effective Date** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**12. Guidance Review Date**

The guidance will be reviewed in line with the Council’s agreed guidance review cycle.

**13. Procedures and arrangements for monitoring the implementation and impact of the policy**

Implementation of this guidance will be by way of the Temporary Road

Closures Procedure

**14. Equality Screening**

**15. Version Control**

**Appendix 1**

**Small Events (i.e. Street Parties)**

Small events such as street parties are a traditional part of community life; they are a simple way for us to get to know our neighbours and meet members of our community.

In order to be considered a ‘small event’, the event must: (please note this list is not exhaustive)

1. Be held on minor residential roads eg cul-de-sacs or side streets.
2. The proposed road to be closed must not have a bus route along it.
3. 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)
4. Not be publicised to the general public and therefore will not draw in people from the wider area.
5. Be an event which would apply to the residents of one or two streets only and not to larger areas of the district/borough/city. It is up to the district council to consider factors such as the proposed attendance figures etc when making its decision on whether to grant an Order.
6. Finish by 11pm.
7. Not have a stage built from which entertainment would be provided.
8. Not have amplified entertainment which may cause nuisance to the wider area.
9. Not have fireworks, pyrotechnics or bonfires on the street.
10. Not have alcohol or food **sold** at the event.