

Committee for Regional Development

Report on the Roads (Miscellaneous Provisions) Bill

**Together with the Minutes of Proceedings of the Committee
Relating to the Report and the Minutes of Evidence**

**Ordered by The Committee for Regional Development to be printed 26 May 2010
Report: NIA 59/09/10R Committee for Regional Development**

Membership and Powers

Powers

The Committee for Regional Development is a Statutory Departmental Committee of the Northern Ireland Assembly established in accordance with paragraphs 8 and 9 of strand one of the Belfast Agreement, section 29 of the Northern Ireland Act 1998 and under Standing Order 48 of the Northern Ireland Assembly. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Regional Development and has a role in the initiation of legislation.

The Committee has the power to;

- Consider and advise on departmental budgets and annual plans in the context of the overall budget allocation;
- Consider relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on matters brought to the committee by the Minister for Regional Development.

The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its inquiries.

Membership

The Committee has eleven Members, including a Chairperson and Deputy Chairperson, with a quorum of five Members.

The membership of the Committee since its establishment on 9 May 2007 has been as follows:

Mr Fred Cobain (Chairperson)
Miss Michelle McIlveen (Deputy Chairperson) ⁴

Mr Cathal Boylan	Mr Allan Bresland ¹
Mr Willie Clarke	Mr Danny Kinahan ²
Mr Billy Leonard ⁶	Mr Trevor Lunn ⁷
Mr Ian McCrea ⁵	Mr Conall McDevitt ^{3 8}
Mr George Robinson	

1 With effect from 15 September 2008 Mr Allan Bresland replaced Mr William Irwin and Mr Alastair Ross replaced Mr Stephen Moutray.

2 With effect from 22 June 2009 Mr Danny Kinahan replaced Mr John McCallister.

3 With effect from 29 June 2009 Mr Tommy Gallagher replaced Mr John Dallat.

4 With effect from 4 July 2009 Miss Michelle McIlveen replaced Mr Jim Wells.

5 With effect from 16 September 2009 Mr Ian McCrea replaced Mr Alastair Ross.

6 With Effect from 13 April 2010 Mr Billy Leonard replaced Mr Raymond McCartney.

7 With effect from 13 April 2010 Mr Brian Wilson ceased to be a Member of the Committee for Regional Development and Mr Trevor Lunn was appointed as a Member of the Committee for Regional Development.

8 With effect from 24 May 2010 Mr Conall McDevitt replaced Mr Tommy Gallagher.

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List of Abbreviations and Acronyms used in the Report

BC	Borough Council
BT	British Telecom
BTI	British Telecom Ireland
CC	City Council
DALO	Departmental Assembly Liaison Officer
DC	District Council
DCAL	Department of Culture, Arts and Leisure
DDA	Disability Discrimination Act 1995
DETI	Department of Enterprise, Trade and Investment
DRD	Department for Regional Development
EQIA	Equality Impact Assessment
ETI Committee	The Committee for Enterprise, Trade and Investment
EU	European Union
Executive	The Northern Ireland Executive
FOI	Freedom of Information
FPN	Fixed Penalty notice
HAUC	Highway Authorities and Utilities Committee
LC	Lord Chancellor
LCJ	Lord Chief Justice
LLA	London Local Authorities
MLA	Member of the Legislative Assembly
MP	Member of Parliament
NCP	National Car Park Services
NDPB	Non-Departmental Public Body
NI	Northern Ireland
NI-JUG	Northern Ireland Joint Utilities Group
NICTS	Northern Ireland Courts Service
NIE	Northern Ireland Electricity
NILGA	Northern Ireland Local Government Association
NIRAUC	Northern Ireland Road Authority and Utilities Committee

NIS	Northern Ireland Screen
NISRANS	Northern Ireland Street Works Register and Notification System
NITB	Northern Ireland Tourist Board
NJUG	National Joint Utilities Group
OLC	Office of the Legislative Council
PAC	Planning Appeals Commission
PAC	Public Accounts Committee
PfG	Programme for Government
PSA	Public Service Agreement
PSNI	The Police Service of Northern Ireland
RIA	Regulatory Impact Assessment
ROI	Republic of Ireland
RPA	Review of Public Administration
SDLP	The Social Democratic and Labour Party
SL1	Subordinate Legislation
TfL	Transport for London
TMO	Traffic Management Order
UK	United Kingdom

Executive Summary

Purpose

1. This report sets out the Committee for Regional Development's consideration of the Roads (Miscellaneous Provisions) Bill.

Key issues

2. The introduction of the Roads (Miscellaneous Provisions) Bill was welcomed by the Committee. Key issues of concern to Members included:
 - the cost of issuing permits for works on roads;
 - the need for cooperation and coordination when planning works on roads;
 - the need for a notice period before works on roads commence;
 - compensation for promoters in the event of emergency works;
 - the impact of works on peak-time traffic flows;
 - the impact of permit schemes on the extension of the gas and other utility networks;
 - delegated powers of the Bill;
 - the definition of the term 'film'; and
 - the definition of special events.

Cost of issuing permits for works on roads

3. The cost of issuing permits was raised by a number of organisations as it was seen to be an influencing factor on how companies, especially the utility companies, carry out their work. The Committee was, however, satisfied that the cost of issuing a permit would be set at a rate that would recover only the administrative cost of delivering the scheme and would not be a means to generate additional income. The Committee was assured by the Department that the cost would not be so high as to act as a deterrent to carrying out works and would not have a detrimental effect on companies and how they carry out their work. This issue was also discussed during a meeting of Departmental officials and executives from the office of the Utility Regulator on 16 April 2010.

Cooperation and coordination when planning works on roads

4. The issue of cooperation and coordination when planning works on roads was raised by a number of organisations and was also an issue of concern to Members of the Committee. In its response to the Committee, the Department was of the view that the coordination function was already carried out, on its behalf, by Roads Service as the single road authority.
5. The Department also discussed how the Street Works (Northern Ireland) Order 1995 places a duty on those planning to carry out works to use their best endeavours to coordinate works so as to reduce disruptions, cost and the weakening of the structure of our roads. Members were of the view that the duty to use best endeavours was not sufficient and the term 'best endeavour' needs to be strengthened. The Committee accepts that this duty is included in the Street Works (Northern Ireland) Order 1995 and is therefore not within the scope of this Bill. However, the Committee's understanding is that regulations will be produced by the Department in relation to the permit scheme. The Committee is aware that the Public Accounts Committee, on 26 February 2009, reported on the issue of road openings by utilities and made recommendations for improvement. The Public Accounts Committee received a memorandum of response to that report dated 22 May 2009. An update to that memorandum of response was received on 2 November 2009 and was noted by the Public Accounts Committee. **The Committee for Regional Development recommends that progress**

to date on the implementation of the findings of the Public Accounts Committee's report should inform the development of the Department's regulations for the permit scheme, and should form the basis of ongoing monitoring of the operation of the permit scheme.

6. **The Committee further recommends that the permit scheme should be reviewed after three years to ascertain if the Street Works (Northern Ireland) Order 1995 requires amendment to address this issue.**

Notice period before works on roads commence

7. The requirement for a notice period before any works could commence, with the exception of emergency works, was raised in submission and also by Committee Members. This has been an ongoing issue for Members in their constituencies and the Committee welcomed the inclusion in the Bill, of a provision to include in regulations the specification of a notice period to be given in advance of work commencing.

Compensation for promoters in the event of emergency works

8. The issue of who is responsible for compensating a promoter for any loss of earnings as a result of emergency works needing to be carried out was discussed at length in Committee. In discussion with, and in correspondence from, the Department, it was suggested that compensation recovery should be a matter for the promoters and their insurers. On reflection, the Committee agreed that the matter was appropriately covered in schedule 1 of the Bill and that the matter should be one for promoter and insurer, and that any compensation should not come from the public purse. The Committee sought and received from the Department confirmation that this issue will be dealt with in the guidance that issues on the permit scheme.

Impact of works on peak-time traffic flows

9. During evidence, the Committee raised concerns over the impact that works would have on the flow of traffic on roads, particularly on peak-time traffic flow. In response, Departmental officials indicated that the conditions included and defined in regulations *may* cover the times when works may be carried out and that the conditions *may* also cover types of roads and traffic sensitivity. The Committee, at its meeting on 19 May 2010, received briefing from Departmental officials and Roads Service officials on the Street Works (Northern Ireland) Order 1995 and is content that these concerns are addressed in Article 24 of that Order. Article 24 states that streets that are subject to peak-time traffic flows are designated by the street authority as traffic-sensitive. Traffic-sensitive streets are subject to special provisions whereby the execution of works on those streets shall be carried out on specified dates and at specified times.

Impact of permit schemes on the extension of the gas and other utility networks

10. In evidence, the Committee was informed that the introduction of the permit scheme might have an impact on the feasibility of extending the gas and other utility networks in Northern Ireland. It was suggested that the additional costs of obtaining a permit would mean that the extension of the existing network might not be financially viable. It was suggested that there needs to be a reduction or waiver of the permit fee in order to ensure continued network expansion. The Department indicated that it felt that it would not be appropriate to make exceptions for one utility and not for others. It also emphasised that the cost of the permit will be the cost of administering the system and it also pointed out that the Bill provides for regulations to discount certain fees. It was accepted by the Utility Regulator and the Committee that such discounts could be considered under regulations.

Delegated powers of the Bill

11. The Committee considered the delegated powers of this Bill and sought advice on the delegated powers memorandum from the Assembly's Examiner of Statutory Rules. In his

advice on the delegated powers memorandum, the Examiner of Statutory Rules made the comment that, in his opinion, clause 3(10) should be widened to provide that the first regulations under this section, and any regulations containing provision to which clause 3(3) (e) applies, may not be made unless a draft of them has been laid before, and approved by a resolution of, the Assembly. Clause 3(3)(e), as referred, deals with the creation of a criminal offence. The Committee recommended, and the Department agreed, to the amendment of clause 3(10) to reflect the suggestions of the Examiner of Statutory Rules.

Definition of the term 'film'

12. In submission to the Committee, it was suggested that the term 'film' in schedule 1 of the Bill is restrictive and should be defined to include television programmes and commercials or that television programmes and commercials should be specifically referred to in the schedule. The Committee recommended, and the Department agreed, to the amendment of schedule 1 to insert a definition of the term 'film'.
13. On the general issue of filming, the Committee commented on the arrangements for road closures in the Republic of Ireland compared with those proposed in the Bill. It was suggested that the different arrangements might mean that Northern Ireland is disadvantaged as a result of the costs that might be incurred. In response, the Department informed the Committee that the fees for road closures for special events would only be aimed at recovering any additional costs and that the council may decide not to recover those costs. The Committee sought and received from the Department confirmation that this is the case and that the issue will be included in the guidance to be issued, the development of which will be fully consulted on.

The definition of special events

14. In submission to the Committee a view was expressed that the definition of special events, included in schedule 1 of the Bill, should include reference to markets and fairs. This view was supported by the Committee but Members accepted that the issue of markets and fairs was adequately provided for in other legislation, including the Roads (Northern Ireland) Order 1993; the Street Trading Act 2001; and the Off-Street Parking (Northern Ireland) Order 2000.

Recommendations

Cooperation and coordination for planned works on roads

1. The Committee accepts that there is a duty included in the Street Works (Northern Ireland) Order 1995 for those planning to carry out works on roads to use their best endeavours to coordinate works so as to reduce disruptions, cost and the weakening of the structure of our roads. Members were of the view that the duty to use best endeavours was not sufficient and the term 'best endeavour' needs to be strengthened. The Committee accepts that this duty is included in the Street Works (Northern Ireland) Order 1995 and is therefore not within the scope of this Bill. However, the Committee's understanding is that regulations will be produced and consulted on by the Department in relation to the permit scheme. The Committee is aware that the Public Accounts Committee, on 26 February 2009, reported on the issue of road openings by utilities and made recommendations for improvement. The Public Accounts Committee received a memorandum of response to that report dated 22 May 2009. An update to that memorandum of response was received on 2 November 2009 and was noted by the Public Accounts Committee. **The Committee for Regional Development recommends that progress to date on the implementation of the findings of the Public Accounts Committee's report should inform the development of the Department's regulations for the permit scheme, and should form the basis of ongoing monitoring of the operation of the permit scheme.**
2. **The Committee further recommends that the permit scheme should be reviewed after three years to ascertain if the Street Works (Northern Ireland) Order 1995 requires amendment to address this issue.**

Introduction

Background

1. The Roads (Miscellaneous Provisions) Bill was introduced to the Assembly by the Minister for Regional Development on 18 January 2010 and completed Second Stage on 26 January 2010, when it was subsequently referred to the Committee for Regional Development (the Committee) for Committee Stage. The Bill has 10 clauses and 3 schedules. The provisions in each clause are explained in the Explanatory and Financial Memorandum.¹
2. The purpose of the Bill is to introduce arrangements in relation to the authorisation of certain events on roads and to introduce a permit scheme to control works on roads. The Bill also introduces, to the Road Traffic Regulations (Northern Ireland) Order 1997, a power to hold inquiries and also amends the Traffic Management (Northern Ireland) Order 2005 to reflect changes that have taken place in the functions of the Lord Chancellor's Office and the functions of the Lord Chief Justice.

The Committee's Approach

3. The Committee received a briefing from the Department for Regional Development (DRD) on 6 January 2010, prior to the introduction of the Bill to the Assembly.
4. The Committee considered the principles of the Bill at a Committee meeting on 20 January 2010. Following discussion of the Bill, the Committee decided that it would speak in favour of the principles of the Bill at Second Stage debate on 26 January 2010.
5. A public notice was placed in the main provincial newspapers on 8 February 2010, following commencement of Committee Stage, inviting written evidence on the provisions of the Bill. The Committee also contacted a number of key stakeholders seeking their views on the Bill. A list of those contacted in this way can be found at Appendix 7.
6. In response to its call for evidence, the Committee received written submissions from the following:
 - Antrim Borough Council;
 - Ballymena Borough Council;
 - Belfast City Council;
 - BT Ireland;
 - Cookstown District Council;
 - Committee for Culture, Arts and Leisure;
 - Committee for the Environment;
 - Department of Enterprise, Trade and Investment (DETI);
 - Firmus Energy;
 - Limavady Borough Council;
 - Lisburn City Council;
 - North Down Borough Council;
 - Northern Ireland Authority for Utility Regulation (NIAUR);

1 http://www.niassembly.gov.uk/legislation/primary/2009/niabill6_09_efm.htm

- Northern Ireland Electricity (NIE);
 - Northern Ireland Local Government Association (NILGA);
 - Northern Ireland Screen;
 - Omagh District Council;
 - Phoenix Natural Gas Ltd; and
 - Police Service of Northern Ireland (PSNI).
7. On 10 March 2010 the Committee took oral evidence from Departmental officials following a request from the Committee to receive the Department's views on the responses received. At that meeting the Committee took the decision that, as none of those organisations responding to the Committee's call for evidence indicated that they wished to provide oral evidence, it was not necessary to call specific witnesses to give further oral evidence on the Bill. The Committee also took the decision to seek comment on the Department's evidence from those organisations that had submitted written evidence.
8. Given the complex, technical and novel nature of some elements of the Bill, and the potential for receipt of a large number of submissions, the Committee sought an extension to the Committee Stage of the Bill, to allow the Committee sufficient time to receive written and oral evidence, and to allow Members time to reach a considered position and to report on the Bill to the Assembly. On 15 February 2010, the Assembly agreed to extend the Committee Stage of the Bill to 18 June 2010.
9. The Committee considered the evidence presented in written submissions on the clauses of the Bill at its meetings on 14 April and 21 April 2010. Following these meetings, the Committee corresponded with the Department on the issues identified and the Department's responses were considered at the Committee meeting of 10 May 2010. The Committee office also met with Departmental officials and executives from the office of the Utility Regulator on 16 April 2010 to discuss specific issues of concern that the Utility Regulator had raised. The outcome of this meeting was reported back to the Committee on 21 April 2010. At its meeting on 19 May 2010 the Committee undertook detailed clause-by-clause scrutiny of the Bill and, on 26 May 2010, the Committee agreed that its report on the Bill would be printed.
10. The Minutes of Proceedings relating to the Committee's deliberations on the Bill are included at Appendix 1. Copies of the Official Reports of the oral evidence sessions are at Appendix 2 and the written submissions which the Committee received initially are at Appendix 3. Appendix 4 contains copies of memoranda and papers from the Department for Regional Development (DRD). A research paper on the Bill, from the Northern Ireland Assembly's Research and Library Services, is at Appendix 5. Other documents relevant to the Roads (Miscellaneous Provisions) Bill are at Appendix 6, and a list of those invited to give written evidence on the provisions of the Bill is at Appendix 7.

Consideration of the Bill by the Committee

11. In considering the Bill, the Committee took account of the responses received from the range of stakeholders who responded to its call for evidence. It also took oral evidence from Departmental officials, who provided additional information and clarification on the points raised in the submissions received. The Committee office met with Departmental officials and executives from the Northern Ireland Authority for Utility Regulation to discuss the specific concerns that the Utility Regulator had raised; the outcome of this meeting was also taken into account by the Committee.
12. The Committee, during its evidence gathering, recognised that a number of the concerns it raised are covered by other legislation, that includes:
- the Street Works (Northern Ireland) Order 1995;
 - the Street Works (Amendment) (Northern Ireland) Order 1997;
 - the Roads (Northern Ireland) Order 1993;
 - the Street Trading Act 2001; and
 - the Off-Street Parking (Northern Ireland) Order 2000.

As a result, the Committee accepts that a large number of the concerns raised would be more appropriately addressed through consideration of other legislation, and not in this Bill.

Part 1 – Permit Schemes

General Comments

13. On the general issue of permit schemes, as detailed in part 1 of the Bill, a number of issues were raised with regard to the cost of issuing the permits; the need for cooperation and coordination when planning road openings so as to minimise cost incurred and disruption caused as a result of works, including the possibility of a centralised point of control.
14. A number of organisations raised concerns around the cost of permits. It was pointed out that the cost of the permit would have to be absorbed by the company that requested it and that this cost could not be passed on to the customer. In response, the Department informed the Committee that the cost of issuing a permit would be set at a rate that would only recover the administrative cost of delivering the scheme, it would not be a means to generate additional income². The Committee accepted that, as the cost is only intended to cover administration of the scheme, it would not be so high as to act as a deterrent and would not have a detrimental effect on companies and how they carry out their work. This issue was also discussed during a meeting of Departmental officials and executives from the office of the Utility Regulator on 16 April 2010.
15. The issue of cooperation and coordination when planning road openings was raised by a number of organisations including Omagh District Council, Belfast City Council and Northern Ireland Electricity. It was also an issue of concern to Members of the Committee. In its response to the Committee, Departmental officials pointed out that it feels that this function is already carried out, on its behalf, by Roads Service as the single road authority.
16. The Department also discussed how the Street Works (Northern Ireland) Order 1995 places a duty on those planning to open roads to carry out works to use their best endeavour to coordinate works so as to reduce disruptions, cost and the weakening of the structure of our roads.

² The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

17. During discussions in Committee, Members were of the view that the duty to use best endeavour is not sufficient and the term 'best endeavour' needs to be strengthened. The Department expressed the view that to do so would be met with objections from the utility companies and the Utility Regulator as it would have a major impact on how they carry out certain aspects of their work.
18. The Committee accepts that there is a duty included in the Street Works (Northern Ireland) Order 1995 for those planning to carry out works on roads to use their best endeavours to coordinate works so as to reduce disruptions, cost and the weakening of the structure of our roads. Members were of the view that the duty to use best endeavours was not sufficient and the term 'best endeavour' needs to be strengthened. The Committee accepts that this duty is included in the Street Works (Northern Ireland) Order 1995 and is therefore not within the scope of this Bill. However, the Committee's understanding is that regulations will be produced and consulted on by the Department in relation to the permit scheme. The Committee is aware that the Public Accounts Committee, on 26 February 2009, reported on the issue of road openings by utilities and made recommendations for improvement. The Public Accounts Committee received a memorandum of response to that report dated 22 May 2009. An update to that memorandum of response was received on 2 November 2009 and was noted by the Public Accounts Committee. **The Committee for Regional Development recommends that progress to date on the implementation of the findings of the Public Accounts Committee's report should inform the development of the Department's regulations on the permit scheme, and should form the basis of ongoing monitoring of the operation of the permit scheme.**
19. **The Committee further recommends that the permit scheme should be reviewed after three years to ascertain if the Street Works (Northern Ireland) Order 1995 requires amendment to address this issue.**

Clause 1 – Meaning of permit scheme

20. Lisburn City Council, in its submission to the Committee, suggested the need for permits to be issued in advance of any road works commencing, in order to improve control and coordination of works and, as a result, reduce traffic congestion. The Committee accepts that this concern has been addressed in clause 1 of the Bill. The Department, in its evidence, agreed that the scheme must be effectively controlled and informed the Committee that Roads Service will fulfil this function.³

Clause 2 – Making, variation and revocation of schemes

21. The Committee did not receive any comments in relation to this clause of the Bill and Members did not raise any concerns.

Clause 3 – Permit regulations

22. This clause of the Bill caused most concern to Members and to those organisations that submitted evidence.
23. BT Ireland raised concerns around the regulations making provision for, or in connection with, the giving of fixed penalty notices. The suggestion received was that fixed penalty notices must not exceed costs in connection with the permit scheme. Northern Ireland Electricity made similar comments. The Committee accepted the Department's comments that this Bill repeals the permit scheme provision of the Street Works (Northern Ireland) Order 1995 and replaces it with the same requirements in this Bill; there will therefore not be any change to the current arrangement. The Committee also accepted the Department's comments that fixed penalty notices are issued as a result of overrunning the specified time period for completion of works or for poor performance and it is therefore possible for the utility companies to avoid fixed penalty notices⁴.

3 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

4 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

24. The Committee received evidence from Northern Ireland Electricity, Phoenix Natural Gas and Firmus Energy that the Bill should be amended to make specific reference to providing a notice period to utility companies and other affected parties with regard to permits being considered by the Department and that actual restrictions should be agreed for approved permits. They also suggested an amendment to include specific reference to permit holders having to cooperate with emergency services and other agencies in resolving local emergency situations. In response, the Department is of the opinion that clause 3(2)(d) already provides for the first of these suggested amendments and that clause 3(8)(a) provides for the second suggested amendment. The Committee, in considering these suggested amendments, and in considering the detail of the Bill, accepts that they are already incorporated in the Bill.⁵
25. The issue of who is responsible for compensating a promoter for any loss of earnings as a result of emergency works needing to be carried out was discussed at length in Committee. In discussion with, and in correspondence from, the Department, it was suggested that compensation recovery should be a matter for the promoters and their insurers. On reflection, the Committee agreed that the matter was appropriately covered in schedule 1 of the Bill and that the matter should be one for promoter and insurer, and that any compensation should not come from the public purse. The Committee sought and received from the Department confirmation that this issue will be dealt with in the guidance that issues on the permit scheme.
26. During evidence, the Committee raised concerns over the impact that works would have on the flow of traffic on roads, particularly on peak-time traffic flow. In response, Departmental officials indicated that the conditions included and defined in regulations *may* cover the times when works may be carried out and that the conditions *may* also cover types of roads and traffic sensitivity⁶. The Committee, at its meeting on 19 May 2010, received briefing from Departmental officials and Roads Service officials on the Street Works (Northern Ireland) Order 1995 and is content that these concerns are addressed in Article 24 of that Order. Article 24 states that streets that are subject to peak-time traffic flows are designated by the street authority as traffic-sensitive. Traffic-sensitive streets are subject to special provisions whereby the execution of works on those streets shall be carried out on specified dates and at specified times.
27. Lisburn City Council raised a concern that the decision to issue or refuse a permit can be appealed to the Planning Appeals Commission. It is of the view that the process is too slow and the appeals mechanism could delay works, to which a permit might apply, beyond the actual date that the works are planned to take place. In reply, the Department pointed out that the Planning Appeals Commission is the appellate body under the Street Works (Northern Ireland) Order 1995 and the Roads (Northern Ireland) Order 1993 and it would be the Department's view that it would be inappropriate for appeals to be dealt with by a different appellate body. The Committee shared the concerns of Lisburn District Council but accepted the Department's comments and also accepted that it would not be a major issue as it is extremely rare for a decision to be appealed to the Commission.⁷
28. The impact that the introduction of the permit scheme might have on the feasibility of extending the gas and other utility networks in Northern Ireland was discussed in detail. The Utility Regulator emphasised that the additional costs that might be incurred by the permit scheme would mean that the extension of the existing network would not be financially viable. In its submission, Utility Regulator suggested that there needs to be a reduction or waiver of the permit fee in order to ensure continued network expansion. The Department believes that it would not be appropriate to make exceptions for one utility and not for others.
29. In order to address these concerns, the Committee office met with Departmental officials and executives from the Northern Ireland Authority for Utility Regulation and, at that meeting, it

5 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

6 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

7 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

was emphasised that the cost of the permit will be set to recover the cost of administering the system only. It was also pointed out that clause 3(6) of this Bill provides for regulations to discount certain fees. It was accepted by the Utility Regulator that such discounts could be considered under regulations.

30. The Committee received a memorandum from the Department that detailed the delegated powers proposed in this Bill. Advice was sought on the memorandum from the Assembly's Examiner of Statutory Rules. In his advice on the memorandum, the Examiner of Statutory Rules made the comment that, in his opinion, clause 3(10) should be widened to provide that the first regulations under this section, and any regulations containing provision to which clause 3(3)(e) applies, may not be made unless a draft of them has been laid before, and approved by a resolution of, the Assembly. Subsection (3)(e) of clause 3, as referred, allows permit regulations to make provision for, or in connection with, the creation of a criminal offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
31. The Committee suggested, and the Department agreed, to the amendment of clause 3(10) to reflect the suggestions of the Examiner of Statutory Rules.

Clause 4 – Crown application

32. The Committee did not receive any comments in relation to this clause of the Bill and Members did not raise any concerns.

Clause 5 – Interpretation of Part 1

33. Again, the Committee did not receive any comments in relation to this clause of the Bill and Members did not raise any concerns.

Part 2 – Miscellaneous

Clause 6 – Prohibition or restriction of use of public roads in connection with special events

34. In submission to the Committee, Omagh District Council expressed a concern with regard to the transfer of powers to councils, stating that it appeared to be only the transfer of an administrative role. In reply, the Department stated to the Committee that it presently does not have any powers to authorise special events on roads and, consequently, there is no cost to the Department in respect of processing applications and there are therefore no proposals to transfer resources, associated with events on roads, to councils.⁸
35. The Committee for Culture, Arts and Leisure expressed the view that this clause should make reference to cultural events as special events. This issue will be detailed later in this report.

Clauses 7 to 10 – Inquiries; Minor amendments and repeals; Commencement; and Short title

36. The Committee did not receive any significant comments in relation to these clauses of the Bill and Members did not raise any concerns.

Schedules

Schedule 1 – Prohibition or restriction of use of public roads

37. Schedule 1 of this Bill relates to the schedule to be inserted at Schedule 3A of the Road Traffic Regulation (Northern Ireland) Order 1997.
38. Omagh District Council suggested an amendment to this schedule of the Bill in line with the spirit of strong local government as set out in the Review of Public Administration

8 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

(RPA)⁹. In response to this suggestion, the Department stated that, in issuing guidance to councils regarding the exercise of their functions in relation to special events, it will serve to strengthen local government, in keeping with the council's views. The Committee noted this concern and made no further comment.¹⁰

39. In its submission to the Committee, Northern Ireland Screen suggested that the term 'film' in this schedule is restrictive and should be defined to include television programmes and commercials or that television programmes and commercials should be specifically referred to in the schedule.
40. The Committee suggested, and the Department agreed, to an amendment to schedule 1 to insert a definition of the term 'film'¹¹. The definition to be inserted might include: "any record, however made, of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture".
41. On the general issue of filming, the Committee commented on the arrangements in the Republic of Ireland whereby the Minister makes the decision on what roads may or may not be closed for filming and publishes a scale of costs for closures. The concerns raised centred on the possibility that Northern Ireland may be disadvantaged as a result of the costs that might be incurred. In response, the Department informed the Committee that the proposed fees would only be aimed at recovering any additional costs and that the council may decide not to recover the additional costs. The Committee sought and received from the Department confirmation that this is the case and that the issue will be included in the guidance to be issued, the development of which will be fully consulted on.¹²
42. The Committee for Culture, Arts and Leisure was of the opinion that the definition of 'special event' in paragraph 2(1) of Schedule 3A of the Traffic Regulation (Northern Ireland) Order 1997 should include a reference to cultural events. In response to this suggestion, Departmental officials expressed the view that a cultural event, which a council is likely to consider closing a road to facilitate, is likely to be either sporting, social or entertainment by nature, or may possibly involve filming. Consequentially, such an event would be covered by the Bill.¹³
43. Belfast City Council felt that the definition of special events should include reference to markets and fairs. This view was supported but Members accepted that the issue is adequately provided for in other legislation, including the Roads (Northern Ireland) Order 1993; the Street Trading Act 2001; and the Off-Street Parking (Northern Ireland) Order 2000.¹⁴

Schedule 2 – Minor and consequential amendments

44. The Committee did not receive any comments in relation to this schedule of the Bill and Members did not raise any concerns.

Schedule 3 – Repeals

45. Again, the Committee did not receive any comments in relation to this schedule of the Bill and Members did not raise any concerns.

9 The Committee, during its consideration of the response from Omagh District Council, recognised that some RPA related issues remained unresolved and received confirmation from the Department that the outworking of RPA will not have an impact on the passage of the Roads (Miscellaneous Provisions) Bill.

10 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

11 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

12 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

13 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

14 The Official report of the Department's evidence of 10 March 2010 is included at Appendix 2.

Clause by Clause Scrutiny of the Bill

46. The Committee undertook detailed clause-by-clause scrutiny of the Bill on 19 May 2010 – see Minutes of Evidence at Appendix 2. The Committee recommended two amendments which are outlined below.

Clause 1 – Meaning of permit scheme

47. The Committee agreed to clause 1 as drafted.

Clause 2 – Making, variation and revocation of schemes

48. The Committee agreed to clause 2 as drafted.

Clause 3 – Permit regulations

49. The Committee suggested, and the Department agreed, to the amendment of clause 3(10) to provide that the first regulations under this section, and any regulations containing provision to which clause 3(3)(e) applies, may not be made unless a draft of them has been laid before, and approved by a resolution of, the Assembly. Clause 3(3)(e), as referred, deals with the creation of a criminal offence. With the exception of this agreed amendment, the Committee agreed to clause 3 as drafted.

50. At the Committee meeting on 19 May 2010, Members considered and agreed the amendment, as drafted. The amendment, to be moved at Consideration Stage, is as follows:

Clause 3, page 4, line 4, leave out subsection (10) and insert —

‘(10) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(10A) Subsection (10) applies to —

- (a) the first regulations under this section;
- (b) regulations under this section containing any provision which creates a criminal offence or increases a penalty for an existing offence.’

Clause 4 – Crown application

51. The Committee agreed to clause 4 as drafted.

Clause 5 – Interpretation of Part 1

52. The Committee agreed to clause 5 as drafted.

Clause 6 – Prohibitions or restriction of use of public roads in connection with special events

53. The Committee agreed to clause 6 as drafted.

Clause 7 – Inquiries

54. The Committee agreed to clause 7 as drafted.

Clause 8 – Minor amendments and repeals

55. The Committee agreed to clause 8 as drafted.

Clause 9 – Commencement

56. The Committee agreed to clause 9 as drafted.

Clause 10 – Short title

57. The Committee agreed to clause 10 as drafted.

Schedule 1 – Prohibition or restriction of use of public roads: special events

58. The Committee suggested, and the Department agreed, to the amendment of schedule 1 to insert a definition of the term ‘film’. With the exception of this agreed amendment, the Committee agreed to schedule 1 as drafted.
59. At the Committee meeting on 19 May 2010, Members considered and agreed the amendment, as drafted. The amendment, to be moved at Consideration Stage, is as follows:

Schedule 1, page 7, line 13 at end insert—

‘and for the purpose of this paragraph “film” includes a recording on any medium from which a moving image may by any means be produced.’

Schedule 2 – Minor and consequential amendments

60. The Committee agreed to schedule 2 as drafted.

Schedule 3 - Repeals

61. The Committee agreed to schedule 3 as drafted.



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings of the Committee Relating to the Report

Wednesday 9 December 2009

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Allan Bresland MLA
Willie Clarke MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Ian McCrea MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Cathal Boylan MLA
Raymond McCartney MLA

10.38am The meeting commenced in open session.

3. Matters Arising

- Members noted correspondence from the Minister for Regional Development, Conor Murphy MP MLA, together with the draft Roads (Miscellaneous Provisions) Bill and indicative timetable. Members also noted that a pre-introductory briefing from Departmental officials on the proposed Bill has been scheduled for 6 January 2010.

[EXTRACT]

Wednesday 6 January 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Allan Bresland MLA
Willie Clarke MLA
Danny Kinahan MLA
Raymond McCartney MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Cathal Boylan MLA
Tommy Gallagher MLA
Ian McCrea MLA

10.35 am The meeting commenced in open session.

5. Roads (Miscellaneous Provisions) Bill: Preparatory Briefing

Members noted a number of items of correspondence from the Department for Regional Development in relation to the Roads (Miscellaneous Provisions) Bill.

The Committee received a preparatory briefing from Departmental officials, Andrew Murray, Harvey Hamilton and Gerry Anketell, on the content of the Bill in advance of its proposed introduction in the Assembly on 18 January 2010.

[EXTRACT]

Wednesday 20 January 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Allan Bresland MLA
Willie Clarke MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Raymond McCartney MLA
Ian McCrea MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: None.

10.36am The meeting commenced in open session.

4. Roads (Miscellaneous Provisions) Bill

Agreed: Members considered the Roads (Miscellaneous Provisions) Bill and the associated Explanatory and Financial Memorandum and agreed to accept the principles of the Bill.

Agreed: Members noted a Delegated Powers Memorandum from the Department for Regional Development in relation to the Roads (Miscellaneous Provisions) Bill and agreed to forward the memorandum to the Examiner of Statutory Rules for technical scrutiny and comment.

[EXTRACT]

Wednesday 27 January 2010

Room 21, Parliament Buildings

Present: Michelle McIlveen MLA (Deputy Chairperson)
Allan Bresland MLA
Willie Clarke MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Raymond McCartney MLA
Ian McCrea MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Fred Cobain MLA (Chairperson)
Cathal Boylan MLA

10.34 am The meeting commenced in open session.

Members noted a tabled amended agenda for the meeting.

4. Roads (Miscellaneous Provisions) Bill

Members noted a Hansard report of the Second Stage debate on the Bill and a paper from a Member detailing points raised during the debate.

The Committee received a briefing from Assembly Research and Library Services that provided a synopsis of the Roads (Miscellaneous Provisions) Bill and highlighted the provisions of the Bill. The briefing also included a comparison of the provisions for managing events on roads and permit schemes in England, Wales and the Republic of Ireland.

10.50 am The meeting moved into closed session

Agreed: Members considered and agreed a timetable for the Committee Stage of the Roads (Miscellaneous Provisions) Bill.

Agreed: Members considered and agreed a motion to the Assembly to extend the time to report on the Roads (Miscellaneous Provisions) Bill.

Agreed: Members considered and agreed, subject to amendment, a list of key stakeholders to be contacted to make submissions to the Committee during the Committee Stage of the Roads (Miscellaneous Provisions) Bill.

[EXTRACT]

Wednesday 17 February 2010

Clarion Hotel, Carrickfergus

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Allan Bresland MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Ian McCrea MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Willie Clarke MLA
Raymond McCartney MLA

10.14am The meeting commenced in open session. The Deputy Chairperson took the chair.

3. Matters Arising

- Agreed: Members noted responses from Lisburn City Council and the Command Secretary of the Police Service of Northern Ireland to the Committee's consultation on the Roads (Miscellaneous Provisions) Bill and agreed to consider the responses during its Consideration Stage of the Bill.

[EXTRACT]

Wednesday 24 February 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Willie Clarke MLA
Tommy Gallagher MLA
Raymond McCartney MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Cathal Boylan MLA
Allan Bresland MLA
Danny Kinahan MLA
Ian McCrea MLA

10.40am The meeting commenced in open session.

3. Matters Arising

Agreed: Members noted responses received from Phoenix Natural Gas, the Police Service of Northern Ireland, Firmus Energy and Northern Ireland Electricity to the Committee's consultation on the Roads (Miscellaneous Provisions) Bill and agreed to consider these responses during the Committee Stage of the Bill. Members also agreed to forward all responses received to the Department for Regional Development for consideration.

[EXTRACT]

Wednesday 3 March 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Allan Bresland MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Raymond McCartney MLA
George Robinson MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Cathal Boylan MLA
Willie Clarke MLA
Ian McCrea MLA

10.38am The meeting commenced in open session.

3. Matters Arising

Agreed: Members noted responses received from Northern Ireland Screen, North Down Borough Council, Omagh District Council and Antrim Borough Council to the Committee's call for evidence on the Roads (Miscellaneous Provisions) Bill and agreed to consider these responses during the Committee Stage of the Bill. Members also agreed to forward all responses received to the Department for Regional Development for consideration.

[EXTRACT]

Wednesday 10 March 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Allan Bresland MLA
Willie Clarke MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Raymond McCartney MLA
Ian McCrea MLA
George Robinson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Brian Wilson MLA

10.44am The meeting commenced in open session.

4. Roads (Miscellaneous Provisions) Bill

Members considered the Department's delegated powers memorandum on the Roads (Miscellaneous Provisions) Bill and also considered written briefing on the memorandum from the Assembly's Examiner of Statutory Rules.

11.00am The meeting returned to open session.

Members considered the responses received to date to its call for evidence.

The Committee received a briefing from Roads Service officials, Andrew Murray, Gerry Anketell, Harvey Hamilton, and Gerry Byrne, on the responses received to the Committee's call for evidence.

Agreed: The Committee agreed to write to the Department in relation to the issues raised during the briefing.

Agreed: Having considered the responses received to date, the Committee agreed that, at this time, it was not necessary to call for oral evidence on the Committee Stage of the Bill. Members also decided that the Hansard transcript of the Departmental briefing be forwarded to the organisations who responded to the call for evidence for consideration.

[EXTRACT]

Wednesday 24 March 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Allan Bresland MLA
Willie Clarke MLA
Tommy Gallagher MLA
Danny Kinahan MLA
Raymond McCartney MLA
Ian McCrea MLA
Brian Wilson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: George Robinson MLA

10.46am The meeting commenced in open session.

3. Matters Arising

Agreed: Members noted responses received from Belfast City Council and the Committee for Culture, Arts and Leisure to the Committee's call for evidence on the Roads (Miscellaneous Provisions) Bill and agreed to consider these responses during the Committee Stage of the Bill.

[EXTRACT]

Wednesday 14 April 2010

Room 21, Parliament Buildings

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Willie Clarke MLA
Tommy Gallagher MLA
Billy Leonard MLA
Trevor Lunn MLA
George Robinson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Allan Bresland MLA
Danny Kinahan MLA
Ian McCrea MLA

10.35am The meeting commenced in open session.

6. Roads (Miscellaneous Provisions) Bill: Consideration of the clauses of the Bill

Agreed: The Committee considered the evidence received to date on the Roads (Miscellaneous Provisions) Bill relevant to the clauses and schedules of the Bill and agreed to seek clarification on a number of issues and also to begin formal clause by clause scrutiny of the Bill after receipt of the clarification sought.

[EXTRACT]

Wednesday 21 April 2010

Room 21, Parliament Buildings

Present: Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Allan Bresland MLA
Tommy Gallagher MLA
Billy Leonard MLA
Trevor Lunn MLA
George Robinson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Fred Cobain MLA (Chairperson)
Willie Clarke MLA
Danny Kinahan MLA
Ian McCrea MLA

10.40am The meeting commenced in open session.

11.58am The meeting moved into closed session.

6. Roads (Miscellaneous Provisions) Bill: Further consideration of the clauses of the Bill

Agreed: The Committee considered further the evidence received on the Roads (Miscellaneous Provisions) Bill relevant to the clauses and schedules of the Bill and agreed to consider the first draft of the Bill Report at the Committee meeting on 10 May 2010 and to begin formal clause by clause scrutiny of the Bill at the Committee meeting on 19 May 2010.

Agreed: The Committee also agreed to write to the Department for Regional Development seeking confirmation on a number of issues raised.

12.10pm Mr Gallagher left the meeting.

12.16pm The meeting returned to open session.

[EXTRACT]

Monday 10 May 2010

Room 30, Parliament Buildings

Present: Michelle McIlveen MLA (Deputy Chairperson)
Allan Bresland MLA
Willie Clarke MLA
Tommy Gallagher MLA
Billy Leonard MLA
Ian McCrea MLA
George Robinson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Fred Cobain MLA (Chairperson)
Cathal Boylan MLA
Danny Kinahan MLA
Trevor Lunn MLA

12.12pm The meeting commenced in closed session.

4. Consideration of the first draft of the Committee's report on the Roads (Miscellaneous Provisions) Bill

Agreed: The Committee considered the first draft of its report to the Assembly on the Roads (Miscellaneous Provisions) Bill and agreed to formally scrutinise the clauses of the Bill at the Committee meeting on 19 May 2010. The Committee also agreed to consider a revised report at its meeting on 26 May 2010.

12.35pm The Committee moved to public session.

[EXTRACT]

Wednesday 19 May 2010

Room 21, Parliament Buildings

Present: Michelle McIlveen MLA (Deputy Chairperson)
Allan Bresland MLA
Willie Clarke MLA
Danny Kinahan MLA
Ian McCrea MLA
George Robinson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: Fred Cobain MLA (Chairperson)
Cathal Boylan MLA
Tommy Gallagher MLA
Billy Leonard MLA
Trevor Lunn MLA

6. **Roads (Miscellaneous Provisions) Bill: Clause-by-clause scrutiny**

The Committee formally scrutinised, clause-by-clause, the Roads (Miscellaneous Provisions) Bill and agreed the following:

Clause 1 - Meaning of permit scheme

Question put and agreed: 'that the Committee for Regional Development has considered and agreed Clause 1 of the Roads (Miscellaneous Provisions) Bill, as drafted.'

Clause 2 - Making, variation and revocation of schemes

Question put and agreed: 'that the Committee for Regional Development has considered and agreed Clause 2 of the Roads (Miscellaneous Provisions) Bill, as drafted.'

Clause 3 - Permit regulations

Question put and agreed: 'that the Committee for Regional Development has considered and agreed Clause 3 of the Roads (Miscellaneous Provisions) Bill, as drafted, and subject to an agreed amendment, namely:

Clause 3, page 4, line 4, leave out subsection (10) and insert—

'(10) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(10A) Subsection (10) applies to—

- (a) the first regulations under this section;
- (b) regulations under this section containing any provision which creates a criminal offence or increases a penalty for an existing offence.'

Clause 4 - Crown application

Question put and agreed: 'that the Committee for Regional Development has considered and agreed Clause 4 of the Roads (Miscellaneous Provisions) Bill, as drafted.'

Clause 5 - Interpretation of Part 1

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Clause 5 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Clause 6 - Prohibition or restriction of use of public roads in connection with special events

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Clause 6 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Clause 7 - Inquiries

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Clause 7 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Clause 8 - Minor amendments and repeals

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Clause 8 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Clause 9 - Commencement

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Clause 9 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Clause 10 - Short title

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Clause 10 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Schedule 1 - Schedule to be inserted as Schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Schedule 1 of the Roads (Miscellaneous Provisions) Bill, as drafted, and subject to an agreed amendment, namely:

Schedule 1, page 7, line 13 at end insert—

‘and for the purpose of this paragraph “film” includes a recording on any medium from which a moving image may by any means be produced.’

Schedule 2 - Minor and consequential amendments

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Schedule 2 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Schedule 3 - Repeals

Question put and agreed: ‘that the Committee for Regional Development has considered and agreed Schedule 3 of the Roads (Miscellaneous Provisions) Bill, as drafted.’

Agreed: Members agreed that the decisions taken on the clauses and schedules of the Bill be reflected in the draft Committee report and that the report be considered by the Committee at its meeting on 26 May 2010.’

Agreed: Members agreed that the Committee office takes forward the collation of the appendices to the report, and further agreed that, as part of the published report, the appendices should be provided on CD-ROM.

[EXTRACT]

Wednesday 26 May 2010

Room 21, Parliament Buildings

Unapproved

Present: Fred Cobain MLA (Chairperson)
Michelle McIlveen MLA (Deputy Chairperson)
Cathal Boylan MLA
Allan Bresland MLA
Willie Clarke MLA
Danny Kinahan MLA
Billy Leonard MLA
Trevor Lunn MLA
Ian McCrea MLA
Conall McDevitt MLA
George Robinson MLA

In Attendance: Roisin Kelly (Assembly Clerk)
Trevor Allen (Assistant Assembly Clerk)
Andrew Larmour (Clerical Supervisor)
Alison Ferguson (Clerical Officer)

Apologies: No apologies were received.

10.40am The meeting commenced in open session.

4. Consideration of the Committee's draft report on the Roads (Miscellaneous Provisions) Bill

The Committee continued its consideration of its Report on the Roads (Miscellaneous Provisions) Bill.

Agreed: Members agreed the Executive Summary (paragraphs 1 to 14); the Recommendations (paragraphs 1 and 2); the Introduction section (paragraphs 1 to 10); the Consideration of the Bill by the Committee section (paragraphs 11 to 45); and the Clause by Clause Scrutiny of the Bill section (paragraphs 46 to 61) of the report.

Agreed: Members agreed that the above paragraphs, as agreed, do stand part of the report.

Agreed: Members agreed that Appendix 1, Minutes of Proceedings, stands part of the report.

Agreed: Members agreed that Appendix 2, Minutes of Evidence, stands part of the report.

Agreed: Members agreed that Appendix 3, Written Submissions, stands part of the report.

Agreed: Members agreed that Appendix 4, Memoranda and papers from the Department for Regional Development, stands part of the report.

Agreed: Members agreed that Appendix 5, Northern Ireland Assembly Research papers, stands part of the report.

Agreed: Members agreed that Appendix 6, Other Documents relevant to the Roads (Miscellaneous Provisions) Bill, stands part of the report.

Agreed: Members agreed that Appendix 7, Stakeholders Invited to Give Evidence, stands part of the report.

Agreed: Members agreed that the report be the Second Report on the Committee for Regional Development to the Assembly for the 2009/2010 Session.

Agreed: Members agreed that the extract of minutes of this meeting be checked by the Chairperson and included in the appendices to the report as unapproved minutes.

Agreed: Members agreed that the report of the Committee for Regional Development on the Roads (Miscellaneous Provisions) Bill be ordered to print.

11.01am Mr Kinahan and Mr McDevitt left the meeting

Agreed: Members agreed that the report will be laid, in manuscript, in the Assembly Business Office on the morning of Thursday 27 May 2010 and that it be made available for viewing by all Members of the Assembly.

Agreed: Members agreed that the report be forwarded to the Minister for Regional Development in advance of its publication.

Members noted that the report will be circulated to all Members of the Assembly on Tuesday 1 June 2010.

Agreed: Members considered and agreed a Committee press release on the publication of the Bill for issue on Tuesday 1 June 2010.

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

27 January 2010

Members present for all or part of the proceedings:

Miss Michelle McIlveen (Deputy Chairperson)
 Mr Allan Bresland
 Mr Willie Clarke
 Mr Tommy Gallagher
 Mr Raymond McCartney
 Mr Ian McCrea
 Mr George Robinson
 Mr Brian Wilson

Witness:

Mr Desmond McKibbin *Northern Ireland
 Assembly*

1. **The Deputy Chairperson (Miss McIlveen):** The Roads (Miscellaneous Provisions) Bill passed its First Stage on 18 January 2010 and its Second Stage on 26 January 2010 and stands referred to this Committee for its Committee Stage. I welcome Mr Desmond McKibbin from the Assembly's Research and Library Service, who is here to present a research paper on the Bill.
2. **Mr Desmond McKibbin (Northern Ireland Assembly):** The Roads (Miscellaneous Provisions) Bill introduces a number of new measures to update and amend roads-related legislation in Northern Ireland. According to Roads Service's policy consultation paper, the Bill will enable the Department for Regional Development to: "improve the quality and cost-effectiveness of the public services it provides, and improve the utility of existing transport infrastructure."
3. That aim will be achieved through two new provisions. One will give local councils the power to manage events on roads, such as closure for the purposes of filming, and the other will give the Department the power to provide permit schemes for work on roads. The powers will allow for better management of possible disruptions and will offer the potential to generate income.
4. I will begin by giving an explanation of the need for permit schemes and explore the issue of closure of roads for special events, after which I will outline how similar legislation has been applied in other legislatures.
5. Roadworks cause much disruption to the roads network in Northern Ireland, leading to congestion and delays. Current transport statistics suggest that the level of road use is still rising annually; that can only mean that congestion and delays will worsen. In addition to the works that the Department needs to carry out to maintain the road network, the utility companies contribute significantly to the disruption, with more than 35,000 road openings per annum. Although there is no question that such work is essential, the proposed permit scheme is designed to allow for better management of roadworks, which would minimise disruption by specifying start and finish dates and allowing for forward planning.
6. The Street Works (Amendment) (Northern Ireland) Order 2007 introduced permit requirements, largely for street works carried out by utility companies. However, the consultation on the Roads (Miscellaneous Provisions) Bill identified the need for such schemes to apply to all types of roadworks, and, therefore, it proposes to include private contractors as well as utility companies.
7. The Bill proposes a paid permit scheme for those who are contracted to carry out roadworks. It will introduce a fee for a permit application, the issuing of a permit and an application to change a permit. The policy consultation paper contains a suggestion that any charges for permit schemes would be in line with their equivalents in England and Wales.
8. The Bill is similar in composition to part 3 of the Traffic Management

- Act 2004, which provides for permit schemes on public roads in the UK. Although there is no current indication that councils in England charge for permits, the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2009 apply to every publicly maintained highway. Charges may have yet to be applied because those regulations provide — as does the Roads (Miscellaneous Provisions) Bill — for circumstances in which a fee is not necessary, such as works in non traffic-sensitive streets or works in traffic-sensitive streets at non traffic-sensitive times. The costs associated with those permits are set at different levels according to the importance of the street.
9. A permit scheme came into effect on London's busiest roads on 11 January 2010. The scheme, which affects 18 boroughs, requires utility companies and other companies to apply for permits to dig up roads. It will aim to reduce disruption by imposing penalties on companies that fail to complete works on time. Each permit will cost £240, but companies could face fines of up to £5,000 for breaching the regulations.
 10. During the consultation on the introduction of charges for permits in Northern Ireland, British Telecom (BT), Northern Ireland Electricity (NIE) and the National Joint Utilities Group (NJUG) took the view that charges for permits should be associated only with costs incurred by the Department for Regional Development. That view seems to be in line with what is happening in England, where charges for permits in London will be imposed only on companies that carry out works on the city's busiest roads.
 11. The PSNI and some local councils have lobbied the Department for Regional Development to introduce statutory powers to clarify and regulate better the closure of roads for events. The police facilitate events such as the Belfast marathon, through the temporary closing of roads as provided for in article 32 of the Road Traffic Regulation (Northern Ireland) Order 1997. Clause 6 of the Roads (Miscellaneous Provisions) Bill amends the 1997 Order and will enable local councils to prohibit or restrict the use of roads for the purpose of holding special events, such as any sporting or social event or entertainment that is held on a public road, or, additionally, the making of a film on a public road. The Bill introduces a major amendment to the 1997 Order, in that it will provide the power to prohibit temporarily or restrict traffic on roads to facilitate the making of a film.
 12. The London Local Authorities and Transport for London Act 2008 allows traffic authorities to close roads or highways in London for the specific purpose of filming. According to the film and media agency Film London, the legislation was most welcome and very necessary in order that London could be viewed as a world-class location in which to film. Previous legislation was ambiguous about what constituted a relevant event and was, therefore, regarded as a major disadvantage when compared with similar provision in cities worldwide.
 13. It is widely accepted that filming on location provides many direct economic benefits for the location through job creation and, indirectly, through its propensity to promote tourism to film locations. The London legislation allows for closures to happen more frequently and for longer periods. The implementation of an order or a notice involves fees, which are set out in annex 1 to my research paper. Those fees, and the lead-in times for applications, differ from borough to borough. The production companies are also responsible for costs associated with the necessary traffic management plans, such as signage or any policing or security that is required.
 14. **The Deputy Chairperson:** No Committee members have indicated that they wish to ask questions. Thank you for your presentation. It will inform us as we proceed with the Bill's Committee Stage.

10 March 2010

Members present for all or part of the proceedings:

Mr Fred Cobain (Chairperson)
 Miss Michelle McIlveen (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Allan Bresland
 Mr Willie Clarke
 Mr Tommy Gallagher
 Mr Danny Kinahan
 Mr Raymond McCartney
 Mr Ian McCrea
 Mr George Robinson

Witnesses:

Mr Gerry Anketell *Department for*
 Mr Gerry Byrne *Regional Development*
 Mr Harvey Hamilton
 Dr Andrew Murray

15. **The Chairperson (Mr Cobain):** This session is being recorded for Hansard. Andrew, will you introduce your team, please?
16. **Dr Andrew Murray (Department for Regional Development):** Good morning. I am Andrew Murray, and I am the Roads Service's director of network services. My colleagues are Gerry Byrne, the street works manager in Roads Service who works with me in the network services area; Harvey Hamilton, from our transportation and engineering policy unit; and Gerry Anketell, from the Department's primary legislation unit.
17. We are here to talk about the Roads (Miscellaneous Provisions) Bill. As you know, we have appeared before the Committee on numerous occasions, and officials have briefed the Committee several times. The last briefing was on 6 January, prior to the introduction of the Bill to the Assembly. We are back today at the Committee's invitation, and I thank you for that. We are here to provide the Department's response to the Committee's stakeholder consultation.
18. I will recap briefly: the Bill is a small one, with two main subjects. First, the permit scheme proposals. Those are free-standing proposals for street and other works. The second subject is the powers to close roads for special events. There are also two technical amendments.
19. Broadly speaking, no comments were made in the stakeholder consultation on the proposals to amend the Traffic Management (Northern Ireland) Order 2005 in relation to the roles of the Lord Chancellor and the Lord Chief Justice, or in relation to the Road Traffic Regulation (Northern Ireland) Order 1997 in respect of inquiries. Those are the two minor technical issues. However, the Department has identified some issues with the consultation on the two main subjects that members of the Committee may feel it helpful to have clarified and others that may require further explanation. I should mention that the Department will be happy to provide written submissions to the Committee on any points raised by the consultees.
20. **Mr Gerry Byrne (The Department for Regional Development):** The Department wishes to comment on responses submitted by Lisburn City Council, Phoenix Natural Gas, NIE and Firmus Energy, many of whose comments were the same, and by BT Ireland and the Utility Regulator. I will deal with each of those in turn.
21. Lisburn City Council welcomed the Bill but asked the Committee to take cognisance of its concerns in the areas raised in its representation. It raised two concerns around the permit scheme. The first comment was that it hoped that there would be effective policing of the permit scheme. The Department intends to ensure that effective policing is put in place.
22. The second concern regarded how much time an appeal might take through the Planning Appeals Commission. The

- council suggested using the Traffic Penalty Tribunal as a model. The Planning Appeals Commission is the appellate body under the Street Works (Northern Ireland) Order 1995 and in the Roads (Northern Ireland) Order 1993. The Department considers that it would be inappropriate for appeals that relate to the permit scheme to be considered by a different appellate body. The Planning Appeals Commission and the Office of the First Minister and deputy First Minister have indicated that the commission can undertake the task.
23. There is an agreement between the Department and the Northern Ireland Road Authority and Utilities Committee in respect of dispute resolution under the current noticing system. The Department anticipates that a similar dispute resolution process will be incorporated in respect of permit regulations. There is provision for that under clause 3. That dispute resolution procedure could resolve many disputes and reduce the workload and number of disputes that arise with the Planning Appeals Commission.
24. Those were the two points that arose from Lisburn City Council's submission. I will move on to comments by Phoenix Natural Gas, NIE and Firmus Energy. Those three utilities requested amendments to be made to clause 3 and the inclusion of two sub-paragraphs. The first was to make provision as to the notice to be given to utilities and other parties with regard to permits that are being considered and for the actual restrictions to be agreed for approved permits with utilities and other affected parties in advance.
25. The Department agrees that the giving of adequate notice is one of the underlying principles of effective co-ordination and co-operation between the road authority and those who execute works on the roads. However, the Department believes that provision already exists in the Bill as it stands, under clause 3(2)(d), which provides that the Department may make provision in regulations as to the inclusion of "conditions or types of conditions" that may be imposed. Therefore, the Department believes that there is no need for the inclusion of suggested sub-paragraph (e).
26. The second amendment that was requested by Phoenix Natural Gas, NIE and Firmus Energy was to set out standard provisions whereby permit holders must co-operate with and provide access for emergency services or other agencies, such as utilities, in resolving local emergency situations. Again, the Department agrees on the importance of emergency access. However, it believes that clause 3(8) provides for permit regulations to "disapply or modify" existing statutory provisions. Consequently, permit regulations could provide for the exemptions in respect of emergency works that are contained in the 1995 Order to be applied to works for which a permit is required, and for the duty of co-operation that is placed on undertakers to co-operate with street authorities and with each other, which is found in article 20 of the 1995 Order, to be applied to permit holders. For that reason, the Department believes that that requirement can be addressed in the permit regulations themselves, rather than in the Bill. The Committee is reminded that the first set of permit regulations must be laid before, and approved by resolution of, the Assembly.
27. **The Chairperson:** Do you want to elaborate on that issue or continue to the end of your submission?
28. **Mr Byrne:** I am happy to continue to the end of my submission, if that is the preferred approach.
29. NIE made five further points on the permit scheme in its response. The first was that fixed penalty notices should be in line with costs and the application of proposed fixed penalty notices — *[Interruption.]*
30. NIE's first point was that fixed penalty notices should be in line with costs and the application of proposed fixed penalty notices already in the 1995 Order. The Department's position is

- that the Bill simply repeals the permit scheme provisions of the 1995 Order and replaces them with the same requirements in the Bill. There is no proposal to change the intentions that are laid out in the 1995 Order.
31. The Northern Ireland street works registration and notification system — *[Interruption.]*
32. **Mr McCartney:** Three strikes and you are out. I am just letting you know.
33. **Mr I McCrea:** There will be a fixed penalty notice.
34. **The Chairperson:** If that were true, I would get somebody to ring me. *[Laughter.]*
35. **Mr McCartney:** Forty times.
36. **Mr Byrne:** The second point was that the Northern Ireland street works registration and notification system should be used to provide notice of proposed works to utilities and Roads Service. It is the Department's intention to have the system developed to ensure that the notice of works and the permit scheme are managed through that existing system.
37. NIE said that:
"If a permit scheme is determined to be the most effective way of managing events / works on roads then charges, if any, should only relate to actual costs incurred."
38. The permit scheme will not be used to manage events; it is purely to manage works on roads. The fees to be applied in relation to permits are intended only to cover the cost of administering the scheme. As NIE suggested, they will relate to actual costs that are incurred.
39. NIE also stated that:
"A single point of administration control and notification such as a Roads / Street Works Commissioner / Coordinator utilising NISRANS type notification / monitoring system should be appointed to manage all Roads / Street Works activities."
40. Where similar arrangements have been applied elsewhere, a number of separate road authorities have been involved in the co-ordination of works, and the single point of administration and control has been established to bring together all of those road authorities. Since we have a single road authority, Roads Service already carries out that function on behalf of the Department.
41. NIE's final point was that:
"no evidence that a permit scheme will enhance the management of disruption on the roads in Northern Ireland and solutions that are developed to suit large urban areas elsewhere may be counterproductive if implemented here."
42. The Department is satisfied that a permit scheme will assist in the better co-ordination and management of the specified works on roads here, thereby reducing congestion. The permit scheme, as opposed to the notification scheme, will improve clarity about whether works are being carried out appropriately.
43. We have received a degree of criticism from political representatives, principally through the Public Accounts Committee in its report this time last year, about the management and co-ordination of street works and the work that the utilities are doing. The Public Accounts Committee was concerned about the timescales involved in putting in place necessary legislation to improve the performance of the utilities. The Department is committed to introducing that legislation as quickly as possible.
44. Two points were raised by BT Ireland. It expressed concern about:
"the potential impact that the proposed legislation to the current Streetworks Order will have on our ability to deliver service as a leading utility operating within Northern Ireland".
45. The Department's position is that permit scheme arrangements already exist in the 1995 Order, as amended by the Street Works (Amendment) (Northern Ireland) Order 2007. Therefore, the Bill's impact on utilities will be no different to the impact of the legislation that is in place already.

46. BT Ireland also expressed concern about costs that will arise from permits, overrun charges, increased administration costs, time delays and additional system costs. Under the terms of the BT Ireland licence, that additional cost will have to be absorbed by the company; it cannot be passed on to the customer. BT Ireland said that fees and fixed penalties should not exceed the cost of operating the scheme.
47. The Department's position is that the fees will be designed to cover, but not exceed, the cost of administering the scheme. Fixed penalties and potential overrun charges are penalties in relation to poor performance by the utilities, and, therefore, it will be within the means of the utilities to avoid the increased costs associated with them.
48. The last two points to which we have a response were raised by the Utility Regulator. The first again relates to costs:
- "The implementation of a permit scheme will impose costs on all utilities which will be recovered either through direct charges or through subsidy paid on behalf of consumers. We would hope that these charges will be cost reflective and structured to incentivise behaviours which benefit consumers."*
49. As I previously indicated, the intention is that permit fees will cover only the cost of administering the scheme. We believe that the permit scheme, through fixed penalty notices and overrun charges, will incentivise the behaviour of utilities to the benefit of customers.
50. The Utility Regulator's second point relates specifically to the gas distribution network and the gas utilities:
- "For most utilities, charges will be levied for the repair and extension of existing networks which already service most consumers. The cost will be relatively low and will be spread widely across an existing consumer base. However, considerable streetworks remain to be carried out to extend the gas distribution network to new consumers. The introduction of a charge on streetworks will be a significant burden on the development of the gas distribution network which might restrict the economic development of our gas supply and disadvantage groups of consumers in the process. We recommend that the final bill provides an exemption for the first time provision of gas services to ensure that the development of the gas supply network is not disadvantaged."*
51. The Department considers that such an exemption would not be appropriate for the primary legislation, but that clause 3(6) of the Bill provides for regulations to discount certain fees and that the need for such discounts could be considered under regulations. The Department also believes that it would be difficult to consider treating one utility differently from another.
52. **The Chairperson:** I assume that the issue of policing the permit scheme will be revisited after a year or so to ensure that the Department is fine in fulfilling that role?
53. **Mr Byrne:** We intend to monitor the performance of the permit scheme to track the number of permits requested and issued and the conditions that have been applied.
54. **The Chairperson:** Will the Committee get a response after a year or so to see how that monitoring is going?
55. **Mr Byrne:** Yes, that can be done.
56. **The Chairperson:** Going through the Planning Appeals Commission can be a very time-consuming process. Any councillors on the Committee who have experience of dealing with it knows that the process can be long and drawn out. Is there merit in raising that as an issue?
57. **Mr Byrne:** Yes, there are certainly clauses in the Bill that will allow us to consider other, more rapid, dispute resolution processes.
58. **The Chairperson:** I understand all of that. However, at the stage of a dispute going to the Planning Appeals Commission, it joins a long train of cases that, even for planning applications, can be quite a drawn-out process.
59. **Dr Murray:** Generally, matters will be resolved before going to the Planning Appeals Commission.

60. **The Chairperson:** I know, but not all issues are resolved.
61. **Dr Murray:** In this case, through normal planning matters, it is in people's interest to take matters to the Planning Appeals Commission, and a large number go to the commission for that reason.
62. **The Chairperson:** I am just raising the issue, because people who have dealt with planning appeals know how drawn out the process can be. Even one or two of those issues going to the Planning Appeals Commission could be a long, drawn out process, even though one went through all the checks and balances.
63. **Mr Gerry Anketell (Department for Regional Development):** The Street Works (Northern Ireland) Order 1995 provides for appeals in certain circumstances to go to the Planning Appeals Commission. In the almost 15 years since the Order was made, the commission has not had a single claim about street works. We hope that that will be indicative of the business that the commission might expect through this process.
64. **Mr Gallagher:** I share the Chairperson's concerns. Although I am relieved to hear that no cases have gone to the Planning Appeals Commission, there is now a change in regulations, and matters may be more contentious under the new arrangements. I am concerned that if a case were to end up with the commission, it would never be got out, given the commission's record on hearing planning appeals. In new circumstances, I am worried about the length of time that the commission might sit on a dispute.
65. **The Chairperson:** You said that the Department believes that the permit scheme will assist and improve the issues raised by BT Ireland. From where does that belief come? Have you done some research?
66. **Mr Byrne:** There is no firm evidence —
67. **The Chairperson:** Was it divine intervention? When I hear that “the Department believes”, I wonder whether you know something that we do not.
68. **Mr Byrne:** The permit scheme is designed so that it will be very clear that works being carried out in the street are either with or without a permit. Without a permit, it is an offence. That level of clarity is not quite as easily defined in the current notification system.
69. **Mr Anketell:** The permit scheme that the Bill addresses widens the existing permit scheme that applies to street works. One main reason why it is being widened is at the request of the utility companies, which were anxious to see a level playing field for all.
70. **The Chairperson:** I know that. I was just saying that when I hear officials say that “the Department believes”, I think that you have a line somewhere that we do not.
71. **Mr W Clarke:** You touched on the Utility Regulator's comments about the exemption for first-time provision of gas supply. I concur with that view with regard to tackling fuel poverty and the Executive's priorities for reducing emissions. That is a good way for the Department to reduce emissions and tackle fuel poverty. I hope that the Executive will look favourably on that.
72. How does the scheme work when a street is closed as a result of an emergency — a burst pipe or whatever? Is a permit required for that, or is that covered by the closure? Will the permit control the times when work begins? I am thinking about peak traffic times. Will there be a sliding scale in relation to the costs of the permit? Again, that is down to traffic flows as well.
73. **Mr Byrne:** It is anticipated that the permit regulations will define categories of works, one of which will be defined as “immediate works” and will include emergency works. Those works may proceed without a permit because of their emergency nature.
74. The regulations will include and define a series of conditions, which may cover the times when works can be carried out. Moreover, it is anticipated that the

- permit regulations will cover the various types of roads and the traffic sensitivity. The conditions that are applied to individual permits will relate to the level of traffic disruption that the works are likely to cause.
75. It is anticipated that the fees will vary depending on the level of disruption, the nature of the road and the nature of the work that is to be carried out.
76. **Mr Kinahan:** I have two or three questions, one of which is about the Northern Ireland Street Works Register and Notification System (NISRANS) and your central point. When will that be ready and working? The Public Accounts Committee criticised how it worked with one or two utilities. You mentioned legislation as well — how long will it take to update the legislation, and how much will it cost?
77. One or two companies raised the issue of costs. Will the pricing be fully open so that they know the schedule or the sliding scale of costs, whether of time or people, beforehand? Lastly, who will carry out the effective policing that you mentioned earlier? You mentioned a gas exemption. Whoever is in charge in the central point should choose whether gas or other utilities are exempt. One utility should not be exempt if others are not. It is fair ground to have a dynamic scheme on how to let someone in quickly.
78. **Mr Byrne:** We implemented a replacement street works registration NISRANS system on 5 May 2009. That system is up and running and has the capacity to operate the permit scheme rather than a noticing system. The precise detail of what will be involved when we are ready to change from the noticing system to the permit system has not yet been fully developed. However, we have considered the specification that was prepared and the submission from the successful bidders, and we are satisfied that the system already has the capacity to operate a permit scheme when that comes into play.
79. **Mr Kinahan:** Is it costly?
80. **Mr Byrne:** We do not anticipate that it will be costly compared with the cost of providing the scheme in the first place. We may have to come back to the Committee when we have developed the detail.
81. I assume that the question about costs relates to permit fees and so on. It is intended that those will be fully open and will be covered in the regulations. It is anticipated that Roads Service will carry out the policing. As for the gas exemption, I take your point; it is difficult to treat one utility differently to all others. The emergency works provision that I referred to earlier will apply to all utilities rather than to the gas utility only.
82. **Miss McIlveen:** The Committee received a response from Omagh District Council about the transfer of powers to councils. It asked whether the transfer of functions working group, which was established to look at the transfer of powers, had discussed issues that are specific to the Bill.
83. **Dr Murray:** That question relates to the second part of the presentation, which is about the powers to close roads. We will come to that.
84. **Miss McIlveen:** Sorry; I thought that you had concluded your presentation. That is fine.
85. **Mr McCartney:** A variety of responses have put what they feel are the gaps in the Bill, and you have outlined your responses. Do you meet with them in order to come to some meeting of minds to satisfy them about your Bill?
86. **Mr Byrne:** I am not sure what the position is in relation to the Bill. We meet the utilities on a regular basis through the Northern Ireland Road Authority and Utilities Committee. We intend to consult them in relation to the permit regulations and the permit scheme. We have already produced an initial draft of the permit scheme and put it to the utilities for their comments, and we have received responses from them.
87. **Mr McCartney:** At the end of that process, do the utilities give you their

- view on how they see the Bill as it goes forward? Do they give you some sort of sense of how you have addressed their criticisms and whether or not they are satisfied?
88. One of your earlier comments was about Phoenix Natural Gas. Phoenix wanted something more definitive, and you said that it was covered by clause 3(2)(d).
89. **Mr Byrne:** Yes.
90. **Mr McCartney:** You can understand how someone might want “may be imposed” tightened to “will be imposed”. The word “may” allows for a judgement call, whereas “will” ensures that conditions are imposed. How do you resolve that issue with Phoenix?
91. **Mr Anketell:** With respect to the resolution of individual points such as that, we are here to give the Department’s line on points that were raised during the Committee’s stakeholder consultation. If the Committee wants us to go back and respond to the points made by consultees, we can do that. Alternatively, if the Committee intends to go back and respond to the points, we will be happy to provide our written response, as Andrew said at the start of the session, for the Committee to do with as it feels fit.
92. **Mr McCartney:** As this moves forward, we have some sort of sense that Phoenix Natural Gas and BT Ireland have raised five points. As a result of our process, you can say that they now feel satisfied on three points, but not on the other two, and here is where we feel the gap is. We can see the strength of what we are taking forward.
93. **Mr Anketell:** Absolutely. I appreciate that. My point is just about choreography. Is it appropriate for us to respond to your stakeholder consultation? We can do that, if that is what you want us to do.
94. **Mr G Robinson:** My point is whether there is anything in the Bill for utilities about reinstating the road again to make sure that that is done properly. In the past there has been a lot of shoddy workmanship done on the roads in reinstatement. Ultimately, that leads to more costs for Roads Service. The road has to be dug up at a later stage as potholes form because the reinstatement work was not properly done.
95. **Mr Byrne:** The permit regulations will include conditions for the issue of permits, including conditions as to the reinstatement of the roads.
96. **Mr G Robinson:** But will the roads be properly reinstated?
97. **Mr Byrne:** The standard to which the road must be reinstated will be specified. After that, it comes down to the Chairman’s point about effective policing of the permit regulations.
98. **Mr G Robinson:** Budgets are so tight at present, and a stitch in time saves nine.
99. **Mr Boylan:** I want a bit of clarification about notification. In the past, there have been problems and criticism. I wonder how you will roll out the new permit scheme and who will be responsible. Is it still your intention to work with councils and utilities in getting the message out on road closures? Whose responsibility will it be?
100. **Mr Byrne:** It is intended that the process that is currently in place for road closures will continue. A number of the criticisms of the notification system have related to late notification for individual works. The issue of late notifications will be addressed in the permit scheme, since no one will be able to carry out works on the road without a permit. It will be clear whether there has been an offence.
101. **Mr Gallagher:** Further to the point that George raised, we all know what goes on: the road is closed for a while; it is reopened and some gravel or dust is thrown in; and, following a couple of good showers, the road is full of potholes. That goes on for a month, then someone returns and puts a bit of tar on it. Six months later, the tar is out. Is there not a better way of ensuring that the job is done to a standard in a short time? I know that it cannot be done in a week, because something might sink or

- whatever, but, as the regulations stand, it is impossible to get the road put right without Roads Service having to return to it. A bond or whatever is being charged is usually factored into whatever those who are opening the road are charging. They can leave it hanging, and it is a Roads Service problem.
102. **Dr Murray:** There is a detailed code of practice and specification for reinstatements, and we do not intend to change that. If what you say is going on, there is a policing issue there, but it is not a matter for the new primary legislation. We have good standards.
103. **Mr G Robinson:** That is debatable.
104. **Dr Murray:** There is anecdotal evidence, but we are happy to investigate any cases of that.
105. The points raised by the utilities are either matters that we have been able to deal with through clarification of what is intended, or matters that will be dealt with in one way or another in the regulations that will follow and which will come to the Committee. We do not envisage that they will make any change to the proposed primary legislation.
106. **Mr Harvey Hamilton (Department for Regional Development):** Responses on the powers to close roads for events were submitted by Lisburn City Council, NIE, Northern Ireland Screen, Omagh District Council, Ballymena Borough Council, the Utility Regulator and the Northern Ireland Local Government Association (NILGA).
107. Lisburn City Council stated that:
“to provide for only one closure to be allowed on any road in any twelve month period ... may be restrictive.”
108. Taking Lisburn as an example, the council listed a number of events that take place in the borough. The restriction of closures on roads to one in a 12-month period was removed as a result of an earlier consultation. The Department considered that it should be up to councils to determine how frequently a road should be closed to facilitate events.
109. NIE felt that:
“Cost recovery powers by the Department / District Councils in relation to traffic management or additional street cleaning costs directly as a result of filming / event should relate to additional costs incurred only, at a no profit rate.”
110. Paragraph 4 of schedule 1 provides for the recovery by the relevant authority, from the promoter, of costs incurred by it in connection with the event. The relevant authority in respect of special roads is the Department, and, in respect of all other roads, district councils. The Department does not envisage many occurrences when special roads will be used for the purposes of special events, and it will be for district councils to justify the costs reclaimed by them in respect of events.
111. Northern Ireland Screen considered that:
“the term ‘film’ is overly restrictive. We would propose that film is either defined to include television programmes and commercials or television programmes and commercials should be specifically mentioned in the clauses.”
112. The Department had envisaged that the filming of television programmes would be covered by the arrangements proposed in the Bill. Consequently, we are content to insert a definition of “film” in the Bill. One definition, which is included in the corresponding GB Bill, is:
“any record, however made, of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture”. [Laughter.]
113. **Mr McCartney:** Give us that again.
[Laughter.]
114. **Mr H Hamilton:** The Department believes that the use of that definition should meet the requirements of Northern Ireland Screen.
115. Omagh District Council:
“is concerned that in relation to the transfer of powers to Councils, it appears to be purely transferring an ‘administrative’ role to local government with the objective of the exercise being the reduction of the cost to the Department of processing applications.”

116. It is also concerned that the Department's consent is required before a council may make an order to consent to an event. Presently, the Department has no powers to authorise special events on roads and, consequently, there is no cost to the Department in respect of processing applications. Therefore, there are no proposals for the Department to transfer resources associated with events on roads. However, it is worth noting that the Bill's provisions will enable councils to recover their costs.
117. The future consent of the Department is considered necessary as the Department will remain the roads authority and alternative traffic management measures may be required to facilitate an event. The Department's consideration will be required to ensure that any proposed alternative routes are geometrically and structurally appropriate and suitable for the type and volume of traffic that may be expected to use them.
118. The Department believes that any guidance that it issues to councils regarding the exercise of their functions in relation to special events will serve to strengthen local government and be entirely in keeping with the councils' wishes for strong local government.
119. Omagh District Council also enquired whether the transfer of functions working group had considered the issue of funding for the transfer of powers specifically in relation to special events:
- "the council is very keen to ensure that appropriate and adequate funding from central government is included in the transferring package."*
120. As previously stated, the Department has no legislative powers in relation to authorising special events on roads. Consequently, the Bill does not seek to transfer powers in relation to that. As a result, it is not intended that any funding will transfer from the Department. The issue was discussed by the transfer of functions working group, and local government officials noted that the Bill includes provision for councils to recover their costs.
121. Ballymena Borough Council felt that:
- "the substance of the document relates to Council assuming responsibility for aspects of road closures and to the associated issue of permits for particular events. On the basis of elements of roads responsibility coming to Council post R.P.A., Council considers that this proposal of itself would not be an issue, however, there should be a clear understanding that it would be post implementation of R.P.A., and any transfer of resources and financial allocation associated with the new responsibilities."*
122. The proposal that councils should become responsible for local events on roads was included in Minister Foster's speech to the Assembly, in March 2008, on the future shape of local government. However, the Department also received representations from a number of other Departments, the PSNI and Northern Ireland Screen regarding the lack of specific powers available to authorities to achieve road closures to facilitate sporting, social and entertainment events. In addition, the PSNI obtained legal advice which suggested that the use of its powers to that end could be held to be inappropriate. Consequently, the provision of powers to achieve road closures was considered desirable. The fact that the legislative proposals have been included in the Roads (Miscellaneous Provisions) Bill rather than in the Department's RPA-related Bill indicates that special events on roads should be treated independently of the RPA proposals.
123. Paragraph 6 of schedule 1 provides for special events on roads and will be introduced on such days as the Department may by order appoint. This will enable the Department to introduce the powers on a date when appropriate arrangements have been put in place.
124. The Utility Regulator said:
- "Much of our utility services are routed under roads. Faults will occur from time to time and utilities may require emergency access to repair apparatus and restore essential services. Activities in roads (under either*

- the permit scheme or powers to prohibit or restrict the use of roads in respect of special events) might restrict the ability for utilities to access their apparatus. Consideration should be given to how access will be maintained for emergency works. We believe that utilities should not be responsible for the direct or consequential costs to other road users arising from access for emergency works."*
125. The Bill provides for district councils to restrict traffic or close roads for the purposes of facilitating special events on roads where there is no practical alternative. The measures are proposed to rectify a problem that currently exists where the identification of an appropriate authorising body for those types of events is difficult. The Department does not envisage that there will necessarily be more events on roads as a result of the arrangements, but that those events that are held presently will be more adequately provided for in the future.
126. The Street Works (Northern Ireland) Order 1995 defines "emergency works" and makes provision for their execution. It is not anticipated that those arrangements will change. The matter of emergency works will be addressed in guidance that is being prepared for issue to councils.
127. Limavady Borough Council commented that:
- "various members expressed concern at the implications this Bill may have for local government should minor roads become a responsibility of Ccouncils following the proposed local government reform."*
128. Councils will not become responsible for minor roads under the RPA proposals. There will continue to be a single roads authority here.
129. NILGA expressed satisfaction with the content of the Bill, but believes that:
- "Councils should be given the necessary autonomy to address local priorities with as little direction from central government as possible and thus local government would welcome and encourage the opportunity to engage constructively with the Department in developing regulations and appropriate guidance."*
130. It is our intention to do just that.
131. **Mr McCartney:** Is there an upper limit on how long a road can be closed for?
132. **Mr H Hamilton:** The Bill imposes no limit.
133. **Mr McCartney:** What is the definition of a "special road"?
134. **Mr H Hamilton:** Essentially, a motorway.
135. **Mr McCartney:** The Bill states:
- "A district council may not make an order except with the consent of the Department."*
136. Can the Department overrule a council's decision?
137. **Mr H Hamilton:** Yes, if we are not satisfied with the alternative provisions for rerouting or signing.
138. **Mr McCartney:** I do not wish to paint a scenario that may never happen, but say that a film crew were to come to Dungiven and decide that it would be good for the area to close the road for seven days and the Department were to feel that that would cause chaos to other transport. Who would make the final decision?
139. **Mr H Hamilton:** That decision would be made by the council, provided that the Department were content that any alternative routes and diversionary signs were adequate.
140. **Mr W Clarke:** If a council on the north side of the border closes a road, that has an impact on the South. What input is there in regard to that? When someone is deciding on a location for filming, what happens in the South in regard to traffic management plans, stewarding and policing? That is an additional burden of costs. Is what we are proposing here replicated in the South? Someone could decide to film in the South, and not here, because there is too much bureaucracy in the North. Has any thought been given to that?
141. **Mr H Hamilton:** The arrangements in the South are a bit more flexible in that the Minister makes the decision on which roads can and cannot be closed. In the South, a scale of fees for closures

is published. Our charges have to be evidence-based so that they represent the cost to the council in executing the closure.

142. **Dr Murray:** You also mentioned the issue of events on cross border roads. When Roads Service considers the impact on traffic, it considers the flow of traffic coming from the south of the border or from the north to the south.
143. **Mr W Clarke:** I would like some information on that.
144. **The Chairperson:** Who compensates an event promoter when emergency access is required to a road that is closed for the event?
145. **Dr Murray:** We will have to consider that eventuality, and, indeed, whether it is a matter for primary legislation or not. We will come back to the Committee on that. We have not faced that issue before, but, obviously, it is a possibility.
146. **The Chairperson:** We are trying to tease out any difficulties in the Bill. Promoters put large amounts of money into some of these events. If something goes wrong and the event does not take place, the promoter cannot simply tell the artist that he or she will not be getting paid because there was an emergency. It is not just one individual artist; there could be roadies and groups. Therefore, we want to see who would be legally responsible.
147. **Mr G Robinson:** Will the North West 200 be covered by the Bill?
148. **The Chairperson:** The Bill covers any event.
149. **Mr W Clarke:** Agriculture shows.
150. **The Chairperson:** Anything at all.
151. OK? Thanks very much.

19 May 2010

Members present for all or part of the proceedings:

Miss Michelle McIlveen (Deputy Chairperson)
 Mr Allan Bresland
 Mr Willie Clarke
 Mr Danny Kinahan
 Mr Ian McCrea
 Mr George Robinson

152. **The Deputy Chairperson (Miss McIlveen):** We turn to the Committee's clause-by-clause scrutiny of the Roads (Miscellaneous Provisions) Bill. I draw members' attention to the text of the two amendments to the Bill that were drafted in response to suggestions from the Committee and agreed by the Department. Those amendments may be discussed in more detail during this item of business.
153. This part of the meeting is being reported by Hansard for inclusion in the Committee's report. I remind members to ensure that mobile phones are switched off because they interfere with the audio recording.
154. This is an opportunity for the Committee to consider the Bill, clause by clause, in advance of considering the second draft of our report at our meeting on 26 May 2010. Are members content that we deal with the formal clause-by-clause scrutiny of the Bill?
- Members indicated assent.**
155. **The Deputy Chairperson:** If, at any stage during this process, members are not content, we can revisit any clause at next week's meeting. I draw members' attention to the Bill, a copy of which is included in the meeting packs. The Bill comprises 10 clauses, and there are three schedules.
156. Part 1 of the Bill, comprising clauses 1 to 5, deals with permit schemes. Part 2 of the Bill, which comprises clauses 6 and 7, deals with miscellaneous issues that include the holding of

inquiries by the Department, as well as prohibition and restriction in respect of public road use in connection with special events — as does schedule 1. Part 3, and schedules 1 to 3, deal with amendments and repeals in respect of previous legislation, as well as when the Bill will come into operation.

157. I remind members that, throughout the Committee Stage of the Bill, the information that was gathered, the evidence that was provided, the discussions that took place, and the consideration of the first draft of the Committee's report have been structured to reflect the structure of the Bill and the content of each of the clauses and schedules.
158. Are members content to deal with each of the 10 clauses and three schedules in turn?

Members indicated assent.

Clauses 1 and 2 agreed to.

Clause 3 (Permit regulations)

159. **The Deputy Chairperson:** I beg to move
- That the Committee recommend to the Assembly that the clause be amended as follows: In page 4, line 4, leave out subsection (10) and insert*
- “(10) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*
- (10A) Subsection (10) applies to —*
- the first regulations under this section;*
- regulations under this section containing any provision which creates a criminal offence or increases a penalty for an existing offence.”*
- Question put and agreed to.
- Clause 3 agreed to.
- Clauses 4 to 10 agreed to.

Schedule 1 (Schedule to be inserted as Schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997)

160. **The Deputy Chairperson:** I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: in page 7, line 13 at end insert

“and for the purpose of this paragraph ‘film’ includes a recording on any medium from which a moving image may by any means be produced.”

Question put and agreed to.

Schedules 1 to 3 agreed to.

161. **The Deputy Chairperson:** Are members content that the decisions that have been taken today be reflected in the revised version of the report, which will be considered by the Committee at its meeting on 26 May 2010?

Members indicated assent.

162. **The Deputy Chairperson:** Are members content for the Committee office to take forward the collation of information for inclusion in the appendices to the report? That information will all have been before the Committee during the Committee Stage of the Bill, and it is extremely lengthy. Are members happy that we do that?

Members indicated assent.

163. **Mr I McCrea:** I would not say that I am overly happy, but we have to do it.

164. **The Deputy Chairperson:** Are members agreed that, because the full report and the appendices will be an extremely large document, the appendices should be produced on CD-ROM and included with the report, rather than printed in full?

Members indicated assent.

165. **The Deputy Chairperson:** Thank you very much.



Northern Ireland
Assembly

Appendix 3

Written Submissions

The Police Service of Northern Ireland, 8 February 2010



CITE FOR REG 227

10 FEB 2010

Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

Our Ref: Com Sec: 10\1069

gth February 2010

Dear

**RE: THE COMMITTEE STAGE OF THE ROADS (MISCELLANEOUS PROVISIONS)
BILL**

Thank you for your letter to the Chief Constable dated 3 February 2010. I am responding on his behalf.

I apologise that Command Secretariat is not in a position to address the issues raised. I believe that Road Policing Development Branch, Lisnasharragh is best placed to enquire into this matter and I have therefore asked them to deal with your query on behalf of the Chief Constable. I have forwarded your correspondence to that office and requested that they make contact with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gareth McCartney'.

GARETH McCARTNEY
Inspector
For Chief Constable

Northern Ireland Assembly
Committee Office, Room 402
Parliament Buildings
BELFAST BT4 3XX

Command Secretariat, PSNI Headquarters, 65 Knock Road, Belfast, Northern Ireland BT5 6LE
Telephone: 028 90 700006 Fax: 028 90 700124



Calls within Police Service of Northern Ireland telephone system may be monitored or recorded

Cookstown District Council, 8 February 2010



Cookstown
DISTRICT COUNCIL

M.J. McGuckin, B.Sc., M.I.C.E., F.I.H.T.
Clerk/Chief Executive
mjm@cookstown.gov.uk

COMHAIRLE CHEANTAR NA COIRRE CRÍOCHAÍ
DISTRICK COONCIL O COOKESTOUN

CTE FOR REG DEV
09 FEB 2010

CS/7/1/7/06

8th February 2010

Committee Clerk,
Committee For Regional Development
Committee Office
Room 402
Parliament Buildings
BELFAST
BT4 3XX

Dear

ROADS (MISCELLANEOUS PROVISION) BILL

Your letter of the 3 February 2010 concerning the above refers.

The Council will not be commenting on the Bill.

Yours sincerely


M.J. McGUCKIN
Clerk/Chief Executive

Lisburn City Council, 9 February 2010

Our Ref: IW/SF

9 February 2010

For the Attention of
Committee Clerk
Committee for Regional Development
Northern Ireland Assembly
Committee Office, Room 402
Parliament Building
BELFAST
BT4 3XX

Committee.regionaldevelopment@niassembly.gov.uk

Dear

Re The Roads (Miscellaneous Provisions) Bill

Thank you for your letter dated 3 February 2010 re the Committee Stage of the above Bill.

Lisburn City Council made a comprehensive representation to the Consultation of the Draft Bill in March 2009.

Whilst the Council welcomes the new Bill, it does request that the Committee take cognisance of its concerns in all of the areas raised in its representation.

For ease of referencing, I have attached a copy of the Council's response appended to this letter.

Should you require any clarification on any matter this Council has raised, please do not hesitate to contact me.

Yours sincerely

Ian Wilson
Assistant Director of Environmental Services
(Building Control)

Enc



Review of Consultation Paper on
Proposals for a Roads
(Miscellaneous Provisions) Bill.

DOCUMENT CONTROL SHEET

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Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill

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**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

1. INTRODUCTION

RPS is pleased to have had the opportunity to provide advice to Lisburn City Council on the Policy Consultation Paper on 'Policy Proposals for a Roads (Miscellaneous Provisions) Bill' that was published by Roads Service, in conjunction with the Department for Regional Development, in December 2008.

The Department for Regional Development is the sole road authority for Northern Ireland and Roads Service, on behalf of the Department, manages, maintains and develops the public road network.

The Department proposes to introduce measures to update and amend roads-related legislation and, in some instances, to take account of arrangements proposed or in place in England and Wales and in the Republic of Ireland. These policy proposals would eventually be included in a Roads (Miscellaneous) Provisions Bill.

Consultees' views are being sought on the Department's proposals to introduce:-

- a permit scheme to better control the execution of certain works on roads.
- a power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, social or entertainment events.
- a general power to hold an inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.
- minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.

Our report to Lisburn City Council considers each of these proposals separately and provides:-

- the background to the policy proposal;

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- a summary of the proposal;
- comment on the issues including those highlighted by the Department;
and
- a recommendation with reasoning for consideration of the Council.

For convenience the recommendations have been extracted and listed separately in Annex A.

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2. PERMIT SCHEMES FOR WORKS ON ROADS

Background to the policy

When the Department made the Street Works (Amendment) (Northern Ireland) Order 2007, which amended the 1995 Order, it included an enabling power to make a street works permit scheme here. However, that scheme could only be applied to certain types of street works that would be defined in regulations. Street works are works to do with the placing and maintenance of apparatus in or under a road and would be associated mostly with the works carried out by utility companies

During the consultation and parliamentary stages of the making of the Street Works (Amendment) Order the Department was lobbied strongly by the utility companies who wished to see permit schemes applied to other works on roads, including those of developers and road works carried out by the Department. These representations were supported by some of the elected members of the Northern Ireland Assembly and Northern Ireland Peers in the House of Lords. As a result, Lord Rooker gave an undertaking that the Department would review the legislation (the 1993 Order) concerning the introduction of a permit scheme to other works on roads.

In England and Wales legislative provision broadly similar to that introduced under the Street Works (Amendment) (Northern Ireland) Order 2007 was put in place by the Traffic Management Act 2004. This provides for local and national highway authorities to introduce permit schemes for work on highways and covers both street works and works for other road purposes. The paper notes that permit regulations have yet to be made in England and Wales and consequently no schemes have been introduced to date.

Summary of the policy proposal

The objective of this proposal is to provide the Department with powers to enable it, by regulations, to make a permit scheme for certain works on roads, similar to the arrangement introduced by the 2007 Order for certain other works

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on roads. This would require a permit to be obtained in order to carry out those activities. Conditions relating to the carrying out of activities could be attached to permits. These conditions would largely be aimed at minimising disruption caused by the works and could also address the timing, location and duration of activities as well as how they are carried out, the amount of road space occupied and/or available to traffic and requirements to consult and inform those affected by the works.

The proposed measures would contribute to:

- maintaining the road infrastructure to keep it safe, effective and reliable and to preserve the value of the asset;
- managing and improving the road network to promote safety and efficient operation; and
- improving journey times on the trunk road network.

The detail of the scheme, including the types of activity to be included and the level of fee to be paid in respect of permits, would be contained in regulations that would be made subsequently.

The regulations would include provision for the introduction of fixed penalty offences in relation to a permit scheme and would also include new offence provisions. Those executing the works under a permit would be required to give the Department notice of specific start and completion dates.

The proposed scheme could impact on anyone intending to carry out certain specified activities on roads. The relevant activities would be specified in regulations and might include the placing of skips, the erection of scaffolding and hoardings, the making of excavations and placing/ constructing structures over or under a road. Roads to which the scheme would apply would also be specified in the regulations.

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Persons intending to carry out a specified activity would be required to apply to the Department, in advance of the activity commencing, for a permit. A charge would be applied by the Department to the issue of a permit and conditions aimed at minimising disruption could be attached to it.

The proposals would require the Northern Ireland Assembly to approve such regulations before they would be introduced.

Comment on Issues

The Department is seeking views on the proposed policy and particularly invites comments on the following aspects of the proposal:

(a) the requirement for a permit to be obtained from the Department before works can be carried out in the public road, in order to improve control and coordination of works/activities;

(b) the application of different rates of charges for permits, depending on traffic flows on the road and the proposed duration of the works/activities; and

(c) the attachment of conditions to the permit that would require promoters to carry out their works/activities on particular dates and/or particular times, or preventing them from working on particular dates or at particular times.

We have the following comments for Council consideration.

(a) the requirement for a permit to be obtained from the Department before works can be carried out in the public road, in order to improve control and coordination of works/activities

Control and coordination of many of the activities that are currently unregulated has potential to reduce delays to traffic.

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(b) the application of different rates of charges for permits, depending on traffic flows on the road and the proposed duration of the works/activities

Linking the permit charge to traffic flow and duration of works/activities would provide a strong incentive to the promoter to plan works efficiently to complete these on time, particularly if there is a penalty charge. However this would have to be effectively policed otherwise the system would not be respected by either promoters or the public.

(c) the attachment of conditions to the permit that would require promoters to carry out their works/activities on particular dates and/or particular times, or preventing them from working on particular dates or at particular times

Attaching date and/or time conditions to permits may also be an incentive if there are appropriate charges.

The consultation does not give comment on how consideration will be given to how particular dates and times are identified but we consider that this may require consultation by promoters and Roads Service with the relevant local authority. We expect that details such as this will be part of subsequent consultation on making of regulations.

In addition to the above the Council's attention is drawn to fact that, while the Department's proposal is to take account of arrangements proposed or in place in England and Wales, the consultation paper notes that permit regulations have yet to be made and consequently no schemes have been introduced to date.

These proposals are only to introduce the primary enabling powers and it is the Department's intention that the details of any permit scheme, including the types of works included and fees involved would be defined in subordinate legislation. Proposals for subordinate legislation would be fully consulted on.

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The Council's attention is also drawn to the intention to introduce a power to enable the Department to make exemptions by way of regulations.

Regulations would also make provision for appeals to be made to the Planning Appeals Commission. The provision of an appeals procedure is to be welcomed. However as the nature of these appeals could delay development to which the permit might apply, any proposed regulations must seek to minimise any delay.

The Department has provided a Partial Regulatory Impact Assessment of the proposal. This highlights that street works contribute to traffic disruption which if reduced can contribute to improvements in air quality with associated health benefits. Reduced traffic disruption also improves productivity and can benefit local businesses. The Department has noted that there may be some negative impact on small businesses and will be inviting comment from the Federation of Small Businesses. The Department proposes to carry out a full Regulatory Impact Assessment when regulations are made.

The proposal will impose a cost on parties seeking permits but improved traffic management and less congestion will be a benefit.

Recommendation and Reasoning

We suggest that the Council may consider responding to this section of the consultation as follows:

Lisburn City Council has considered the policy to introduce Permit Schemes for works on roads and offers the following on the three specific questions raised.

- (a) Council welcomes the proposal that a permit should be obtained before certain works are commenced to ensure improved control and co-ordination of work/activities if this contributes to a reduction of delays to traffic.*

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- (b) Council believe that linking a permit charge to the level of traffic flow and duration of work would be a strong incentive to the promoter to plan those works efficiently. However Council also believes that an effective system for 'policing' the scheme would have to be put in place otherwise it will be abused, ignored and generally loose respect and support of both promoters and the public.
- (c) As with (b) Council believes that attaching conditions which restrict works to particular dates and/or times or preventing works on particular dates/times if linked to appropriate fees or penalties would be a strong incentive to promoters to manage works efficiently. However as with (b) Council advocates the need for effective 'policing'.

Council notes that the proposal is only for enabling powers and that full consultation will be undertaken on the subordinate legislation that would define the permit scheme including categories of work, fees etc. Council believes that it is essential that full consultation takes place and would expect to be further consulted.

Council notes that it is proposed to provide for appeals and while welcoming this, has concerns about the time it may take to determine an appeal and the associated costs. Proposed regulations governing appeals must seek to minimise delays and costs, perhaps using the Traffic penalty Tribunal as a model, or instead of the Planning Appeals Commission.

Council also notes that no schemes have yet been implemented in England and Wales where similar powers have been available since 2004. This should be closely monitored so that experience in GB advises development of NI legislation.

Reasoning

- A permit scheme could reduce delays to traffic caused by works on or adjacent to a road.

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- Permit fees would pay for the scheme and along with appropriate penalties would create the incentive for promoters to be efficient. They should also cover cost of operating the scheme.
- Conditions relating to dates and times where works can or cannot take place will contribute to efficient planning.
- As no detail of a scheme or category of work to be included is detailed in this consultation, a further full consultation is required.
- An appeal procedure is fair and proper but it has to be effective. Use of PAC is suggested but the Traffic Penalty Tribunal may be an alternative and more appropriate as it is road related.
- No schemes have been implemented in GB where congestion is often greater than in NI. If this is so, why not – further research may be required by the Department.

3. ROAD CLOSURES FOR FILMING AND SPECIAL EVENTS

Background to the policy

Currently, the Department has no statutory powers to close roads for events, other than for the purposes of holding motor sport events (for example the Ulster Grand Prix) under the Road Races (Northern Ireland) Order 1986 (the 1986 Order). In all other cases, the Police Service for Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the Road Traffic Regulation (NI) Order 1997. This arrangement is confusing, as no public body has the clearly defined legal responsibility for closing roads in such circumstances.

The PSNI and some local councils have requested that statutory powers be introduced to clarify the situation and to better regulate the closure of roads for events. The Department for Enterprise, Trade and Investment (DETI), the Department for Culture, Arts and Leisure (DCAL) and Northern Ireland Screen (NIS) (formerly the NI Film and Television Commission) have also lobbied for the introduction of statutory powers which would enable roads to be closed temporarily to allow location filming to take place.

In England & Wales the Road Traffic Regulation Act 1984 includes certain powers that enable traffic authorities to prohibit temporarily the use of a road for the purpose of holding a sporting, social or entertainment event. In addition, the London Local Authorities and Transport for London Act 2008 provides traffic authorities within the Greater London area with the powers to close roads for the purposes of filming. A London Local Authorities and Transport for London (No 2) Bill currently before Parliament, includes provision enabling London Boroughs and Transport for London to recover from organisers of large scale events and film makers the cost of any temporary traffic management and additional street cleaning arising out of the event.

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In the Republic of Ireland Section 75 of the Roads Act 1993 enables road authorities, by order, to temporarily close a public road to traffic for the purpose of facilitating a road race, the carrying out of works, or for any other purpose. Such closures may be for any specified period and may also be subject to any specified conditions (including the giving of security or the provision of an indemnity) as the authority thinks fit. The Act also makes provision for the road authority to recover from the organiser or promoter of the event, any costs it reasonably incurs in facilitating the holding of the event and in making good any damage to the public road arising from the holding of the event. The Minister also has regulation making powers in respect of requirements as to notice, objections and the giving of security and provision of indemnity.

Summary of the policy proposal

The proposal is to amend the Road Traffic Regulation (Northern Ireland) Order 1997 to include the necessary powers to enable local councils to close roads (except trunk roads and motorways), by order or notice, for sporting, social and entertainment event and for the purposes of location filming. The Department's approval would be required to ensure that appropriate alternative routes were available to traffic that would normally use those roads and to minimise network disruption. The proposals would not affect the Department's existing powers under the 1986 Order, or the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades. Only the Department would be responsible for closures of trunk roads and motorways.

The Department, reflecting the equivalent legislation in England and Wales, is proposing that closures could be for a maximum of three days with only one closure allowed on any road in any twelve month period. For location filming the number and duration of closures might be determined differently to meet the needs of the industry. (In Greater London arrangements provide for a maximum of seven days with six closures on any road within a twelve month period). The Department proposes that it would have discretionary powers to authorise closures exceeding those periods in exceptional circumstances.

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The legislation would provide for the Department, other statutory agencies (including the police) and district councils to recover costs from the promoter of events. This could cover advertising costs, event signing, the signing of diversionary routes, administrative costs in making any notice or order and any associated policing costs.

Comment on Issues

The Department is seeking views on the proposed policy and particularly invites comments on the following aspects of the proposal:

- (a) Proposed restrictions on duration and frequency of closures for filming/events to be held on a particular road (or stretch of road);
- (b) Proposal to allow duration/frequency of events to be exceeded with the Department's consent; and
- (c) Power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter.

We have the following comments for Council consideration.

(a) Proposed restrictions on duration and frequency of closures for filming/events to be held on a particular road (or stretch of road)

The introduction of legislation to provide for the closure of roads on a regulated basis for appropriate events should eliminate confusion that currently exists. This will provide local authorities with the opportunity to promote facilities for activities and events that may benefit local economies.

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The proposal as currently drafted provides only one closure for a maximum of three days to be allowed on any road in any twelve month period. While this may be appropriate to limit the impact of longer closures, this could create an unnecessary administrative burden where there are a significant number of local sporting and social events held within district centres, requiring shorter duration closures. Lisburn City Council during any one year hosts several events including the Mayor's Parade, a half marathon and the switch-on of Christmas illuminations within the city centre. Other events such as the Ulster Grand Prix are promoted within the Council district. A more balanced proposal may be appropriate possibly on the lines of 'only one closure for up to a maximum of three days and no more than three closures not exceeding 6 hours to be allowed on any road in any twelve month period'

It is to be noted that in all cases the Department's approval is required.

(b) Proposal to allow duration/frequency of events to be exceeded with the Department's consent

As suggested in (a) the limitations on duration and frequency could be restrictive. Some population centres may have more social and sporting events requiring road closures than others. Some flexibility in the legislation to accommodate this would be essential otherwise the regulations would be restrictive.

(c) Power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter

While events bring a welcome boost to local economies, there can be a range of costs incurred by the authorities in ensuring that everything runs smoothly (eg management of the closure process and diversionary signing) and that following the event, the venue is returned to normal. While the promoter often provides for this directly, the provision within the legislation to confirm that costs can be

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recovered from the promoter means that the local community and tax payer will not have to bear the cost.

The legislation should provide for circumstances (subject to its delegated authority) where the council or relevant authority may consider it appropriate not to recover costs.

This policy proposal appears to be intended to meet a request by some authorities for a framework within which arrangements for road closures which bring benefit to the local community and economy can be planned and managed by the local authority. The proposal would appear to bring additional responsibilities to councils who will have to ensure that closure plans incorporate suitable alternative traffic routes (and the appropriate signing and advertisements) that will meet with the Department's approval. This will require the council or the event promoter to engage the necessary planning expertise when preparing for an event. The proposal would appear to provide, through regulations to be made under these powers, for these costs to be recovered from the promoter.

The Department has provided a Partial Regulatory Impact Assessment of the proposal. This highlights that in respect of location filming, the lack of power and a clearly defined approach could deter some film makers and lead to Northern Ireland losing film work to the Republic of Ireland or to Great Britain which would be a loss in business terms and a loss in promotional opportunity.

The legislation would be expected to benefit the film industry which would indirectly help the tourist industry. Local event companies could benefit through the organisation of local events. The Department does not envisage local businesses being given permission to close roads for commercial purposes.

The Department has noted that closures may restrict access to an area and therefore there may be some impact on businesses and residents. This may be

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alleviated to some degree by adequate advance notice and planning. Any diversions may also impact on business and the proposal to limit frequency and length of closure is intended to minimise this impact. There may be some negative impact on small businesses and the Department will be inviting comment from the Federation of Small Businesses.

The Department proposes to carry out a full Regulatory Impact Assessment when regulations are made.

It is proposed that while the scheme would impose any general regulatory requirements, each approval would be subject to conditions (set within guidelines). It is also proposed that any offence provision would be similar to that of Article 16C of the Road traffic Regulation order 1984 in that a person who ignores a closure would be guilty of an offence. The department, the local council or the PSNI will be responsible for enforcement.

Recommendation and Reasoning

We suggest that the Council may consider responding to this section of the consultation as follows:

Lisburn City Council has considered the policy to introduce legislation to deal with road closures for filming and events. Council and others have previously raised this with Government Departments because of the limitations of current legislation. Council welcomes the principles of the policy which will provide opportunities to develop and improve local communities and economies through promotion of sporting, tourist and cultural activity and offers the following on the three specific questions raised.

(a) Council agrees that there should be restrictions on the duration and frequency of closures to be held on a particular road (or stretch or road). However the proposal to provide for only one closure to be allowed on any road in any twelve month period (although filming might be treated differently) may be

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

restrictive. Taking Lisburn as an example the following are typical events requiring closures.

- *Ulster Grand prix, requiring closure of a road circuit for varying periods over a number of days*
- *Christmas Illumination switch on*
- *Half marathon*
- *Pipe band championships*
- *Cycling events*

Different events may require closure of the same sections of road while for road races a series of closures is required over a number of days. The proposal as drafted is restrictive.

(b) Council notes the proposal for duration/frequency to be exceeded with the Department's consent and suggests that as the Department's approval is required in any case for closure and diversions as stated in Paragraph 3.2.7 of the consultation, the need for a restriction of frequency and duration must be determined in line with current on-going practice, economic need and traffic management requirements

(c) Council notes the proposed power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter. The proposal for Councils to administrate the road closure function will be an additional burden on limited resources. It is important that costs associated with its operation should not be a burden to rate payers Council is content that provision is to be made for recovery of costs from promoters.

Council notes that a full Regulatory Impact Assessment is to be carried out when regulations are made and expects that there will be full public consultation on the detailed proposals.

Reasoning

- *Powers could provide local authorities the opportunity to promote local facilities and environs for events and for location filming, to the benefit of*

**Review of Consultation Paper on Proposals
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local tourism and economy.

- Limiting closures to one per year on any specific road would mean that specific Department approval to additional closures in Lisburn district would be necessary on a regular basis.
- The proposal will require council resource to administrate the scheme. Advice on providing alternative routes/diversions may have to be obtained and these costs would also have to be recovered. The proposal provides for cost recovery from promoters.

4. RULE MAKING PROCEDURES OF THE TRAFFIC MANAGEMENT (NORTHERN IRELAND) ORDER 2005

Background to the policy

The Department introduced the Traffic Management (Northern Ireland) Order 2005 ('the 2005 Order') to provide for the decriminalisation of parking and waiting restrictions in Northern Ireland, for the enforcement of these restrictions by the Department (rather than by the PSNI) and the establishment of an independent adjudication process. This adjudication is undertaken by the Northern Ireland Traffic Penalty Tribunal which is administered by the Northern Ireland Courts Service.

The Constitutional Reform Act 2005 ('the 2005 Act') separated the judicial and executive functions of the office of the Lord Chancellor. The Lord Chief Justice became head of the judiciary in Northern Ireland and many of the Lord Chancellor's functions transferred to him. This Act requires the Lord Chancellor to consult the Lord Chief Justice in relation to certain statutory procedures. Consequently two rule-making functions under the Traffic Management (Northern Ireland) Order 2005 require amendment to reflect the required arrangement.

Summary of the policy proposal

The Department proposes to amend the following Articles of the 2005 Order:

- Article 16(3) – to insert a requirement for the Lord Chancellor to consult the Lord Chief Justice of Northern Ireland before determining the additional matters to be stated in a statutory declaration.
- Article 30(1) - to insert a requirement for the Lord Chancellor to consult the Lord Chief Justice of Northern Ireland before making regulations providing for the procedure to be followed in relation to proceeding before adjudicators.

This proposal will update the Traffic Management (Northern Ireland) Order 2005 required as the result of changes brought about by the Constitutional Reform Act

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

2005 and will ensure that the Lord Chief Justice is consulted regarding any future proposals in respect of statutory declarations or in the procedure to be followed in proceedings before adjudicators.

Comment on Issues

The Department invites any comments you may have on this proposal.

We have the following comment for Council consideration.

These appear to be a minor amendments to existing legislation to ensure appropriate consultation in the event of making any changes in the future to two sections of the Traffic Management (Northern Ireland) Order 2005. The Equality of Opportunity Screening Analysis carried out by the Department identifies these as administrative changes which have no impact on the general public.

Recommendation

We suggest that the Council may consider responding to this section of the consultation as follows:

Lisburn City Council notes the Department's proposal for amending Article 16(3) and Article 30(1) of the Traffic Management (Northern Ireland) Order 2005, and have no comment to offer.

Reasoning

This policy proposal appears to have no impact on the council or general public as it deals with an administrative change arising from the Constitutional Reform Act 2005.

5. POWER TO HOLD AN INQUIRY

Background to the policy

The Road Traffic Regulation (Northern Ireland) Order 1997 provides the Department with legislative powers to regulate traffic using the public road network. Some provisions of the Order include a power to hold an inquiry while others provide for a right of appeal or a right to make representations to the Department in respect of decisions it may have taken. However some Articles do not provide any of these safeguards to the public although the Department states that it has ensured that appropriate administrative procedures are in place.

Summary of the policy proposal

The Department proposes to introduce a general power to hold an inquiry under the Road Traffic Regulation (Northern Ireland) Order 1997 which would confirm in statute that, in exercising its functions under the Order, it is consistently in compliance with article 6 of the European Convention on Human Rights (ie the right to a fair and public hearing)

Similar powers are available under Article 133 of the Roads (Northern Ireland) Order 1993 and Article 26 of the Street Works (Northern Ireland) (Amendment) Order 2007 although it is stated that neither power has been exercised to date.

Comment on Issues

The Department invites any comments you may have on this proposal.

We have the following comment for Council consideration.

While some sections of the Road Traffic Regulation (Northern Ireland) Order 1997 provide for representations and the Department states it has administrative procedures in place to safeguard the public in other cases, this amendment will provide in statute, for concerned parties to make representations regarding the exercise of the Department's functions under the Order. This is to be welcomed and should enhance the protection of human rights.

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

Any delay to implementation of a scheme that is subsequently accepted, arising from the holding of a public inquiry, may have some impact on local traffic or economy. However such delay can be acceptable if the scheme is proven to be to the wider public benefit.

Recommendation

We suggest that the Council may consider responding to this section of the consultation as follows:

Lisburn City Council welcomes the Department's proposal to amend the Road Traffic Regulation (Northern Ireland) Order 1997 to include a general power to hold an inquiry, to ensure that concerned parties have a statutory right to a fair and public hearing in line with the Human Rights Act 1998 and the European Convention on Human Rights.

Reasoning

We are not aware of any case relating to the Road traffic Regulation (Northern Ireland) Order 1997 where public concerns have not been dealt by the Department in compliance with the European Convention on Human Rights. However this proposal will confirm in statute the right to a fair and public hearing in relation to all functions carried out under the Order.

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

6. CONCLUSIONS

This report was commissioned by Lisburn City Council for advice on the Department for Regional Development Roads Service Consultation Paper on Proposals for a Roads (Miscellaneous Provisions) Bill. The report has reviews of the four policy proposals and sets out recommendations under each policy heading for consideration by the Council. For convenience the recommendations have been extracted and listed separately in Annex A.

Signed for **RPS Consulting Engineers**

Bert Baillie

Transport Consultant

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

Annex A

Recommendations for consideration of Council

The following draft responses extracted from the main body of the report to the consultation have been prepared for the consideration of the Council.

Permit Schemes for works on roads

Lisburn City Council has considered the policy to introduce Permit Schemes for works on roads and offers the following on the three specific questions raised.

- (d) Council welcomes the proposal that a permit should be obtained before certain works are commenced to ensure improved control and co-ordination of work/activities if this contributes to a reduction of delays to traffic.*
- (e) Council believe that linking a permit charge to the level of traffic flow and duration of work would be a strong incentive to the promoter to plan those works efficiently. However Council also believes that an effective system for 'policing' the scheme would have to be put in place otherwise it will be abused, ignored and generally loose respect and support of both promoters and the public.*
- (f) As with (b) Council believes that attaching conditions which restrict works to particular dates and/or times or preventing works on particular dates/times if linked to appropriate fees or penalties would be a strong incentive to promoters to manage works efficiently. However as with (b) Council advocates the need for effective 'policing'.*

Council notes that the proposal is only for enabling powers and that full consultation will be undertaken on the subordinate legislation that would define the permit scheme including categories of work, fees etc. Council believes that it is essential that full consultation takes place and would expect to be further consulted.

Council notes that it is proposed to provide for appeals and while welcoming this, has concerns about the time it may take to determine an appeal and the

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

associated costs. Proposed regulations governing appeals must seek to minimise delays and costs, perhaps using the Traffic penalty Tribunal as a model, or instead of the Planning Appeals Commission.

Council also notes that no schemes have yet been implemented in England and Wales where similar powers have been available since 2004. This should be closely monitored so that experience in GB advises development of NI legislation.

Road closures for filming and special events

Lisburn City Council has considered the policy to introduce legislation to deal with road closures for filming and events. Council and others have previously raised this with Government Departments because of the limitations of current legislation. Council welcomes the principles of the policy which will provide opportunities to develop and improve local communities and economies through promotion of sporting, tourist and cultural activity and offers the following on the three specific questions raised.

(d) Council agrees that there should be restrictions on the duration and frequency of closures to be held on a particular road (or stretch or road). However the proposal to provide for only one closure to be allowed on any road in any twelve month period (although filming might be treated differently) may be restrictive. Taking Lisburn as an example the following are typical events requiring closures.

- Ulster Grand prix, requiring closure of a road circuit for varying periods over a number of days*
- Christmas Illumination switch on*
- Half marathon*
- Pipe band championships*
- Cycling events*

**Review of Consultation Paper on Proposals
For a Roads (Miscellaneous Provisions) Bill**

Different events may require closure of the same sections of road while for road races a series of closures is required over a number of days. The proposal as drafted is restrictive.

- (e) Council notes the proposal for duration/frequency to be exceeded with the Department's consent and suggests that as the Department's approval is required in any case for closure and diversions as stated in Paragraph 3.2.7 of the consultation, the need for a restriction of frequency and duration must be determined in line with current on-going practice, economic need and traffic management requirements*
- (f) Council notes the proposed power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter. The proposal for Councils to administrate the road closure function will be an additional burden on limited resources. It is important that costs associated with its operation should not be a burden to rate payers Council is content that provision is to be made for recovery of costs from promoters.*

Council notes that a full Regulatory Impact Assessment is to be carried out when regulations are made and expects that there will be full public consultation on the detailed proposals.

Rule-making procedures of the Traffic Management (Northern Ireland) Order 2005

Lisburn City Council notes the Department's proposal for amending Article 16(3) and Article 30(1) of the Traffic Management (Northern Ireland) Order 2005, and have no comment to offer.

Power to hold an Inquiry

Lisburn City Council welcomes the Department's proposal to amend the Road Traffic Regulation (Northern Ireland) Order 1997 to include a general power to hold an inquiry, to ensure that concerned parties have a statutory right to a fair and public hearing in line with the Human Rights Act 1998 and the European Convention on Human Rights.

Firmus Energy, 17 February 2010

I am replying to a letter received by Mark Prentice relating to this matter. Please find attached our submission below which is structured to reflect changes required to the Bill.

Permit regulations 3.-(2)

- it is essential that utilities are adequately notified in advance of potential road restrictions and of actual dates for restrictions included on permits in order that planned work in the highway is not affected.

The regulations require the following sub clause (e) “make provision for the advanced notice to be given to utilities and other affected parties with regard to permits being considered and for the actual restrictions to be agreed for approved permits with utilities and other affected parties in advance.”

- on occasions unplanned emergency work in the highway, for safety or maintaining the continuity of supply of essential services, may occur and in such circumstances the cooperation of permit holders is crucial.

The regulations require the following sub clause (f) “set out standard provisions whereby permit holders must co-operate with and provide access for emergency services or other agencies including utilities, in resolving local and utility network emergencies”.

Kevin Mc Sherry
head of engineering
firmus energy

Phoenix Natural Gas, 17 February 2010

CITE FOR REG DEV
17 FEB 2010



197 AIRPORT ROAD WEST
BELFAST
BT3 9ED
TEL: 08454 55 55 55
FAX: 028 9055 5500

24 hour gas escape
number 0800 002 001
*Calls may be recorded
and monitored



Our Ref. RCM/SW/02/2010

Committee Clerk
Committee for Regional Development
Committee Office
Parliament Buildings
Belfast
BT4 3XX

Direct line No. 02890 555876
12th February 2010

Further to your letter to Peter Dixon (dated 3rd February 2010), I have been asked to respond on his behalf, regarding the invitation to submit written submissions on the clauses of the Roads (Miscellaneous Provisions) Bill.

The contents of the Bill do not directly impact on Phoenix Natural Gas, however, I have the following concerns that I wish to bring to your attention:

Permit regulations 3.-(2)

- it is essential that utilities are adequately notified in advance of potential road restrictions and of actual dates for restrictions included on permits in order that planned work in the highway is not affected.

Suggest inclusion of statement - "(e) make provision as to the notice to be given to utilities and other affected parties with regard to permits being considered and actual restrictions agreed for approved permits."

- on occasions unplanned emergency work in the highway, for safety or maintaining the continuity of supply of essential services, may occur and in such circumstances the cooperation of permit holders is crucial.

Suggest inclusion of statement - "(f) set out standard provisions whereby permit holders must cooperate with and provide access for emergency services or other agencies, such as utilities, in resolving local emergency situations."

All of our concerns relating to this Bill are associated with coordination of works and emergency access and if not dealt with as part of this legislation should be covered in associated regulations or guidance documents.

If you require clarification of any matter covered in this submission please contact me.

Yours sincerely,

Bob Millican
General Manager Policy and Strategy



Registered Office: Phoenix Natural Gas Ltd., 197 Airport Road West, Belfast BT3 9ED
Registered in Northern Ireland No. 332827
VAT Registration: GB 830 7006 62

MINICOM EMERGENCY: 08000 7114710
Internet: <http://www.phoenixnaturalgas.com>
E-mail: info@phoenixnaturalgas.com

The Police Service of Northern Ireland, 17 February 2010



CTE FOR REG DEV

17 FEB 2010

Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

Committee Clerk,
Committee for Regional Development,
Room 402,
Parliament Buildings
BELFAST
BT4 3XX.

Your Ref:

Our Ref:

Date: 11th Feb 2010

RE: Roads (Miscellaneous Provisions) Bill

Thank you for your letter inviting a police response to the provisions contained within the proposed Roads (Miscellaneous Provisions) Bill, relating to the making of a permit scheme for street works and more importantly for police, the arrangements relating to road closures in connection with special events. The Chief Constable has asked me to respond on his behalf.

To address each of the clauses in turn:

1– 5 The introduction of a Street Works Permit Scheme is broadly welcomed by police. We see positive benefits in respect of better co-ordination between utilities and contractors and compliance with required standards and conditions associated with the issue of the permit. There are no enforcement issues for police.

6 The Police Service of Northern Ireland welcomes and endorses the proposed legislation to deal with applications relating to road closures for all manner of events, sporting, social and connected with film making. For too long the PSNI has been the recipient of all manner of requests from the reasonable through to the bizarre, where members of the public have wanted to hold events which would necessitate the closing of a public road.

We have by default, become both the arbitrator **and** facilitator of these events, with no consistent decision making framework in place, against which we can make our judgement. In addition we find ourselves providing policing resources to the event with frequently no financial contribution forthcoming from the organisers.

The proposed legislation has been based upon the GB model and PSNI have been involved and consulted from the outset in the drafting of this Bill. The legislation provides a framework for district councils to consider the application, consult with police and Roads Service and ultimately make a decision. This largely removes police from the decision making process and allows us to concentrate on the planning and facilitation of those events that meet the necessary criteria.

7 No comment .

Road Policing Development



I trust these comments are of assistance to the Committee. I do not feel it is probably necessary for the police to give oral evidence to the Committee, however I am available if so required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Muir Clark', with a long horizontal flourish extending to the right.

MUIR CLARK
T/Superintendent
Road Policing

Road Policing Development

Northern Ireland Electricity, 18 February 2010



Our ref

Your ref

Northern Ireland Assembly
Committee for Regional Development
Committee Office, Room 402
Parliament Buildings
BELFAST
BT4 3XX

Northern Ireland Electricity plc

Fortwilliam House
Edgewater Office Park
Edgewater Road
Belfast BT3 9JQ

Tel

Fax

Website: www.nie.co.uk

18 February 2010

Roads (Miscellaneous Provisions) Bill

Thank you for your letter dated 3 February 2009, addressed to Harry McCracken, Managing Director of NIE, relating to the Roads (Miscellaneous Provisions) Bill. Harry has asked me as Director of Operations, NIE to respond to your letter.

NIE are fully committed to working with DRD Roads Service, other utility companies, Private Developers and Contractors to minimise the impact of congestion associated with road openings.

NIE's, and other utility works, will not be covered by this specific legislation as utility works are primarily governed by the Street Works (Northern Ireland) Order 1995. Therefore, NIE do not wish to brief the committee but would like to take the opportunity to respond to several key clauses contained within the Bill, as outlined below, to ensure consistency with other potential legislation changes that will be applicable to NIE.

Permit regulations 3.-(2):

- It is essential that utilities are adequately notified in advance of potential road restrictions and of actual dates for restrictions included on permits in order that planned work in the highway is not affected.

Suggest inclusion of statement - "(e) make provision as to the notice to be given to utilities and other affected parties with regard to permits being considered and actual restrictions agreed for approved permits."



Northern Ireland Millennium
Quality Award Winner



- Occasionally unplanned emergency work in the highway, for safety or maintaining the continuity of supply of essential services, may occur and in such circumstances the cooperation of permit holders is crucial.
Suggest inclusion of statement – “(f) set out standard provisions whereby permit holders must cooperate with and provide access for emergency services or other agencies, such as utilities, in resolving local emergency situations.”

Permit Regulations 3.-(4):

- Reference is made to giving Fixed Penalty Notices (FPNs) in relation to any offence created by the regulations by applying Schedule 2A of the Street Works (Amendment) (Northern Ireland) Order 2007. If applied under this legislation, FPNs will need to be in line with costs and application of proposed FPNs in terms of the Street Works Order.

Permit Regulations 3.-(7):

- Reference is made to the provision for “the creation and maintenance of a register of permits.” There is no reference to the Northern Ireland Street Works Registration And Notification System (NISRANS) which is a computerised register used to notify and coordinate street works throughout Northern Ireland. NISRANS is managed jointly by DRD Roads Service and utility undertakers. NIE would expect that works subject to these regulations will be noticed through NISRANS to give visibility of works / events including their timing and duration to utilities and DRD Roads Service.

NIE have outlined in our previous correspondence on the Policy Proposals for a Roads (Miscellaneous Provisions) Bill dated 5 March 2009 the following points:

- If a permit scheme is determined to be the most effective way of managing events / works on roads then charges, if any, should only relate to actual costs incurred.
- Cost recovery powers by the Department / District Councils in relation to traffic management or additional street cleaning costs directly as a result of filming / event should relate to additional costs incurred only, at a no profit rate.

Further Comments:

1. A single point of administration control and notification such as a Roads / Street Works Commissioner / Coordinator utilising NISRANS type notification / monitoring system should be appointed to manage all Roads / Street Works activities.
2. Our view is that there is no evidence that a permit scheme will enhance the management of disruption on the roads in Northern Ireland and solutions that are developed to suit large urban areas elsewhere may be counterproductive if implemented here.

If you require clarification on any matters covered in this response please do not hesitate to contact me directly on 028 9095 4729.

Yours sincerely



Con Feeney
Director of Operations, NIE

Northern Ireland Screen, 18 February 2010



18 February 2010

Committee Clerk
Committee for Regional Development
Committee Office, Room 402
Parliament Buildings
Belfast BT4 3XX

ROADS (MISCELLANEOUS PROVISIONS) BILL

Many thanks for the opportunity to provide a submission on the clauses of the above Bill.

Northern Ireland Screen is delighted to see the addition of film making as a "special event" in Schedule 3A clause 2(b) and clause 5.

However, we submit that the term "film" is overly restrictive. We would propose that film is either defined to include television programmes and commercials or television programmes and commercials should be specifically mentioned in the clauses.

In recent years Northern Ireland Screen has successfully attracted more and more television drama to Northern Ireland. Most notably HBO's pilot *GAME OF THRONES*. These productions are of as great a value to Northern Ireland as the feature films.

There is also tremendous potential for Northern Ireland's unique locations to be used for television commercials and we would urge that this opportunity is also provided for within the legislation.

Yours sincerely

A handwritten signature in black ink, appearing to be 'RW', written in a cursive style.

Richard Williams
Chief Executive

NORTHERN IRELAND SCREEN
3rd Floor, Alfred House, 21 Alfred Street, Belfast BT2 8ED
E: info@northernirelandscreen.co.uk W: www.northernirelandscreen.co.uk

North Down Borough Council, 19 February 2010

I refer to your letter dated 3 February 2010 regarding the Road (Miscellaneous Provisions) Bill. The correspondence was considered by North Down Borough Council at a meeting held on 16 February 2010 and no comment was made.

Regards

Jennifer

Jennifer Glasgow
Member Services Officer
North Down Borough Council

Omagh District Council, 19 February 2010



Daniel McSorley Chief Executive



Your ref:

Our ref: Misc/1 M/L 8300

Date: 19th February 2010

Being dealt with by: Chief Executive's Department

Email:

Northern Ireland Assembly
Committee for Regional Development
Committee Office, Room 402
Parliament Buildings
BELFAST
BT4 3XX

Dear Sir/Madam

RE: Consultation on the Roads (Miscellaneous Provisions) Bill

I am writing on behalf of Omagh District Council in response to the consultation on the Roads (Miscellaneous Provisions) Bill.

The following comments comprise the Council's formal response to the consultation:

Part 1 Permit Schemes

The Council notes the proposal to provide a wider permit scheme arrangement and it would recommend that the new statutory arrangements relating to Street Works include stringent regulations to ensure that disruptions for the travelling public are kept to a minimum.

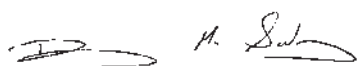
Part 2 Miscellaneous

With regard to Clause 6, 'Prohibition or restriction of use of public roads in connection with special events', the Council is concerned that in relation to the transfer of powers to Councils, it appears to be purely transferring an 'administrative' role to local government with the objective of the exercise being the reduction of the cost to the Department of processing applications. Whilst this may not be what the Minister intended to be the outcome, the legislation as set out in the consultation document gives rise to concerns on the limitations to Council powers. For example, the proposed legislation states that the decisions of the Council are subject to "the consent of the Department" and in Schedule 1 (2) (7) it states "a district council may not make an order except with the consent of the Department and again in Schedule 1 (5) (a) it states that "the Department may issue guidance to District Councils as to the exercise of their functions under this Schedule" Whilst the Council accepts that 'Guidance' could and should be given when required by the Department, it would wish to see Schedule 1 amended in line with the spirit of 'strong local government' as set out in the Review of Public Administration.

The Council is aware that the Transfer of Functions Working Group which includes officials from both Local Government and Central Government has been established to consider such issues and it would seek clarification if this specific issue has been considered by the Working Group and if indeed the issue of funding the transfer of such powers has been considered. As with all transferring functions, the Council is very keen to ensure that appropriate and adequate funding from central government is included in the transferring package.

On behalf of Omagh District Council I wish to thank you for the opportunity to respond to this consultation and we await the final outcome of the consultation process.

Yours sincerely



D McSORLEY

Chief Executive

Antrim Borough Council, 23 February 2010

I have reviewed the Bill and would ask you to note that I don't have any comments to make.

Geraldine

Geraldine Girvan
Director of Development and Leisure

BT Ireland, 26 February 2010

Northern Ireland Assembly
Committee for Regional Development
Committee Office, Room 402
Parliament Buildings
BELFAST
BT4

26th February 2010

BT Ireland (BTI) welcomes the opportunity to respond to the Roads (Miscellaneous Provisions) but as all utilities in Northern Ireland are primarily governed by the Street Works (Northern Ireland) Order 1995, BT will decline the offer to brief the committee.

However BT would like to express its concerns over the introduction of the permit legislation and also in the area of equivalence.

I would like to raise BT's concerns at the potential impact that the proposed legislation to the current Streetworks Order will have on our ability to deliver service as a leading utility operating within Northern Ireland, and the subsequent negative effect that these changes will have on our customers and generally on members of the public.

The implementation of the proposed legislation has significant cost implications such as permits, over run charges, increased administration costs, time delays additional system / computerisation costs. By the terms of the BTI licence, this additional cost will have to be absorbed by the company as it cannot be passed on to the customer.

BTI believes the permit scheme to be unnecessary as all of the utilities have demonstrated through working together under the auspices of NIRAUC the amount of congestion due to utility road works on the highway has been reduced.

Equivalence

Proposed new legislation in Northern Ireland should apply equally to DRD Roads Service and all its agencies and to all parties that undertake work in the highway, such as Private developers as well as the private utilities.

Permit Schemes

In making provision Roads Service must try to ensure, so far as is reasonably practicable, that the fees payable in connection with permit schemes do not exceed such costs in connection with permit schemes as may be prescribed.

Permit Regulations 3.4:

Fixed Penalty Notices (FPNs) When applied they must not exceed costs in connection with the scheme.

Yours Sincerely

ALEX CROSSAN

Ballymena Borough Council, 2 March 2010

Further to your letter dated 3rd February, 2010 I apologise for the delay in forwarding a submission, however, Ballymena Borough Council considered that the response date of 19th February, 2010, based on a consultation document received on 5th February, 2010, was inappropriate in relation to Council's cycle of meetings and the ability to give the matter due consideration.

We understand that the substance of the document relates to Council assuming responsibility for aspects of road closures and the associated issue of permits for particular events. On the basis of elements of roads responsibility coming to Council post R.P.A., Council considers that this proposal of itself would not be an issue, however, there should be a clear understanding that it would be post implementation of R.P.A., and any transfer of resources and financial allocation associated with the new responsibilities.

Anne Donaghy
Town Clerk and Chief Executive

Belfast City Council, 4 March 2010

Legal Services Department

Our Ref 001-132-5 CQ

Your Ref

4 March 2010



Committee Clerk
Committee for Regional Development
Committee Office, Room 402
Parliament Buildings
BELFAST BT4 3XX

ROADS (MISCELLANEOUS PROVISIONS) BILL

Further to your letter of 3 February addressed to the Chief Executive, I would ask you to note that I took a report to the Council's Strategic Policy & Resources Committee on 19 February in relation to the Bill.

I enclose for your information a copy of the report which I submitted together with a copy of the minute of the Strategic Policy & Resources Committee's decision which was adopted by plenary Council at its meeting on 1 March.

You will note from the minute that a number of Members emphasised the need for utility companies to collaborate in relation to carrying out of repairs and works on public roads, the concern of Members being of course in relation to the prevention of unnecessary disruption, and duplication of costs. I had indicated to the Members that this is a point that would presumably be covered by the proposed permit scheme arrangement, but I undertook with them to pass their concerns on to the Committee for Regional Development.

The only other point that I think I need to raise in relation to the Bill, arises in relation to para 1 (2) of Schedule 3 (a) as, in turn, set out in Schedule 1, where there is a definition of the term "special event".

The definition refers to any sporting event, social event or entertainment. The Recreation and Youth Services (NI) Order 1986 (Article 10) refers to recreational, social, physical and cultural activities which I think better captures the broad range of activities undertaken by district councils and I would accordingly suggest that the term "special event" be defined on a similar basis.

C. Quigley LL.B
Director of Legal Services

Belfast City Council, Legal Services Department
City Hall, Belfast BT1 5GS



Lexcel



INVESTOR IN PEOPLE

2

4 March 2010

The City Council has certain functions in relation to the holding of markets and fairs and, while I am not aware that there has been any specific requirement in the past to temporarily close a road for the holding of a fair, there is always the possibility that this might become necessary. Accordingly, I would ask that the statutory definition of the term "special event" be further amended to refer to temporary fairs and markets.

I trust that you find the foregoing points helpful.

Yours sincerely


CIARAN QUIGLEY
Director of Legal Services

Enc

/trnc



Belfast City Council

Report to: Strategic Policy and Resources (Transition) Committee
Subject: Roads (Miscellaneous Provisions) Bill - consultation
Date: 19th February 2010
Reporting Officer: Ciaran Quigley, Director of Legal Services
Contact Officer: Kevin Heaney, RPA Project Coordinator (ext. 6202)

1.0 RELEVANT BACKGROUND INFORMATION

- 1.1 The Council received correspondence, dated 3rd February 2010, from the Committee Clerk for the for NI Assembly Regional Development Committee seeking comments in relation to proposals to make a new Roads (Miscellaneous Provisions) Bill. The Council has been asked to consider if it wishes to submit a written response on the draft Bill by 19th February 2010.

2.0 KEY ISSUES

- 2.1 The Director of Legal Services has convened a group of officers to carry out a detailed review of the draft Bill and the clauses contained therein and would intend to submit any relevant comments to the Committee at its meeting on 19th February 2010.
- 2.2 However, at this stage it would appear there is nothing in the draft Bill which would raise any concerns and necessitate the Council making any specific submission.

SUMMARY OF BILL

- 2.3 This Bill is intended to address two particular issues, namely the introduction of traffic restrictions and road closers to enable road works to take place, and prohibiting or restricting the use of roads for holding special events.
- 2.4 In relation to the carrying out works on roads, the Bill will introduce a permit scheme arrangement, whereby permits will be made under regulation and granted, which set out the provisions on which road works will be carried out.
- 2.5 The Bill will also contain provisions in relation to the closure of roads for certain special events. This provision will be of particular interest to District Councils because the function of allowing events on roads will be vested in councils. This legislation is essentially a forerunner to the introduction of the RPA (it has always been envisaged that the RPA would involve the transfer of particular roads functions from central to local government including the ability to make provisions to hold relevant events on roads. Within the context of the Council this would include, for example, the Halloween celebrations, Christmas Lights etc.
- 2.6 A copy of the draft Bill and accompanying Explanatory and Financial Memorandum is attached at **Appendix 1** to this report.

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²⁷ The Director of Legal Services will update the Committee, at its meeting on 19th February, on any issues identified through discussions with relevant officers.

3.0 Resource Implications

While any potential resource impact of the Bill is still to be quantified it may have implications for the Council's Events Unit.

4.0 Recommendations

Members are asked to note the forgoing report and, in particular, that a detailed update will be provided to Committee at its meeting on 19th February on any issues and concerns with regard to the Bill.

5.0 Appendices

Appendix 1: Explanatory/ Financial Memorandum and draft Roads (Miscellaneous Provisions) Bill



Northern Ireland
Assembly

ROADS (MISCELLANEOUS PROVISIONS) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Department for Regional Development in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause, or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The current framework for managing traffic restrictions and road closures to enable works on roads to take place is contained in various pieces of primary legislation for which the Department for Regional Development, as road authority, has responsibility. These are the Roads (Northern Ireland) Order 1993, the Street Works (Northern Ireland) Order 1995, the Road Traffic Regulation (Northern Ireland) Order 1997 and the Traffic Management (Northern Ireland) Order 2005.

4. The Department's functions as road authority are exercised, on its behalf, by Roads Service.

5. The Bill would introduce arrangements in relation to the authorisation of certain events on roads and for a permit scheme to control works on roads. It would also introduce, to the Road Traffic Regulation (Northern Ireland) Order 1997, a power to hold enquiries and would amend the Traffic Management (Northern Ireland) Order 2005 to take account of changes that have taken place in the functions of both the Lord Chancellor's Office and that of the Lord Chief Justice.

OVERVIEW

6. The Bill proposes to introduce provisions for the management of:

Events on Roads

7. A number of events are held on roads throughout the year. Many of these are entertainment or sporting events, attracting, in some cases, international competitors and large numbers of spectators. There are also occasions when film production

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companies need to have restrictions placed on traffic using a road to enable location filming to take place.

8. The Department for Regional Development, in its role as road authority, was advised that there was some uncertainty about the identity of the appropriate authority to authorise such events and decided to clarify the situation.

9. In addition, on 31 March 2008, Minister Foster announced to the Assembly the Northern Ireland Executive's vision for the future, following implementation of the Review of Public Administration. One of the proposed measures was to make local councils responsible for authorising local events on roads.

10. Taking into account both of the foregoing issues the Bill contains arrangements that would make councils responsible for authorising certain events on roads.

Permit Schemes

11. In Northern Ireland roads are the medium through which the movement of people, goods and services for the social and economic benefit of all people is achieved.

12. Works on roads inevitably cause delay. Disruption and congestion often occur and journey times are adversely affected. Beyond the necessary works of the Department to maintain and develop the road network, utility openings alone are in excess of 35,000 in number each year.

13. The Public Accounts Committee's 2009 report on Road Openings by Utilities found that despite utilities having a statutory requirement to notify all road openings in advance, a pattern of late notifications remained. One of the effects of this is to compromise attempts to coordinate works of all kinds on roads.

14. The Department for Regional Development spent some £173m on the construction and improvement of roads and £91.2m on maintaining (including reconstruction, resurfacing and patching) this important public asset. Although some new roads have been constructed and a number of existing roads improved to cope better with traffic volumes (for example, the recently completed M1, M2 and Westlink schemes), often these types of works are simply not possible due to budgetary constraints.

15. The Northern Ireland Transport Statistics for 2008–9 reveal that there were 1,024,396 vehicles licensed in Northern Ireland at 31 December 2008 – an increase of 16,107 vehicles from the previous year. In 2008 the most frequently used method of travel to work in Northern Ireland was by car, van or minibus, with 83 per cent of the workforce interviewed in October to December using these methods.

16. Goods lifted on roads within Northern Ireland by goods vehicles over 3.5 tonnes between 2002 and 2007 increased from 48,116 tonnes in 2002 to 76,674 tonnes in 2007.

17. With the increasing volume of traffic using the road network there is a growing impact on road users, both private and commercial, caused by the execution of works on roads. The Street Works (Amendment) (Northern Ireland) Order 2007 introduced permit requirements in respect of street works (largely the works of utility companies). However, given the response to the consultation the Department determined that those arrangements should be replaced with a wider scheme that would apply to other works on roads.

Page 19

18. The Bill would therefore repeal the street works permit scheme arrangements and provide a wider scheme to better control the timing and duration of works on roads.

Holding of Inquiries under the Road Traffic Regulation (Northern Ireland) Order 1997

19. A power to hold an inquiry into the exercise, by the Department for Regional Development, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997 would ensure procedural fairness in the Department's decision-making processes and would provide an opportunity for concerned parties to make representations.

Giving effect to the reform of the Lord Chancellor's Office

20. The Constitutional Reform Act 2005 reformed the Office of the Lord Chancellor. The Bill would amend the Traffic Management (Northern Ireland) Order 2005 to take account of that reform.

Consultation

21. The Department consulted stakeholders and the wider public on its policy proposals for a Roads (Miscellaneous Provisions) Bill between 3 December 2008 and 6 March 2009. Documents relating to the consultation, including a report on its findings, can be viewed at <http://www.roadsni.gov.uk/index/consultations/consultations-2c.htm>

22. The utility companies that responded to the consultation were not in support of the general principle of permit schemes. However, given that the Street Works (Northern Ireland) Order 1995 (as amended) had included similar arrangements in respect of works carried out by the utilities, they were content that these arrangements should be extended to others working on roads. Non-utility respondents generally welcomed the proposal.

23. All respondents broadly welcomed the proposal to introduce powers enabling councils to authorise the closure or restriction of traffic using roads to enable special events to take place.

24. Where respondents commented on proposals to introduce a general power to hold inquiries under the Road Traffic Regulation (Northern Ireland) Order 1997 and to give effect to the reform of the Lord Chancellor's Office by changing rule-making procedures contained within the Traffic Management (Northern Ireland) Order 2005, the proposals were welcomed.

OPTIONS CONSIDERED

Permits schemes for works on roads

25. Do nothing - the Department considered maintaining the status quo and not introducing any additional legislation to more effectively manage works on roads. However, given increasing volumes of traffic using the road network the level of disruption caused to road users by works on roads would be likely to increase.

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26. Introduce a non-regulatory scheme - the Department also considered adopting a non-regulatory approach, with the introduction of a non-statutory code of practice. However, this was considered unlikely to be successful for two reasons. Firstly, no representative body exists to supervise its implementation beyond the utilities and, secondly, without enforcement provisions, it may would have been largely ineffectual.

27. It was therefore decided that the interests of the road user would be best served by the introduction of new statutory arrangements.

Prohibition or restriction on the use of roads in connection with special events

28. Do nothing – in view of the need to clarify the situation about which authority possesses the necessary powers to authorise such closures or restrictions, doing nothing was not really an option.

29. Vesting of new powers in the Department - the Department considered taking new powers to enable it to authorise such events with a discretionary power, to be exercised in the future, to devolve that function to local councils.

30. Vest new powers in councils - it was considered that councils would be best placed to make decisions on road closures for events in their own area. In addition, given the wishes of the Northern Ireland Executive to see local councils become responsible for events on roads under the Review of Public Administration it was decided to proceed with this option.

COMMENTARY ON CLAUSES

The Bill contains 10 clauses and 3 schedules. A commentary on them follows.

Clause 1: Meaning of permit scheme

This clause defines a permit scheme and outlines arrangements relating to permits that may be contained within such a scheme. For example, a scheme may prescribe the circumstances under which a permit is, or is not, required for the execution of works on roads and what conditions may be attached to a permit issued under such a scheme.

Clause 2: Making, variation and revocation of schemes

Under this clause, the Department may bring a permit scheme into operation, or change or revoke it, by order. Permit schemes must comply with any permit regulations made under clause 3.

Clause 3: Permit regulations

This clause provides for the Department to make regulations concerning the content of schemes and the procedures to be followed in the making and operation of schemes. The regulations may, for example, make provision for offences and for fees payable in relation to the application for or issue of a permit.

Clause 6: Prohibition or restriction of use of public roads in connection with special events

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This clause provides a procedure enabling local councils, with the consent of the Department, to close roads or restrict traffic using them to facilitate special events taking place on roads. It introduces a new schedule 3A setting out the arrangements into the Road Traffic Regulation (Northern Ireland) Order 1997.

Schedule 1: Schedule to be inserted as schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997

Paragraph 1: Interpretation

This paragraph defines key phrases used in the schedule. It establishes which public authority ('the relevant authority') is responsible for authorising special events on roads: the Department may authorise the closure or restriction of special roads (usually motorways); local councils may authorise the closure or restriction of all other public roads for special events to be held in their jurisdiction. While the term 'special event' is defined, other types of events that are not included in the new arrangements are also identified.

Paragraph 2: Prohibition or restriction on roads in connection with special events

This paragraph sets out the circumstances under which an application to close or restrict traffic using a road for a special event may be approved. The Department or a local council may impose conditions on the event promoter. For example, a promoter would be required to obtain public liability insurance and to erect diversionary signs. Existing statutory provisions on the affected road, such as speed limits or the direction of traffic, may be changed or suspended for the duration of the event.

Paragraph 6: Offences in relation to orders

It would be an offence to contravene a road closure or restriction, or for an event promoter to fail to comply with any condition imposed by the Department or council. As set out in schedule 2(5), offences are to be prosecuted summarily with, respectively, a maximum fine of level 3 on the standard scale of fines (currently £1,000) and level 2 (currently £500) on the standard scale.

Schedule 3: Repeals

This paragraph identifies other legislative provision that would be repealed. It includes Article 12A of the Street Works (Northern Ireland) Order 1995 and Article 3 of the Street Works (Amendment) (Northern Ireland) Order 2007, which presently enable the Department to make a permit scheme in respect of street works on roads.

FINANCIAL EFFECTS OF THE BILL

31. It is difficult to quantify the financial effects of the Bill. It is not anticipated that the authorisation of special events on roads would have a financial impact on councils or the Department as provision has been made for costs to be recovered from event promoters.

32. It is estimated that a permit scheme that would be applied to all roads could cost in the region of £3.2 Million while such a scheme applying to only the most traffic sensitive streets would cost some £700,000.

Page 22

33. Introduction of a permit scheme would create an increase in workload for the Department and it is possible that some twenty to thirty additional staff may be required to manage it.

34. Different levels of charges could be applied for different types of permits. Charges would be determined by the nature of the works to be carried out, their duration and their anticipated impact on traffic flows. Consequently, the most expensive permits would be those required for major activities on heavily trafficked routes or in traffic-sensitive streets. It is proposed that permit-scheme income would cover the cost of administering the scheme which would, as a result, be self-financing.

35. There are no financial or resource costs associated with the amendments to the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005.

HUMAN RIGHTS ISSUES

36. The introduction of a power to hold an inquiry into the execution of any of the Department's functions under the Road Traffic Regulation (Northern Ireland) Order 1997 will enhance the protection of human rights offered by the Order. The remaining provisions of the Bill are compatible with the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

37. An Equality Impact Assessment screening analysis was completed for each of the four proposals. No significant differential impacts were identified between any of the groups listed in section 75 of the Northern Ireland Act 1998. The screening forms were included in the policy consultation paper and no comments were received on equality issues. The Department concluded that full Equality Impact Assessments were not required on any of the proposals.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

38. As the measures introducing inquiries and implementing the reform of the Lord Chancellor's Office are unlikely to impose new costs or savings on businesses, charities or the voluntary sector, a Regulatory Impact Assessment (RIA) was considered unnecessary.

39. Partial RIAs were completed in respect of proposals for permit schemes and road closures for special events. These were included in the policy consultation document.

40. A full RIA for the permit scheme will be carried out when the Department is preparing the scheme and draft permit scheme regulations. A full RIA will be prepared in respect of the special events provisions before the Department publishes guidance.

LEGISLATIVE COMPETENCE

41. The Minister for Regional Development had made the following statement under section 9 of the Northern Ireland Act 1998:

"In my view the Roads (Miscellaneous Provisions) Bill would be within the legislative competence of the Northern Ireland Assembly."

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SECRETARY OF STATE CONSENT

42. The Secretary of State has consented under section 10(3)(b) of the Northern Ireland Act 1998 to the Assembly considering this Bill.

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Decision details

Roads (Miscellaneous Provisions) Bill

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Decision Maker: Strategic Policy and Resources Committee

Decision Type: Non-Key

Decision Status: Recommendations Approved

Is Key decision?: No

Is subject to Call In?: No

Decision:

The Director of Legal Services reported that the Northern Ireland Assembly's Regional Development Committee was proposing to make a new Roads (Miscellaneous Provisions) Bill and was seeking comments in relation to its proposals. He advised the Members that he had convened a group of officers to carry out a detailed review of the draft Bill and the clauses which were contained therein. However, it would appear that there was nothing in the draft Bill which would raise any concerns and necessitate the Council making any specific submission.

Several Members expressed the view that there was a need for utility companies to collaborate when carrying out repairs and other works on roads. In addition, following the undertaking of the aforementioned works, there was a need for the reinstatement works to have a uniform level of quality assurance specified.

The Director indicated that the legislation in relation to the permit scheme would address such issues as collaboration between utility companies undertaking road works and he undertook to forward the comments in this regard as part of the Council's response to the consultation exercise.

The Committee agreed to this course of action.

Publication Date: 19/02/2010

Date of Decision: 19/02/2010

Decided at Meeting: 19/02/2010 - [Strategic Policy and Resources Committee](#)

Accompanying Documents:

- [Roads \(Miscellaneous Provisions\) Bill - Consultation](#) [PDF \(1.5MB\)](#) [View as HTML \(1\) \(1.5MB\)](#)
- [Appendix - Explanatory Memorandum](#) [PDF \(1.5MB\)](#) [View as HTML \(2\) \(1.5MB\)](#)

Limavady Borough Council, 5 March 2010

Town Clerk's Department
chiefexecutive@limavady.gov.uk

Liam C. Flanigan, B.A. D.M.S.
TOWN CLERK & CHIEF EXECUTIVE
liam.flanigan@limavady.gov.uk



CITE FOR REG DEV

05 MAR 2010

4 March 2010

Committee Clerk
Committee for Regional Development
Northern Ireland Assembly
Committee Office, Room 402
Parliament Buildings
BELFAST
BT4 3XX

DRAFT ROADS (MISCELLANEOUS PROVISIONS) BILL

I refer to your letter of 3rd February 2010 in relation to the above legislation.

Your letter was discussed by Council at a recent meeting when Members noted that the proposed Roads (Miscellaneous Provisions) Bill is currently at the Committee Stage of the legislative process. They further noted that this is a Bill to provide for permit schemes to control the carrying out of works in roads; for prohibiting or restricting the use of roads in connection with special events; for inquiries in connection with the exercise of certain functions relating to roads; and for other connected purposes.

During the ensuing discussion various members expressed concern at the implications this Bill may have for local government should minor roads become a responsibility of Councils following the proposed local government reform.

Yours sincerely

LIAM FLANIGAN
CHIEF EXECUTIVE

Department of Enterprise, Trade and Investment (DETI), 8 March 2010

1. The ETI Committee has sought the views of the Department on the above following a request from the Regional Development Committee.
2. DETI, together with the Department of Culture, Arts and Leisure (DCAL), seeks to develop the creative industries sector in the region – this includes the film industry. Invest Northern Ireland is a key contributor to the development of NI's film and television sector, with a focus on increasing the volume and value of film production.
3. The main issue of interest for DETI, with regard to this Bill, therefore is the proposal to introduce a power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, social or entertainment events.
4. DETI officials have been engaging with officials in DRD on this issue since 2005, at the request of Northern Ireland Screen , regarding the need for legislation in Northern Ireland covering the temporary closure of roads for filming purposes.
5. Currently there is no statutory provision which gives clear instructions as to the approach to be taken, including the route that a production company should take, in requesting a road closure for filming purposes. The introduction of new legislation will clarify the legal boundaries for all those involved in closing off roads.
6. It is also envisaged that the Bill will contribute to making Northern Ireland a more attractive proposition for inward investment by film makers and it should be noted that this proposal reflects arrangements already in place in England and Wales and similar powers in the Republic of Ireland.
7. It is the Departments view therefore that the clauses contained within the Bill pertaining to this matter are to be welcomed.

The Northern Ireland Authority for Utility Regulation (NIAUR), 8 March 2010



From the office of the Chief Executive

Committee Clerk
Committee for Regional Development
Committee Office, Room 402
Parliament Buildings
BELFAST
BT4 3XX

Our Ref: W/007/JA/429

Your Ref:

Date 8 March 2010

Roads (Miscellaneous Provisions) Bill

Thank you for your letter dated 3 February 2010 offering us the opportunity to make a submission to the Committee in respect of the Roads (Miscellaneous Provisions) Bill which commenced its Committee Stage on the 27 January 2010. Our submission is set out below.

We understand that the Bill makes provisions in four areas:

- (a) A permit scheme in relation to road works.
- (b) The power to prohibit or restrict the use of roads in respect of special events.
- (c) Minor amendments to procedure to be followed by the Lord Chancellor when exercising two rule making powers under the Traffic Management (Northern Ireland) Order 2005.
- (d) General powers to hold inquiries into the exercise by the Department of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.

We have no comments in respect of items (c) and (d) above.

Much of our utility services are routed under roads. Faults will occur from time to time and utilities may require emergency access to repair apparatus and restore essential services. Activities in roads (under either the permit scheme or powers to prohibit or restrict the use of roads in respect of special events) might restrict the ability for utilities to access their apparatus. Consideration should be given to how access will be maintained for emergency works. We believe that utilities should not be responsible for the direct or consequential costs to other road users arising from access for emergency works.

We understand that the permit scheme set out in the draft Bill is almost identical to the scheme set out in Article 3 of The Street Works (Amendment) (Northern Ireland) Order 2007 which would be repealed by the Bill. The key difference is that the previous provisions covered street works, generally applying to utilities, while the new provisions cover a wider range of road works. Since there is no change in overall policy relating to utilities, we have limited our remaining comments to general points of principle which could be considered as the draft bill is finalised:

Northern Ireland Authority for Utility Regulation
Queens House, 10-14 Queen Street, BELFAST, BT1 6ER
T: +44 (0) 28 9031 1575 F: +44 (0) 28 9031 1740 W: www.niaur.gov.uk



From the office of the Chief Executive

- (a) The implementation of a permit scheme will impose costs on all utilities which will be recovered either through direct charges or through subsidy paid on behalf of consumers. We would hope that these charges will be cost reflective and structured to incentivise behaviours which benefit consumers.
- (b) For most utilities, charges will be levied for the repair and extension of existing networks which already service most consumers. The cost will be relatively low and will be spread widely across an existing consumer base. However, considerable streetworks remain to be carried out to extend the gas distribution network to new consumers. The introduction of a charge on streetworks will be a significant burden on the development of the gas distribution network which might restrict the economic development of our gas supply and disadvantage groups of consumers in the process. We recommend that the final bill provides an exemption for the first time provision of gas services to ensure that the development of the gas supply network is not disadvantaged.

We would hope to have the opportunity to comment in greater detail through further consultation on the development of regulations and permit schemes which might follow the bill. In the meantime, please let me know if you believe it would be helpful for us to expand further on the comments we have made above.

Yours sincerely

Iain Osborne
Chief Executive Officer

Cc Peter Matthews
Jo Aston
Brian McHugh
Shane Lynch
JB Mills

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Northern Ireland Local Government Association (NILGA), 9 March 2010



Roads (Miscellaneous Provisions) Bill

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland, promoting the interests of local authorities. NILGA is pleased to be able to have an opportunity to comment on the policy proposals for a Roads (Miscellaneous Provisions) Bill. For further information regarding this response, please contact Helen Richmond, Policy Officer at NILGA on (028)90798972 or email h.richmond@nilga.org

Key Issue

NILGA would like to put forward its view on one specific provision of the Roads (Miscellaneous Provisions) Bill related to the proposal to introduce a power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film or to facilitate the holding of sporting, social or entertainment event.

The Bill introduces powers that would enable district councils, with the approval of the Department, to close roads (other than trunk roads and motorways) for sporting, social and entertainment events and for the purposes of location filming.

NILGA would broadly welcome the proposal to extend the powers to local government as it is considered that the power could support the delivery of the wider tourism and culture and arts priorities of councils.

It is noted that the Department would intend making regulations governing how local councils should make such closures and might also produce guidance to be followed by councils to ensure consistency of approach. It is noted also that the Department's approval would be required to ensure that appropriate alternative routes were available to traffic.

NILGA believes that Councils should be given the necessary autonomy to address local priorities with as little direction from central government as possible and thus local government would welcome and encourage the opportunity to engage constructively with the Department in developing the regulations and appropriate guidance.

Committee for Culture, Arts and Leisure, 16 March 2010



Mr Fred Cobain MLA
Chairperson
Committee for Regional Development
Room 402
Parliament Buildings
Stormont
Belfast
BT3 4XX

Our ref: C96/10

16 March 2010

Dear *Fred* /A Chara

ROADS MISCELLANEOUS PROVISIONS BILL

At its meeting on 11 March 2010 the Committee agreed that I should write to you to outline its views on the above Bill.

As you will know, Clause 6 only refers to 'social or entertainment events'. The Committee is of the view that Clause 6 and Schedule 1 of the Bill should be re-drafted in such a way as to make clear that 'cultural events', for example community festivals, are also covered.

Yours sincerely/Is mise le meas



BARRY MCEL DUFF MLA
Chairperson
Committee for Culture, Arts and Leisure

Committee for the Environment, 18 March 2010

Environment Committee Office
Room 245
Parliament Buildings
Stormont
BT4 3XX
Tel: 028 9052 1347
Fax: 028 9052 1795

Room 402
Committee for Regional Development

18 March 2010

Committee Stage of the Roads (Miscellaneous Provisions) Bill

The Environment Committee considered your invitation to submit evidence on the Roads (Miscellaneous Provisions) Bill on 11 February 2010 and agreed to seek the Northern Ireland Local Government Association's (NILGA) position on the proposed legislation. The Committee received a reply from NILGA on 9 March and this has informed the Committee's response.

The Committee welcomes the extension of powers to local government to close roads (other than trunk roads) for sporting, social and entertainment events and for the purposes of location filming.

The Committee understands that in a bid to ensure local authorities adopt a consistent approach, the Department is considering making regulations on how councils should implement the regulations as well as providing guidance. During scrutiny of legislation linked to the RPA process, the Committee has been made aware of the value attached by local authorities on being given sufficient autonomy to deliver new powers that will be afforded to them arguing that this is essential for them to be able to respond and adapt to local needs and priorities. Therefore whilst the Committee sees merit in the Department providing guidance on the delivery of the Bill, it would be reluctant to see a raft of prescriptive regulations governing how councils operate the road closure scheme.

The Committee further suggests that the Department should proactively encourage councils to participate fully in the development of the guidance.

Yours sincerely

Clerk to the Committee for the Environment

BT Ireland, 23 March 2010

Assistant Clerk to the Committee for Regional Development

23rd March 2010

BT welcomes the opportunity to make a response to the draft Hansard Report and would like to make the following comments on its submission;

Equivalence

There appears to have been no discussion on the Permit scheme being equally applied to all parties who undertake work on the highway;

Proposed new legislation in Northern Ireland should apply equally to DRD Roads Service and all its agencies and to all parties that undertake work in the highway, such as Private developers as well as the private utilities.

BT would like to see the Act equally apply with the same measurement set, which reports on Utilities performance, coupled with FPN's being equally applied to all parties who excavate in the Highway.

The issues on Permit Schemes and Fixed Penalty Notices have been answered, stating the fees will be designed to cover, but not exceed the cost of administering the scheme.

Yours Sincerely

Francis Russell

Senior Access Planning Manager

Northern Ireland Electricity, 25 March 2010

NIE acknowledge, and appreciate, receipt of the Committee for Regional Development's Official Report on the Roads (Miscellaneous Provisions) Bill and would like to respond as follows.

- Roads Service mention in the report that this Bill (Page 10 – Mr Anketell) seeks to introduce a permit scheme that will create “a level playing field” for all street works “at the request of utility companies”. However, this Bill will not apply to private developers who are still governed by the Private Streets (Northern Ireland) Order 1980, amended by the Private Streets (Northern Ireland) Order 1992. In this respect a significant gap still exists that needs to be addressed before there is one set of clear legislation for all Road and Street Works.
- NIE are disappointed that suggested utility amendments were not included in the Bill and that NIE's proposal (Page 6) to appoint a Roads / Street Works Commissioner / Coordinator to independently manage Road and Street Works activities in Northern Ireland was not given further consideration.

Regards,
Con

Phoenix Natural Gas, 29 March 2010

I apologise for the delay in responding to your email regarding comments on the Hansard transcript.

I note the responses from the Department and would comment as follows:

With regard to the first point (page 4) our suggested wording was "to make provision as to the notice to be given to utilities and other parties with regard to permits that are being considered and for the actual restrictions to be **agreed** for approved permits with utilities and other affected parties in advance." The response was "Department may make provision in regulations as to the inclusion of "conditions or types of conditions" that may be **imposed**." The issue here being that we are requesting consultation and agreement prior to issue of permits whereas my understanding of the wording is that the Department are indicating the imposition of conditions.

With regard to the second point (page 4) regarding emergency works the Department indicates that "permit regulations could provide for the exemptions in respect of emergency works" and that "the first set of permit regulations must be laid before, and approved by resolution of, the Assembly." At this stage will there be a full regulatory impact assessment and will these regulations and impact assessment be circulated for consultation.

Thank you for the opportunity to respond

Bob Millican
General Manager
Phoenix Natural Gas Ltd.

Web: www.phoenixnaturalgas.com

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x]

31/03/2010

Lisburn City Council, 30 April 2010



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Our Ref: BB/IBT0466

27th April 2010

Mr Colin McClintock
 Chief Executive
 Lisburn City Council
 The Island
 Lisburn
 Co Antrim
 BT27 4RL

Dear Mr McClintock,

Consultation Paper on Proposals for a Roads (Miscellaneous Provisions) Bill

I refer to Ms Forsythe's email of 23 April requesting RPS to prepare a response to an accompanying Hansard Transcript which related to the proposed Roads (Miscellaneous Provisions) Bill. We are pleased to provide Lisburn City Council with further advice on this. Our comments and a draft response are included in this letter.

Introduction

We were advised that the transcript was Strictly Confidential. We have accessed the Regional Development Committee web pages and find that the full transcript has been published together with transcripts of earlier discussion on 27 January 2010.

Referring to the full Hansard we note that the Roads (Miscellaneous Provisions) Bill passed its first stage on 18 January 2010, its second stage on 26 January 2010 and was referred to the Regional Development Committee for its Committee Stage. The Committee received an Assembly briefing on the Bill on 27 January and on 10 March when Department Officials spoke in respect of representations received from Consultees. According to Hansard the Committee had been briefed by Officials before the introduction of the Bill to the Assembly.

The draft Roads (Miscellaneous Provisions) Bill can be viewed at http://www.niassembly.gov.uk/legislation/primary/2009/niabill6_09.htm.

The Explanatory and Financial memorandum can be viewed at http://www.niassembly.gov.uk/legislation/primary/2009/niabill6_09_efm.htm.

The following is a summary of the debate around specific issues raised by the Council that were raised by the Department. There was no debate on the proposals for Rule making procedures of the Traffic Management (Northern Ireland) Order 2005 or the Power to hold an inquiry which were covered in Sections 4 and 5 of our Report to the Council.

Permit Schemes for Works on Roads (Section 2 of our Report)

Departmental Officials referred to two issues raised by Lisburn City Council in its response in respect of a permit scheme.

Council had commented that ... *Council also believes that an effective system for 'policing' the scheme would have to be put in place otherwise it will be abused, ignored and generally lose respect and support of both promoters and the public.*



The Department advised that it 'intends to ensure that effective policing is put in place' and later in the discussion stated in response to a question that 'it is anticipated that Roads Service will carry out the policing'.

The second point that the Council had raised, to which the Department referred, was '*using the Traffic Penalty Tribunal as a model*'. The Department advised that the Planning Appeals Commission (PAC) is already the appellate body under the Street Works (Northern Ireland) Order 1995 and the Roads (Northern Ireland) Order 1993 and that it considers it would be inappropriate for permit appeals to be referred to a different appellate body. They also advised that the PAC and OFMDFM had indicated that the PAC can undertake the task. The Department further explained that there it anticipates that a disputes resolution procedure similar to that operated under the current noticing system would be incorporated (as provided for by Clause 3 of the Bill) and this would reduce the workload and number of disputes that arise with the PAC. The Chairman of the Committee in discussion expressed concerns, based on experiences with planning appeals, that the process could be long and drawn out. Roads Service stated that in the 15 years since the Street Works (Northern Ireland) Order had been made the PAC had not had to deal with a single claim and that the Bill will allow consideration of more rapid dispute resolution procedures.

The debate also referred to fees and charges and the Department, in response to Consultee comments and member questions, stated that its 'position is that the fees will be designed to cover, but not exceed, the cost of administering the scheme.' The Committee briefing recorded on 27 January 2010 in Hansard, notes that a similar permit scheme was introduced in London on 11 January.

Road Closures for Filming and Special Events (Section 2 of our Report)

Departmental Officials referred to one issue raised by the Council in its response in respect of a road closures.

Council had commented that ... *the proposal to provide for only one closure to be allowed on any road in any twelve month period (although filming might be treated differently) may be restrictive.* The Department referred to Lisburn as an example of where a number of events take place in the borough and reported that the restriction of closures on roads to one in a 12-month period was removed as the result of an earlier consultation. The Department considered that it should be up to councils to determine how frequently a road should be closed to facilitate events.

The discussion confirmed that it would be important to ensure that adequate alternative provisions were made for rerouting and signing to obtain the consent of the Department to a council proceeding with an order.

Proposed Draft Response to Department

The following draft response has been prepared for the Council's consideration.

The Council welcomes the opportunity to comment on the Hansard report on the proceedings of the Regional Development Committee on 10 March when Roads Service provided the Department's response to the stakeholder consultation.

We are pleased that note has been taken of the need to have an effective policing system to ensure that the permit system is not abused. No details have been provided on how this would operate but in providing this system Roads Service will have to ensure that the scheme will not be abused or ignored so maintaining respect and support of both promoters and the public.

Consulting Engineers

RPS

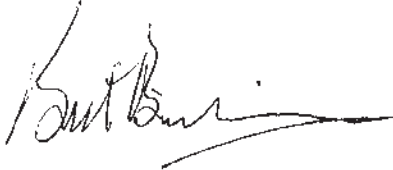
We concur with the Department that the PAC is the appropriate appellate body and welcome the intention to have a dispute resolution procedure to deal promptly with any issues. It will be essential to have appropriate response times to minimise delays.

As we stated in our original submission it will be important to closely monitor experience with permit schemes in GB. We understand that such a scheme has been introduced in London on 10 January 2010.

Regarding the powers to close roads for special events our concern was that only one closure on any road in a twelve month period would be restrictive. We are pleased to note that the Department has changed this, leaving it up to councils to determine how frequently a road should be closed. We look forward to co-operating with the Department and Roads Service to ensure that road closures are administered appropriately and to the benefit of local communities and economies.

We trust that you will find this information adequate for your current requirements. Thank you for asking us to assist with this consultation. Please contact me should you require further information or clarification.

Yours sincerely
for RPS



Bert Bailie
Transport Consultant

Consulting Engineers



Northern Ireland
Assembly

Appendix 4

Memoranda and Papers from the Department for Regional Development

DRD Presentation on the Roads (Miscellaneous Provisions) Bill, 26 June 2008

Proposed Roads (Miscellaneous Provisions) Bill

*- to update & improve certain
aspects of roads-related
legislation in Northern Ireland*

Proposed Content

- Powers to close roads for events/filming
- Enabling powers to introduce permit schemes for certain works on roads
- Minor technical amendment of Traffic Management (NI) Order 2005
- General power to hold inquiries into the exercise of functions under Road Traffic Regulation (NI) Order 1997

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Powers to close roads for events/filming

- Temporary closures for sporting, social or entertainment events & for location filming
- Currently no specific powers – will provide more transparent, structured process
- Powers exist/planned in GB and ROI
- Requested by PSNI, DETI, DCAL & NI Screen (formerly NI Film & TV Commission)
- Conditions, e.g. frequency of closures, to safeguard communities
- Decision-making role of Councils- RPA implications

Enabling powers to introduce permit schemes for works on roads

- Amendment of the Roads (NI) Order 1993
- Powers similar to those in the Street Works (NI) Order 1995 (as amended)
- Aimed at combating congestion
- Strongly lobbied for by utility companies
- Likely to apply to works on roads by developers, excavations, depositing of things such as builders' materials and erection of scaffolding
- Details of scheme to be contained in regulations

Amendment of Traffic Management Order (TMO)

- TMO enabled civil enforcement of parking and waiting restrictions by DRD
- Independent adjudication provided by NI Court Service
- Constitutional Reform Act 2005 transferred Lord Chancellor's judiciary & court-related functions to Lord Chief Justice
- Act requires LC to consult LCJ before making statutory rules
- Consequently, two rule-making functions exercisable by the LC under the TMO require amendment (Articles 16 & 30.)

Power to Hold Inquiries

- Proposal to amend the Road Traffic Regulation (NI) Order 1997
- Would introduce general power to hold inquiry into exercise of DRD's functions under Order
- Would extend the protection of human rights provided by the Department in exercising its functions Senior Counsel recommended introduction of power
- Will ensure that DRD complies fully with obligation to provide an independent appeals process, as required under the Human Rights Act

Draft Timetable

Stage	Start Date	End Date
Policy development & consultation	June 08	October 08
Policy Consultation	October 08	January 09
Policy finalisation & clearance from Executive to proceed with Bill	January 09	May 09
Drafting of Bill by Office of the Legislative Counsel	June 09	September 09
Bill Clearance & pre-introductory Briefing	October 09	January 10
Bill introduction to Assembly	February 10	March 10

Engagement with Cttee

- Officials' briefing - 25th June 2008
- Consideration of draft consultation document - 10th September 2008
- Post public consultation on policy proposals – January 2009
- Committee stage of Bill – April 2010

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Draft Policy Consultation, 5 September 2008



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5 September 2008

ROADS (MISCELLANEOUS PROVISIONS) BILL: DRAFT POLICY CONSULTATION PAPER

Roads Service officials are due to brief the Committee on Wednesday 10 September about the Department's plans for public consultation on policy proposals for a Roads (Miscellaneous Provisions) Bill.

This briefing follows officials' initial engagement with the Committee on 25 June, when they gave an outline of the proposals at an early stage in the policy development process. The Committee asked for a briefing on the draft public consultation document prior to the Minister presenting it to the Executive Committee.

In advance of the meeting, I enclose for the Committee's information:

- Annex 1 – draft Policy Consultation Paper; and
- Annex 2 – covering letters from Roads Service Chief Executive, which will issue with the Paper.

Policy Consultation

The policy proposals set out in the document have been developed following discussions with other government bodies, including DCAL, DETI and with the PSNI, who have a particular interest in the proposal for the introduction of powers to close roads temporarily for events or filming. A limited amount of pre-consultation has also taken place at official level with local government officers, given the role proposed for Councils in relation to this measure.

It would be the Department's intention, having obtained Executive agreement, to issue the consultation document to the public, inviting their comments. The intention is to issue three distinct letters in relation to the consultation:



AN ROINN
Forbartha Réigiúnaí
MÄNNYSTRIE FÜR
Kintra Pairts Fordèrin

- a. to consultees who will be sent the full document. These are individuals and organisations who are likely to have a specific interest in the proposals (see Annex E of the consultation document paragraphs 6.5.1-6.5.2);
- b. to Council Chief Executives, who will be sent the full document and offered a briefing meeting with officials, if they wish. The Department specifically wishes to engage with the Councils because of the key role envisaged for them in the proposed power to close roads for events; and
- c. to "Section 75 groups", notifying them of the consultation, providing them with a very short summary of the proposed measures and offering the full consultation document if they would wish to have more detailed information prior to responding (see Annex E of the consultation document paragraph 6.5.3).

Timetable

Subject to Executive workload and priorities, it would be the intention to present a paper on the proposed policy consultation to the Executive for consideration at an October meeting, with the aim of launching a 13-week consultation in November 2008 (ending in early February 2009).

The Department would be pleased to receive any initial views that the Committee may have on the policy proposals at this stage. The Department would also be pleased to take the Committee's comments during the period of the public consultation. The Department will prepare a report for publication on the results of the public consultation, including an indication of its response to the comments received. Should the Committee prefer to offer its substantive comments at that stage, the Department would be pleased to receive them then.

The Department would hope to obtain clearance from the Executive to proceed with the Bill in May 2009, leading to introduction to the Assembly in March 2010 and Committee stage in April 2010.

The Department would ask the Committee at its meeting on 10 September to:

- a. note the intention to present the paper to the Executive for agreement to begin consultation on the policy proposals for the Bill;
- b. note the Department's plans for undertaking public consultation; and
- c. consider the content of the draft policy consultation paper and offer any initial views.

Yours sincerely,

Assembly Liaison Officer

Policy Consultation Paper

October 2008

Should you require this document in Irish or an accessible format such as Braille, audiotape, large print, computer disk or in a minority ethnic language etc, please contact

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The document is also available on the website – www.roadsni.gov.uk by clicking on the Consultations link in the Main Menu.

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Introduction

- 1.1 The Department for Regional Development (“the Department”) proposes the introduction of measures to update and amend roads-related legislation and, in some instances, to take account of arrangements proposed or in place in England and Wales and in the Republic of Ireland. These policy proposals would eventually be included in a Roads (Miscellaneous) Provisions Bill.
- 1.2 The purpose of this consultation paper is to:
- provide information about the Department’s proposals;
 - explain the anticipated impacts of the proposed changes; and
 - seek views on the Department’s proposals.
- 1.3 Consultees’ views are sought on the Department’s proposals to introduce:-
- a permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, to be specified in regulations.
 - a power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, cultural or entertainment events.
 - a general power to hold and inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.
 - minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.
- 1.4 In considering the Department’s proposals, consultees might find the following definitions to be helpful:-
- Road - A public road maintained by the Department at public expense. It is deemed to include all the land contained between the road’s boundaries, including the carriageway and the footway. The Department’s proposals in this document relate solely to the roads which it maintains.
 - Street works may be defined as works carried out in streets by statutory undertakers that is, utilities, which have statutory rights to place and maintain their apparatus in order to supply services like gas and electricity to members of the public.

Policy Context

- 2.1 The Department is the sole road authority for Northern Ireland and Roads Service, on behalf of the Department, manages, maintains and develops the public road network. Roads Service's mission is "to facilitate, in a sustainable way, the safe movement of people, goods and services for the social and economic benefit of all people in Northern Ireland".
- 2.2 The Agency is responsible for delivering on its Programme for Government obligations for the period 2008-11, and taking measures to implement the roads-related elements of the Regional Transportation Strategy for Northern Ireland 2002-12 and the Investment Strategy for Northern Ireland. Details of Roads Service's corporate planning context and its key business activities over the period of the current Programme for Government can be found in the Corporate Plan 2008-11 on the Agency's website at http://www.roadsni.gov.uk/gdu_corpplan2008-11_bizplan2008-09.pdf
- 2.3 "Building a Better Future – Programme for Government 2008-11" sets out the Northern Ireland Executive's priorities and spending plans for the period 2008-11. To support these priorities, a framework of Public Service Agreements (PSAs) has been agreed with Departments. Working within the framework agreed with the Minister and Department, Roads Service has undertaken to deliver on commitments against the following PSAs over the 3-year period:
- Improving the Transport Infrastructure (PSA13). Maintain and develop the public road and rail network and improve public transport provision to deliver a modern, efficient and sustainable transportation system that facilitates economic growth and social inclusion across the Region; and
 - Promoting Safer Roads (PSA 14). Deliver a safer road network and achieve measurable reductions in road deaths and serious injury.
- 2.4 The Agency expects that the policy proposals in this document - in particular those relating to permit schemes for works on roads and temporary road closures for events/filming - will allow the Department to improve the quality and cost-effectiveness of the public services it provides, and improve the utility of existing transport infrastructure. This will contribute to achieving commitments under PSAs 13 and 14.
- 2.5 Current Legislation and Operational Arrangements
- 2.5.1 The Roads (Northern Ireland) Order 1993 ("the 1993 Order"), provides for the construction, maintenance and improvement of roads. It also deals with the management of most works on roads and any approvals required from the Department to carry them out. The Order mirrors many of the provisions of the Highways Act 1980 and the New Roads and Street Works Act 1991 in England and Wales.
- 2.5.2 The Street Works (NI) Order 1995 ("the 1995 Order"), gives the Department powers to facilitate the coordination and control of street works (largely the works of the utility companies) and other works on roads in connection with the placing and maintenance of apparatus. The Order itself is a legislative framework only, and the detail of the street works regime is prescribed in Regulations and Codes of Practice issued under the Order. It broadly corresponds to Part III of the New Roads and Street Works Act 1991.
- 2.5.3 The Road Traffic Regulation (Northern Ireland) Order 1997 ("the 1997 Order"), provides for the management of all traffic using the public road network. It also deals with traffic signs, speed limits, parking places and traffic regulation orders which may restrict or prevent certain forms of traffic using the road. The Order is similar to the Road Traffic Regulation Act 1984 in England and Wales.

- 2.5.4 The Traffic Management (Northern Ireland) Order 2005 (“the 2005 Order”), provides for the decriminalisation of most on-street parking and waiting restrictions and off-street parking restrictions and for their enforcement by the Department. It reproduced, with some modification, Part 6 of the Traffic Management Act 2004 in England and Wales.

The Department's Proposals

3.1 Permit Schemes for works on roads

Background

- 3.1.1 A permit scheme is intended to control specified works on roads and would require a permit to be obtained in order to carry out those activities. Conditions relating to the carrying out of activities could be attached to permits. These conditions would largely be aimed at minimising disruption caused by the works and could also address the timing, location and duration of activities as well as how they are carried out, the amount of road space occupied and/or available to traffic and requirements to consult and inform those affected by the works.
- 3.1.2 It is anticipated that the operation of a permit scheme would assist the Department in the coordination of all activities on roads. The Department would be able to ensure appropriate traffic management is employed and encourage work programmes to be organised more efficiently to minimise congestion and the extent and duration of the activity.
- 3.1.3 Part 3 of the Traffic Management Act 2004 made provision, in England and Wales, for local highway authorities to prepare permit schemes to be submitted to national authorities for approval (ie Secretary of State for Transport in England and Welsh Assembly in Wales).
- 3.1.4 When the Department was making the Street Works (Amendment) (Northern Ireland) Order 2007, which amended the 1995 Order, it included an enabling power to make a street works permit scheme here. However, that scheme could only be applied to certain types of street works that would be defined in regulations. Street works are works to do with the placing and maintenance of apparatus in or under a road and would be associated mostly with the works carried out by utility companies.
- 3.1.5 During the consultation and parliamentary stages of the making of the Street Works (Amendment) Order the Department was lobbied strongly by the utility companies who wished to see permit schemes applied to other works on roads, including those of developers and road works carried out by the Department. These representations were supported by some of the elected members of the Northern Ireland Assembly and Northern Ireland Peers in the House of Lords. As a result, Lord Rooker gave an undertaking that the Department would review the legislation (the 1993 Order) concerning the introduction of a permit scheme to other works on roads.

Proposal

- 3.1.6 Having reviewed the legislation, the Department proposes to introduce a power enabling it to make a permit scheme in respect of other works on roads (ie works other than street works) similar to the arrangements introduced for street works both here and in England and Wales. The detail of the scheme, including the types of activity to be included and the level of fee to be paid in respect of permits, would be contained in regulations that would be made subsequently.

The regulations would include provision for the introduction of fixed penalty offences in relation to a permit scheme and would also include new offence provisions. Those executing the works under a permit would be required to give the Department notice of specific start and completion dates. The proposals would require the Northern Ireland Assembly to approve such regulations before they would be introduced.

- 3.1.7 It is anticipated that the cost of permits for other works on roads (and indeed permits for street works) would be in line with any permit schemes introduced in England and Wales. Under the proposed scheme any person wishing to carry out works, e.g. excavating the

road, erecting scaffolding, could be required to obtain a permit from the Department before commencing the activity. The applicant would pay a non-returnable fee for the permit, to which the Department could attach conditions aimed at minimising disruption. Those executing the works under a permit would be required to give the Department notice of specific start and completion dates.

- 3.1.8 The Department proposes to introduce a power which would enable it to make exemptions by way of regulations. The regulations would also make provision for appeals to be made to the Planning Appeals Commission.
- 3.1.9 The Department would welcome views on the proposed policy and would particularly invite comments on the following aspects of the proposal:
- (a) the requirement for a permit to be obtained from the Department before works can be carried out in the public road, in order to improve control and coordination of works/activities;
 - (b) the application of different rates of charges for permits, depending on traffic flows on the road and the proposed duration of the works/activities; and
 - (c) the attachment of conditions to the permit that would require promoters to carry out their works/activities on particular dates and/or particular times, or preventing them from working on particular dates or at particular times.

3.2 Road closures for filming and special events

Background

- 3.2.1 The Department regulates traffic using the road network largely through the Road Traffic Regulation (Northern Ireland) Order 1997. Apart from the Road Races (Northern Ireland) Order 1986 which provides the Department with powers to close roads to facilitate the holding of motor sport events, the Department has no other specific statutory powers to close roads for events.
- 3.2.2 In all other cases, the Police Service of Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast Marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the 1997 Order.
- 3.2.3 The PSNI and some local councils have asked the Department to introduce statutory powers to clarify the situation and to better regulate the closure of roads for events.
- 3.2.4 The Department of Enterprise, Trade and Investment (DETI), the Department of Culture, Arts and Leisure (DCAL) and Northern Ireland Screen have also lobbied for the introduction of powers to enable roads to be closed temporarily to allow location filming to take place.
- 3.2.5 Legislative Position in England & Wales. Certain powers to close roads are contained in the Road Traffic Regulation Act 1984. These enable traffic authorities to prohibit temporarily the use of a road for the purpose of holding a sporting, cultural or entertainment event.
- In addition, the London Local Authorities and Transport for London Act 2008 provides traffic authorities within the Greater London area with the powers to close roads for the purposes of filming. A London Local Authorities and Transport for London (No 2) Bill is currently before Parliament, which includes provision enabling London Boroughs and Transport for London to recover from organisers of large scale events and film makers the cost of any temporary traffic management and additional street cleaning arising out of the event.
- 3.2.6 Legislative Position in the Republic of Ireland. Section 75 of the Roads Act 1993 enables road authorities, by order, to temporarily close a public road to traffic for the purpose of facilitating a road race, the carrying out of works, or for any other purpose. Such closures may

be for any specified period and may also be subject to any specified conditions (including the giving of security or the provision of an indemnity) as the authority thinks fit.

The Act also makes provision for the road authority to recover from the organiser or promoter of the event, any costs it reasonably incurs in facilitating the holding of the event and in making good any damage to the public road arising from the holding of the event. The Minister also has regulation making powers in respect of requirements as to notice, objections and the giving of security and provision of indemnity.

Proposal

- 3.2.7 The Department proposes to introduce powers similar to those mentioned above that would enable district councils, with the approval of the Department, to close roads (other than trunk roads and motorways) for sporting, cultural and entertainment events and for the purposes of location filming. The Department's approval would be required to ensure that appropriate alternative routes were available to traffic that would normally use those roads and to minimise disruption to the network. Powers to close trunk roads and motorways would only be given to the Department.
- 3.2.8 This proposal would not affect the Department's existing powers under the Road Races (Northern Ireland) Order 1986 nor would it affect the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades.
- 3.2.9 The Department would intend making regulations governing how local councils should make such closures and might also produce guidance to be followed by councils to ensure consistency of approach
- 3.2.10 Those regulations to be made subsequently would include provision for notifying the public of prospective closures and the making of representations regarding them.
- 3.2.11 **Limitations of Duration and Frequency of Closures.** The Department is of the view that the duration and frequency of closures of any particular road must be restricted to safeguard the rights of the local population. The Department is proposing that for events to which the Bill would apply, in line with experience of equivalent legislation in England and Wales, closures could be for a maximum of three days, with only one closure allowed on any road in any twelve month period.
- For location filming, the number and duration of closures might be determined differently to meet the needs of the industry. (In Greater London the arrangements are for a maximum of seven days, with six closures being allowed on any road in a twelve month period). The Department would have discretionary powers to authorise closures exceeding those periods in exceptional circumstances.
- 3.2.12 **Costs.** Arrangements to allow the Department and other statutory agencies such as the police and district councils, to recover costs from the promoters of events would be included. This could include advertising costs, event signing, the signing of diversionary routes, administrative costs in making any order or notice, and any associated policing costs. Further information on costs is included in Section 5 of the Partial Regulatory Impact Assessment (see Annex C).
- 3.2.13 **Insurance.** As with the Road Races (Northern Ireland) Order 1986, event organisers would be required to secure sufficient insurance cover to limit the liability of the Department over roads which would be restricted or closed in connection with an event.
- 3.2.14 The Department would welcome views on the proposed policy and would particularly invite comments on the following aspects of the proposal:
- (a) Proposed restrictions on duration and frequency of closures for filming/events to be held on any particular road (or stretch of road);

- (b) Proposal to allow duration/frequency of events to be exceeded with the Department's consent; and
- (c) Power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter.

3.3 Rule-making procedures of the Traffic Management (Northern Ireland) Order 2005

Background

- 3.3.1 The Traffic Management (Northern Ireland) Order 2005 ("the 2005 Order") provided for the decriminalisation of parking and waiting restrictions in Northern Ireland, the enforcement by the Department (rather than the PSNI) of these restrictions and the establishment of an independent adjudication process.
- 3.3.2 Since 2006, the Department's Roads Service, using Traffic Attendants working for National Car Park Services (NCP) on behalf of Roads Service, has been operating a system of civil parking enforcement. The Northern Ireland Traffic Penalty Tribunal, which is administered by the Northern Ireland Courts Service, provides an independent means of appeal against penalty charges imposed for alleged parking contraventions.
- 3.3.3 The Constitutional Reform Act 2005 ("the 2005 Act") separated the judicial and executive functions of the office of the Lord Chancellor. The Lord Chief Justice for Northern Ireland became head of the judiciary in Northern Ireland and as a result many of the Lord Chancellor's judiciary and court-related functions transferred to him. The 2005 Act requires the Lord Chancellor to consult the Lord Chief Justice in relation to certain statutory procedures. Consequently, two rule-making functions that are presently exercisable by the Lord Chancellor under the Traffic Management (NI) Order 2005 ("the 2005 Order") require amendment to reflect the required arrangement.

Proposal

- 3.3.4 The Department proposes to amend the following Articles of the 2005 Order
 - Article 16(3) - to insert a requirement for the Lord Chancellor to consult the Lord Chief Justice of Northern Ireland before determining the additional matters to be stated in a statutory declaration.
 - Article 30(1) - to insert a requirement for the Lord Chancellor to consult the Lord Chief Justice of Northern Ireland before making regulations providing for the procedure to be followed in relation to proceeding before adjudicators.
- 3.3.5 Only minor administrative costs are envisaged as a result of the proposed revision in procedures
- 3.3.6 The Department invites any comments you may have on this proposal.

3.4 Power to hold an Inquiry

Background

- 3.4.1 The Road Traffic Regulation (Northern Ireland) Order 1997 ("the 1997 Order") provides the Department with the legislative powers to regulate the different classes of traffic using the public road network. Some provisions of the 1997 Order include a power to hold an inquiry while others provide a right of appeal or a right to make representations to the Department in respect of decisions it may have taken. However, some Articles do not provide any of

those safeguards to the public - although the Department has ensured that appropriate administrative procedures are in place.

Proposal

- 3.4.2 The introduction of a general power to hold an inquiry under the 1997 Order would confirm, in statute, that the Department, in exercising its functions under the Order, is consistently in compliance with the requirements of article 6 of the European Convention on Human Rights (right to a fair and public hearing).
- 3.4.3 A similar general power to hold an inquiry has been in place for some years in the Roads (Northern Ireland) Order 1993 (article 133) and was introduced into street works legislation by the Street Works (Northern Ireland) (Amendment) Order 2007 (article 26). Neither power has been exercised to date.
- 3.4.4 The Department invites any comments you may have on this proposal.

Equality and Other Impact Assessments

4.1 Equality Impacts

- 4.1.1 Section 75 of the Northern Ireland Act 1998 places a duty on public authorities to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with dependents and persons without.
- 4.1.2 The Department has completed an Equality Impact screening exercise, in order to identify the impact of its proposed policies on the groups identified in Section 75 of the Act. It has concluded as follows:
- Permit Schemes for works on roads - no significant differential impacts have been identified.
 - Temporary Road Closures for events and filming - no significant differential impact is likely.
 - Rule-making procedures under the Traffic Management (Northern Ireland) Order 2005 – procedural change to rule-making procedures will have no impact on the public (including all Section 75 groups).
 - General power to hold an inquiry under the Road Traffic Regulation (Northern Ireland) Order 1997 – would have no equality or regulatory impacts. They are considered to be fully in compliance with the requirements of the Human Rights Act.
- 4.1.3 In view of the outcome of the screening exercise, the Department considers that a full Equality Impact Assessment is not required.
- 4.1.4 An Equality Impact Assessment screening form for each of the above proposals, as agreed with the Department's Equality Unit, is presented at Annex A.

4.2 Rural Proofing

- 4.2.1 Rural proofing is a process through which Government policies are examined objectively to ensure that as far as possible people living/working in rural areas can get the same access to goods and services as people in other areas.
- 4.2.2 The Department's proposals in relation to permit schemes are ultimately more likely to affect urban locations. This is because they aim to better manage situations where traffic flows are impeded, particularly at peak traffic periods, by works that create congestion being executed on roads.
- 4.2.3 The proposal to take powers enabling roads to be closed temporarily by either district councils or by the Department for the purpose of sporting, entertainment or cultural events or for location filming, would contain certain safeguards for all local residents. These would include the duration of such closures and the number of times a road could be closed during a twelve month period.
- 4.2.4 Having carried out an assessment of the possible impacts on rural locations the Department is of the view that the introduction of a permit scheme in respect of works on roads would have a positive impact in the reduction of journey times and employment flexibility, thus contributing to the sustainability of rural communities.
- 4.2.5 The Department is consulting widely on its proposals and the views of organisations representing rural communities are being invited.

4.3 Regulatory Impact Assessment

- 4.3.1 A Regulatory Impact Assessment (RIA) is an assessment of the impact of policy options in terms of the costs, benefits and risks of a proposal.
- 4.3.2 An RIA does not have to be undertaken for proposals which impose no costs or no savings, or negligible costs or savings on business, charities or the voluntary sector. The Department considers it unlikely that either the proposal to amend certain aspects of the Traffic Management (Northern Ireland) Order 2005 or the proposal to introduce a general power to hold an inquiry would impose a new cost or saving on businesses, charities or the voluntary sector. An RIA is, therefore, considered unnecessary in respect of these proposals.
- 4.3.3 Permit Schemes for works on roads. There are no cost implications arising out of the Department's current proposal, which seeks only an enabling legislative power to make regulations in respect of a permit scheme. The question of costs would arise when such a scheme is being developed for introduction. A partial RIA has been completed and can be seen at Annex B.

The Department proposes to build on this partial regulatory impact assessment with a full Regulatory Impact Assessment when regulations are being made. This approach will enable the Department to consult fully and invite comments on more detailed specific elements of better informed proposals for a scheme.

- 4.3.4 Road closures for filming and special events. The authorisation of road closures may result in additional costs being incurred by the applicant or event promoter due to the recovery of costs by the authorising authority. This would include advertising costs, the signing of diversionary routes, administrative costs in making any order or notice, and any associated policing costs. In addition there may be a cost to businesses in terms of lost revenue resulting from a road closure. A partial RIA has been completed and can be seen at Annex C.

4.4 Health and Environmental Impacts

- 4.4.1 The Programme for Government (PfG), which was published by the First Minister and the Deputy First Minister on 28 January 2008, highlights the importance of promoting public health in the plans and priorities of the Executive, for the period 2008-2011. Public Service Agreement 8 from the PfG outlines how the Executive will 'promote healthy lifestyles, address the causes of poor health and wellbeing and achieve measurable reductions in health inequalities and preventable illnesses.'
- 4.4.2 In light of the priority given to this issue by the Executive the Department has assessed the four proposed measures for their potential impact, either intentional or otherwise, on public health in Northern Ireland. A screening exercise was completed on the proposals to assess the potential impact on health determinants such as lifestyle and the physical and socio-economic environments; and on access to health care. The potential for the proposals to have different impacts on different groups, such as younger and older people, has also been considered.
- 4.4.3 The Department considers it unlikely that the proposals relating to the closure of roads for events and filming, amendments to the 2005 Order, and the power to hold an inquiry, will have any impact, positive or negative, on public health. The purpose of the proposal to introduce a permit scheme for works on roads, however, is to minimise the disruption caused by such works and thereby reduce congestion on the public road network. It is considered likely that reducing congestion would have a positive impact on the health of the physical environment, reducing air and noise pollution and improving land use. The results of this screening exercise can be viewed in detail at Annex D.

4.5 Human Rights

4.5.1 The Department considers that the proposals set out in this consultation document are compatible with the Human Rights Act 1998.

Next Steps

- 5.1.1 The Department invites recipients to submit their comments on the proposals contained in this consultation document. Responses should be submitted by ##### to

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540022
E-mail:Clare. Carey@drdni.gov.uk

- 5.1.2 The document is also available on the website – www.roadsni.gov.uk by clicking on the Consultations link in the Main Menu. Further copies of this document may be requested from Roads Service at the contact details above.
- 5.1.3 Following the end of this policy consultation the Department will consider all responses received and prepare a report on the consultation which will be published on the website www.roadsni.gov.uk and submitted to the Minister. Although the Department will acknowledge receipt of consultees' responses to the proposals, specific points raised will not be answered individually.
- 5.1.4 The Department's policy proposals will then be finalised and a Roads (Miscellaneous Provisions) Bill drafted for consideration by the Northern Ireland Assembly.

List of Consultees

- 5.1.5 A list of those being consulted is included at Annex E. If you are aware of any other groups or organisations who may wish to be involved in this process please notify Clare Carey at the address above.
- 5.1.6 According to the requirements of the Freedom of Information Act 2000 all information contained in responses to this consultation may be subject to publication or disclosure. This may include personal information such as consultees' names and addresses. Consultees wishing their response or name and address to remain confidential should explain why confidentiality is necessary. Requests will be granted only if consistent with Freedom of Information obligations. Any automatic confidentiality disclaimer generated by consultees' email systems will not be regarded as binding on the Department.

Annexes

6.1 Annex A - Equality Screening Analysis

6.1.1 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 – Permit Scheme Proposals

Section 1 – Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title Roads (Miscellaneous Provisions) Bill – Proposal to amend the Roads (Northern Ireland) Order 1993 to enable permits to be applied to other works on roads, similar to the provisions introduced by the Street Works (Amendment) (NI) Order 2007.

Aims To provide the Department with powers to enable it to apply permit scheme provisions, similar to those introduced by the Street Works (Amendment) (Northern Ireland) Order 2007, to certain works (other than those undertaken by utilities) on roads. To improve regulation of activities taking place on the road and provide for more efficient management of the road network. A permit may be required for the types of activity listed in 2.2 below.

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The proposals could impact on anyone wishing to carry out certain activities on roads. Such activities could include placing of skips, the erection of scaffolding, making excavations and placing / constructing structures over or under a road.

The scheme may require the payment of fees for permits.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

- (a) DRD is responsible for devising and delivering the policy
- (b) which would be broadly similar to arrangements in England and Wales. Equality issues have been considered.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/ legislation?

It is not envisaged that the proposed policy would affect other NI Departments / NDPBs.

2.5 What data are available to facilitate the screening of this policy/ legislation?

None – It is envisaged that the policy will have a positive uniform effect on all road users.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

religious beliefs, political opinion or racial group.

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

There is no evidence to suggest that any of the above groups would be particularly affected by the proposals. They should reduce disruption and congestion and provide for more efficient management of the road network.

3.2.1 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓

	Yes	No
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

There is no evidence that any of the above groups have different needs, experiences, issues or priorities in relation to this legislation.

- 3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

Consultation will be carried out with a wide range of stakeholders. However, it is not anticipated that the proposals would cause any problems specific to any of the above groups. The screening decision will be included in the Department's bi-annual consultation with S75 consultees.

- 3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

No equality of opportunity alterations are anticipated as the proposed legislation does not affect any of the above groups.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

N/A

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

N/A

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

N/A

Section 4 EQIA Recommendation

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance			✓
Financial significance			✓

Please give details

These proposals would only introduce the primary enabling powers to introduce a permit scheme for works on roads. The details of any permit scheme, including the types of works included and fees involved would require subordinate legislation. Proposals for such subordinate legislation would be fully consulted upon.

The scheme could ultimately require individuals to pay a permit fee for carrying out an activity on the road, however the impact on all road users on a daily basis should be positive as the road network will be managed more effectively.

4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure

In view of the details provided above a full EQIA is not required.

4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

N/A

4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

Please give details

N/A

6.1.2 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 - Road Closure Proposals

Section 1 - Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.

Title The Roads (Miscellaneous Provisions) Bill – Power to close roads for sporting, cultural or entertainment events and for the purposes of location filming.

Aims To provide the Department and local councils with the legal powers to temporarily close a public road(s) for the above purposes. The Department will be responsible for the closure of ‘trunk’ and ‘special’ roads, as defined in the Roads (NI) Order 1993. Local councils will be responsible for the closure of all other roads;

To introduce a standardised road closure process and to ensure that it is implemented consistently across NI;

To provide all those organisations and individuals affected by a proposed road closure (residents, road users, local council(s), Roads Service, the PSNI and others) the opportunity to be consulted and have their opinion considered; and

To ensure that road closures, and the road closure process, meet the Department’s legal responsibilities to protect human rights and promote equality of opportunity.

Notes The Department currently has no statutory powers to close roads for events, other than for the purposes of holding a motor sport event under the Road Races (NI) Order 1986. In all other cases, the Police Service for Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the Road Traffic Regulation (NI) Order 1997. There are no requirements under this process in relation to periods of notice, consultation, rights of appeal, conditions to be satisfied or insurance and other matters. To address these issues and meet the aims outlined above, the Department intends to bring forward legislation. This legislation will not impinge upon the Department’s existing powers under the

Road Races (NI) Order 1986, or the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades.

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

Road users generally; those living on or near roads likely to be the subject of closure; local councils; event organisers; and the television/film industry.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) DRD Roads Service

(b) DRD Roads Service and local councils

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/ legislation?

DCAL. Has overall responsibility for sporting, cultural and entertainment events and for filming.

DETI. Has overall responsibility for international investment and promotion of the NI economy.

PSNI. Has overall responsibility for ensuring the lawful and peaceful use of public roads.

Northern Ireland Screen. Responsible for promoting the film and television industries in NI.

2.5 What data are available to facilitate the screening of this policy/ legislation?

No data are available on the current number of road closures or their impact on the promotion of equality of opportunity.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

Qualitative data from interested groups and members of the public will be sought as part of the policy consultation process, to be held in 2008. The views expressed in response to this consultation will be considered prior to the policy being finalised.

The relevant local council(s) will also be required to assess the likely impact on equality of opportunity of each proposed road closure. This will include collection and analysis of the necessary data from those likely to be affected. Local councils and/or the organisers of the event will be expected to mitigate against any difficulties raised by these assessments. This would include, for example, providing a suitable means of access for local residents some of whom may have disabilities.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓

	Yes	No
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

It is not possible to determine the level of participation or uptake by each of the S75 groups prior to the introduction of the policy. The local council(s) will be expected to consider this issue when assessing the potential impact on equality of opportunity of each proposed road closure.

3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

As stated at 2.6 above, local councils will be required to ensure that each road closure is consistent with their statutory duties to protect human rights and promote equality of opportunity. This could lead to the introduction of mitigating policies, in order to meet the needs of all those affected.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓

	Yes	No
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

It is expected that public consultation on this proposal will be conducted in 2008. This consultation will provide an opportunity for interested parties to comment on this equality screening. The screening decision will also be included in the Department's biannual consultation with S75 consultees.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

The closure of a public road for an event or for filming will require the agreement of the Department, the local council and the PSNI. Public bodies will be required to assess the impact of each proposed road closure and identify alternative arrangements when necessary.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

Please give details

Not applicable.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

Not applicable.

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

Not applicable.

Section 4 - EQIA Recommendation

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance			✓
Financial significance			✓

4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

An EQIA is not considered necessary. The proposal seeks to formalise the procedure for authorising a road closure and will require the relevant public authorities (the Department, the local councils) to consider their statutory duties when assessing an application for a road closure from the event organiser. Each application will be assessed individually to determine if any differential impact would be created by the closure. If required, either mitigating policies will be introduced or the application will be rejected. This process will include the opportunity for appeal against the public body's decision.

3.3 **If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

Not applicable.

3.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

Please give details

Not applicable.

6.1.3 **DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 – Amendment of the Traffic Management (Northern Ireland) Order 2005**

Section 1 - Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of

promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 **Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.**

Title Roads (Miscellaneous Provisions) Bill – Proposal to amend the Traffic Management (NI) Order 2005 (“the 2005 Order”) in consequence of the Constitutional Reform Act 2005 (“the 2005 Act”).

Aims To introduce a requirement on the Lord Chancellor to consult the Lord Chief Justice for Northern Ireland in exercising the following powers under the 2005 Order:

- Article 16(3), which provides that the Lord Chancellor may determine additional matters that must be stated in a statutory declaration; and
- Article 30(1), which provides that the Lord Chancellor may make regulations providing for the procedure to be followed in relation to proceedings before adjudicators.

Notes The 2005 Order includes provisions to allow the decriminalisation of parking and waiting restrictions in Northern Ireland, the enforcement by the Department of these restrictions and the establishment of an independent adjudication process. The Lord Chancellor has not used the powers available to him under Article 16(3). The Traffic Management (Proceedings before Adjudicators) Regulations (Northern Ireland) 2006 (2006 No.421) were made under Article 30(1) in October 2006.

The 2005 Act reformed the office of the Lord Chancellor to give legal effect to the separation of judicial and executive functions. Although overall responsibility for the administration of the court system remained with the Lord Chancellor, the Lord Chief Justice became head of the judiciary in Northern Ireland and, as a result, many of the Lord Chancellor's judiciary and court related functions transferred to him.

In consequence of the modification of the office of the Lord Chancellor by the 2005 Act, the two functions noted above which are exercisable by the Lord Chancellor under the 2005 Order require amendment. Both are akin to court-related rule-making functions which, following the commencement of the 2005 Act, are exercisable by the Lord Chancellor after consultation with the Lord Chief Justice.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 **On whom will the policies/legislation impact? Please specify**

The amendment to the existing legislation introduces a change to the administrative procedures of the Offices of the Lord Chancellor and the Lord Chief Justice for Northern Ireland. The amendment will, therefore, have an impact on the relevant staff of the Northern Ireland Court Service (NICtS).

2.3 **Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?**

- (a) The change in administrative procedure is being introduced as a consequence of the 2005 Act, which extends to Northern Ireland. The equality screening for the 2005 Order can be accessed at <http://www.roadsni.gov.uk/dpe.pdf>.
- (b) NICtS.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/ legislation?

None.

2.5 What data are available to facilitate the screening of this policy/ legislation?

Not applicable, as there are no impacts on external groups as a result of the purely administrative change in procedures. Any proposal to change the requirements of statutory declarations under Article 16(1), or to amend the 2006 Regulations would be subject to separate equality impact assessment screenings.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

Not applicable – administrative change to procedures only.

3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓

	Yes	No
Disability		✓
Dependency		✓

Please give details

Not applicable – administrative change to procedures only.

3.3 **Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?**

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

It is expected that public consultation on this proposal will be conducted in 2008. This consultation will provide an opportunity for interested parties to comment on this equality screening. The screening decision will also be included in the Department's biannual consultation with S75 consultees.

1.2 **Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?**

No

Please give details

Not applicable – administrative change to procedures only.

3.5 **It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

Please give details

Not applicable – administrative change to procedures only.

3.6 **Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.**

Please give details

Not applicable – administrative change to procedures only.

- 3.7 **In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.**

Please give details

Not applicable – administrative change to procedures only.

Section 4 - EQIA Recommendation

- 4.1 **Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.**

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance			✓
Financial significance			✓

- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.**

Full EQIA not considered to be required. Administrative change to rule-making procedures will have no impacts on the public (including all Section 75 groups).

- 4.3 **If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1**

Not applicable – administrative change to procedures only.

- 4.4 **If an EQIA is considered necessary is any data required to carry out/ensure effective monitoring?**

Please give details

Not applicable – administrative change to procedures only.

- 6.1.4 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 – Amendment of the Road Traffic Regulation (Northern Ireland) Order 1997

Section 1 – Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 **Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.**

Title The Roads (Miscellaneous Provisions) Bill – Power to hold an inquiry. A measure to introduce a general power to hold an inquiry in relation to the exercise of any of the Department’s functions under the Road Traffic Regulation (NI) Order 1997 (“the Order”).

Aims To ensure procedural fairness in the Department’s decision-making processes under the Order. To provide an opportunity for concerned parties to make representations regarding the exercise of the Department’s functions under the Order.

Notes There are a number of provisions in the Order where the Department can initiate an inquiry in relation to the exercise of its functions under the Order. Such provisions are particularly important in cases where human rights are engaged, or there is a real possibility that they will be engaged, as the holding of an inquiry gives all parties an opportunity to make representations. However, there are some provisions in the Order where there is no right to make representations in relation to decisions made by the Department. It is proposed, therefore, to introduce a general power to hold an inquiry in relation to the exercise of any of the Department’s functions under the Order. This would ensure that, in any cases where human rights are engaged and there is no specific right to make representations, the Department would be able to hold an inquiry, allowing concerned parties an opportunity to make representations. The introduction of this general power would ensure that concerned parties have a statutory right to a fair and public hearing in relation to the exercise of the Department’s functions under the Order, as outlined in the Human Rights Act 1998 and the European Convention on Human Rights.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 **On whom will the policies/legislation impact? Please specify**

Road users and the public in general.

2.3 **Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?**

(a) DRD

(b) DRD

2.4 **What linkages are there to other NI Departments/NDPBs in relation to this policy/ legislation?**

None.

2.5 **What data are available to facilitate the screening of this policy/ legislation?**

None.

2.6 **Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.**

None. See 4.2 below.

Section 3 – Screening Analysis

3.1 **Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?**

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

There is no evidence to suggest lower participation or uptake by one or more of the S75 groups.

3.2 **Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?**

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓

	Yes	No
Dependency		✓

Please give details

Bearing in mind the nature of the proposal (to enhance the Department's protection of human rights), and given that the process of making representations to an inquiry is required to be accessible to all citizens, it is not expected that any S75 groups would have different needs, experiences, issues or priorities in relation to this issue.

3.3 **Have consultation with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?**

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

It is expected that public consultation on this proposal will be conducted in 2008. The consultation will provide an opportunity for interested parties to comment on this equality screening. The screening decision will also be included in the Department's biannual consultation with S75 consultees.

3.4 **Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?**

No

Please give details

Not applicable.

3.5 **It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

Please give details

Not applicable.

3.6 **Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.**

Please give details

Not applicable.

- 3.7 **In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.**

Please give details

Not applicable.

Section 4 - EQIA Recommendation

- 4.1 **Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.**

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.		✓	
Strategic significance			✓
Financial significance			✓

- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.**

No EQIA is required. The proposal is intended to enhance the protection of human rights offered by the Department. No differential impact between or within S75 groups is expected.

- 4.3 **If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1**

Not applicable.

- 4.4 **If an EQIA is considered necessary is any data required to carry out/ensure effective monitoring?**

Please give details

Not applicable.

Appendix 1 (Annex A) – Main Groups Relevant to the Section 75 Categories

Main Groups Relevant to the Section 75 Categories	
Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party

Main Groups Relevant to the Section 75 Categories	
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

6.2 Annex B - Partial Regulatory Impact Assessment – Proposed Permit Scheme for Works on Roads

Roads (Miscellaneous Provisions) Bill: Proposed Permit Scheme For Works On Roads

1.0 Purpose and intended effect of measure

This regulatory impact assessment sets out the Department's proposals to further reduce congestion and disruption on roads. The proposed measures would contribute to:

- maintaining the road infrastructure to keep it safe, effective and reliable and to preserve the value of the asset;
- managing and improving the road network to promote safety and efficient operation; and
- improving journey times on the trunk road network.

1.1 Background

In Northern Ireland roads are the medium through which the movement of people, goods and services for the social and economic benefit of all people is achieved.

The Northern Ireland Transport Statistics for 2006-2007 reveal that there were 958,677 vehicles licensed in Northern Ireland at 31 December 2006 - an increase of 41,298 vehicles from the previous year and, over the period from 1992 to 2006, licensed vehicle stock in Northern Ireland increased by 66%. In 2006 the most frequently used method of travel to work was car, van or minibus, with 84% of the workforce in Northern Ireland using these methods. In addition there were 4196 heavy goods vehicles registered here for the first time during the year. Goods lifted within Northern Ireland by goods vehicles over 3.5 tonnes between 2002 and 2006 increased from 48,116 tonnes in 2002 to 60,780 tonnes in 2006.

The Travel Survey for Northern Ireland for 2004-2006 shows that car travel made up just over four fifths (81%) of the total distance travelled. The average person spent 304 hours per year travelling during the three year reporting period (approximately 50 minutes per day, or 13 days per year), with business journeys being more than twice as long as the average journey. Nearly three quarters (74%) of the vehicles surveyed had an annual mileage of between 5,000 and 17,999 miles. Those commuting travelled an additional 130 miles per year than they did in 2001-2003.

Although some new roads have been constructed and a number of existing roads improved to cope better with traffic volume (for example, the ongoing M1, M2 and Westlink schemes), often this is simply not feasible due to existing budgetary constraints. Taking into account the increased volumes of traffic the road network is now handling it will be appreciated that delays in travel could have an effect on business generally and service delivery in particular.

The Department of Social Development's Housing Statistics show that there have been in the region of 95,000 new dwellings completed between 2001 and 2007 with some 7500 planning decisions granted for residential garages, the construction of home extensions or alterations to homes in 2005-2006. Many of these will have involved the occupation of road space in the public road network to enable different works to take place, such as the storage of builders' materials, the erection of scaffolding, hoardings etc.

A report entitled "Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland: 1990 – 2005" compiled for Department for Environment, Food and Rural Affairs, The Scottish Executive, The Welsh Assembly Government and The Northern Ireland Department of Environment stated that in Northern Ireland, "emissions from road transport represent 30.7% of the 2005 Northern Ireland CO₂ total, and this emission has risen by 44% since 1990, compared with a 9.6% increase for the UK over the same period. Road transport is also becoming an increasingly significant source of N₂O emissions, with emissions rising by several hundred per

cent since 1990, to represent 7.3% of total N2O emissions, and the largest combustion related source of N2O in Northern Ireland.”

Under the Kyoto Protocol, agreed in 1997, developed countries took on legally binding targets for reducing their greenhouse gas emissions. The UK's target is to reduce its greenhouse gas emissions to 12.5% below 1990 levels over the period 2008-2012. The Government also has a more challenging domestic goal of reducing carbon dioxide emissions to 20% below 1990 levels by 2010.

Improvements in air quality resulting from road traffic reduction and other measures will bring a number of health benefits. These include reductions in respiratory illnesses, circulatory disorders and certain cancers.

In 2007, against a background of large numbers of utility street works, (35,000 openings in 2006-07) the Department made a Street Works (Amendment) (Northern Ireland) Order (the 2007 Order). It provided a power to make for the Department to make regulations for a permit scheme to apply to certain street works (largely the works of the utility companies such as Northern Ireland Water and Phoenix Gas) activities. The principal aims of a permit scheme are to better coordinate works and to reduce disruption.

The proposal to introduce such a scheme was consulted on widely. It was welcomed by, among others, several local councils and the Department for Social Development. In addition, the utility companies made it known that they would welcome the application of such a scheme being extended to other works on roads. Many public representatives also lobbied for other works on roads that cause disruption, including the Department's own works for road purposes, to be included under such a scheme.

1.2 Objectives

The objective of this proposal is to provide the Department with powers to enable it, by regulations, to make a permit scheme for certain works on roads, similar to the arrangement introduced by the 2007 Order for certain other works on roads.

The proposed scheme could impact on anyone intending to carry out certain specified activities on roads. The relevant activities would be specified in regulations and might include the placing of skips, the erection of scaffolding and hoardings, the making of excavations and placing/ constructing structures over or under a road. Roads to which the scheme would apply would also be specified in the regulations.

Persons intending to carry out a specified activity would be required to apply to the Department, in advance of the activity commencing, for a permit. A charge would be applied by the Department to the issue of a permit and conditions aimed at minimising disruption could be attached to it.

Regulations could also provide for the introduction of a fixed penalty scheme to address breaches of permit conditions and other related offences.

Legislative Position in England and Wales

Legislative provision broadly similar to that introduced under the Street Works (Amendment) (Northern Ireland) Order 2007 was put in place by the Traffic Management Act 2004. This provides for local and national highway authorities to introduce permit schemes for work on highways and covers both street works and works for other road purposes. Permit regulations have yet to be made and consequently no schemes have been introduced to date.

1.3 Risk assessment

Levels of road usage show no sign of abating. Delays, particularly at peak traffic times, can cause additional pollution, often in public thoroughfares. They can often result in loss of

productivity and may result in increased tensions for the driving public, adding to impatience and the possibility of road rage incidents.

The introduction of a permit scheme could result in the reduction or elimination of work activities on roads during peak traffic times and on busy routes.

2.0 Options & Benefits

Option 1: Do nothing

Doing nothing is not a realistic option. The level of disruption would only increase and with it, the levels of pollution. Road users are likely to suffer greater inconvenience with the possibility of further reductions in air quality.

Option 2: Introduce non-regulatory arrangements

A non-regulatory approach, possibly through the introduction of a voluntary Code of Practice, supplemented by guidance is unlikely to be successful in achieving better coordination of works and reasonable reductions in the volume of them, at peak traffic times. This is largely because there is no industry organisation or representative body in relation to the large variety of works that may be carried out and, therefore, no organisation on whom such expectations could be placed.

Option 3: Legislate

The Department's preferred option is to introduce enabling legislative powers to introduce a permit scheme to better regulate works on roads. This proposed arrangement would broadly reflect the powers introduced by the Street Works (Amendment) (Northern Ireland) Order 2007 in respect of street works. Such a scheme would also contribute to maintaining the infrastructure, managing and improving the road network and the improvement of journey times.

3.0 Other impact assessments

3.1 Equality Impact Assessment

The Department has considered equality issues and the impact the proposed legislation would have on the relevant groups (that is, concerning religious belief, political opinion, racial group, men and women generally, marital status, age, persons with a disability, persons with dependants and sexual orientation).

The policy has been screened out for equality purposes (as agreed by the Department's Equality Unit), as it is considered that none of the Section 75 would suffer a differential impact under the policy. The impacts on them would be positive, and would be enjoyed uniformly. The screening decision will be included in the Department's biannual consultation with Section 75 consultees.

3.2 Regulatory Impact Assessment

The Department proposes to build on this partial regulatory impact assessment with a full Regulatory Impact Assessment when regulations are being made. This approach will enable the Department to consult fully and invite comments on more detailed specific elements of better informed proposals for a scheme.

4.0 Costs

There are no cost implications emanating from the Department's current proposal which seeks only an enabling legislative power to make regulations in respect of a permit scheme. The question of costs would arise when such a scheme is being developed for introduction. As indicated above, a full Regulatory Impact Assessment will be carried out at that stage.

5.0 Consultation with small business: the Small Business Impact Test

The Department recognises that there may be some negative impact on small businesses and will be inviting comment on the proposal from the Federation of Small Businesses.

6.0 Enforcement and Sanctions

While the current proposal would not impose any general regulatory requirements, subsequent regulations to be made subsequently are likely to do so. The proposed enabling provisions would also contain a discretionary power for regulations to contain arrangements for the giving of fixed penalty notices in relation to any offences created by the regulations.

7.0 Consultation

Some 250-300 stakeholders will be consulted about the Department's proposals for a Roads (Miscellaneous Provisions) Bill. The consultation will extend over a 13-week period. Consultees will include other government departments and representative bodies of the utilities and construction industries.

Responses on the Department's policy proposals will be considered in detail in finalising the Department's legislative intentions. Details of any specific proposals to introduce a permit scheme would be fully consulted upon subsequently.

As mentioned above, the Department's Equality Unit has agreed that a full Equality Impact Assessment is not required. However, umbrella groups representing the various sectors in Northern Ireland will be invited to comment on the proposals and their views taken into account in finalising the legislative proposals.

6.3 Annex C – Partial Regulatory Impact Assessment – Road Closures for Filming and Special Events

ROADS (MISCELLANEOUS PROVISIONS) BILL: POWER TO CLOSE ROADS FOR EVENTS AND FILMING

1.0 Purpose and intended effect of measure

1.1 The objective

The Department proposes to introduce new primary legislation powers to enable the closure of roads temporarily for sporting, cultural or entertainment events, and for the purposes of location filming. This paper details the background to the proposal and addresses the partial regulatory impacts of the proposal prior to proceeding with legislation.

1.2 Background

Currently, the Department has no statutory powers to close roads for events, other than for the purposes of holding motor sport events under the Road Races (Northern Ireland) Order 1986 (the 1986 Order). In all other cases, the Police Service for Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the Road Traffic Regulation (NI) Order 1997. This arrangement is confusing, as no public body has the clearly defined legal responsibility for closing roads in such circumstances.

The PSNI and some local councils have requested that statutory powers be introduced to clarify the situation and to better regulate the closure of roads for events. The Department for Enterprise, Trade and Investment (DETI), the Department for Culture, Arts and Leisure (DCAL) and Northern Ireland Screen (NIS) (formerly the NI Film and Television Commission) have also lobbied for the introduction of statutory powers which would enable roads to be closed temporarily to allow location filming to take place.

The Department therefore proposes to amend the Road Traffic Regulation (Northern Ireland) Order 1997 to include the necessary powers. This proposal, which envisages local councils being given the power to close roads (except trunk roads and motorways), by order or notice, would not affect the Department's existing powers under the 1986 Order, or the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades. The Department would be responsible for closures of trunk roads and motorways.

Legislative Position in GB

In England and Wales the power to close roads for events is provided under the Road Traffic Regulation Act 1984 as amended by the Road Traffic Regulation (Special Events) Act 1994. Traffic authorities are empowered to prohibit temporarily the use of a road for the purpose of holding a sporting, cultural or entertainment event.

In addition, the London Local Authorities and Transport for London Act 2008 provides traffic authorities within the Greater London area with the powers to close roads for the purposes of filming. A London Local Authorities and Transport for London (No 2) Bill is

currently before Parliament, which includes provision enabling London Boroughs and Transport for London to recover from organisers of large scale events and film makers the cost of any additional traffic management and street cleaning arising out of the event.

1.3 Risk assessment

The proposal would address the lack of a definitive power to close roads for special events. The current arrangement is confusing, as no public body has the clearly defined legal responsibility for closing roads in such circumstances.

As stated above DETI, DCAL and NIS have all lobbied previously for the power to be taken to facilitate road closures for location filming purposes. It has been argued that the lack of power and clearly defined approach could be seen as off putting and could potentially deter some film makers. This could lead to the North losing filming work to the South or the UK, which could be a loss in business terms and a loss of a promotional opportunity here.

The main stakeholders are the Department, the PSNI and the local councils.

2.0 Options

Option 1: Do nothing

Option 2: The Department is provided with appropriate powers to approve the closure of roads, but only upon receipt of an application submitted by a local council;

Option 3: The Department is provided with the power to close roads, as above, but with an additional discretionary power to devolve this function to local councils (possibly as part of the RPA-related changes); and

Option 4: Local councils are provided with the power to close roads (except trunk roads and motorways) but only with the prior consent of the Department.

3.0 Benefits

Option 1: Doing nothing would maintain the current situation and Could conceivably minimise the resource impact on the stakeholders as there would be no policy or legislative development work or future administrative burden managing road closures. It does not, however, address the primary issues of a lack of legislative power and lack of ownership which causes confusion and can be at times obstructive to those organising events etc.

Option 2: This option addresses the issue with the power resting with the Department. The Department would take control over the road closure process and local traffic management. The clarification of ownership would benefit the major stakeholders. However, the intention is to transfer the function to the local councils as a result of RPA and any legislation made now would require amendment should it be decided at a later date to reassign the function as part of RPA. Charities, local community groups, and film companies would be among those who would benefit from the provision of the power and the production of a framework for obtaining a closure. Encouraging the film industry to film here is seen as a good opportunity to promote Northern Ireland, especially in relation to tourism.

Option 3: Again this option would address the primary issues. The Department would take control over the road closure process and local traffic management. It would also provide flexibility, should the Executive wish to include further devolution of such powers to councils. The clarification of ownership would benefit the three parties involved namely the Department, the local councils and the PSNI. Charities, local community groups, and film companies would be among those who would benefit from the provision of the power and the establishment of a framework for obtaining a closure. Encouraging the film industry to film here is seen as a good opportunity to promote Northern Ireland especially in relation to tourism.

Option 4: Again this option would address the primary issues. The local councils would take control over the road closure process (except for trunk roads and motorways, for which the Department would be responsible). The clarification of ownership would benefit the major stakeholders. Potential promoters of events and filming would all benefit from the provision of the power and the production of a framework for obtaining a closure. Encouraging the film industry to film here is seen as a good opportunity to promote Northern Ireland especially in relation to tourism.

3.1 Business sectors affected

The main business sector that will benefit from the legislation is the film industry which could indirectly help the tourism industry.

Local events companies could also benefit through the organisation of local events.

It is not envisaged that local businesses would be given permission to close roads for commercial purposes.

4.0 Other Impact Assessments

The proposal has been assessed under the Department's Equality Impact obligations and has been screened out, with the agreement of the Department's Equality Officer. The screening decision will be included in the Department's biannual consultation with S75 consultees.

5.0 Costs

5.1 Compliance costs

The proposal would not impose any regulatory requirements on businesses; consequently there are no compliance costs. There would, however, be some costs to local councils for the management of the road closure process and diversionary signing. However, the proposal also includes provision for the recovery of those costs from event promoters or film companies.

Option 1: Under the current arrangements there are unaccounted costs/resource implications. Given the sporadic nature of requests and the lack of consistency in terms of managing the current situation, it is difficult to estimate the magnitude of these.

Option 2: The Department would incur the majority of costs in relation to administration and management of the proposal. On top of the initial set-up costs for preparing legislation and guidance, there would be an element of costs associated with each application which would need to be assessed. The input required (and costs) would depend on the extent and nature of the road(s) being closed. Records will need to be checked and alternative routes will need assessed/developed. Roads Service would need to consult internally about the impact of the closure on other works in and around the vicinity eg maintenance work, street works etc. Roads Service would also need to consult with the PSNI and the local council. There would also be costs associated with preparing and advertising notices or orders. The policy document invites comments on this issue and the possibility of the Department and District Councils recovering these costs.

For example, at present the Department charges an administration fee of either £115 for road closures legislated for by Notice (ie for traffic restrictions lasting up to 18 months in duration) or £230 for road closures legislated for by Traffic Regulation Orders (ie for traffic restrictions that last longer than 18 months).

The Department also recovers its costs associated with advertising road closures for works on roads. Such closures are only advertised when the restriction is envisaged to last for two weeks or more. A closure outside Belfast that is advertised in local papers is charged at a standard rate of £280 per closure. Any road closure that needs to appear in the 3 Belfast newspapers (Belfast Telegraph, Irish News and News Letter) is charged at the actual advertising cost, which in the past has varied between £500 and £1500.

The applicant would be expected to indemnify the Department for any third party liability issues. Promoters would have to procure adequate insurance or obtain coverage from a sponsoring body such as a local council.

Alternative/diversionary routes and appropriate signing of them would be required for the majority of road closures. The promoter would be responsible for organising and paying for this. Given that each road closure and associated diversionary route differs it is difficult

to say with any certainty what a typical road closure would cost. However, a reasonable benchmark for the cost of an 'average' closure would be in the region of £500.

Option 3: Similar costs to option 2 are associated with option 3, the only difference being where the burden of the cost would rest ie within the Department or with the local Council.

Option 4: Again, similar costs to option 2, but with the main burden of cost resting with local council.

5.2 Other costs

At present, any request for a road closure has a resource impact on the applying body. The introduction of the legislation and associated procedures, while, in due course, creating some efficiencies to the process by regularising the approach, may present the applicant with an element of administrative work not previously undertaken ie completion of application forms, liaison with insurance providers and signing providers.

The applicant, or its sponsoring body, will also be expected to bear the cost of signing any diversionary route.

5.3 Costs for a typical business

A road closure would restrict access to an area and may, therefore, be to the detriment of businesses operating in the locality and local residents. It is proposed to facilitate a limited amount of access (particularly access to emergency services), but normal everyday access could be severely limited. However, it is felt that adequate notice and advance publicity, particularly in the immediate vicinity, should go some way to alleviating these difficulties.

The proposal also has the potential to impact on other road users. Any diversion of a planned route could lead to increased costs, eg in the delivery of goods and services, however marginal. In an attempt to minimise this impact, the proposal would limit the frequency and number of closures on any one road.

6.0 Consultation with small business: the Small Business Impact Test

The Department recognises that there may be some negative impact on small businesses and will be inviting comment on the proposal from the Federation of Small Businesses.

7.0 Enforcement and Sanctions

While the proposal would not impose any general regulatory requirements, each approval to close a road would however be subject to such conditions, within certain guidelines, as the managing body considers appropriate. The Department that any offence provision would be similar to that of Article 16C of the Road Traffic Regulation Act 1984, in that a person who ignores a closure would be guilty of an offence.

Either the Department, the local Council or the PSNI will be responsible for enforcement.

8.0 Monitoring and Review

The effectiveness of the new arrangements would be subject to regular review.

It is likely that the effectiveness of the legislation will be measured using feedback from key stakeholder groups including the Department, local councils, the police and a cross-section of applicants. Non-compliance issues will also be considered at this stage.

9.0 Consultation

9.1 Within Government

Other Government Departments and agencies are being consulted.

9.2 Public Consultation

A full public consultation exercise is being undertaken the findings of which will included in the full RIA.

10.0 Summary and Recommendation

The completion of this section will be undertaken following the public consultation exercise.

6.4 Annex D - Health Impact Assessment

Health Impact Screening Analysis Form – Roads (Miscellaneous Provisions) Bill

1. Health Determinants

Is the initiative affecting any of the following determinants of health?

Lifestyle	Positive effect	Negative effect	No effect
Diet			✓
Physical activity			✓
Safe Sex			✓
Substance use: alcohol, tobacco, illegal substances			✓
Other			✓

Explanation: If there is likely to be a positive or negative effect on lifestyle factors, note briefly what those effects are.

Physical Environment	Positive effect	Negative effect	No effect
Air	✓		
Built Environment & Land Use	✓		
Noise	✓		
Water			✓
Other			✓

Explanation: If there is likely to be a positive or negative effect on the physical environment, note briefly what those effects are.

Socio-Economic Environment	Positive effect	Negative effect	No effect
Crime			✓
Education			✓
Employment			✓
Family Cohesion			✓
Housing			✓

Socio-Economic Environment	Positive effect	Negative effect	No effect
Income			
Recreation			
Social Cohesion			
Transport	✓		
Other			✓

Explanation: If there is likely to be a positive or negative effect on socio-economic factors, note briefly what those effects are.

2. Health Care

Is the initiative affecting access to health services?

Health Care	Positive effect	Negative effect	No effect
Access to Health Services			✓

Explanation: If there is likely to be a positive or negative effect on access, note briefly what those effects are.

3. Population Affected

Considering the health impacts identified above, which of the following sections of the population will be affected (included Section 75 groups)

Lifestyle	Positive effect	Negative effect	No effect
Whole Population	✓		
Sub-Populations:			
Children (0-18 years)			
Older People			
Marital Status			
Persons with dependants			
Persons without dependants			
Political Opinion			
Religious Belief			

Lifestyle	Positive effect	Negative effect	No effect
Chronically ill			
Economically Disadvantaged People			
Gender (specify male/female)			
Homeless			
Sexual Orientation			
People with Disabilities			
Racial and Ethnic Minority Groups			
Rural Population			
Unemployed			
Other			

Explanation: If there is likely to be a positive or negative effect on the whole or a section of the population, note briefly what those effects are.

Note: The proposal may have a positive impact on one section of the population and a negative effect on another. Specify where this occurs.

4. Recommendation

Considering the health impacts, if any, are these significant enough to warrant a health impact assessment?

Yes	
No	✓

This decision must be based on a judgement of the strength of the available evidence and its applicability to local conditions and the strength of feeling of stakeholders and key informants.

If No, what are the reasons for not carrying out a health Impact Assessment.

Note: Possible reasons might include:

- Health impacts not considered significant enough
- Lack of evidence to show health impacts
- Not enough time to influence decisions on the proposal
- Lack of resources to carry out required level of research

6.5 Annex E - List of Consultees

6.5.1 The following key stakeholders are being consulted as it is considered that they would be particularly interested in the content of the consultation.

Atkins Telecom	Northern Ireland Electricity
Automobile Association	NI Screen
Belfast City Regeneration	Northern Ireland Water
Blacktop Advisory Group	Northern Ireland Office – Criminal Law Branch
BGE (NI)	NTL Cabeltel (NI)
Bord Gais Eireann	O2 (UK) Ltd
BT Northern Ireland	Orange plc
Cable & Wireless Communication Ltd	Police Service of Northern Ireland (PSNI)
City, Borough and District Councils	Phoenix Natural Gas
Eircom (Belfast) Ltd	Planning Appeals Commission
Eircom (UK) Ltd	Quarry Products Association
Energy Networks Association	RAC Motoring Services
Estate Services Business Unit	Royal Mail
Federation of Small Businesses	Rural Community Network
Firmus Energy	Rural Development Council
Hutchinson 3G UK Ltd	Rural Support
Institution of Civil Engineers (London)	The Pedestrians Association/Living Streets
Institution of Highways and Transportation	T-Mobile (UK) Ltd
NIAUR	Translink
NJUG Ltd	Virgin Media
Northern Ireland Civil Service Departments	Vodafone Group plc

6.5.2 The following individuals/organisations have also been provided with a copy of the consultation material, in accordance with Departmental guidance.

All Northern Ireland party leaders	Belfast Solicitors Association
Catholic Bishops of Northern Ireland	Civic Forum
Civil Law Reform Division	Clerk to the Regional Development Committee
Departmental Library	Food Standards Agency
Executive Council of the Inn of Court	General Consumer Council for Northern Ireland
HM Council of County Court Judges	Institute of Professional Legal Studies (QUB)
Inland Revenue	Legal Deposit Libraries
Law Centre (NI)	MPs and MEPs who are not party leaders
Law Society of NI	Northern Ireland Association of Citizens Advice Bureaux
Members of the Northern Ireland Assembly	Northern Ireland Judicial

NIC/ICTU	Appointments Commission
Northern Ireland Chamber of Trade	Northern Ireland Ombudsman
Northern Ireland Court Service	Northern Ireland Resident Magistrates' Association
Northern Ireland Law Commission	OFMDFM, Machinery of Government Division
Northern Ireland Local Government Association	Parliamentary Clerk, Ministry of Defence
North/South Ministerial Council (NSMC)	Society of Local Authority Chief Executives
OFMDFM, Central Management Branch	School of Law, University of Ulster
Other Northern Ireland parties	Victims Groups and Individuals
School of Law, Queen's University	

6.5.3 The Department has also contacted the following 'umbrella' organisations representing the Section 75 groups to make them aware of the consultation and inviting them to comment if they so wish.

Abacus Professional Recruitment	Age Concern NI
Age Sector Platform (ASP)	Amalgamated Engineering &
AMICUS	Electrical Union (AEEU)
An Munia Tober	Assembly Library
Bahai's Office for NI	Association of Chief Officers of
Barnardos (NI)	Voluntary Organisations (AVOCO)
Barnardos, Tuar Ceatha Project	BDA (NI)
Belfast Butterfly Centre	George Best Belfast City Airport
Belfast Health Cities Project	Belfast Hebrew Congregation
Belfast Out Resource Centre	British Association for Shooting and Conservation
British Deaf Association (NI)	Carafriend
Byrson House	Carers Northern Ireland
CARE for Northern Ireland	Child Poverty Action Group
Carlingford Lough Commission	Children's Law Centre
Children in Northern Ireland	Chrysalis Women's Centre
Chinese Welfare Association	Citizen's Advice Bureau
Church of Ireland House	City of Derry Airport
Citizens Advice Regional Office	Coiste-na-iarchimi
Coalition on Sexual Orientation (CoSo)	Committee on the Administration of Justice
Commissioner for Children and Young People	Community Relations Council
Community Development and Health Network (NI)	Community Transport Association
Community Technical Aid	Confederation of British Industry (CBI)
Concordia Partnership for Progress	Conservation Volunteers Northern Ireland
Co-Ownership Housing Association	Cruse Bereavement Care

Council for Nature Conservation and the Countryside	Derry Well Woman
Disability Committee of the Northern Ireland Committee	District/City/Area/Borough/Peace and Reconciliation/Strategic Partnerships
Disability Action	Economic Research Institute for Northern Ireland
Down's Syndrome Association	Employer's Forum on Disability
Education and Library Boards	Equality Forum NI
Equality Commission for NI	Falls Women Centre
Falls Community Council	First Division Civil Servants Association
Fermanagh Women's Network	Foyle Women's Information Network
Foyle Friend	FPA NI (Formerly Family Planning Association)
Foyle Women's Network	Gay & Lesbian Youth NI
Friends of the Earth	Gingerbread NI
General Consumer Council for Northern Ireland	Guide Dogs for the Blind Association
Harbour Offices	Health and Social Services Trusts
Health and Safety Executive for NI	Held the Aged NI
IMTAC	Indian Community Centre
Inland Waterways NI	Institute of Directors
Institution of Highways and Transportation – NI	International Airport
Irish & Local Studies Department	Invest Northern Ireland
Irish Transport Trust	Irish Congress of Trade Unions – NI Committee
Lesbian Line c/o Carafriend	Local Government Staff Commission for NI (LGSC)
Magherafelt Women's Group	Methodist Church in Ireland
MENCAP	Mobilise NI (formerly Disabled Drivers Association)
Mid-Ulster Women's Network	Newry & Mourne Senior Citizen's Consortium
Multi-Cultural Resource Centre	NI 2000
National Energy Action	NI Association for Mental Health
Newry & Mourne Women Ltd	NI Chamber of Commerce and Industry
Newtownabbey Senior Citizens Forum	NI Council for Ethnic Minorities
NI Anti Poverty Network	NI Cycling Initiative
NI Bird Watchers' Association	NI Environment Link
NI Council for Ethnic Equality	NI Islamic Centre
NI Council for Voluntary Action (NICVA)	NI Women's Coalition
NI Human Rights Commission	NIPSA
NI Women's Aid Federation	NITHC
NI Women's European Platform (NIWEP)	North West Forum of People with
North West Community Network	Disabilities (Derry)

Northern Ireland African Cultural Centre	Northern Ireland Association for Mental Health
Stroke Association	Northern Ireland Council for Ethnic Equality
Northern Ireland Council for Ethnic Minorities	Northern Ireland Gay Rights Association
Northern Ireland Office	Northern Ireland Rural Women's Northern Ireland Statistical Network
Northern Ireland Political Parties	Northern Ireland Tourist Board
Research Agency (NISRA)	NSPCC
Northern Ireland Walking Forum	Office of the Archbishop of Armagh Omagh Area
NUS-USI Northern Ireland	Parent's Advice Centre
Women's Network	POBAL
Parents and Professional and Autism	Presbyterian Church In Ireland
Polish Association NI	Portestant, Unionist, Loyalist (PUL)
Press for Change	Network
Queer Space	Relate NI
Rainbow Project	Royal National Institute for the Blind (NI)
Road Safety Council for Northern	Sense NI
Royal National Institute for the Deaf	Sikh Cultural Centre
Save the Children	St Angelo Airport
Sign Language Centre Belfast	Staff Commission of Education & Library Boards
Sperrin Lakeland Senior Citizen's	Sustainable Organic Living
Consortium	Environment
Sustainable Northern Ireland Programme	The Blind Centre
SUSTRANS	The Community Foundation
The Cedar Foundation	The Participation Network
The Law Society of Northern Ireland	Office of the Archbishop of Armagh Omagh Area
NUS-USI Northern Ireland	Parent's Advice Centre
Women's Network	POBAL
Parents and Professional and Autism	Presbyterian Church In Ireland
Polish Association NI	Portestant, Unionist, Loyalist (PUL)
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Sperrin Lakeland Senior Citizen's	Sustainable Organic Living Environment

Consortium	The Blind Centre
Sustainable Northern Ireland Programme	The Community Foundation
SUSTRANS	The Participation Network
The Cedar Foundation	Transport 2000
The Law Society of Northern Ireland	Ulster Archaeological Society
Training for Women Network Ltd	Ulster Society for the Protection of the Countryside – Belfast
Travellers' Movement (NI)	Ulster Wildlife Trust
Ulster Scots Heritage Council	Union of Construction Allied Trades and Technology
Ulster Society for the Protection of the Countryside – Ballymena	West Belfast Economic Forum
ULTACH	Women's Aid Federation
UNISON	Women's Forum
Viridian	Women's Resource and Development Agency
Wildfowl & Wetlands Trust	World Wide Fund for Nature
Women's Centre	Youthnet
Women's Information Group	Women's Forum Northern Ireland
Youth Council for Northern Ireland	Women's Support Network

A. Draft to those Receiving Full Consultation Document

Dear Consultee

Consultation on Policy Proposals for a Roads (Miscellaneous Provisions) Bill

The Department for Regional Development is proposing to introduce two new policy measures aimed at improving the control and management of traffic on our roads. These are the introduction of a permit scheme for the execution of certain works on roads and the temporary closure of roads for events and filming.

In order to introduce these policies, new primary legislative powers are required and the Department, therefore, intends to bring forward a small Roads (Miscellaneous Provisions) Bill which will amend the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997. The Department is also taking the opportunity in the Bill to make two technical amendments to existing legislation.

In summary, the proposed policy measures are:-

1. A permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, which are likely to include, for example, works on roads by developers, excavations, depositing of builders' materials and erection of scaffolding on roads. The current proposal would require the introduction of an enabling power in the Roads (Northern Ireland) Order 1993, with works to be specified in subsequent regulations. The powers would be similar to those already in place here in relation to the execution of street works, which apply largely to utility companies. Similar powers are already in place in England and Wales.
2. A power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, cultural or entertainment events. The proposal reflects arrangements already in place in England and Wales and similar powers in the Republic of Ireland. It is intended to introduce the power in the Road Traffic Regulation (Northern Ireland) Order 1997.
3. A general power to hold an inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.
4. Minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.

I enclose for your information a copy of the Policy Consultation Paper. An electronic copy of this consultation document is available on the Roads Service web site at www.roadsni.gov.uk/index/consultations.htm

Should you require this document in Irish or an accessible format such as Braille, audiotape, large print, computer disk or in a minority ethnic language, please contact Clare Carey (see contact details below).

You will find a list of those whom the Department is consulting at Annex E in the document. If you consider that this consultation should be copied to other interested parties, please contact us as soon as possible and we will ensure their inclusion.

The Department would be pleased to have any comments you may have on the proposals. These should be submitted, in writing, by letter or email, to the address below by XXXXXX.

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540022
E-mail: Clare.Carey@drdni.gov.uk

The Department tries to make its consultation procedure as thorough and open as possible and will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Yours sincerely

Geoff Allister

Chief Executive

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B. Draft Letter to Council Chief Executives

Dear [named Chief Executive]

Consultation on Policy Proposals for a Roads (Miscellaneous Provisions) Bill

The Department for Regional Development is proposing to introduce two new policy measures aimed at improving the control and management of traffic on our roads. These are the introduction of a permit scheme for the execution of certain works on roads and the temporary closure of roads for events and filming. The latter is likely to be of particular interest to you, as it envisages a major decision-making and procedural role for Councils in allowing for the temporary closure of local roads for certain events. This power (not currently on the statute books) is, of course, one of the “public realm” roads functions that have been identified for transfer to Councils in 2011, following the review of local government aspects of the Review of Public Administration.

In order to introduce these policies, new primary legislative powers are required and the Department, therefore, intends to bring forward a small Roads (Miscellaneous Provisions) Bill which will amend the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997. The Department is also taking the opportunity in the Bill to make two technical amendments to existing legislation.

In summary, the proposed policy measures are:-

1. A permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, which are likely to include, for example, works on roads by developers, excavations, depositing of builders’ materials and erection of scaffolding on roads. The current proposal would require the introduction of an enabling power in the Roads (Northern Ireland) Order 1993, with works to be specified in subsequent regulations. The powers would be similar to those already in place here in relation to the execution of street works, which apply largely to utility companies. Similar powers are already in place in England and Wales.
2. A power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, cultural or entertainment events. The proposal reflects arrangements already in place in England and Wales and similar powers in the Republic of Ireland. It is intended to introduce the power in the Road Traffic Regulation (Northern Ireland) Order 1997.
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You will find a list of those whom the Department is consulting at Annex E in the document. If you consider that this consultation should be copied to other interested parties, please contact us as soon as possible and we will ensure their inclusion.

In anticipation of your Council’s interest in the second of the proposals above, I would draw your attention, in particular, to section 3.2 of the policy consultation document. Given the

major role envisaged for Councils under this proposal, Roads Service officials would be pleased to meet you, or your representatives, during the consultation period to clarify the policy objectives and discuss possibilities for operational arrangements in due course. If you would find this helpful, I would ask you to contact Clare Carey (contact details below) to make the necessary arrangements.

Meanwhile, I should emphasise that the Department would welcome any comments you may have on any or all aspects of the proposals, not just the measure in relation to temporary road closures. All comments should be submitted, in writing, by letter or email, to the address below by XXXXXX.

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Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540022
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Yours sincerely

Geoff Allister

Chief Executive

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C. Draft Letter to "Section 75" Groups

Dear Consultee

Consultation on Policy Proposals for a Roads (Miscellaneous Provisions) Bill

The purpose of this letter is to inform you that a consultation paper has been issued by the Department for Regional Development which sets out the policy proposals for eventual inclusion in a Roads (Miscellaneous Provisions) Bill.

The Department is proposing to introduce two new policy measures aimed at improving the control and management of traffic on our roads. These are the introduction of a permit scheme for the execution of certain works on roads and the temporary closure of roads for events and filming.

In order to introduce these policies, new primary legislative powers are required and the Department, therefore, intends to bring forward a small Roads (Miscellaneous Provisions) Bill which will amend the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997. The Department is also taking the opportunity in the Bill to make two technical amendments to existing legislation.

In summary, the proposed policy measures are:-

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3. A general power to hold an inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.
4. Minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.

If you consider that this is a matter which would be of interest to you then the Department would be happy to forward a copy of the detailed consultation paper and would welcome any comments you may care to make on the proposed legislation, with particular regard to the potential impact it may have on equality of opportunity, human rights issues, rural impact, health impact and implementation costs.

If you would like to see the full consultation document in order to make your comments on these proposals please contact Clare Carey (see contact details below) or alternatively an electronic copy of the consultation document is available on the Roads Service Website at www.roadsni.gov.uk/index/consultations.htm. The document includes at Annex E a list of those whom we are consulting. If you consider that this consultation should be copied to other interested parties, please contact us as soon as possible and we will ensure their inclusion.

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Yours sincerely

Geoff Allister

Chief Executive

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Consultation on policy proposals for a Roads (Miscellaneous Provisions) Bill, 26 November 2008



Clerk to the Committee for Regional Development
Committee Office
Room 402
Parliament Buildings
BELFAST
BT4 3XX

CENTRAL MANAGEMENT BRANCH

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB.

Telephone:
Facsimile:
Email:

Your reference: DALO
Our reference:

26 November 2008

CONSULTATION ON POLICY PROPOSALS FOR A ROADS (MISCELLANEOUS PROVISIONS) BILL

1. You will recall that Departmental officials briefed the Regional Development Committee on the emerging proposals in June and on the draft Consultation Document in September. The Committee noted the Department's policy proposals and plans for public consultation, and indicated that it would wish to provide comments on the proposals after receiving a report on responses to the public consultation.
2. Executive Committee agreement to commence Public Consultation on the policy proposals was obtained at the meeting on 20 November.
3. The Department intends the consultation period to run from 4 December 2008-6 March 2009 (13 weeks).
4. I enclose, in advance of the Committee meeting on Wednesday 3 December, the following papers which are essentially the same as those that were presented to the Committee at their meeting of 10 September:-
 - a. Policy Consultation Paper
 - b. Covering letters from Roads Service Chief Executive which will issue with the Paper.



AN ROINN
Forbartha Réigiúnaí
MÁNNYSTRÍE TUIP
Kintra Pairts Fordèrin

Roads Service Officials will be pleased to brief the Committee following completion of the Policy Consultation.

Yours sincerely,

Assembly Liaison Officer

Policy Consultation Paper

1. To Those Receiving Full Consultation Document

Dear Consultee

Consultation on Policy Proposals for a Roads (Miscellaneous Provisions) Bill

The Department for Regional Development is proposing to introduce two new policy measures aimed at improving the control and management of traffic on our roads. These are the introduction of a permit scheme for the execution of certain works on roads and the temporary closure of roads for events and filming.

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You will find a list of those whom the Department is consulting at Annex E in the document. If you consider that this consultation should be copied to other interested parties, please contact us as soon as possible and we will ensure their inclusion.

The Department would be pleased to have any comments you may have on the proposals. These should be submitted, in writing, by letter or email, to the address below by Friday 6 March 2009.

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
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Yours sincerely



G W Allister

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For further information about confidentiality of responses please contact the Information Commissioner's Office at 51 Adelaide Street, Belfast BT2 8FE (telephone 028 9026 9380) or see their website at <http://www.ico.gov.uk/>.

2. Letter to Council Chief Executives

Dear [named Chief Executive]

Consultation Document on Policy Proposals for a Roads (Miscellaneous Provisions) Bill

The Department for Regional Development is proposing to introduce two new policy measures aimed at improving the control and management of traffic on our roads. These are the introduction of a permit scheme for the execution of certain works on roads and the temporary closure of roads for events and filming. The latter is likely to be of particular interest to you, as it envisages a major decision-making and procedural role for Councils in allowing for the temporary closure of local roads for certain events. This power (not currently on the statute books) is, of course, one of the "public realm" roads functions that have been identified for transfer to Councils in 2011, following the review of local government aspects of the Review of Public Administration.

In order to introduce these policies, new primary legislative powers are required and the Department, therefore, intends to bring forward a small Roads (Miscellaneous Provisions) Bill which will amend the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997. The Department is also taking the opportunity in the Bill to make two technical amendments to existing legislation.

In summary, the proposed policy measures are:-

1. A permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, which are likely to include, for example, works on roads by developers, excavations, depositing of builders' materials and erection of scaffolding on roads. The current proposal would require the introduction of an enabling power in the Roads (Northern Ireland) Order 1993, with works to be specified in subsequent regulations. The powers would be similar to those already in place here in relation to the execution of street works, which apply largely to utility companies. Similar powers are already in place in England and Wales.
2. A power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, social or entertainment events. The proposal reflects arrangements already in place in England and Wales and similar powers in the Republic of Ireland. It is intended to introduce the power in the Road Traffic Regulation (Northern Ireland) Order 1997.
3. A general power to hold an inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.
4. Minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.

I enclose for your information a copy of the Policy Consultation Paper and you may wish to note that an electronic copy is available on the Roads Service web site at www.roadsni.gov.uk/index/consultations.htm. Should you require copies of this document in Irish or an accessible format such as Braille, audiotape, large print, computer disk or in a minority ethnic language, please contact Clare Carey (contact details below).

You will find a list of those whom the Department is consulting at Annex E in the document. If you consider that this consultation should be copied to other interested parties, please contact us as soon as possible and we will ensure their inclusion.

In anticipation of your Council's interest in the second of the proposals above, I would draw your attention, in particular, to section 3.2 of the policy consultation document. Given the major role envisaged for Councils under this proposal, Roads Service officials would be pleased to meet you, or your representatives, during the consultation period to clarify the policy objectives and discuss possibilities for operational arrangements in due course. If you would find this helpful, I would ask you to contact Clare Carey (contact details below) to make the necessary arrangements.

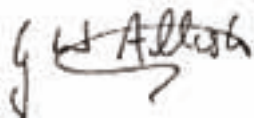
Meanwhile, I should emphasise that the Department would welcome any comments you may have on any or all aspects of the proposals, not just the measure in relation to temporary road closures. All comments should be submitted, in writing, by letter or email, to the address below by Friday 6 March 2009.

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540022
E-mail: rmpb@drdni.gov.uk

The Department tries to make its consultation procedure as thorough and open as possible and will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Yours sincerely



G W Allister

Freedom of Information Act 2000 – Confidentiality of consultations

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature
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3. Letter to "Section 75" Groups

Dear Consultee

Consultation on Policy Proposals for a Roads (Miscellaneous Provisions) Bill

The purpose of this letter is to inform you that a consultation paper has been issued by the Department for Regional Development which sets out the policy proposals for eventual inclusion in a Roads (Miscellaneous Provisions) Bill.

The Department is proposing to introduce two new policy measures aimed at improving the control and management of traffic on our roads. These are the introduction of a permit scheme for the execution of certain works on roads and the temporary closure of roads for events and filming.

In order to introduce these policies, new primary legislative powers are required and the Department, therefore, intends to bring forward a small Roads (Miscellaneous Provisions) Bill which will amend the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997. The Department is also taking the opportunity in the Bill to make two technical amendments to existing legislation.

In summary, the proposed policy measures are:-

1. A permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, which are likely to include, for example, works on roads by developers, excavations, depositing of builders' materials and erection of scaffolding on roads. The current proposal would require the introduction of an enabling power in the Roads (Northern Ireland) Order 1993, with works to be specified in subsequent regulations. The powers would be similar to those already in place here in relation to the execution of street works, which apply largely to utility companies. Similar powers are already in place in England and Wales.
2. A power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, social or entertainment events. The proposal reflects arrangements already in place in England and Wales and similar powers in the Republic of Ireland. It is intended to introduce the power in the Road Traffic Regulation (Northern Ireland) Order 1997.
3. A general power to hold an inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.

4. Minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.

If you consider that this is a matter which would be of interest to you then the Department would be happy to forward a copy of the detailed consultation paper and would welcome any comments you may care to make on the proposed legislation, with particular regard to the potential impact it may have on equality of opportunity, human rights issues, rural impact, health impact and implementation costs.

If you would like to see the full consultation document in order to make your comments on these proposals please contact Clare Carey (see contact details below) or alternatively an electronic copy of the consultation document is available on the Roads Service Website at www.roadsni.gov.uk/index/consultations.htm. The document includes at Annex E a list of those whom we are consulting. If you consider that this consultation should be copied to other interested parties, please contact us as soon as possible and we will ensure their inclusion.

Should you require this document in Irish or an accessible format such as Braille, audiotape, large print, computer disk or in a minority ethnic language etc, please contact Clare Carey (see contact details below).

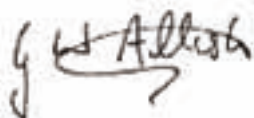
The Department would be pleased to have any comments you may have on the proposals. These should be submitted, in writing, by letter or email, to the address below by Friday 6 March 2009.

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540022
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The Department tries to make its consultation procedure as thorough and open as possible and will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Yours sincerely



G W Allister

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information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.

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**Policy Proposals
for a
Roads (Miscellaneous Provisions) Bill**

Policy Consultation Paper

December 2008



An Agency within the Department for

**Regional
Development**

www.drdni.gov.uk



INVESTOR IN PEOPLE

Should you require this document in Irish or an accessible format such as Braille, audiotape, large print, computer disk or in a minority ethnic language etc, please contact

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
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Telephone: 028 90540854
Text phone: 028 90540022
E-mail: rmpb@drdni.gov.uk

The document is also available on the website – www.roadsni.gov.uk by clicking on the Consultations link in the Main Menu.

Feedback, queries or complaints about the consultation process should also be made through Clare Carey using the contact details above.

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1 Introduction

1.1 The Department for Regional Development (“the Department”) proposes the introduction of measures to update and amend roads-related legislation and, in some instances, to take account of arrangements proposed or in place in England and Wales and in the Republic of Ireland. These policy proposals would eventually be included in a Roads (Miscellaneous) Provisions Bill.

1.2 The purpose of this consultation paper is to:

- provide information about the Department’s proposals;
- explain the anticipated impacts of the proposed changes; and
- seek views on the Department’s proposals.

1.3 Consultees’ views are sought on the Department’s proposals to introduce:-

- a permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, to be specified in regulations.
- a power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, social or entertainment events.
- a general power to hold an inquiry into the exercise, by the Department, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997.

- minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005.

1.4 In considering the Department's proposals, consultees might find the following definitions to be helpful:-

- Road - A public road maintained by the Department at public expense. It is deemed to include all the land contained between the road's boundaries, including the carriageway and the footway. The Department's proposals in this document relate solely to the roads which it maintains.
- Street works may be defined as works carried out in streets by statutory undertakers that is, utilities, which have statutory rights to place and maintain their apparatus in order to supply services like gas and electricity to members of the public.

2 Policy Context

2.1 The Department is the sole road authority for Northern Ireland and Roads Service, on behalf of the Department, manages, maintains and develops the public road network. Roads Service's mission is "*to facilitate, in a sustainable way, the safe movement of people, goods and services for the social and economic benefit of all people in Northern Ireland*".

2.2 The Agency is responsible for delivering on its Programme for Government obligations for the period 2008-11, and taking measures to implement the roads-related elements of the Regional Transportation Strategy for Northern Ireland 2002-12 and the Investment Strategy for Northern Ireland. Details of Roads Service's corporate planning context and its key business activities over the period of the current Programme for Government can be found in the Corporate Plan 2008-11 on the Agency's website at http://www.roadsni.gov.uk/gdu_corpplan2008-11_bizplan2008-09.pdf

2.3 "*Building a Better Future – Programme for Government 2008-11*" sets out the Northern Ireland Executive's priorities and spending plans for the period 2008-11. To support these priorities, a framework of Public Service Agreements (PSAs) has been agreed with Departments. Working within the framework agreed with the Minister and Department, Roads Service has undertaken to deliver on commitments against the following PSAs over the 3-year period:

- Improving the Transport Infrastructure (PSA13). Maintain and develop the public road and rail network and improve public transport provision to deliver a modern, efficient and sustainable transportation system that facilitates economic growth and social inclusion across the Region; and
- Promoting Safer Roads (PSA 14). Deliver a safer road network and achieve measurable reductions in road deaths and serious injury.

2.4 The Agency expects that the policy proposals in this document - in particular those relating to permit schemes for works on roads and temporary road closures for events/filming - will allow the Department to improve the quality and cost-effectiveness of the public services it provides, and improve the utility of existing transport infrastructure. This will contribute to achieving commitments under PSAs 13 and 14.

2.5 **Current Legislation and Operational Arrangements**

2.5.1 The Roads (Northern Ireland) Order 1993¹ (“the 1993 Order”), provides for the construction, maintenance and improvement of roads. It also deals with the management of most works on roads and any approvals required from the Department to carry them out. The Order mirrors many of the provisions of the Highways Act 1980 and the New Roads and Street Works Act 1991 in England and Wales.

¹ The Roads (Northern Ireland) Order 1993 (no. 3160 (NI 15))
[http://www.statutelaw.gov.uk/legResults.aspx?LegType=Order+in+Council+\(N.I.\)+\(Revised\)&title=Roads&Year=1993&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2885022&PageNumber=1&SortAlpha=0](http://www.statutelaw.gov.uk/legResults.aspx?LegType=Order+in+Council+(N.I.)+(Revised)&title=Roads&Year=1993&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2885022&PageNumber=1&SortAlpha=0)

2.5.2 The Street Works (NI) Order 1995² (“the 1995 Order”), gives the Department powers to facilitate the coordination and control of street works (largely the works of the utility companies) and other works on roads in connection with the placing and maintenance of apparatus. The Order itself is a legislative framework only, and the detail of the street works regime is prescribed in Regulations and Codes of Practice issued under the Order. It broadly corresponds to Part III of the New Roads and Street Works Act 1991.

2.5.3 The Road Traffic Regulation (Northern Ireland) Order 1997³ (“the 1997 Order”), provides for the management of all traffic using the public road network. It also deals with traffic signs, speed limits, parking places and traffic regulation orders which may restrict or prevent certain forms of traffic using the road. The Order is similar to the Road Traffic Regulation Act 1984 in England and Wales.

2.5.4 The Traffic Management (Northern Ireland) Order 2005⁴ (“the 2005 Order”), provides for the decriminalisation of most on-street parking and waiting restrictions and off-street parking restrictions and for their enforcement by the Department. It reproduced, with some modification, Part 6 of the Traffic Management Act 2004 in England and Wales.

² The Street Works (Northern Ireland) Order 1995 (No. 3210 (NI 19))

[http://www.statutelaw.gov.uk/content.aspx?LegType=Order+in+Council+\(N.I.\)+\(Revised\)&title=Street+Works&Year=1995&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2920506&ActiveTextDocId=2920506&filesize=164327](http://www.statutelaw.gov.uk/content.aspx?LegType=Order+in+Council+(N.I.)+(Revised)&title=Street+Works&Year=1995&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2920506&ActiveTextDocId=2920506&filesize=164327)

³ The Road Traffic Regulation (Northern Ireland) Order 1997 (No. 276 (NI 2))

[http://www.statutelaw.gov.uk/content.aspx?LegType=Order+in+Council+\(N.I.\)+\(Revised\)&title=road+traffic+regulation&Year=1997&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2921221&ActiveTextDocId=2921221&filesize=250207](http://www.statutelaw.gov.uk/content.aspx?LegType=Order+in+Council+(N.I.)+(Revised)&title=road+traffic+regulation&Year=1997&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=2921221&ActiveTextDocId=2921221&filesize=250207)

⁴ The Traffic Management (Northern Ireland) Order 2005 (No. 1964 (NI 14))

[http://www.statutelaw.gov.uk/legResults.aspx?LegType=Order+in+Council+\(N.I.\)+\(Revised\)&title=Traffic+Management&Year=2005&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2999699&PageNumber=1&SortAlpha=0](http://www.statutelaw.gov.uk/legResults.aspx?LegType=Order+in+Council+(N.I.)+(Revised)&title=Traffic+Management&Year=2005&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=2999699&PageNumber=1&SortAlpha=0)

3 The Department's Proposals

3.1 Permit Schemes for works on roads

Background

3.1.1 A permit scheme is intended to control specified works on roads and would require a permit to be obtained in order to carry out those activities. Conditions relating to the carrying out of activities could be attached to permits. These conditions would largely be aimed at minimising disruption caused by the works and could also address the timing, location and duration of activities as well as how they are carried out, the amount of road space occupied and/or available to traffic and requirements to consult and inform those affected by the works.

3.1.2 It is anticipated that the operation of a permit scheme would assist the Department in the coordination of all activities on roads. The Department would be able to ensure appropriate traffic management is employed and encourage work programmes to be organised more efficiently to minimise congestion and the extent and duration of the activity.

3.1.3 Part 3 of the Traffic Management Act 2004 made provision, in England and Wales, for local highway authorities to prepare permit schemes to be submitted to national authorities for approval (ie Secretary of State for Transport in England and Welsh Assembly in Wales).

3.1.4 When the Department was making the Street Works (Amendment) (Northern Ireland) Order 2007, which amended the 1995 Order, it included an enabling power to make a street works permit scheme here. However, that scheme could only be applied to certain types of street works that would be defined in regulations. Street works are works to do with the placing and maintenance of apparatus in or under a road and would be associated mostly with the works carried out by utility companies.

3.1.5 During the consultation and parliamentary stages of the making of the Street Works (Amendment) Order the Department was lobbied strongly by the utility companies who wished to see permit schemes applied to other works on roads, including those of developers and road works carried out by the Department. These representations were supported by some of the elected members of the Northern Ireland Assembly and Northern Ireland Peers in the House of Lords. As a result, Lord Rooker gave an undertaking that the Department would review the legislation (the 1993 Order) concerning the introduction of a permit scheme to other works on roads.

Proposal

3.1.6 Having reviewed the legislation, the Department proposes to introduce a power enabling it to make a permit scheme in respect of other works on roads (ie works other than street works) similar to the arrangements introduced for street works both here and in England and Wales. The detail of the scheme, including the types of activity to be included and the level of fee to be paid in respect of permits, would be contained in regulations that would be made subsequently.

The regulations would include provision for the introduction of fixed penalty offences in relation to a permit scheme and would also include new offence provisions. Those executing the works under a permit would be required to give the Department notice of specific start and completion dates. The proposals would require the Northern Ireland Assembly to approve such regulations before they would be introduced.

3.1.7 It is anticipated that the cost of permits for other works on roads (and indeed permits for street works) would be in line with any permit schemes introduced in England and Wales. Under the proposed scheme any person wishing to carry out works, e.g. excavating the road, erecting scaffolding, could be required to obtain a permit from the Department before commencing the activity. The applicant would pay a non-returnable fee for the permit, to which the Department could attach conditions aimed at minimising disruption. Those executing the works under a permit would be required to give the Department notice of specific start and completion dates.

3.1.8 The Department proposes to introduce a power which would enable it to make exemptions by way of regulations. The regulations would also make provision for appeals to be made to the Planning Appeals Commission.

3.1.9 The Department would welcome views on the proposed policy and would particularly invite comments on the following aspects of the proposal:

- (a) the requirement for a permit to be obtained from the Department before works can be carried out in the public road, in order to improve control and coordination of works/activities;
- (b) the application of different rates of charges for permits, depending on traffic flows on the road and the proposed duration of the works/activities; and
- (c) the attachment of conditions to the permit that would require promoters to carry out their works/activities on particular dates and/or particular times, or preventing them from working on particular dates or at particular times.

3.2 Road closures for filming and special events

Background

3.2.1 The Department regulates traffic using the road network largely through the Road Traffic Regulation (Northern Ireland) Order 1997. Apart from the Road Races (Northern Ireland) Order 1986 which provides the Department with powers to close roads to facilitate the holding of motor sport events, the Department has no other specific statutory powers to close roads for events.

3.2.2 In all other cases, the Police Service of Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast Marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the 1997 Order.

3.2.3 The PSNI and some local councils have asked the Department to introduce statutory powers to clarify the situation and to better regulate the closure of roads for events.

3.2.4 The Department of Enterprise, Trade and Investment (DETI), the Department of Culture, Arts and Leisure (DCAL) and Northern Ireland Screen have also lobbied for the introduction of powers to enable roads to be closed temporarily to allow location filming to take place.

3.2.5 Legislative Position in England & Wales. Certain powers to close roads are contained in the Road Traffic Regulation Act 1984. These enable traffic authorities to prohibit temporarily the use of a road for the purpose of holding a sporting, social or entertainment event.

In addition, the London Local Authorities and Transport for London Act 2008 provides traffic authorities within the Greater London area with the powers to close roads for the purposes of filming. A London Local Authorities and Transport for London (No 2) Bill is currently before Parliament, which includes provision enabling London Boroughs and Transport for London to recover from organisers of large scale events and film makers the cost of any temporary traffic management and additional street cleaning arising out of the event.

3.2.6 Legislative Position in the Republic of Ireland. Section 75 of the Roads Act 1993 enables road authorities, by order, to temporarily close a public road to traffic for the purpose of facilitating a road race, the carrying out of works, or for any other purpose. Such closures may be for any specified period and may also be subject to any specified conditions (including the giving of security or the provision of an indemnity) as the authority thinks fit.

The Act also makes provision for the road authority to recover from the organiser or promoter of the event, any costs it reasonably incurs in facilitating the holding of the event and in making good any damage to the public road arising from the holding of the event. The Minister also has regulation making powers in respect of requirements as to notice, objections and the giving of security and provision of indemnity.

Proposal

3.2.7 The Department proposes to introduce powers similar to those mentioned above that would enable district councils, with the approval of the Department, to close roads (other than trunk roads and

motorways) for sporting, social and entertainment events and for the purposes of location filming. The Department's approval would be required to ensure that appropriate alternative routes were available to traffic that would normally use those roads and to minimise disruption to the network. Powers to close trunk roads and motorways would only be given to the Department.

3.2.8 This proposal would not affect the Department's existing powers under the Road Races (Northern Ireland) Order 1986 nor would it affect the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades.

3.2.9 The Department would intend making regulations governing how local councils should make such closures and might also produce guidance to be followed by councils to ensure consistency of approach

3.2.10 Those regulations to be made subsequently would include provision for notifying the public of prospective closures and the making of representations regarding them.

3.2.11 Limitations of Duration and Frequency of Closures. The Department is of the view that the duration and frequency of closures of any particular road must be restricted to safeguard the rights of the local population. The Department is proposing that for events to which the Bill would apply, in line with experience of equivalent legislation in England and Wales, closures could be for a maximum of three days, with only one closure allowed on any road in any twelve month period.

For location filming, the number and duration of closures might be determined differently to meet the needs of the industry. (In Greater London the arrangements are for a maximum of seven days, with six closures being allowed on any road in a twelve month period). The Department would have discretionary powers to authorise closures exceeding those periods in exceptional circumstances.

3.2.12 Costs. Arrangements to allow the Department and other statutory agencies such as the police and district councils, to recover costs from the promoters of events would be included. This could include advertising costs, event signing, the signing of diversionary routes, administrative costs in making any order or notice, and any associated policing costs. Further information on costs is included in Section 5 of the Partial Regulatory Impact Assessment (see Annex C).

3.2.13 Insurance. As with the Road Races (Northern Ireland) Order 1986, event organisers would be required to secure sufficient insurance cover to limit the liability of the Department over roads which would be restricted or closed in connection with an event.

3.2.14 The Department would welcome views on the proposed policy and would particularly invite comments on the following aspects of the proposal:

- (a) Proposed restrictions on duration and frequency of closures for filming/events to be held on any particular road (or stretch of road);
- (b) Proposal to allow duration/frequency of events to be exceeded with the Department's consent; and

(c) Power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter.

3.3 Rule-making procedures of the Traffic Management (Northern Ireland) Order 2005

Background

3.3.1 The Traffic Management (Northern Ireland) Order 2005 (“the 2005 Order”) provided for the decriminalisation of parking and waiting restrictions in Northern Ireland, the enforcement by the Department (rather than the PSNI) of these restrictions and the establishment of an independent adjudication process.

3.3.2 Since 2006, the Department’s Roads Service, using Traffic Attendants working for National Car Park Services (NCP) on behalf of Roads Service, has been operating a system of civil parking enforcement. The Northern Ireland Traffic Penalty Tribunal, which is administered by the Northern Ireland Courts Service, provides an independent means of appeal against penalty charges imposed for alleged parking contraventions.

3.3.3 The Constitutional Reform Act 2005 (“the 2005 Act”) separated the judicial and executive functions of the office of the Lord Chancellor. The Lord Chief Justice for Northern Ireland became head of the judiciary in Northern Ireland and as a result many of the Lord Chancellor’s judiciary and court-related functions transferred to him. The 2005 Act requires the Lord Chancellor to consult the Lord Chief Justice in relation to certain statutory procedures. Consequently, two rule-making functions that are presently exercisable by the Lord Chancellor under the Traffic Management (NI) Order 2005 (“the 2005 Order”) require amendment to reflect the required arrangement.

Proposal

3.3.4 The Department proposes to amend the following Articles of the 2005 Order

- Article 16(3) - to insert a requirement for the Lord Chancellor to consult the Lord Chief Justice of Northern Ireland before determining the additional matters to be stated in a statutory declaration.
- Article 30(1) - to insert a requirement for the Lord Chancellor to consult the Lord Chief Justice of Northern Ireland before making regulations providing for the procedure to be followed in relation to proceeding before adjudicators.

3.3.5 Only minor administrative costs are envisaged as a result of the proposed revision in procedures

3.3.6 The Department invites any comments you may have on this proposal.

3.4 Power to hold an Inquiry

Background

3.4.1 The Road Traffic Regulation (Northern Ireland) Order 1997 (“the 1997 Order”) provides the Department with the legislative powers to regulate the different classes of traffic using the public road network. Some provisions of the 1997 Order include a power to hold an inquiry while others provide a right of appeal or a right to make representations to the Department in respect of decisions it may have taken. However, some Articles do not provide any of those safeguards to the public - although the Department has ensured that appropriate administrative procedures are in place.

Proposal

3.4.2 The introduction of a general power to hold an inquiry under the 1997 Order would confirm, in statute, that the Department, in exercising its functions under the Order, is consistently in compliance with the requirements of article 6 of the European Convention on Human Rights (right to a fair and public hearing).

3.4.3 A similar general power to hold an inquiry has been in place for some years in the Roads (Northern Ireland) Order 1993 (article 133) and was introduced into street works legislation by the Street Works (Northern Ireland) (Amendment) Order 2007 (article 26). Neither power has been exercised to date.

3.4.4 The Department invites any comments you may have on this proposal.

4 Equality and Other Impact Assessments

4.1 Equality Impacts

4.1.1 Section 75 of the Northern Ireland Act 1998 places a duty on public authorities to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with dependents and persons without.

4.1.2 The Department has completed an Equality Impact screening exercise, in order to identify the impact of its proposed policies on the groups identified in Section 75 of the Act. It has concluded as follows:

- Permit Schemes for works on roads - no significant differential impacts have been identified.
- Temporary Road Closures for events and filming - no significant differential impact is likely.
- Rule-making procedures under the Traffic Management (Northern Ireland) Order 2005 – procedural change to rule-making procedures will have no impact on the public (including all Section 75 groups).
- General power to hold an inquiry under the Road Traffic Regulation (Northern Ireland) Order 1997 – would have no equality or regulatory impacts. They are considered to be fully in compliance with the requirements of the Human Rights Act.

4.1.3 In view of the outcome of the screening exercise, the Department considers that a full Equality Impact Assessment is not required.

4.1.4 An Equality Impact Assessment screening form for each of the above proposals, as agreed with the Department's Equality Unit, is presented at Annex A.

4.2 Rural Proofing

4.2.1 Rural proofing is a process through which Government policies are examined objectively to ensure that as far as possible people living/working in rural areas can get the same access to goods and services as people in other areas.

4.2.2 The Department's proposals in relation to permit schemes are ultimately more likely to affect urban locations. This is because they aim to better manage situations where traffic flows are impeded, particularly at peak traffic periods, by works that create congestion being executed on roads.

4.2.3 The proposal to take powers enabling roads to be closed temporarily by either district councils or by the Department for the purpose of sporting, entertainment or social events or for location filming, would contain certain safeguards for all local residents. These would include the duration of such closures and the number of times a road could be closed during a twelve month period.

4.2.4 The Department has considered the possible impacts on rural locations and is of the view that the introduction of a permit scheme in respect of works on roads would have a positive impact in

the reduction of journey times and employment flexibility, thus contributing to the sustainability of rural communities.

4.2.5 The Department is consulting widely on its proposals and the views of organisations representing rural communities are being invited.

4.3 **Regulatory Impact Assessment**

4.3.1 A Regulatory Impact Assessment (RIA) is an assessment of the impact of policy options in terms of the costs, benefits and risks of a proposal.

4.3.2 An RIA does not have to be undertaken for proposals which impose no costs or no savings, or negligible costs or savings on business, charities or the voluntary sector. The Department considers it unlikely that either the proposal to amend certain aspects of the Traffic Management (Northern Ireland) Order 2005 or the proposal to introduce a general power to hold an inquiry would impose a new cost or saving on businesses, charities or the voluntary sector. An RIA is, therefore, considered unnecessary in respect of these proposals.

4.3.3 Permit Schemes for works on roads. There are no cost implications arising out of the Department's current proposal, which seeks only an enabling legislative power to make regulations in respect of a permit scheme. The question of costs would arise when such a scheme is being developed for introduction. A partial RIA has been completed and can be seen at Annex B.

The Department proposes to build on this partial regulatory impact assessment with a full Regulatory Impact Assessment when regulations are being made. This approach will enable the Department to consult fully and invite comments on more detailed specific elements of better informed proposals for a scheme.

4.3.4 Road closures for filming and special events. The authorisation of road closures may result in additional costs being incurred by the applicant or event promoter due to the recovery of costs by the authorising authority. This would include advertising costs, the signing of diversionary routes, administrative costs in making any order or notice, and any associated policing costs. In addition there may be a cost to businesses in terms of lost revenue resulting from a road closure. A partial RIA has been completed and can be seen at Annex C.

4.4 **Health and Environmental Impacts**

4.4.1 The Programme for Government (PfG), which was published by the First Minister and the Deputy First Minister on 28 January 2008, highlights the importance of promoting public health in the plans and priorities of the Executive, for the period 2008-2011. Public Service Agreement 8 from the PfG outlines how the Executive will 'promote healthy lifestyles, address the causes of poor health and wellbeing and achieve measurable reductions in health inequalities and preventable illnesses.'

4.4.2 In light of the priority given to this issue by the Executive the Department has assessed the four proposed measures for their potential impact, either intentional or otherwise, on public health in Northern Ireland. A screening exercise was completed on the proposals to assess the potential impact on health determinants such as lifestyle and the physical and socio-economic environments; and on access to health care. The potential for the proposals to have different impacts on different groups, such as younger and older people, has also been considered.

4.4.3 The Department considers it unlikely that the proposals relating to the closure of roads for events and filming, amendments to the 2005 Order, and the power to hold an inquiry, will have any impact, positive or negative, on public health. The purpose of the proposal to introduce a permit scheme for works on roads, however, is to minimise the disruption caused by such works and thereby reduce congestion on the public road network. It is considered likely that reducing congestion would have a positive impact on the health of the physical environment, reducing air and noise pollution and improving land use. The results of this screening exercise can be viewed in detail at Annex D.

4.5 **Human Rights**

4.5.1 The Department considers that the proposals set out in this consultation document are compatible with the Human Rights Act 1998.

5 Next Steps

5.1.1 The Department invites recipients to submit their comments on the proposals contained in this consultation document. Responses should be submitted by Friday 6 March 2009 to

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540022
E-mail: rmpb@drdni.gov.uk

5.1.2 The document is also available on the website – www.roadsni.gov.uk by clicking on the Consultations link in the Main Menu. Further copies of this document may be requested from Roads Service at the contact details above.

5.1.3 Following the end of this policy consultation the Department will consider all responses received and prepare a report on the consultation which will be published on the website www.roadsni.gov.uk and submitted to the Minister. Although the Department will acknowledge receipt of consultees' responses to the proposals, specific points raised will not be answered individually.

5.1.4 The Department's policy proposals will then be finalised and a Roads (Miscellaneous Provisions) Bill drafted for consideration by the Northern Ireland Assembly. The Department intends that the Bill would be introduced into the Assembly in spring 2010.

List of Consultees

5.1.5 A list of those being consulted is included at Annex E. If you are aware of any other groups or organisations who may wish to be involved in this process please notify Clare Carey at the address given.

5.1.6 According to the requirements of the Freedom of Information Act 2000 all information contained in responses to this consultation may be subject to publication or disclosure. This may include personal information such as consultees' names and addresses. Consultees wishing their response or name and address to remain confidential should explain why confidentiality is necessary. Requests will be granted only if consistent with Freedom of Information obligations. Any automatic confidentiality disclaimer generated by consultees' email systems will not be regarded as binding on the Department.

6 Annexes

6.1 Annex A - Equality Screening Analysis

6.1.1 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 – Permit Scheme Proposals

Section 1 - Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title Roads (Miscellaneous Provisions) Bill – Proposal to amend the Roads (Northern Ireland) Order 1993 to enable permits to be applied to other works on roads, similar to the provisions introduced by the Street Works (Amendment) (NI) Order 2007.

Aims To provide the Department with powers to enable it to apply permit scheme provisions, similar to those introduced by the Street Works (Amendment) (Northern Ireland) Order 2007, to certain works (other than those undertaken by utilities) on roads. To improve regulation of activities taking place on the road and provide for more efficient management of the road network. A permit may be required for the types of activity listed in 2.2 below.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The proposals could impact on anyone wishing to carry out certain activities on roads. Such activities could include placing of skips, the erection of scaffolding, making excavations and placing / constructing structures over or under a road. The scheme may require the payment of fees for permits.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

- (a) DRD is responsible for devising and delivering the policy
- (b) which would be broadly similar to arrangements in England and Wales. Equality issues have been considered.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

It is not envisaged that the proposed policy would affect other NI Departments / NDPBs.

2.5 What data are available to facilitate the screening of this policy/ legislation?

None – It is envisaged that the policy will have a positive uniform effect on all road users.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependency		✓

Please give details

There is no evidence to suggest that any of the above groups would be particularly affected by the proposals. They should reduce disruption and congestion and provide for more efficient management of the road network.

3.2.1 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓

Dependency		✓
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Please give details

There is no evidence that any of the above groups have different needs, experiences, issues or priorities in relation to this legislation.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Men and Women generally		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

Consultation will be carried out with a wide range of stakeholders. However, it is not anticipated that the proposals would cause any problems specific to any of the above groups. The screening decision will be included in the Department’s bi-annual consultation with S75 consultees.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

No equality of opportunity alterations are anticipated as the proposed legislation does not affect any of the above groups.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

N/A

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

N/A

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

N/A

Section 4 EQIA Recommendation

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance			✓
Financial significance			✓

Please give details

These proposals would only introduce the primary enabling powers to introduce a permit scheme for works on roads. The details of any permit scheme, including the types of works included and fees involved would require subordinate legislation. Proposals for such subordinate legislation would be fully consulted upon.

The scheme could ultimately require individuals to pay a permit fee for carrying out an activity on the road, however the impact on all road users on a daily basis should be positive as the road network will be managed more effectively.

- 4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

In view of the details provided above a full EQIA is not required.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

N/A

- 4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?**

Please give details

N/A

6.1.2 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 - Road Closure Proposals

Section 1 - Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.

Title The Roads (Miscellaneous Provisions) Bill – Power to close roads for sporting, social or entertainment events and for the purposes of location filming.

Aims To provide the Department and local councils with the legal powers to temporarily close a public road(s) for the above purposes. The Department will be responsible for the closure of 'trunk' and 'special' roads, as defined in the Roads (NI) Order 1993. Local councils will be responsible for the closure of all other roads;

To introduce a standardised road closure process and to ensure that it is implemented consistently across NI;

To provide all those organisations and individuals affected by a

proposed road closure (residents, road users, local council(s), Roads Service, the PSNI and others) the opportunity to be consulted and have their opinion considered; and
To ensure that road closures, and the road closure process, meet the Department's legal responsibilities to protect human rights and promote equality of opportunity.

Notes The Department currently has no statutory powers to close roads for events, other than for the purposes of holding a motor sport event under the Road Races (NI) Order 1986. In all other cases, the Police Service for Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the Road Traffic Regulation (NI) Order 1997. There are no requirements under this process in relation to periods of notice, consultation, rights of appeal, conditions to be satisfied or insurance and other matters. To address these issues and meet the aims outlined above, the Department intends to bring forward legislation. This legislation will not impinge upon the Department's existing powers under the Road Races (NI) Order 1986, or the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

Road users generally; those living on or near roads likely to be the subject of closure; local councils; event organisers; and the television/film industry.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

- (a)** DRD Roads Service
- (b)** DRD Roads Service and local councils

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

DCAL. Has overall responsibility for sporting, social and entertainment events and for filming.

DETI. Has overall responsibility for international investment and promotion of the NI economy.

PSNI. Has overall responsibility for ensuring the lawful and peaceful use of public roads.

Northern Ireland Screen. Responsible for promoting the film and television industries in NI.

2.5 What data are available to facilitate the screening of this policy/legislation?

No data are available on the current number of road closures or their impact on the promotion of equality of opportunity.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

Qualitative data from interested groups and members of the public will be sought as part of the policy consultation process, to be held in 2008. The views expressed in response to this consultation will be considered prior to the policy being finalised.

The relevant local council(s) will also be required to assess the the likely impact on equality of opportunity of each proposed road closure. This will include collection and analysis of the necessary data from those likely to be affected. Local councils and/or the organisers of the event will be expected to mitigate against any difficulties raised by these assessments. This would include, for example, providing a suitable means of access for local residents some of whom may have disabilities.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

It is not possible to determine the level of participation or uptake by each of the S75 groups prior to the introduction of the policy. The local council(s) will be expected to consider this issue when assessing the potential impact on equality of opportunity of each proposed road closure.

3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

As stated at 2.6 above, local councils will be required to ensure that each road closure is consistent with their statutory duties to protect human rights and promote equality of opportunity. This could lead to the introduction of mitigating policies, in order to meet the needs of all those affected.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependants		√

Please give details of any consultations carried out, and any problems identified.

It is expected that public consultation on this proposal will be conducted in 2008. This consultation will provide an opportunity for interested parties to comment on this equality screening. The screening decision will also be included in the Department's biannual consultation with S75 consultees.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

The closure of a public road for an event or for filming will require the agreement of the Department, the local council and the PSNI. Public bodies will be required to assess the impact of each proposed road closure and identify alternative arrangements when necessary.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

Please give details

Not applicable.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

Not applicable.

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

Not applicable.

Section 4 - EQIA Recommendation

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			√
Effect on people's daily lives.			√
Effect on economic, social and human rights.			√
Strategic significance			√
Financial significance			√

- 4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

An EQIA is not considered necessary. The proposal seeks to formalise the procedure for authorising a road closure and will require the relevant public authorities (the Department, the local councils) to consider their statutory duties when assessing an application for a road closure from the event organiser. Each application will be assessed individually to determine if any differential impact would be created by the closure. If required, either mitigating policies will be introduced or the application will be rejected. This process will include the opportunity to make representation against the public body's decision. The public body would be required to consider any such representation prior to reaching a final decision on the proposed closure.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

Not applicable.

- 4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?**

Please give details

Not applicable.

6.1.3 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 – Amendment of the Traffic Management (Northern Ireland) Order 2005

Section 1 - Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.

Title Roads (Miscellaneous Provisions) Bill – Proposal to amend the Traffic Management (NI) Order 2005 (“the 2005 Order”) in consequence of the Constitutional Reform Act 2005 (“the 2005 Act”).

Aims To introduce a requirement on the Lord Chancellor to consult the Lord Chief Justice for Northern Ireland in exercising the following powers under the 2005 Order:

- Article 16(3), which provides that the Lord Chancellor may determine additional matters that must be stated in a statutory declaration; and
- Article 30(1), which provides that the Lord Chancellor may make regulations providing for the procedure to be followed

in relation to proceedings before adjudicators.

Notes The 2005 Order includes provisions to allow the decriminalisation of parking and waiting restrictions in Northern Ireland, the enforcement by the Department of these restrictions and the establishment of an independent adjudication process. The Lord Chancellor has not used the powers available to him under Article 16(3). The Traffic Management (Proceedings before Adjudicators) Regulations (Northern Ireland) 2006 (2006 No.421) were made under Article 30(1) in October 2006.

The 2005 Act reformed the office of the Lord Chancellor to give legal effect to the separation of judicial and executive functions. Although overall responsibility for the administration of the court system remained with the Lord Chancellor, the Lord Chief Justice became head of the judiciary in Northern Ireland and, as a result, many of the Lord Chancellor's judiciary and court related functions transferred to him.

In consequence of the modification of the office of the Lord Chancellor by the 2005 Act, the two functions noted above which are exercisable by the Lord Chancellor under the 2005 Order require amendment. Both are akin to court-related rule-making functions which, following the commencement of the 2005 Act, are exercisable by the Lord Chancellor after consultation with the Lord Chief Justice.

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The amendment to the existing legislation introduces a change to the administrative procedures of the Offices of the Lord Chancellor and the Lord Chief Justice for Northern Ireland. The amendment will, therefore, have an impact on the relevant staff of the Northern Ireland Court Service (NICtS).

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) The change in administrative procedure is being introduced as a consequence of the 2005 Act, which extends to Northern Ireland. The equality screening for the 2005 Order can be accessed at <http://www.roadsni.gov.uk/dpe.pdf>.

(b) NICIS.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

None.

2.5 What data are available to facilitate the screening of this policy/legislation?

Not applicable, as there are no impacts on external groups as a result of the purely administrative change in procedures. Any proposal to change the requirements of statutory declarations under Article 16(1), or to amend the 2006 Regulations would be subject to separate equality impact assessment screenings.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

Not applicable – administrative change to procedures only.

3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

Not applicable – administrative change to procedures only.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependants		√

Please give details of any consultations carried out, and any problems identified.

It is expected that public consultation on this proposal will be conducted in 2008. This consultation will provide an opportunity for interested parties to comment on this equality screening.

The screening decision will also be included in the Department's biannual consultation with S75 consultees.

3.3 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

Not applicable – administrative change to procedures only.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

Please give details

Not applicable – administrative change to procedures only.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

Not applicable – administrative change to procedures only.

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

Not applicable – administrative change to procedures only.

Section 4 - EQIA Recommendation

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			√
Effect on people’s daily lives.			√
Effect on economic, social and human rights.			√
Strategic significance			√
Financial significance			√

4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.

Full EQIA not considered to be required. Administrative change to rule-making procedures will have no impacts on the public (including all Section 75 groups).

4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1

Not applicable – administrative change to procedures only.

4.4 If an EQIA is considered necessary is any data required to carry out/ensure effective monitoring?

Please give details

Not applicable – administrative change to procedures only.

6.1.4 DRD Section 75 Equality of Opportunity Screening Analysis Form 2005 – Amendment of the Road Traffic Regulation (Northern Ireland) Order 1997

Section 1 – Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Policy to be Screened

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.

Title The Roads (Miscellaneous Provisions) Bill – Power to hold an inquiry. A measure to introduce a general power to hold an inquiry in relation to the exercise of any of the Department’s functions under the Road Traffic Regulation (NI) Order 1997 (“the Order”).

Aims To ensure procedural fairness in the Department’s decision-making processes under the Order.
To provide an opportunity for concerned parties to make representations regarding the exercise of the Department’s functions under the Order.

Notes There are a number of provisions in the Order where the Department can initiate an inquiry in relation to the exercise of its functions under the Order. Such provisions are particularly

important in cases where human rights are engaged, or there is a real possibility that they will be engaged, as the holding of an inquiry gives all parties an opportunity to make representations. However, there are some provisions in the Order where there is no right to make representations in relation to decisions made by the Department. It is proposed, therefore, to introduce a general power to hold an inquiry in relation to the exercise of any of the Department's functions under the Order. This would ensure that, in any cases where human rights are engaged and there is no specific right to make representations, the Department would be able to hold an inquiry, allowing concerned parties an opportunity to make representations. The introduction of this general power would ensure that concerned parties have a statutory right to a fair and public hearing in relation to the exercise of the Department's functions under the Order, as outlined in the Human Rights Act 1998 and the European Convention on Human Rights.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

Road users and the public in general.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) DRD

(b) DRD

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

None.

2.5 What data are available to facilitate the screening of this policy/ legislation?

None.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

None. See 4.2 below.

Section 3 – Screening Analysis

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

There is no evidence to suggest lower participation or uptake by one or more of the S75 groups.

3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

Bearing in mind the nature of the proposal (to enhance the Department's protection of human rights), and given that the

process of making representations to an inquiry is required to be accessible to all citizens, it is not expected that any S75 groups would have different needs, experiences, issues or priorities in relation to this issue.

3.3 Have consultation with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependants		√

Please give details of any consultations carried out, and any problems identified.

It is expected that public consultation on this proposal will be conducted in 2008. The consultation will provide an opportunity for interested parties to comment on this equality screening.

The screening decision will also be included in the Department's biannual consultation with S75 consultees.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

Not applicable.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

Please give details

Not applicable.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

Not applicable.

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

Not applicable.

Section 4 - EQIA Recommendation

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			√
Effect on people's daily lives.			√
Effect on economic, social and human rights.		√	
Strategic significance			√
Financial significance			√

- 4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.**

No EQIA is required. The proposal is intended to enhance the protection of human rights offered by the Department. No differential impact between or within S75 groups is expected.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1**

Not applicable.

- 4.4 If an EQIA is considered necessary is any data required to carry out/ensure effective monitoring?**

Please give details

Not applicable.

6.1.5 Appendix 1 (Annex A) – Main Groups Relevant to the Section 75 Categories

Main Groups Relevant to the Section 75 Categories	
Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); transgendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

6.2 Annex B - Partial Regulatory Impact Assessment – Proposed Permit Scheme for Works on Roads

ROADS (MISCELLANEOUS PROVISIONS) BILL: PROPOSED PERMIT SCHEME FOR WORKS ON ROADS

1.0 Purpose and intended effect of measure

This regulatory impact assessment sets out the Department's proposals to further reduce congestion and disruption on roads.

The proposed measures would contribute to:

- maintaining the road infrastructure to keep it safe, effective and reliable and to preserve the value of the asset;
- managing and improving the road network to promote safety and efficient operation; and
- improving journey times on the trunk road network.

1.1 Background

In Northern Ireland roads are the medium through which the movement of people, goods and services for the social and economic benefit of all people is achieved.

The Northern Ireland Transport Statistics for 2006-2007 reveal that there were 958,677 vehicles licensed in Northern Ireland at 31 December 2006 - an increase of 41,298 vehicles from the previous year and, over the period from 1992 to 2006, licensed vehicle stock in Northern Ireland increased by 66%. In 2006 the most frequently used method of travel to work was car, van or minibus, with 84% of the workforce in Northern Ireland using these methods. In addition there were 4196 heavy goods vehicles registered here for the first

time during the year. Goods lifted within Northern Ireland by goods vehicles over 3.5 tonnes between 2002 and 2006 increased from 48,116 tonnes in 2002 to 60,780 tonnes in 2006.

The Travel Survey for Northern Ireland for 2004-2006 shows that car travel made up just over four fifths (81%) of the total distance travelled. The average person spent 304 hours per year travelling during the three year reporting period (approximately 50 minutes per day, or 13 days per year), with business journeys being more than twice as long as the average journey. Nearly three quarters (74%) of the vehicles surveyed had an annual mileage of between 5,000 and 17,999 miles. Those commuting travelled an additional 130 miles per year than they did in 2001-2003. .

Although some new roads have been constructed and a number of existing roads improved to cope better with traffic volume (for example, the ongoing M1, M2 and Westlink schemes), often this is simply not feasible due to existing budgetary constraints. Taking into account the increased volumes of traffic the road network is now handling it will be appreciated that delays in travel could have an effect on business generally and service delivery in particular.

The Department of Social Development's Housing Statistics show that there have been in the region of 95,000 new dwellings completed between 2001 and 2007 with some 7500 planning decisions granted for residential garages, the construction of home extensions or alterations to homes in 2005-2006. Many of these will have involved the occupation of road space in the public road

network to enable different works to take place, such as the storage of builders' materials, the erection of scaffolding, hoardings etc.

A report entitled "Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland: 1990 – 2005" compiled for Department for Environment, Food and Rural Affairs, The Scottish Executive, The Welsh Assembly Government and The Northern Ireland Department of Environment stated that in Northern Ireland, *"emissions from road transport represent 30.7% of the 2005 Northern Ireland CO₂ total, and this emission has risen by 44% since 1990, compared with a 9.6% increase for the UK over the same period. Road transport is also becoming an increasingly significant source of N₂O emissions, with emissions rising by several hundred per cent since 1990, to represent 7.3% of total N₂O emissions, and the largest combustion related source of N₂O in Northern Ireland."*

Under the Kyoto Protocol, agreed in 1997, developed countries took on legally binding targets for reducing their greenhouse gas emissions. The UK's target is to reduce its greenhouse gas emissions to 12.5% below 1990 levels over the period 2008-2012. The Government also has a more challenging domestic goal of reducing carbon dioxide emissions to 20% below 1990 levels by 2010.

Improvements in air quality resulting from road traffic reduction and other measures will bring a number of health benefits. These

include reductions in respiratory illnesses, circulatory disorders and certain cancers.

In 2007, against a background of large numbers of utility street works, (35,000 openings in 2006-07) the Department made a Street Works (Amendment) (Northern Ireland) Order (the 2007 Order). It provided a power to make for the Department to make regulations for a permit scheme to apply to certain street works (largely the works of the utility companies such as Northern Ireland Water and Phoenix Gas) activities. The principal aims of a permit scheme are to better coordinate works and to reduce disruption.

The proposal to introduce such a scheme was consulted on widely. It was welcomed by, among others, several local councils and the Department for Social Development. In addition, the utility companies made it known that they would welcome the application of such a scheme being extended to other works on roads. Many public representatives also lobbied for other works on roads that cause disruption, including the Department's own works for road purposes, to be included under such a scheme.

1.2 Objectives

The objective of this proposal is to provide the Department with powers to enable it, by regulations, to make a permit scheme for certain works on roads, similar to the arrangement introduced by the 2007 Order for certain other works on roads.

The proposed scheme could impact on anyone intending to carry out certain specified activities on roads. The relevant activities

would be specified in regulations and might include the placing of skips, the erection of scaffolding and hoardings, the making of excavations and placing/ constructing structures over or under a road. Roads to which the scheme would apply would also be specified in the regulations.

Persons intending to carry out a specified activity would be required to apply to the Department, in advance of the activity commencing, for a permit. A charge would be applied by the Department to the issue of a permit and conditions aimed at minimising disruption could be attached to it.

Regulations could also provide for the introduction of a fixed penalty scheme to address breaches of permit conditions and other related offences.

Legislative Position in England and Wales

Legislative provision broadly similar to that introduced under the Street Works (Amendment) (Northern Ireland) Order 2007 was put in place by the Traffic Management Act 2004. This provides for local and national highway authorities to introduce permit schemes for work on highways and covers both street works and works for other road purposes. Permit regulations have yet to be made and consequently no schemes have been introduced to date.

1.3 Risk assessment

Levels of road usage show no sign of abating. Delays, particularly at peak traffic times, can cause additional pollution, often in public

thoroughfares. They can often result in loss of productivity and may result in increased tensions for the driving public, adding to impatience and the possibility of road rage incidents.

The introduction of a permit scheme could result in the reduction or elimination of work activities on roads during peak traffic times and on busy routes.

2.0 Options & Benefits

Option 1: Do nothing

Doing nothing is not a realistic option. The level of disruption would only increase and with it, the levels of pollution. Road users are likely to suffer greater inconvenience with the possibility of further reductions in air quality.

Option 2: Introduce non-regulatory arrangements

A non-regulatory approach, possibly through the introduction of a voluntary Code of Practice, supplemented by guidance is unlikely to be successful in achieving better coordination of works and reasonable reductions in the volume of them, at peak traffic times. This is largely because there is no industry organisation or representative body in relation to the large variety of works that may be carried out and, therefore, no organisation on whom such expectations could be placed.

Option 3: Legislate

The Department's preferred option is to introduce enabling legislative powers to introduce a permit scheme to better regulate works on roads. This proposed arrangement would broadly reflect

the powers introduced by the Street Works (Amendment) (Northern Ireland) Order 2007 in respect of street works. Such a scheme would also contribute to maintaining the infrastructure, managing and improving the road network and the improvement of journey times.

3.0 Other impact assessments

3.1 Equality Impact Assessment

The Department has considered equality issues and the impact the proposed legislation would have on the relevant groups (that is, concerning religious belief, political opinion, racial group, men and women generally, marital status, age, persons with a disability, persons with dependants and sexual orientation).

The policy has been screened out for equality purposes (as agreed by the Department's Equality Unit), as it is considered that none of the Section 75 would suffer a differential impact under the policy. The impacts on them would be positive, and would be enjoyed uniformly. The screening decision will be included in the Department's biannual consultation with Section 75 consultees.

3.2 Regulatory Impact Assessment

The Department proposes to build on this partial regulatory impact assessment with a full Regulatory Impact Assessment when regulations are being made. This approach will enable the Department to consult fully and invite comments on more detailed specific elements of better informed proposals for a scheme.

4.0 Costs

There are no cost implications emanating from the Department's current proposal which seeks only an enabling legislative power to make regulations in respect of a permit scheme. The question of costs would arise when such a scheme is being developed for introduction. As indicated above, a full Regulatory Impact Assessment will be carried out at that stage.

5.0 Consultation with small business: the Small Business Impact Test

The Department recognises that there may be some negative impact on small businesses and will be inviting comment on the proposal from the Federation of Small Businesses.

6.0 Enforcement and Sanctions

While the current proposal would not impose any general regulatory requirements, subsequent regulations to be made subsequently are likely to do so. The proposed enabling provisions would also contain a discretionary power for regulations to contain arrangements for the giving of fixed penalty notices in relation to any offences created by the regulations.

7.0 Consultation

Some 250-300 stakeholders will be consulted about the Department's proposals for a Roads (Miscellaneous Provisions) Bill. The consultation will extend over a 13-week period. Consultees will include other government departments and representative bodies of the utilities and construction industries.

Responses on the Department's policy proposals will be considered in detail in finalising the Department's legislative intentions. Details of any specific proposals to introduce a permit scheme would be fully consulted upon subsequently.

As mentioned above, the Department's Equality Unit has agreed that a full Equality Impact Assessment is not required. However, umbrella groups representing the various sectors in Northern Ireland will be invited to comment on the proposals and their views taken into account in finalising the legislative proposals.

6.3 Annex C – Partial Regulatory Impact Assessment – Road Closures for Filming and Special Events

ROADS (MISCELLANEOUS PROVISIONS) BILL: POWER TO CLOSE ROADS FOR EVENTS AND FILMING

1.0 Purpose and intended effect of measure

1.1 The objective

The Department proposes to introduce new primary legislation powers to enable the closure of roads temporarily for sporting, social or entertainment events, and for the purposes of location filming. This paper details the background to the proposal and addresses the partial regulatory impacts of the proposal prior to proceeding with legislation.

1.2 Background

Currently, the Department has no statutory powers to close roads for events, other than for the purposes of holding motor sport events under the Road Races (Northern Ireland) Order 1986 (the 1986 Order). In all other cases, the Police Service for Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the Road Traffic Regulation (NI) Order 1997. This arrangement is confusing, as no public body has the clearly defined legal responsibility for closing roads in such circumstances.

The PSNI and some local councils have requested that statutory powers be introduced to clarify the situation and to better regulate

the closure of roads for events. The Department for Enterprise, Trade and Investment (DETI), the Department for Culture, Arts and Leisure (DCAL) and Northern Ireland Screen (NIS) (formerly the NI Film and Television Commission) have also lobbied for the introduction of statutory powers which would enable roads to be closed temporarily to allow location filming to take place.

The Department therefore proposes to amend the Road Traffic Regulation (Northern Ireland) Order 1997 to include the necessary powers. This proposal, which envisages local councils being given the power to close roads (except trunk roads and motorways), by order or notice, would not affect the Department's existing powers under the 1986 Order, or the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades. The Department would be responsible for closures of trunk roads and motorways.

Legislative Position in GB

In England and Wales the power to close roads for events is provided under the Road Traffic Regulation Act 1984 as amended by the Road Traffic Regulation (Special Events) Act 1994. Traffic authorities are empowered to prohibit temporarily the use of a road for the purpose of holding a sporting, social or entertainment event.

In addition, the London Local Authorities and Transport for London Act 2008 provides traffic authorities within the Greater London area with the powers to close roads for the purposes of filming. A London Local Authorities and Transport for London (No 2) Bill is

currently before Parliament, which includes provision enabling London Boroughs and Transport for London to recover from organisers of large scale events and film makers the cost of any additional traffic management and street cleaning arising out of the event.

1.3 Risk assessment

The proposal would address the lack of a definitive power to close roads for special events. The current arrangement is confusing, as no public body has the clearly defined legal responsibility for closing roads in such circumstances.

As stated above DETI, DCAL and NIS have all lobbied previously for the power to be taken to facilitate road closures for location filming purposes. It has been argued that the lack of power and clearly defined approach could be seen as off putting and could potentially deter some film makers. This could lead to Northern Ireland losing filming work to the Republic of Ireland or to Great Britain, which could be a loss in business terms and a loss of a promotional opportunity.

The main stakeholders are the Department, the PSNI and the local councils.

2.0 Options

Option 1: Do nothing

Option 2: The Department is provided with appropriate powers to approve the closure of roads, but only upon receipt of an application submitted by a local council;

Option 3: The Department is provided with the power to close roads, as above, but with an additional discretionary power to devolve this function to local councils (possibly as part of the RPA-related changes); and

Option 4: Local councils are provided with the power to close roads (except trunk roads and motorways) but only with the prior consent of the Department.

3.0 Benefits

Option 1: Doing nothing would maintain the current situation and could conceivably minimise the resource impact on the stakeholders as there would be no policy or legislative development work or future administrative burden managing road closures. It does not, however, address the primary issues of a lack of legislative power and lack of ownership which causes confusion and can be at times obstructive to those organising events etc.

Option 2: This option addresses the issue with the power resting with the Department. The Department would take control over the road closure process and local traffic management. The clarification of ownership would benefit the major stakeholders. However, the intention is to transfer the function to the local

councils as a result of RPA and any legislation made now would require amendment should it be decided at a later date to reassign the function as part of RPA. Charities, local community groups, and film companies would be among those who would benefit from the provision of the power and the production of a framework for obtaining a closure. Encouraging the film industry to film here is seen as a good opportunity to promote Northern Ireland, especially in relation to tourism.

Option 3: Again this option would address the primary issues. The Department would take control over the road closure process and local traffic management. It would also provide flexibility, should the Executive wish to include further devolution of such powers to councils. The clarification of ownership would benefit the three parties involved namely the Department, the local councils and the PSNI. Charities, local community groups, and film companies would be among those who would benefit from the provision of the power and the establishment of a framework for obtaining a closure. Encouraging the film industry to film here is seen as a good opportunity to promote Northern Ireland especially in relation to tourism.

Option 4: Again this option would address the primary issues. The local councils would take control over the road closure process (except for trunk roads and motorways, for which the Department would be responsible). The clarification of ownership would benefit the major stakeholders. Potential promoters of events and filming would all benefit from the provision of the power and the production of a framework for obtaining a closure. Encouraging the film

industry to film here is seen as a good opportunity to promote Northern Ireland especially in relation to tourism.

3.1 Business sectors affected

The main business sector that will benefit from the legislation is the film industry which could indirectly help the tourism industry.

Local events companies could also benefit through the organisation of local events.

It is not envisaged that local businesses would be given permission to close roads for commercial purposes.

4.0 Other Impact Assessments

The proposal has been assessed under the Department's Equality Impact obligations and has been screened out, with the agreement of the Department's Equality Officer. The screening decision will be included in the Department's biannual consultation with S75 consultees.

5.0 Costs

5.1 Compliance costs

The proposal would not impose any regulatory requirements on businesses; consequently there are no compliance costs. There would, however, be some costs to local councils for the management of the road closure process and diversionary signing. However, the

proposal also includes provision for the recovery of those costs from event promoters or film companies.

Option 1: Under the current arrangements there are unaccounted costs/resource implications. Given the sporadic nature of requests and the lack of consistency in terms of managing the current situation, it is difficult to estimate the magnitude of these.

Option 2: The Department would incur the majority of costs in relation to administration and management of the proposal. On top of the initial set-up costs for preparing legislation and guidance, there would be an element of costs associated with each application which would need to be assessed. The input required (and costs) would depend on the extent and nature of the road(s) being closed. Records will need to be checked and alternative routes will need assessed/developed. Roads Service would need to consult internally about the impact of the closure on other works in and around the vicinity eg maintenance work, street works etc. Roads Service would also need to consult with the PSNI and the local council. There would also be costs associated with preparing and advertising notices or orders. The policy document invites comments on this issue and the possibility of the Department and District Councils recovering these costs.

For example, at present the Department charges an administration fee of either £115 for road closures legislated for by Notice (ie for traffic restrictions lasting up to 18 months in duration) or £230 for

road closures legislated for by Traffic Regulation Orders (ie for traffic restrictions that last longer than 18 months).

The Department also recovers its costs associated with advertising road closures for works on roads. Such closures are only advertised when the restriction is envisaged to last for two weeks or more. A closure outside Belfast that is advertised in local papers is charged at a standard rate of £280 per closure. Any road closure that needs to appear in the 3 Belfast newspapers (Belfast Telegraph, Irish News and News Letter) is charged at the actual advertising cost, which in the past has varied between £500 and £1500.

The applicant would be expected to indemnify the Department for any third party liability issues. Promoters would have to procure adequate insurance or obtain coverage from a sponsoring body such as a local council.

Alternative/diversionary routes and appropriate signing of them would be required for the majority of road closures. The promoter would be responsible for organising and paying for this. Given that each road closure and associated diversionary route differs it is difficult to say with any certainty what a typical road closure would cost. However, a reasonable benchmark for the cost of an 'average' closure would be in the region of £500.

Option 3: Similar costs to option 2 are associated with option 3, the only difference being where the burden of the cost would rest ie within the Department or with the local Council.

Option 4: Again, similar costs to option 2, but with the main burden of cost resting with local council.

5.2 Other costs

At present, any request for a road closure has a resource impact on the applying body. The introduction of the legislation and associated procedures, while, in due course, creating some efficiencies to the process by regularising the approach, may present the applicant with an element of administrative work not previously undertaken ie completion of application forms, liaison with insurance providers and signing providers.

The applicant, or its sponsoring body, will also be expected to bear the cost of signing any diversionary route.

5.3 Costs for a typical business

A road closure would restrict access to an area and may, therefore, be to the detriment of businesses operating in the locality and local residents. It is proposed to facilitate a limited amount of access (particularly access to emergency services), but normal everyday access could be severely limited. However, it is felt that adequate notice and advance publicity, particularly in the immediate vicinity, should go some way to alleviating these difficulties.

The proposal also has the potential to impact on other road users. Any diversion of a planned route could lead to increased costs, eg in the delivery of goods and services, however marginal. In an attempt

to minimise this impact, the proposal would limit the frequency and number of closures on any one road.

6.0 Consultation with small business: the Small Business Impact Test

The Department recognises that there may be some negative impact on small businesses and will be inviting comment on the proposal from the Federation of Small Businesses.

7.0 Enforcement and Sanctions

While the proposal would not impose any general regulatory requirements, each approval to close a road would however be subject to such conditions, within certain guidelines, as the managing body considers appropriate. The Department that any offence provision would be similar to that of Article 16C of the Road Traffic Regulation Act 1984, in that a person who ignores a closure would be guilty of an offence.

Either the Department, the local Council or the PSNI will be responsible for enforcement.

8.0 Monitoring and Review

The effectiveness of the new arrangements would be subject to regular review.

It is likely that the effectiveness of the legislation will be measured using feedback from key stakeholder groups including the Department, local councils, the police and a cross-section of

applicants. Non-compliance issues will also be considered at this stage.

9.0 Consultation

9.1 Within Government

Other Government Departments and agencies are being consulted.

9.2 Public Consultation

A full public consultation exercise is being undertaken the findings of which will included in the full RIA.

10.0 Summary and Recommendation

The completion of this section will be undertaken following the public consultation exercise.

6.4 **Annex D - Health Impact Assessment**

6.4.1 **HEALTH IMPACT SCREENING ANALYSIS FORM – ROADS (MISCELLANEOUS PROVISIONS) BILL**

1. Health Determinants

Is the initiative affecting any of the following determinants of health?

Lifestyle	Positive effect	Negative effect	No effect
Diet			√
Physical activity			√
Safe Sex			√
Substance use: alcohol, tobacco, illegal substances			√
Other			√

Explanation: If there is likely to be a positive or negative effect on lifestyle factors, note briefly what those effects are.

Physical Environment	Positive effect	Negative effect	No effect
Air	√		
Built Environment & Land Use	√		
Noise	√		
Water			√
Other			√

Explanation: If there is likely to be a positive or negative effect on the physical environment, note briefly what those effects are.

Socio-Economic Environment	Positive effect	Negative effect	No effect
Crime			√
Education			√
Employment			√
Family Cohesion			√
Housing			√
Income			
Recreation			
Social Cohesion			
Transport	√		
Other			√

Explanation: If there is likely to be a positive or negative effect on socio-economic factors, note briefly what those effects are.

2. Health Care

Is the initiative affecting access to health services?

Health Care	Positive effect	Negative effect	No effect
Access to Health Services			√

Explanation: If there is likely to be a positive or negative effect on access, note briefly what those effects are.

3. Population Affected

Considering the health impacts identified above, which of the following sections of the population will be affected (included Section 75 groups)

Lifestyle	Positive effect	Negative effect	No effect
Whole Population	√		
Sub-Populations:			
Children (0-18 years)			
Older People			
Marital Status			
Persons with dependants			
Persons without dependants			
Political Opinion			
Religious Belief			
Chronically ill			
Economically Disadvantaged People			
Gender (specify male/female)			
Homeless			
Sexual Orientation			
People with Disabilities			
Racial and Ethnic Minority Groups			
Rural Population			
Unemployed			
Other			

Explanation: If there is likely to be a positive or negative effect on the whole or a section of the population, note briefly what those effects are.

Note: The proposal may have a positive impact on one section of the population and a negative effect on another. Specify where this occurs.

4. Recommendation

Considering the health impacts, if any, are these significant enough to warrant a health impact assessment?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

This decision must be based on a judgement of the strength of the available evidence and its applicability to local conditions and the strength of feeling of stakeholders and key informants.

If No, what are the reasons for not carrying out a health Impact Assessment.

Note: Possible reasons might include:

- Health impacts not considered significant enough
- Lack of evidence to show health impacts
- Not enough time to influence decisions on the proposal
- Lack of resources to carry out required level of research

6.5 Annex E - List of Consultees

6.5.1 The following key stakeholders are being consulted as it is considered that they would be particularly interested in the content of the consultation.

Atkins Telecom	Northern Ireland Electricity
Automobile Association	NI Screen
Belfast City Regeneration	Northern Ireland Water
Blacktop Advisory Group	Northern Ireland Office – Criminal Law Branch
BGE (NI)	NTL Cabeltel (NI)
Bord Gais Eireann	O2 (UK) Ltd
BT Northern Ireland	Orange plc
Cable & Wireless Communication Ltd	Police Service of Northern Ireland (PSNI)
City, Borough and District Councils	Phoenix Natural Gas
Eircom (Belfast) Ltd	Planning Appeals Commission
Eircom (UK) Ltd	Quarry Products Association
Energy Networks Association	RAC Motoring Services
Estate Services Business Unit	Royal Mail
Federation of Small Businesses	Rural Community Network
Firmus Energy	Rural Development Council
Hutchinson 3G UK Ltd	Rural Support
Institution of Civil Engineers (London)	The Pedestrians Association/Living Streets
Institution of Highways and Transportation	T-Mobile (UK) Ltd
NIAUR	Translink
NJUG Ltd	Virgin Media
Northern Ireland Civil Service Departments	Vodafone Group plc

6.5.2 The following individuals/organisations have also been provided with a copy of the consultation material, in accordance with Departmental guidance.

All Northern Ireland party leaders	Belfast Solicitors Association
Catholic Bishops of Northern Ireland	Civic Forum
Civil Law Reform Division	Clerk to the Regional Development Committee
Departmental Library	Food Standards Agency
Executive Council of the Inn of Court Northern Ireland	General Consumer Council for Northern Ireland
HM Council of County Court Judges	Institute of Professional Legal Studies (QUB)
Inland Revenue	Legal Deposit Libraries
Law Centre (NI)	MPs and MEPs who are not party leaders
Law Society of NI	Northern Ireland Association of Citizens Advice Bureaux
Members of the Northern Ireland Assembly	Northern Ireland Judicial Appointments Commission
NIC/ICTU	Northern Ireland Ombudsman
Northern Ireland Chamber of Trade	Northern Ireland Resident Magistrates' Association
Northern Ireland Court Service	OFMDFM, Machinery of Government Division
Northern Ireland Law Commission	Parliamentary Clerk, Ministry of Defence
Northern Ireland Local Government Association	Society of Local Authority Chief Executives
North/South Ministerial Council (NSMC)	
OFMDFM, Central Management Branch	
Other Northern Ireland parties	
School of Law, Queen's University	
School of Law, University of Ulster	
Victims Groups and Individuals	

6.5.3 The Department has also contacted the following 'umbrella' organisations representing the Section 75 groups to make them aware of the consultation and inviting them to comment if they so wish.

Abacus Professional Recruitment	Age Concern NI
Age Sector Platform (ASP)	Amalgamated Engineering & Electrical Union (AEEU)
AMICUS	Assembly Library
An Munia Tober	Association of Chief Officers of Voluntary Organisations (AVOCO)
Bahai's Office for NI	BDA (NI)
Barnardos (NI)	George Best Belfast City Airport
Barnardos, Tuar Ceatha Project	Belfast Hebrew Congregation
Belfast Butterfly Centre	British Association for Shooting and Conservation
Belfast Health Cities Project	Carafriend
Belfast Out Resource Centre	Carers Northern Ireland
British Deaf Association (NI)	Child Poverty Action Group
Byrson House	Childrens Law Centre
CARE for Northern Ireland	Chrysalis Women's Centre
Carlingford Lough Commission	Citizen's Advice Bureau
Children in Northern Ireland	City of Derry Airport
Chinese Welfare Association	Coiste-na-iarchimi
Church of Ireland House	Commissioner for Children and Young People
Citizens Advice Regional Office	Community Development and Health Network (NI)
Coalition on Sexual Orientation (CoSo)	Community Transport Association
Committee on the Administration of Justice	Confederation of British Industry (CBI)
Community Relations Council	Conservation Volunteers Northern Ireland
Community Technical Aid	Cruse Bereavement Care
Concordia Partnership for Progress	
Co-Ownership Housing Association	
Council for Nature Conservation and the Countryside	

Disability Committee of the Northern Ireland Committee	Derry Well Woman
District/City/Area/Borough/Peace and Reconciliation/Strategic Partnerships Education and Library Boards	Disability Action
Employer's Forum on Disability	Down's Syndrome Association
Equality Forum NI	Economic Research Institute for Northern Ireland
Falls Women Centre	Equality Commission for NI
First Division Civil Servants Association	Falls Community Council
Foyle Women's Information Network	Fermanagh Women's Network
FPA NI (Formerly Family Planning Association)	Foyle Friend
General Consumer Council for Northern Ireland	Foyle Women's Network
Harbour Offices	Friends of the Earth
Health and Safety Executive for NI	Gay & Lesbian Youth NI
IMTAC	Gingerbread NI
Inland Waterways NI	Guide Dogs for the Blind Association
Institution of Highways and Transportation – NI	Health and Social Services Trusts
Irish & Local Studies Department	Held the Aged NI
Irish Transport Trust	Indian Community Centre
Lesbian Line c/o Carafriend	Institute of Directors
Magherafelt Women's Group	International Airport
MENCAP	Invest Northern Ireland
Mid-Ulster Women's Network	Irish Congress of Trade Unions – NI Committee
Multi-Cultural Resource Centre	Local Government Staff Commission for NI (LGSC)
National Energy Action	Methodist Church in Ireland
Newry & Mourne Women Ltd	Mobilise NI (formerly Disabled Drivers Association)
Newtownabbey Senior Citizens Forum	Newry & Mourne Senior Citizen's Consortium
NI Anti Poverty Network	NI 2000
NI Bird Watchers' Association	NI Association for Mental Health
	NI Chamber of Commerce and Industry

NI Council for Ethnic Equality	NI Council for Ethnic Minorities
NI Council for Voluntary Action (NICVA)	NI Cycling Initiative
NI Human Rights Commission	NI Environment Link
NI Women's Aid Federation	NI Islamic Centre
NI Women's European Platform (NIWEP)	NI Women's Coalition
North West Community Network	NIPSA
Northern Ireland African Cultural Centre	NITHC
Northern Ireland Chest, Heart & Stroke Association	North West Forum of People with Disabilities (Derry)
Northern Ireland Council for Ethnic Minorities	Northern Ireland Association for Mental Health
Northern Ireland Office	Northern Ireland Council for Ethnic Equality
Northern Ireland Political Parties	Northern Ireland Gay Rights Association
Northern Ireland Statistical Research Agency (NISRA)	Northern Ireland Rural Women's Network
Northern Ireland Walking Forum	Northern Ireland Tourist board
NUS-USI Northern Ireland	NSPCC
Omagh Area Women's Network	Office of the Archbishop of Armagh
Parents and Professional and Autism	Parent's Advice Centre
Polish Association NI	POBAL
Press for Change	Presbyterian Church In Ireland
Queer Space	Portestant, Unionist, Loyalist (PUL) Network
Rainbow Project	Relate NI
Road Safety Council for Northern	Royal National Institute for the Blind (NI)
Royal National Institute for the Deaf	Sense NI
Save the Children	Sikh Cultural Centre
Sign Language Centre Belfast	St Angelo Airport
Sperrin Lakeland Senior Citizen's Consortium	Staff Commission of Education & Library Boards

Sustainable Northern Ireland Programme	Sustainable Organic Living Environment
SUSTRANS	The Blind Centre
The Cedar Foundation	The Community Foundation
The Law Society of Northern Ireland	The Participation Network
Training for Women Network Ltd	Transport 2000
Travellers' Movement (NI)	Ulster Archaeological Society
Ulster Scots Heritage Council	Ulster Society for the Protection of the Countryside – Belfast
Ulster Society for the Protection of the Countryside – Ballymena	Ulster Wildlife Trust
ULTACH	Union of Construction Allied Trades and Technology
UNISON	West Belfast Economic Forum
Viridian	Women's Aid Federation
Wildfowl & Wetlands Trust	Women's Forum
Women's Centre	Women's Resource and Development Agency
Women's Information Group	World Wide Fund for Nature
Women's Support Network	Youthnet
Women's Forum Northern Ireland	
Youth Council for Northern Ireland	

Responses to Policy Consultation and Synopsis of consultation responses, 18 March 2009



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18 March 2009

ROADS (MISCELLANEOUS PROVISIONS) BILL: COMMITTEE BRIEFING ON RESPONSES TO POLICY CONSULTATION

You will recall that Departmental officials briefed the Regional Development Committee on the Department's draft policy consultation document on 10 September 2008. The Committee requested a further briefing at the conclusion of the public consultation process.

Officials are due to brief the Committee on Wednesday 1 April and in advance of that meeting I enclose for the Committee's information:

- a synopsis of the consultation responses (Annex 1); and
- copies of all substantive responses received (Annex 2).

Timetable

Following receipt of the Committee's response, the Department will prepare a full report on the consultation. It would be the intention to submit the Policy Memorandum to the Executive in May 2009.



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Kintra Páirts Fordèrin

The Department hopes to obtain clearance from the Executive to proceed with the Bill in June 2009, leading to introduction to the Assembly in March 2010 and Committee stage in April 2010.

Yours sincerely,

Assembly Liaison Officer

18/03/2009 14 36:00

Annex**Synopsis of consultation responses**

The Department issued approximately 197 copies of the consultation document and an informative letter advising of the consultation issued to a further 347 organisations, groups and individuals. However, there was a low level of response to the consultation: 17 substantive responses were received during the 13-week consultation period, of which 8 were from, or on behalf of, district councils, and 8 were from, or on behalf of, utility companies. There were a further 10 'no comment' returns.

Permit scheme

1. The utility companies that responded to the consultation were not in support of the general principle of permit schemes. However, since the Street Works (Amendment) (Northern Ireland) Order 2007 amended the Street Works (Northern Ireland) Order 1995 to include enabling powers to introduce a permit scheme for street works, the utility companies would be content to see such an arrangement applied to all those working on roads, including the Department's Roads Service.
2. The proposal regarding permit schemes was welcomed by non-utility respondents.
3. Other comments on this proposal related to operational matters which would be addressed by regulations prior to the introduction of any permit scheme. Those regulations would be the subject of further consultation and a full regulatory impact assessment, and would be made through the affirmative resolution procedure.

Temporary road closures for special events

4. Of those respondents who made a substantive response (including 7 councils), all but one broadly welcomed the proposals to introduce the power to prohibit or temporarily restrict traffic on roads to facilitate special events. Such concerns as were raised relate to future operational matters which would be addressed in subsequent regulations and/or guidance.

5. One council expressed the view that that any new powers for road closures should be retained by the Department.
6. Respondents welcomed the proposal to introduce a general power to hold an inquiry.
7. One response specifically supported the 'technical amendment' to the rule-making powers of the Lord Chancellor under the Traffic Management (Northern Ireland) Order 2005. There were no other comments regarding this proposal.

	Positive response	Negative response	No comment
Permit Scheme	12	0	5
Temporary road closures for special events	14	1	2
Power to hold an Inquiry	8	0	9
Amendments to Traffic Management Order	1	0	16

Annex

List of respondents

1. Antrim Borough Council
2. Ballymena Borough Council
3. Craigavon Borough Council
4. Atkins Telecoms (on behalf of Cable & Wireless UK)
5. Down District Council
6. Virgin Media
7. National Joint Utilities Council (NJUG)
8. Coleraine Borough Council
9. Lisburn City Council (*interim response*)
10. Firmus Energy
11. Northern Ireland Local Government Association (NILGA) (*draft response*)
12. Phoenix Gas
13. Northern Ireland Joint Utilities Group (NI-JUG)
14. Moyle District Council
15. Northern Ireland Electricity (NIE)
16. British Telecom (BT)
17. Northern Ireland Tourist Board (NITB)

Roads (Miscellaneous Provisions): Permit Schemes, 7 May 2009



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7 May 2009

PROPOSED ROADS MISCELLANEOUS PROVISIONS BILL

I refer to your letter of 22 April to Alan Doherty which requested clarification from the Department on how it proposes to deliver the permit schemes and roads closures. This is set out below.

1. Permit Schemes

Proposed Street Works Permit Scheme

When officials attended the briefing session with the Committee, on 1 April 2009, they explained that there were no permit schemes yet in operation in England or Wales, where the onus lies with local road authorities, to submit a draft scheme for the approval of the national authority (the Secretary of State for Transport). Regulations which have been made, and which apply only to England, provide that any permit scheme to be introduced will apply only to street works, largely the works of utilities.

The Department's proposals for a permit scheme in respect of street works are contained in the Street Works (Northern Ireland) Order 1995, as amended by the Street Works (Amendment) (Northern Ireland) Order 2007. It provides that the Department may, by regulations, subject to affirmative resolution procedures,



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introduce a permit scheme to apply to certain works to be defined in those regulations. Northern Ireland Regulations for a street works permit scheme have not yet been drafted, however, officials are in contact with their counterparts in England and are involved in discussions between the highway authorities and the utilities, through membership of the Highway Authorities and Utilities Committee (HAUC) and the National Street Works Highways Group, about the design and application of such a scheme.

Specific proposals for a street works permit scheme will be taken forward with the utilities through the Northern Ireland Road Authority and Utilities Committee.

Proposed Permit Scheme for Other Works on Roads

The proposals for a permit scheme, to be contained in a proposed Roads (Miscellaneous Provisions) Bill, which have been brought before the Committee, would apply to other works on roads and could apply to such works as the erection of scaffolding, the placing of builders' skips, works of developers and works executed by the Department in its function as road authority.

It is likely that the principles of minimising disruption, more effective coordination and better management of the timing of works would apply equally to both schemes. While most of the arrangements that would apply to a street works permit scheme are likely to apply to a scheme for other works on roads, there is no representative body with which to develop proposals. As a result, the Department wishes to ensure that the proposed street works scheme will provide a useful model for other works.

Proposals for a permit scheme in Kent will be one of the matters addressed at a forthcoming HAUC Conference, on 13 and 14 May 2009, when Paul Clark, the Parliamentary Under Secretary of State for the Department of Transport, will be in attendance. It is anticipated that this session will address the need for such a scheme in Kent and how the County Council developed its business case, as well as, how they have progressed arrangements with works promoters to ensure that its strategic objectives will be met.

Colleagues in Roads Service would be pleased to provide further information on its permit scheme proposals, initially for street works and subsequently for other works on roads, as they become clearer in England and are subsequently developed for use in Northern Ireland. This would be arranged well in advance of SL1 stage and committee stage of the making of the relevant statutory rules.

2. Proposed road closures for social, sporting and entertainment events and location filming

No regulations have been made in Great Britain regarding road closures for special events. As a result, practices in achieving road closures vary between local authorities. Research is ongoing to identify the most appropriate approach for Northern Ireland and, as with permit schemes, proposals will be brought to the Committee well in advance of the formal subordinate legislation procedures.

I hope this is helpful. Please let me know if you need any further information.

Yours sincerely

Central Management Branch

07/05/2009 15:49:00

Roads (Miscellaneous Provisions) Bill: Policy Memorandum, 7 May 2009



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7 May 2009

ROADS (MISCELLANEOUS PROVISIONS) BILL: POLICY MEMORANDUM

You will recall that Departmental officials briefed the Regional Development Committee on the responses received in relation to the policy consultation on 1 April 2009. Members were advised that none of the policy proposals would change as a result of the consultation.

The Committee has noted the outcome of the public consultation and the responses received (DALO 242 dated 22 April 2009). In that correspondence the Committee requested some further clarification of the Department's proposed delivery of permit schemes and road closures, and I will respond to you separately on that matter.

A full report on the consultation has been prepared and is attached for information (Annex A).

The report confirms that, based on the comments received, the Department considers that no amendments are required to the policy proposals as detailed in the consultation document.



07/05/2009 15:35:00

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Kintra Pairts Fordèrin

The finalised policy proposals are included at paragraphs 4–7 of the attached Policy Memorandum (Annex B).

The Department would ask the Committee, at its meeting on 13 May 2009, to note the intention to: present the Policy Memorandum to the Executive for approval of the policy proposals; and seek agreement for the Department to instruct Legislative Counsel to draft a Roads (Miscellaneous Provisions) Bill.

Yours sincerely,

Central Management Branch



**Report of the Public Consultation on
Policy Proposals for a
Roads (Miscellaneous Provisions) Bill**

April 2009



An Agency within the Department for

**Regional
Development**

www.drdni.gov.uk



INVESTOR IN PEOPLE

The document is available on the Roads Service website at
www.roadsni.gov.uk/index/consultations/consultations-2c.htm

Should you require this document in Irish or an accessible format such as Braille, audiotape, large print, computer disk or in a minority ethnic language etc., please contact:

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2. Background	5
3. Outcomes of the Consultation	7
4. Key Findings	9
5. Summary	14

Appendix 1: Table of Respondents

Appendix 2: Feedback Analysis

1 Introduction

- 1.1 The Department for Regional Development ('the Department') carried out a public consultation on its policy proposals for a Roads (Miscellaneous Provisions) Bill between 3 December 2008 and 6 March 2009.
- 1.2 The Department is grateful for the comments received in response to the consultation. All comments have been considered in detail and the Department's responses to these are recorded in Appendix 2.
- 1.3 A copy of the consultation document can be found on the Roads Service website at www.roadsni.gov.uk/index/consultations/consultations-2c.htm

2 Background

2.1 The Department proposes to introduce four new measures to update and amend roads-related legislation:

- a permit scheme to better control the execution of certain works on roads. Chargeable permits would be required for certain works on roads, to be specified later in regulations
- a power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the holding of sporting, social or entertainment events ('special events') or the making of a film
- minor amendments to procedures to be followed by the Lord Chancellor when exercising two rule-making powers under the Traffic Management (Northern Ireland) Order 2005 ('the 2005 Order')
- a general power to hold an inquiry into the exercise by the Department of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997

2.2 Similar legislation has been introduced, or is in the process of being introduced, in England and Wales.

2.3 The Department has reviewed the corresponding legislation applicable to Northern Ireland and identified measures it considers appropriate for introduction in Northern Ireland.

- 2.4 The Department intends that these proposals (in particular those relating to permit schemes, and filming and special events) will improve the quality and cost effectiveness of public services. It is intended to include the proposals in a Roads (Miscellaneous Provisions) Bill.

Permit Schemes

- 2.5 The Street Works (Amendment) (Northern Ireland) Order 2007 amended the Street Works (Northern Ireland) Order 1995 to include enabling powers to introduce a street works permit scheme applicable to certain types of works (largely those of the utility companies) on roads. The utilities campaigned against this proposal and, in particular, argued that such a permit scheme should be applied to all works on roads, including works for road purposes carried out by the Department. As a result, Lord Rooker gave an undertaking that the Department would review the legislation concerning other works on roads.

Temporary Closure of Roads for Filming and Special Events

- 2.6 The PSNI and some local councils asked the Department to introduce statutory powers to better regulate the closure of roads for special events.
- 2.7 The Department of Enterprise, Trade and Investment, the Department of Culture, Arts and Leisure and Northern Ireland Screen lobbied for the introduction of powers to enable roads to be closed temporarily to allow location filming to take place.

3 Outcomes of the Consultation

- 3.1 The Department carried out a public policy consultation to provide information about the proposals. It explained the anticipated impacts of the proposed changes and sought views on the proposals over a thirteen-week period.
- 3.2 The Department issued 197 copies of the consultation document to organisations, individuals and groups in the government/statutory, voluntary/community and business sectors. A further 347 organisations, groups and individuals were advised of the Department's policy proposals and offered further information on request.
- 3.3 Advertisements were placed in the *Belfast Telegraph*, *Irish News*, *News Letter* and *Belfast Gazette*, and the consultation document was published on the Roads Service and Departmental websites.
- 3.4 As the closure/restriction of roads for filming and special events would result in new responsibilities for local councils, the Department offered to meet with councils, or their representatives, to discuss the policy proposals.
- 3.5 Moyle District Council and Antrim Borough Council availed of this opportunity and Ballymoney Borough Council contacted the Department to seek clarification on operational arrangements.

- 3.6 A total of 29 responses were received, consisting of 19 substantive responses and 10 'no comment' returns. The consultation therefore produced a return rate 14.7 per cent.
- 3.7 A table of those who provided a substantive response is included in Appendix 1 and the detail of the comments made by respondents is contained in Appendix 2.
- 3.8 None of the respondents objected to their comments being made public and their responses in full can be viewed on the Roads Service website at [www. roadsni.gov.uk/index/consultations/consultations-2c.htm](http://www.roadsni.gov.uk/index/consultations/consultations-2c.htm)

4 Key Findings

Permit Schemes

- 4.1 Requirement to obtain a permit. The nine utility companies that responded to the consultation were not in support of the general principle of permit schemes, and expressed the view that there was no evidence that a permit scheme would help reduce disruption on the roads in Northern Ireland. However, given that the Street Works (Northern Ireland) Order 1995 includes similar arrangements in respect of street works, the utility companies would be content to see these arrangements being extended to all those working on roads, including the Department's Roads Service.

A selection of other comments received are paraphrased below:

- there should be a single point of administration;
 - the scheme should not require an intensive and lengthy application process;
 - the scheme would be welcomed if it helped to improve co-ordination of road works.
- 4.2 Application of different rates of fees for permits. Thirteen respondents commented on permit fees.

Nine (utility) respondents commented that roads that do not attract congestion should not be subject to a fee and that any fees should relate to actual costs incurred.

Three (non-utility) responses supported the concept of a sliding scale for permit fees and felt that this would be an incentive to plan works efficiently.

Other comments received included:

- incentives could apply for early completion;
- costs, or a portion of the costs, could be refunded on satisfactory completion of work.

4.3 Attachment of conditions to permits. Ten respondents commented specifically on the attachment of conditions to the permit. None of the respondents were opposed to this element of the proposal.

Three respondents stated that while conditions are required in certain circumstances, they must be suitable and appropriate to the extent of the works and must not be unreasonably applied.

One respondent commented that conditions restricting work to particular dates/times, or preventing works on particular dates/times, if linked to appropriate fees or penalties, would be a strong incentive to the promoter to manage works efficiently.

Six (utility) respondents stated that conditions that restrict access need to take account of emergency works to be undertaken by utilities.

4.4 Other comments

- Penalties and enforcement

- Action to be taken if work is not completed on time or in accordance with required standards should be clearly stated
- A system for policing the scheme should be put in place
- Enforcement should also apply to those who carry out works without a permit

- Appeals process

- Costs and delays in relation to any appeals process should be minimised

4.5 The non-utility respondents generally welcomed the permit scheme proposal in anticipation of a reduction in delays to traffic as result of improved control and co-ordination of works on roads.

Road Closures for Filming and Special Events

4.6 All seventeen of the respondents who commented broadly welcomed the proposal to introduce powers enabling the temporary closure or restriction of roads for filming and special events.

- 4.7 One local council expressed the view that the powers should be exercised solely by the Department. Three others agreed that they should have a decision-making role in authorising closures/restrictions.
- 4.8 Restrictions on duration and frequency of closures. Thirteen respondents commented specifically on the proposals to limit the duration and frequency of closures/restrictions, including eight utility companies, who were concerned that access for emergency works should be allowed. Three other respondents considered the limit of one closure per twelve month period on a single stretch of road to be too restrictive.
- 4.9 Recovery of costs. Twelve responses specifically addressed the recovery of costs associated with road closures/restrictions for filming and special events. The majority agreed it was reasonable for additional costs to be recouped. However, some respondents qualified their support:
- Only additional costs at a no-profit rate should be recovered;
 - Recovery of costs should be discretionary, and waived if deemed appropriate.

Power to Hold an Inquiry

- 4.10 The proposal to introduce a general power to hold an inquiry was welcomed by nine of the respondents; the remainder made no comment.

Amendments to the 2005 Order

4.11 One respondent welcomed the proposal to amend the rule-making powers of the Lord Chancellor; the remainder made no comment.

5 Summary

- 5.1 The Department values the comments provided by all consultees in relation to the consultation on the policy proposals for a Roads (Miscellaneous Provisions) Bill.
- 5.2 None of the respondents voiced strong opposition to the policy proposals.
- 5.3 The proposals in the consultation document are in relation to enabling powers only. Some of the comments made and concerns expressed relate to future operational matters which would be addressed in future regulations and/or guidance. Further consultation will take place on proposals for subordinate legislation that would contain the detail of a permit scheme and any regulations to be made in respect of road closures for filming and special events.
- 5.4 Based on the comments received the Department considers that no amendments are required to the policy proposals as detailed in the consultation document.

Next Steps

- 5.5 In view of the broad level of support for the proposals the Department will now seek permission from the Executive to issue instructions to the Office of the Legislative Counsel to draft a Roads (Miscellaneous Provisions) Bill.
- 5.6 The Department has noted the concerns expressed during the consultation process in relation to the implementation of

some of the proposed new measures. The Department will, therefore, further engage with stakeholders in the development of future regulations and/or guidance relating to operational matters.

Primary Legislation Unit

Roads Service

April 2009

Appendix 1

No.	Name/Organisation
1	Antrim Borough Council
2	Ballymena Borough Council
3	Craigavon Borough Council
4	Atkins Telecoms (on behalf of Cable & Wireless UK)
5	Down District Council
6	Virgin Media
7	National Joint Utilities Council (NJUG)
8	Coleraine Borough Council
9	Lisburn City Council
10	Firmus Energy
11	Northern Ireland Local Government Association (NILGA)
12	Phoenix Gas
13	Northern Ireland Joint Utilities Group (NI-JUG)
14	Moyle District Council
15	Northern Ireland Electricity (NIE)
16	British Telecom (BT)
17	Northern Ireland Tourist Board (NITB)
18	Northern Ireland Water
19	PSNI

PROPOSAL 1: PERMIT SCHEME FOR OTHER WORKS ON ROADS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
1	Permit Scheme	<p>There is no evidence that a permit scheme will enhance the management of disruption on the roads in Northern Ireland.</p> <p>Any system/permit scheme should apply to all activities that may affect congestion on the highway, including works carried out by Roads Service.</p> <p>Welcomed the proposal for the introduction of a permit scheme.</p> <p>Scheme welcomed if helps improve co-ordination of road works. Administration should not be overly bureaucratic and should not result in a delay in obtaining a permit.</p> <p>Council welcomes the proposal that a permit should be obtained before works are commenced if this contributes to a reduction in delays to traffic.</p> <p>Guide to length of time taken to process an application for a permit to be contained in regulations.</p>	<p>Firmus, NJUG, Phoenix, NI-JUG, Atkins, NIE, BT, NI Water</p> <p>Firmus, NJUG, Virgin Media, Phoenix, NI-JUG, Atkins, NIE, BT, NI Water</p> <p>Down DC, PSNI</p> <p>Moyle DC, Craigavon BC</p> <p>Lisburn CC</p> <p>Down DC</p>	<p>The Department believes that a permit scheme to improve coordination of works on the road would reduce disruption.</p> <p>Introduction of the Department's proposals in legislation would place all those carrying out works on roads on a similar footing.</p> <p>Support noted.</p> <p>The Department agrees that applications for permits should be dealt with speedily and efficiently.</p> <p>The Department believes that the introduction of a permit scheme will contribute towards a reduction in road traffic congestion.</p> <p>Noted</p>

* Respondents' comments may be paraphrased.

PROPOSAL 1: PERMIT SCHEME FOR OTHER WORKS ON ROADS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
1	Permit Scheme (contd.)	An intensive and lengthy application process should not be required for minor works on roads.	Craigavon BC	The Department agrees that applications for permits should be dealt with speedily and efficiently.
		Applications for permits for minor works may be better handled by local councils, who know the roads within their area and local transport requirements. An overall scheme of delegation for awarding permits should therefore be developed.	Craigavon BC	The Department already has a duty under the Street Works (Northern Ireland) Order 1995 to use its best endeavours to coordinate works of all kinds on roads. Delegation of that duty would result in fragmented responsibility and less effective coordination.
		A single point of administration, control and notification should be appointed to manage all highway activities.	Firmus, NI-JUG, NIE, BT, NI Water	The existing notification system (NISRANS) used by Roads Service and the utilities could be adapted to facilitate permits.
		Emergency services to be notified of permits issued to ensure information on road closures is available to them.	Craigavon BC	Such a system is already in place and will be extended to include permit schemes.
		No schemes have yet been implemented in England and Wales where similar powers have been available since 2004. This should be closely monitored and taken into account in the development of NI legislation.	Lisburn CC	Agreed

*Respondents' comments may be paraphrased.

PROPOSAL 1: PERMIT SCHEME FOR OTHER WORKS ON ROADS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
2	Charging	Permits for roads that do not attract congestion should not be subject to a charge.	Firmus, NJUG, Virgin Media, Phoenix, NI-JUG, NIE, BT, NI Water	The Department will give careful consideration to this issue and look at a model best placed to minimise traffic disruption.
		Charges should only relate to actual costs ('no profit loading').	Firmus, NJUG, Virgin Media, Phoenix, NI-JUG, NIE, BT, NI Water	The charges to be applied are intended only to cover the cost of administering the scheme. The levels of fees introduced here are likely to reflect the levels applied in England and Wales
		There are no equivalent schemes for development works and road works in England and Wales where they will not attract a fee.	NJUG, Virgin Media	There are no permit schemes operational in England and Wales as yet. The Department consulted interested parties about proposals to introduce a permit scheme here that might apply to the works of developers. The utility companies here have lobbied for developers' works to be included in any permit scheme introduced.
		Linking the permit charge to the level of traffic flow and duration of works would provide a strong incentive to the promoter to plan works efficiently. Appropriate to have sliding scale for permit charges depending on nature of work, nature of applicant, degree of disruption and duration of works. Roads Service should take firm measures to ensure that works are carried out with the minimum of disruption. The proposed fee should reflect the duration of the work undertaken.	Lisburn CC Craigavon BC Moyle DC	Support for this element of the proposal is noted.

*Respondents' comments may be paraphrased.

PROPOSAL 1: PERMIT SCHEME FOR OTHER WORKS ON ROADS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
2	Charges	<p>Incentives could be applied for early completion where roads are reinstated to a suitable standard. Consideration should be given to refunding permit charges to small independent contractors e.g. individual householders upon completion of works and satisfactory reinstatement of the road.</p> <p>Whole or partial refunds could be offered as an incentive for works completed on time and to a satisfactory standard.</p> <p>Any costs over and above the administration fee should be reimbursed on satisfactory completion of works. If works do not go ahead, the cost of the permit minus the administration fee should be refunded.</p>	<p>Craigavon BC</p> <p>Down DC</p> <p>Moyle DC</p>	<p>The Department notes these comments. The enabling legislation may include provision, to be further defined in regulations, as to cases in which fees are not payable or are to be repaid; and as to cases in which fees may be discounted. No cost would be applied other than the permit fee which would be set to cover the cost of administering the scheme.</p>
3	Attachment of Conditions	<p>Promoters should advise all interested parties of proposed works and would ideally involve the Roads Service including details on NISRANS. Conditions should take account of emergency works that need to be undertaken by utilities.</p>	<p>Firmus, Phoenix, NI-JUG, NIE, BT, NI Water</p>	<p>The existing notification system (NISRANS) used by Roads Service and the utilities could be adapted to facilitate permits. Emergency works will be facilitated.</p>

*Respondents' comments may be paraphrased.

PROPOSAL 1: PERMIT SCHEME FOR OTHER WORKS ON ROADS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
3	Attachment of Conditions (contd.)	<p>Attaching conditions which restrict works to particular dates and/or times or preventing works on particular dates/times if linked to appropriate fees or penalties would be a strong incentive to promoter to manage works efficiently.</p> <p>Conditions are required in certain circumstances, but they should not be unreasonably applied and should take account of such factors as environmental issues, public transport and parking suspensions.</p> <p>Care should be taken to ensure that conditions are suitable and not unnecessarily restrictive.</p>	<p>Lisburn CC</p> <p>NJUG, Virgin Media</p> <p>Craigavon BC</p>	<p>Agreed</p> <p>The Department would give careful consideration to such issues before attaching conditions to a permit.</p> <p>Agreed</p>
4	Penalties and Enforcement	<p>It should be clearly stated what action will be taken if work is not completed to the required standard.</p> <p>'An effective system for "policing" the scheme would have to be put in place otherwise it will be abused, ignored and generally lose respect and support of both promoters and the public.'</p>	<p>Down DC</p> <p>Lisburn CC</p>	<p>Noted</p> <p>Agreed</p>

*Respondents' comments may be paraphrased.

PROPOSAL 1: PERMIT SCHEME FOR OTHER WORKS ON ROADS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
4	Penalties and Enforcement (contd.)	<p>The Department should consider imposing penalties on contractors who extend the duration of the works beyond the agreed dates or who cause additional disruption. Conditions attached to permits must be strictly enforced and suitable penalties applied as appropriate. Records of permit compliance should be kept to inform future decisions.</p>	Craigavon BC	Noted
5	Appeal Process	<p>Proposed regulations governing appeals must seek to minimise delays and costs, perhaps using the Traffic Penalty Tribunal as a model instead of the Planning Appeals Commission.</p>	Lisburn CC	<p>The Department's proposal to use Planning Appeals Commission to consider appeals would be in keeping with appeal arrangements in other roads legislation dealing with the execution of works on roads.</p>

*Respondents' comments may be paraphrased.

PROPOSAL 2: TEMPORARY CLOSURE/RESTRICTION OF ROADS TO FACILITATE SPECIAL EVENTS			
No	Issue	Comments*	Department's Response (Including Rationale)
		<p>There is little rationale for transferring these powers to local councils outside the RPA process. However, should the proposals succeed in being made into legislation, 'Council is content to have the power to close/restrict roads "per se", and the Department should have a consultative role.'</p>	<p>It is anticipated that the timescale for introducing these proposals in legislation would be broadly similar to the implementation of the legislation necessary for the measures proposed by the Reform of Public Administration to be put in place. As the Department will continue to be the single road authority it will be necessary for its approval to proposed closures to be obtained, so that adequate diversionary routes etc can be appropriately signed.</p>
		<p>The power should be retained by the Department.</p>	<p>Coleraine BC</p>
		<p>The proposals are broadly welcomed. Councils should be given the necessary autonomy to address local priorities with as little central government control as possible. Thus, local government would welcome and encourage the opportunity to engage constructively with the Department in developing the regulations and appropriate guidance.</p>	<p>Moyle DC</p>
6	Role of Local Councils		<p>The Department considers that the planning and organisation of local events would be more appropriate for local government consideration than the consideration of the road authority. Additionally, councils having that responsibility would be entirely in keeping with proposals for the Reform of Public Administration announced in the Assembly in March 2008.</p>
			<p>NILGA Noted.</p>

*Respondents' comments may be paraphrased.

PROPOSAL 2: TEMPORARY CLOSURE/RESTRICTION OF ROADS TO FACILITATE SPECIAL EVENTS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
6	Role of Local Councils (contd.)	<p>The reference at 3.2.9, the Department 'might also produce guidance to be followed by councils to ensure consistency of approach', should be amended to a commitment to produce guidance.</p> <p>Council welcomes the principles of the policy/the proposal.</p> <p>'Council welcomes the proposals and Members are keen that Council would, in the future, have a decision-making and procedural role in allowing for the temporary closure of local roads for certain events.'</p> <p>A local safety advisory group, comprising of representatives from local council, Roads Service, PSNI and other emergency services, should be set up. The event organiser must demonstrate to the group that adequate plans are in place for traffic management, residential access, crowd control etc. before permission to close a road will be granted.</p>	<p>NITB</p> <p>Lisburn CC, Down DC</p> <p>Ballymena BC</p>	<p>The Department's detailed proposals for managing road closures for special events and for location filming may be dealt with through regulations, rather than through guidance. However, the Department will ensure that sufficient information and advice will be provided to those who will have to operate the process.</p> <p>Support noted.</p> <p>Support noted.</p>
7	Duration/Frequency of Restriction/Closure	<p>Must allow for urgent and emergency works by utilities.</p>	<p>PSNI</p> <p>Firmus, NJUG, Virgin Media, Phoenix, NI- JUG, NIE, BT, NI Water</p>	<p>The Department will give careful consideration to this issue prior to making regulations and/or issuing guidance.</p> <p>The Department has no wish to impede utilities in the provision of services to customers. The Department would encourage effective coordination between utilities, event promoters and local councils regarding proposed events to ensure that disruption to all parties would be minimised.</p>

*Respondents' comments may be paraphrased.

PROPOSAL 2: TEMPORARY CLOSURE/RESTRICTION OF ROADS TO FACILITATE SPECIAL EVENTS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
7	Duration/Frequency of Restriction/Closure (contd.)	Utilities to have access windows where prolonged closures are authorised.	Firmus, NJUG, Virgin Media, Phoenix, NI-JUG, NIE, BT, NI Water	Prolonged enclosures are not envisaged. Adequate notification of events should enable utilities to plan their works accordingly.
		If a road is to be closed or access restricted for more than three days, advance notice should be provided to all interested parties, preferably through NISRANS.	Firmus, Phoenix, NI-JUG, NIE, BT, NI Water	Early notice would be communicated to interested parties using NISRANS where appropriate.
		Council in broad agreement with the principle and content to leave the Department flexibility on the issue of exceeding the duration/frequency of events.	Craigavon BC	Support noted
		Power to grant extensions to rest with councils. The Department to be a consultee.	Coleraine BC	Noted
		Proposal to allow limits on the duration/frequency of closures to be exceeded with the Department's consent 'Appears reasonable.'	PSNI	Support noted
		Closures should only be granted outside peak traffic flow, and holiday and other busy periods.	PSNI	The Department may refuse applications to close roads on grounds relating to its role as the traffic authority, for example, if a closure would cause unacceptable disruption to traffic during peak periods.

*Respondents' comments may be paraphrased.

PROPOSAL 2: TEMPORARY CLOSURE/RESTRICTION OF ROADS TO FACILITATE SPECIAL EVENTS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
7	Duration/Frequency of Restriction/Closure (contd.)	<p>Concern expressed that a limit of one closure per twelve month period per single stretch of road is too restrictive.</p> <p>'We would request that the collection of data, made reference to in Annex A 6.1.2, does include analysis of both local and major events to determine the need for current road closures and to assess the impact of the proposal to only allow one closure may have.'</p> <p>Instead of restricting the number of closures per road per year, permission to close roads should be dependent upon organisers carrying out widespread consultation and being able to demonstrate support for the event.</p>	<p>Lisburn CC, NITB, PSNI</p> <p>NITB</p> <p>PSNI</p>	<p>The Department will consider the provision of discretionary powers to authorise closures exceeding this limit.</p> <p>The consultation process produced no qualitative data. However, the Department will consider the inclusion of arrangements to address the number and frequency of road closures.</p> <p>The Department will give careful consideration to this issue prior to making regulations and/or issuing guidance.</p>
8	Recovery of Costs	<p>Clarification on recovery of costs from promoters of events requested</p> <p>Only additional costs at no-profit rate should be recovered.</p> <p>Recovery of costs should be flexible to allow any direct cost associated with the closure to be recovered.</p> <p>'charges should only be based on reasonable administration costs.'</p>	<p>Antrim BC</p> <p>Firmus, Phoenix, NI-JUG, NIE, BT, NI Water</p> <p>Coleraine BC</p> <p>Moyle DC</p>	<p>Clarification was provided by Departmental officials at a meeting with council members.</p> <p>It is the intention that only additional costs (which are actual and quantifiable) reasonably incurred as a result of the particular event may be recovered. This will include costs associated with traffic management and street cleansing</p>

*Respondents' comments may be paraphrased.

PROPOSAL 2: TEMPORARY CLOSURE/RESTRICTION OF ROADS TO FACILITATE SPECIAL EVENTS

No	Issue	Comments*	Raised By	Department's Response (Including Rationale)
		<p>It is quite reasonable for the Department and other statutory agencies to recover their reasonable costs incurred.'</p> <p>'The police are very keen to see organising bodies (especially for commercial events) taking responsibility for the costs incurred in respect of traffic management arrangements and additional policing.'</p>	<p>NJUG, Virgin Media</p> <p>PSNI</p>	<p>Noted</p> <p>Support noted</p>
8	<p>Recovery of Costs (contd.)</p>	<p>Need to manage costs appreciated. 'We note that the benchmark for the cost of an average closure is given as £500. While this does not appear punitive we ask that more consideration is given to assessing actual costs and the impact on smaller events is taken into account.'</p> <p>'The Council is in agreement with this proposal. However this should be an enabling power which can be waived should this be deemed appropriate.'</p>	<p>NITB</p> <p>Craigavon BC</p>	<p>It is intended that the power to recover costs will be discretionary with the decision resting with the relevant local council. It should be noted that the quoted £500 figure is only an average and is based on recent experience of providing diversionary routes for similar events - there may be considerable variation between events depending on the event and the extent of the diversionary route.</p>

*Respondents' comments may be paraphrased.

PROPOSAL 3: RULE MAKING PROCEDURES OF THE TRAFFIC MANAGEMENT (NORTHERN IRELAND) ORDER 2005			
No	Issue	Comments*	Raised By
9	General Support	'Council supports the proposed amendments'	Down DC
			Support Noted
PROPOSAL 4 GENERAL POWER TO HOLD AN ENQUIREY			
No	Issue	Comments	Raised By
10	General Comment	The Department's proposal is welcomed/supported A suitable appeals process should be incorporated into the proposal	Lisburn CC, NJUG, Virgin Media, Down DC Firmus, NI-JUG, NIE, BT, NI Water
			Support noted This measure will ensure that the Department complies fully with its obligation under the Human Rights Act 1998 so far as the execution of its functions under the Order is concerned.
OTHER COMMENTS			
No	Issue	Comments	Raised By
11	Comments on Further Consultation Process	It is essential that further consultation takes place on the subordinate legislation that would define the permit scheme, and when regulations are being made in respect of road closures/restrictions for special events.	Lisburn CC
			Further consultation will take place regarding the Department's proposals for regulations. Regulatory Impact Assessments will also be completed.

*Respondents' comments may be paraphrased.

Executive agreement on the content of the Roads (Miscellaneous Provisions) Bill, 26 November 2009

Mr Fred Cobain, MLA
Regional Development Committee
Chairperson
NI Assembly
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AN ROINN

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Your Ref:

Our Ref: DRD/SUB/840/2009

Date: 26 November 2009

Dear Fred,

PROPOSED ROADS (MISCELLANEOUS PROVISIONS) BILL

I am writing to advise you that Executive agreement to the content of the Roads (Miscellaneous Provisions) Bill, and its introduction to the Assembly in January 2010, was given at the Executive meeting of 19 November 2009.

You may recall that the Regional Development Committee was briefed on the outcome of the policy consultation, and the Department's final policy proposals, in May 2009, and that the Committee was content. It is now my intention to offer a pre-introductory briefing by officials, on the content of the Bill, to the Committee on 9 December 2009, in advance of the formal Introduction Stage. At this briefing, officials will be happy to discuss any issues that Members may have.

The Bill is small, containing only four topics. Two of those are 'technical' amendments, necessitated by other legislative changes, while the remaining two issues address:

- the introduction of a permit scheme to apply to works that cause disruption on roads, and;
- powers to enable district councils to close roads or restrict traffic using them for the purposes of special events and for location filming.

Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB
Cúirt Clarence, 10-18 Sráid Adelaide, Béal Feirste BT2 8GB

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UNIVERSAL ENVELOPE
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An indicative timetable is attached for your reference at Annex A. A copy of the draft Bill and the Explanatory and Financial Memorandum is attached at Appendix 1 & 2, which sets out the background to the proposals, the policy objectives, the response to the public consultation, the anticipated financial effects and the various impact assessments.

I look forward to working with you, to progress this issue within the required timeframes.

Is mise le neas,

Conor.

CONOR MURPHY MP, MLA
Minister for Regional Development

ANNEX A

Possible Roads (Miscellaneous Provisions) Bill Timetable

Stage	Start date	End date	Comment
Ministerial approval		29 October	
Executive agreement to Bill	2 November	19 November	
Committee pre-briefing		9 December	Advance papers to issue w/c 30 November
Bill: Introduction		11 January	1st plenary sitting 11 January
Bill: Second Stage		19 January	
Bill: Committee Stage	20 January	3 March (5 May)	Easter Recess 27 March- 11 April Plenary 12 April
Bill: Consideration Stage		18 May	
Bill: Further Consideration Stage		1 June	
Bill: Final Stage		14 June	Summer Recess 3 July
Bill: Royal Assent	July	August	
Act: Operative Date		October 2010	

Committee Stage - Roads (Miscellaneous Provisions) Bill, 15 February 2010



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Your reference: DALO 344
Our reference:

15 February 2010

Dear

COMMITTEE STAGE - ROADS (MISCELLANEOUS PROVISIONS) BILL

Thank you for your letter of 3 February 2010, inviting written submissions from stakeholders on the clauses of the Bill. The Department has no specific comment to make at this stage.

I can confirm that Officials will be available to give written and oral evidence to the Committee, as required, during evidence sessions.

Yours sincerely,

Assembly Liaison Officer



AN ROINN
Forbartha Réigiúnaí
MINISTRE FUR
Kintra Pairs Fordèrin

Departmental Briefing on Stakeholder Consultation, 22 March 2010



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22 March 2010

ROADS (MISCELLANEOUS PROVISIONS) BILL - DEPARTMENTAL BRIEFING ON STAKEHOLDER CONSULTATION

During the recent briefing session which the Committee had with officials on 10 March there were two issues that arose requiring our comment. One requires our response to a question raised by the Chairman. The other was an issue which, although factually recorded by Hansard, was materially incorrect in substance. Both arise from page 21 of the Hansard transcript.

Firstly, the Chairman is recorded as having enquired who would compensate an event promoter where an event is disrupted or cancelled, for example, by the need of a utility company to carry out emergency works.

The Department believes that the issue of compensation, in such circumstances, for an event promoter is between the event promoter and his insurers and that it would be inappropriate to provide for either the Department or a council to compensate a promoter from the public purse. Consequently the Bill does not provide for circumstances in which compensation may be paid.



Paragraph 2(5) of the Bill enables relevant authorities to require an event promoter to insure against such risks as the relevant authority may specify. The risks which a relevant authority is likely to require insurance against are in relation to public liability and personal injury. The loss of revenue to an event promoter is unlikely to be included.

Secondly, in response to a question from Mr George Robinson as to whether the North West 200 would be covered by the Bill the Chairman responded saying "The Bill covers any event."

In fact the North West 200 would not be covered by the Bill but would continue, as with all motor races on roads, to be controlled by the Road Races (Northern Ireland) Order 1986. Paragraph 1(2) of Schedule 1 to the Bill defines the "special events" that would be covered by the Bill. Paragraph 1(3) makes it clear that public processions, road races and cycle races or cycle trials are not provided for.

On a similar point, Mr Willie Clarke mentioned Agriculture shows and the Chairman responded inferring that the Bill would cover those also. It is likely that an agricultural show would not be held on a road but possibly on land adjoining a road. If that is the case, such an event would not be covered by the Bill.

It might also be useful to note that the relevant authority must satisfy itself that it would not be reasonably practicable for the proposed event to be held otherwise than on a road before making an order to restrict or prohibit traffic.

I hope you find this helpful.

This letter is likely to be fully disclosable under FOI.

Yours sincerely,

Assembly Liaison Officer

00/00/0000 00:00:00

Submissions from Belfast City Council and the Committee for Culture, Arts and Leisure, 31 March 2010



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31 March 2010

ROADS (MISCELLANEOUS PROVISIONS) BILL – SUBMISSIONS FROM BELFAST CITY COUNCIL AND THE COMMITTEE FOR CULTURE, ARTS AND LEISURE

Thank you for your letter of 16 March 2010.

In relation to the points raised by Belfast City Council regarding the need for the utility companies' collaboration, the Department welcomes the Council's comments on the need for utility companies to collaborate in relation to carrying out of repairs and works on public roads. Article 20 of the Street Works (NI) Order 1995 already places a duty on undertakers to use their best endeavours to cooperate with each other in the execution of street works, and to cooperate with the street authority (the Department). The purpose of the permit scheme proposed under Part 1 of the Roads (Miscellaneous Provisions) Bill is to improve coordination, and reduce disruption, by ensuring that a permit is required for individual works on public roads before they can proceed.

With regard to the issue raised by the Council concerning the definition of 'special event', the types of special events covered by the Bill were not intended to capture the broad range of activities undertaken by District Councils, but to enable Councils to respond to requests


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from event promoters, who seek permission to have traffic restricted, or roads closed, to facilitate different types of events.

So far as markets and fairs are concerned, the Department would oppose the suggestion that the Bill should formally cover such events. Article 90 of the Roads (NI) Order 1993 makes it an offence for a person who pitches a booth, stall or stand on a road, or offers, or exposes anything for sale without lawful authority. The Department does not licence such stall holders and has no power to demand proof that a person would lawfully be selling goods on a road. In addition, the Department would have a concern that its responsibility for securing the expeditious movement of traffic on the road network could be compromised to an unwelcome level. To ensure that that this would not be the case, the Department would be likely not to exercise its power of consent.

The Culture, Arts and Leisure Committee sought amendment of the definition of 'special event' to include 'cultural events'. Given the wide definition of 'special event', the Department is of the view that a 'cultural event', which a Council is likely to consider closing a road to facilitate, is likely to be either sporting, social or entertainment by nature, or may possibly involve filming. Consequently, such an event would be covered by the Bill. Given the underlying principle that a Council must satisfy itself that it is not reasonably practicable for an event to be held, otherwise than on a public road, the Department is confident that the interests of promoters, Councils and the road user are adequately provided for.

This letter is likely to be fully disclosable under FOI.

Yours sincerely,

Assembly Liaison Officer

Submissions from BT Ireland, Northern Ireland Electricity and the Committee for the Environment, 13 April 2010



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14 April 2010

Dear Roisin

ROADS (MISCELLANEOUS PROVISIONS) BILL – SUBMISSIONS FROM BT, NIE AND THE ENVIRONMENT COMMITTEE

Thank you for your letter of 26 March 2010. This response is intended to address the issues raised by:

- BT Ireland on 'equivalence'.
- NIE on the suggestions that:
 - (a) private developers are not covered by the permit scheme provisions of the Bill;
 - (b) there should be an independent Road Works Commissioner.
- The Environment Committee's point on the issue of subordinate legislation and special events.

Equivalence

The Bill contains provisions aimed at introducing a permit scheme in respect of certain 'specified works' on roads. It would also repeal Article 12A of the Street Works (NI) Order 1995, which presently provides for a street works (only) permit scheme (in other words, a scheme applying almost uniquely to the utilities).

The types of works to which a permit scheme would apply are to be specified in the permit scheme.

Clause 5 of the Bill contains an inclusive definition of 'works'. It provides that 'works' **includes** 'street works', 'works for road purposes' and 'major road works', all within the meaning of the Street Works Order. In other words, while 'works', for the purposes of the Bill, includes 'street works' and 'works for road purposes', it does not exclude other works which could be specified in a permit scheme. The works to be covered by a permit scheme

must be specified in the scheme in accordance with Clause 1(3). Consequently, the proposed permit scheme could include such works as are specified in the scheme, and which are executed by developers.

Given the definition of 'works', it is clear that the permit provisions would apply to the Department's works for roads purposes, and to its major road works, thus meeting BTI's concerns on equivalence.

Developers' Works

Turning to the issue of developers and the Private Streets (NI) Order 1980, the Committee may wish to note that the Order lays down the criteria that developers must observe in the construction of new streets that may subsequently be adopted into the public road network. Amongst other things, it provides a process for their adoption. The aim is to ensure that appropriate materials and standards of workmanship are observed in their construction, and to minimise the risk of the Department having to take remedial action to address problems, arising from sub-standard construction, or improper use of materials. Most of the works addressed by the Order relate to construction sites or to streets not included in the public road network, but which could be adopted by the Department in the future.

However, Article 3(4C) of the Order contains provision for a person, at his expense, to enter into an agreement with the Department for the execution of such works as the Department considers necessary for the improvement of the public road, where a private street joins a public road. Such works may be carried out within the public road, or on other land owned by the Department. A guarantee bond is taken out by the person in respect of the proper completion of the works, and a certificate is issued by the Department once the works have been completed to the Department's satisfaction.

Article 3(4G) provides that 'improvement' has the same meaning as in Article 43 of the Roads (Northern Ireland) Order 1993. Article 43 provides,

(1) Subject to the provisions of this Order, the Department may carry out any work for the improvement of a road where it appears to the Department expedient to do so for the purposes of facilitating road traffic.

(2) In this Article "improvement" (without prejudice to the generality of that expression) includes—

- (a) the widening, re-aligning and re-shaping of roads; and*
- (b) the laying out, planting, maintenance and protection of trees, shrubs and grass margins in and beside roads.*

Article 5 of the Street Works Order defines 'works for road purposes'. Sub-paragraph (b) of that Article includes any works under powers conferred by Article 43 of the Roads Order (general power of improvement). Although the **types** of works likely to be carried out by developers under an Article 3(4C) agreement would be similar to the definition of 'works for road purposes' and may therefore fall within the requirements of a permit scheme, it should be noted that developers have not had any powers conferred on them by Article 43 of the Roads Order.

There is another type of works which developers might carry out on roads from time to time. This is in cases where apparatus emerging underground from his site is to be connected to

utilities' apparatus, existing within the public road. In such cases, it is likely that the developer will require a street works licence. Where such a licence is issued, the developer becomes an undertaker for the purposes of the Order, and would be required to meet the requirements of the Order in relation to signing, lighting and guarding and reinstatement, etc.

In summary:

- Where a developer is constructing a street or seeking its adoption, the provisions of the Private Streets (NI) Order 1980 would apply.
- Where a developer executes works for the improvement of a road by virtue of an Article 3(4C) agreement, he would be carrying out works similar to 'works for road purposes'.
- Where a developer is executing works in a public road to connect apparatus, and he does not have a statutory right to do so, he would require a street works licence. As the holder of a street works licence, he becomes an undertaker for the purposes of the Street Works Order, and would be executing works similar to those executed by the utilities.

From a legislative perspective, depending on the works that would be specified in the proposed permit scheme, it may be possible that in the two latter cases both types of works could be made subject to the requirements of the scheme. This could be achieved by including those works as "specified works" in the permit scheme.

However, the Committee may wish to note that in the permit schemes introduced so far in GB, in both Kent and London, the works of private developers have not been included. In addition, the Traffic Management Permit Scheme (England) Regulations 2007 provide that "specified works for a permit scheme shall not include works executed in a street pursuant to a street works licence".

If the same approach was to be taken here as in England, then the works of developers on public roads would not be included.

Independent Road Works Commissioner

A Road Works Commissioner might be expected (as in Scotland) to be responsible for exercising three general functions:

- Monitoring the carrying out of works on roads;
- Promoting compliance with legislation; and
- Promoting good practice by those acting under the legislation.

The Department is already responsible for roads and the coordination of works of all kinds on them, including works for road purposes. Roads Service staff, working in traffic sections across Northern Ireland, exercise those functions. Roads Service also monitors compliance with the street works legislation and codes of practice, and promotes good practice through its role on the Northern Ireland Road Authority & Utilities Committee. For these reasons, the Department considers that officials should continue to exercise the traffic manager/Road Works Commissioner role referred to. In addition, the Department records details of both road and street works on the Northern Ireland Streetworks Register

And Notification System (NISRANS), which enables it to effectively coordinate works and minimise congestion.

Introducing an independent traffic manager, or Road Works Commissioner, would require amendments to other legislation, would be costly to implement, would simply add a third party to the decision-making process, and create additional interfaces making the arrangements less effective.

Road Closures for Special Events

Turning to the issue raised by the Environment Committee, the Committee may firstly wish to note that there would be a greater extension of powers to local government, than those referred to by Mrs McGarel in the second paragraph of her letter dated 18 March 2010. Councils would, in fact, have powers to close any road, except a special road (usually a motorway), to facilitate special events.

Regarding the issue of guidance and regulations, paragraph 5 of Schedule 1 of the Bill provides the Department with a discretionary power to issue guidance to councils as to the exercise of their functions under the Order, and to event promoters as to the procedure for making an Order, and the conduct of events. The Department notes that the Environment Committee sees merit in such guidance, and is happy to confirm that it will consult with councils in the development of that guidance.

In relation to the point raised by Mrs McGarel about regulations in her penultimate paragraph, the Committee will wish to note that the Bill contains no provision enabling the Department to make regulations in relation to special events.

This letter is likely to be fully disclosable under FOI.

Yours sincerely,

Assembly Liaison Officer

Submission from Phoenix Natural Gas, 16 April 2010



Clerk to the Committee for Regional Development
Committee Office Room 402
Parliament Buildings
Belfast
BT4 3XX

Your Ref:
Our Ref: DALO 377
Date: April 2010

ROADS (MISCELLANEOUS PROVISIONS) BILL – SUBMISSIONS FROM PHOENIX NATURAL GAS LTD

Thank you for your letter dated 30 March 2010, with accompanying email from Bob Millican, General Manager of Phoenix Natural Gas Ltd.

The Department is happy to confirm that there will be consultation with the utility companies regarding the content of both the draft permit scheme and the draft permit regulations, and that a Regulatory Impact Assessment, in relation to the draft Regulations, will be carried out and consulted on.

With regard to Mr Millican's request for consultation on conditions that may be attached to permits, it is likely that there would be a standard set of conditions developed to be applied to permits. The Department will consult with utilities regarding these. There may also be a range of conditions that may be imposed in different circumstances. For example, in considering any permit application, the Department would have to take into account the potential of the proposed works or activity to cause congestion or disruption to the road user.

The maximum period permitted for the proposed works or activity that the permit would cover may be stated as a condition, the dates on which works should not be carried out and times of the day during which works, may or may not be executed, may also be applied as conditions.



There may have to be traffic management conditions applied. For example, where a works promoter intends to close a road to carry out works, it might be possible, and less disruptive, to keep at least part of the road open. A condition might also be applied where the Department considers that 'minimum dig technology' could be used to avoid major disruption.

In cases where proposed works or activities would be likely to cause major disruption for local residents or businesses, a condition may be attached requiring the works promoter to give advance notice to them, or to publicise the proposed activity and carry out consultation with affected parties. The Department may also apply conditions relating to environmental matters, such as, noise restriction, the disposal of waste and the need to protect wildlife, depending on the circumstances and the location of the works.

As can be seen from the foregoing, from a range of possible conditions, some may be more appropriate to be applied to certain works or activities than others. While the Department is content to discuss with utilities the application of certain conditions in specific cases, it may have to reserve the right to insist on their application in the interests of minimising disruption or other adverse effects.

I hope you find this helpful.

Yours sincerely,

Assembly Liaison Officer

Clarification of issues raised, 10 May 2010



Clerk to the Committee for Regional Development
Committee Office
Room 402
Parliament Buildings
BELFAST
BT4 3XX

CENTRAL MANAGEMENT BRANCH
Room 413c
Clarence Court
10-18 Adelaide Street
Belfast
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Telephone:
Facsimile:
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Your reference: DALO 387
Our reference:
10 May 2010

ROADS (MISCELLANEOUS PROVISIONS) BILL – CLARIFICATION ON A NUMBER OF ISSUES

Thank you for your letter dated 29 April 2010, requesting clarification on a number of issues that still remain unresolved. In relation to the issues raised by the Committee, Roads Service has provided the following information:

The need for undertakers to cooperate in relation to road openings

The Department is grateful for the Committee's desire to see a stronger approach taken in respect of the duty applied to undertakers, by Article 20 of the Street Works (Northern Ireland) Order 1995, in relation to the use of the term "best endeavours". However, the Bill does not address the use of the term "best endeavours", nor does it seek to amend Article 21 of the 1995 Order. In addition, there is no provision within the Bill to provide guidance in respect of the duties of undertakers in that regard.

The Department is confident that the proposed permit scheme would have a positive impact on the coordination and execution of street works, in relation to undertakers cooperating both with each other, and with the Department. However, to strengthen the duty provided for in the 1995 Order, a separate amendment to the 1995 Order would be required.

The Department would recommend proceeding with the introduction of the proposed permit scheme and would suggest that consideration be given to the issue of “best endeavours” following the scheme’s implementation, and the subsequent monitoring of its effectiveness.

Future briefing on the Street Works Order 1995

Officials would be willing to provide the briefing and a mutually convenient date can be arranged in due course.

Compensation for loss in the event of emergencies

I can confirm that the need for promoters to be adequately covered by insurance will be addressed in the guidance to be issued in respect of road closures to facilitate events on roads.

Impact of road closures on peak-time traffic flows

The Department notes the Committee’s position.

The Committee may also be interested to note that Article 24 of the Street Works (NI) Order 1995 already enables the Department to designate streets as being ‘traffic sensitive’. In order to be designated ‘traffic sensitive’, the street must meet certain criteria contained in the Street Works (Register, Notices, Directions and Designations) Regulations (Northern Ireland) 2002. The criteria involved takes into account peak traffic flows and capacity measures of the street. Where the Department proposes to make such a designation, it is required to consult undertakers before doing so.

Where a street becomes designated as being ‘traffic sensitive’, it is identified as such, on maps within the Northern Ireland Streetworks Register and Notification System (NISRANS), which undertakers have access to when planning works. An undertaker, planning works in a street during a traffic sensitive period, would be automatically warned of the traffic sensitivity by the NISRANS system.

Once a designation is made, it applies to all works taking place in the street. Consequently, the Department executing works for road purposes, as well as undertakers carrying out

street works, must avoid carrying out those works in a traffic sensitive area, during the traffic sensitive period, unless there is no alternative.

Extension of the gas network

The Department notes the Committee's position.

Cost recovery for filming

I can confirm that the issue of cost recovery by relevant authorities from promoters, in respect of events on roads, will be addressed in guidance which the Department will draft and consult on.

I hope you find this helpful.

Yours sincerely

Departmental Assembly Liaison Officer

10/05/2010 09:00:00

Correspondence from the Department for Regional Development's Primary Legislation Unit, 13 May 2010

From:

Sent: 13 May 2010 10:31

To:

Cc:

Subject: Draft amendments to Roads (Miscellaneous Provisions) Bill
[Clerk and Assistant Clerk],

As you are aware the Minister has agreed the two known amendments and these have now been drafted by OLC.

These draft amendments are attached for the consideration of the Committee.

The first relates to the comment by the [Examiner of Statutory Rules] on Clause 3(3)(e) of the Bill, which provides for only the first set of permit regulations to be made by affirmative resolution of the Assembly. The draft amendment provides for permit regulations which create an offence or increase a criminal penalty to be subject to approval by the Assembly.

The second inserts a definition of "film".

Regards

Department for Regional Development
Primary Legislation Unit
Ports and Public Transport Division
Room 6-04
Clarence Court
10-18 Adelaide Street
Belfast

ROADS (MISCELLANEOUS PROVISIONS) BILL

AMENDMENTS TO BE MOVED AT CONSIDERATION STAGE

Clause 3, page 4, line 4, leave out subsection (10) and insert—

‘(10) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(10A) Subsection (10) applies to—

- (a) the first regulations under this section;
- (b) regulations under this section containing any provision which creates a criminal offence or increases a penalty for an existing offence.’

Schedule 1, page 7, line 13 at end insert—

‘and for the purpose of this paragraph “film” includes a recording on any medium from which a moving image may by any means be produced.’



Northern Ireland
Assembly

Appendix 5

Northern Ireland Assembly Research Papers



Northern Ireland
Assembly

Research Paper 581/2009

January 2010

Roads (Miscellaneous Provisions) Bill

Research and Library Service

This paper provides an analysis of the Roads (Miscellaneous Provisions) Bill which aims to introduce measures to update and amend roads related legislation here in Northern Ireland. The new legislations will introduce provisions which give The Department for regional Development the powers to manage Events on Roads, and issue Permit Schemes for work on roads which would allow for better management of possible disruptions as well as offering the potential to generate income. This paper addresses the new provisions and provides analysis of the implications of these. The provisions for both managing Events on Roads and Permit Schemes for works on roads are based on similar legislation in England, Wales and the Republic of Ireland and therefore these are also considered.

Library Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

Summary of Key Points

Introduction

The roads (miscellaneous provisions) Bill introduces a number of new measures to update and amend roads related legislation here in Northern Ireland.

The expected outcomes of these amendments will be to enable the Department for Regional Development to improve "...the quality and cost-effectiveness of the public services it provides and improve the utility of existing transport infrastructure".

This will be achieved through two new provisions which give The Department the powers to manage Events on Roads, such as closure for the purposes of filming and issue Permit Schemes for work on roads which would allow for better management of possible disruptions as well as offering the potential to generate income.

The Bill consists of 10 clauses:

- clauses 1-5 deal with the Permit Scheme;
- 6 and 7 deals with the miscellaneous provisions

These address the powers to close roads for special events including filming as well as the power to hold inquiries in connection with both new powers i.e. power to issue permits and power to close roads;

- Clauses 8-10 are the supplementary provisions.
- There are three schedules;

Schedule one includes Interpretation, procedures for making orders, how to recover costs, guidance and offences related to orders. Schedule 2 deals with amendments and schedule 3 deals with repeals.

Permit Scheme for Roads

In terms of other legislatures Provision is made for Permit Schemes on Public Roads in section 3 of The Traffic Management Act 2004¹. It is very similar in composition to this Bill as it deals with circumstances when Permit will be issued and the arrangements for charging for these.

There is no indication that there are any councils in England charging for permits although it has been announced that a permit scheme will come into effect on London's busiest roads from January 11th 2010.

Stakeholders believe that fees should only be associated to any costs which the department may incur in issuing a permit.

Closing Roads for Special Events

In terms of closing roads, this is the result of lobbying by the PSNI and some local council's who wanted statutory powers to clarify and better regulate the closure of roads for events.

1 OPSI: Traffic Management Act 2004 [online] Available from: http://www.opsi.gov.uk/acts/acts2004/ukpga_20040018_en_1

In London legislation exists which allows traffic authorities to close roads or highways specifically for the purposes of filming. This legislation was most welcome and very necessary in order that London could be viewed as world class location in which to film.

This is important as it is widely accepted that filming on location provides that location with many economic benefits both directly through job creation and the use of local services but also indirectly, not least through its propensity to promote tourism to film locations.

Clause 6 of this Bill amends the Road Traffic Regulation (Northern Ireland) Order 1997 enabling local councils to prohibit or restrict the use of roads for the purpose of holding special events which can be:

- a. any sporting event, social event or entertainment which is held on a public road; or
- b. the making of a film on a public road

In terms of recovering costs the bill states that the local council can retrieve all costs associated with either making the bill such as those involved in the consultation process detailed above or those which are as a consequence of issuing the order such as cleaning up and repairing any damage.

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Costs for road closure by notice and order across the london boroughs

Introduction

The roads (miscellaneous provisions) Bill introduces a number of new measures to update and amend roads related legislation here in Northern Ireland. The expected outcomes of these amendments will be to enable the Department for Regional Development (the Department) to improve "...the quality and cost-effectiveness of the public services it provides and improve the utility of existing transport infrastructure".

This will be achieved through two new provisions which give The Department the powers to manage Events on Roads and issue Permit Schemes for work on roads which would allow for better management of possible disruptions as well as offering the potential to generate income.

This paper will discuss these new provisions and provide analysis of the implications of these. The provisions for both managing Events on Roads and Permit Schemes for works on roads are based on similar legislation in England, Wales and the Republic of Ireland and therefore these will also be considered.

In addition, the Roads (Miscellaneous Provisions) Bill gives the Department the power to hold a public enquiry to ensure anybody affected by the provisions introduced by the new Bill will have the opportunity to present their case and the Bill also amends "the Traffic Management (Northern Ireland) Order 2005 to take account of changes that have taken place in the functions of both the Lord Chancellor's Office and that of the Lord Chief Justice.

Permit Schemes for Work on Roads

Background

Road works cause much disruption to the roads network in Northern Ireland leading to congestion and delays. Current transport statistics suggest that the level of road use is still rising annually; with cars, vans and minibuses accounting for 83 per cent of journeys to work in 2008² and therefore the strain on the road network along with the need for investment will only increase in the future.

In addition to the necessary works carried out by the department to maintain the road network the utility companies contribute significantly to the disruption caused through their road openings which total in excess of 35,000 per annum³. The National Joint Utilities Group (NJUG) highlighted the important work of utilities in their response to the public consultation on the Bill, stating that:

*"It is essential that utilities are able to conduct their necessary works to ensure supply of essential utilities such as water, gas, electricity and telecommunications services. To this end, our members undertake street works for four reasons – safety, security of supply, to connect or upgrade customers' supplies, or to divert apparatus to facilitate major transport or urban regeneration projects."*⁴

The permit scheme is designed to allow for better management of road works which would minimise disruption to the road network. This would be achieved through better control of start and finish dates as specified by the permit as well as allowing for forward planning on the part of the department for things like traffic diversions.

Existing Legislation

The Street Works (Amendment) (Northern Ireland) Order 2007 introduced permit requirements, largely in respect of street works carried out by utilities, however, the

2 Roads (Miscellaneous Provisions) Bill – Explanatory and Financial Memorandum

3 Ibid

4 (NJUG) National Joint Utilities Group – Response to Consultation. 26th February 2009

consultation stage of this Bill identified the need for this type of scheme to apply to all types of work on roads therefore including private contractors as well as utilities and the roads service.

Clauses 1 - 3

Part 1 of the Bill consists of five clauses which deal with the Permit Scheme.

Clause 1 defines what a permit scheme is, which is a scheme designed to control the carrying out of work on roads and states that a permit must be obtained prior to the commencement of work. This clause also makes provision for circumstances where a permit will not be required to carry out work.

Clause 2 is concerned with the making, variation and revocation of schemes. It states that the Department may prepare a permit scheme according to the specified regulations listed in clause 3 (below) and gives details of what must be included in the order such as, where copies can be obtained, the date of the scheme and any other provision which it includes.

Clause 3 provides regulations regarding the content of schemes and the procedures to be followed in the making and operation of the schemes. The regulations make provision for:

- The criteria for issuing, reviewing or cancelling schemes;
- The facilitation of disputes;
- The appeals process;
- Actions to be taken when work is carried out without a permit;
- The penalty associated with carrying out un-consented work; and
- Deciding who is liable for carrying out un-consented work.

Financial implications of permit scheme

Clause 3(4) makes provision for the Department to have the power to issue fixed penalty notices where work is carried out without a permit, meaning that the person who is liable has the opportunity to stave off conviction by paying a fine. Provision is also made (3(5)) for the introduction of a fee for a permit application; the issuing of a permit; and an application to change a permit while subsection 6 deals with the payment of these fees.

It is suggested in the Policy Consultation paper that any charges for schemes would be in line with those introduced in England and Wales. It states that “the applicant would pay a non-returnable fee for the permit, to which the Department could attach conditions aimed at minimising disruption”⁵ and those executing the works would have to give notice of specific start and finish dates.

Clauses 4 and 5

Clause 4 is the Crown Application while **Clause 5** deals with interpretation of Part 1 of the Bill

Permit Schemes in Other Legislatures

In England and Wales provision is made for Permit Schemes on Public Roads in section 3 of The Traffic Management Act 2004⁶. It is very similar in composition to this Bill. In terms of payment it states that a fee may be charged for an application for a permit, the issuing of the permit, any application to change the permit and the application of these changes to the permit.

5 Road Service (2008) “Policy Proposals for a Roads (Miscellaneous Provisions) Bill”. Policy Consultation Paper. DRD: Belfast.

6 OPSI: Traffic Management Act 2004 [online] Available from: http://www.opsi.gov.uk/acts/acts2004/ukpga_20040018_en_1

While there is no indication that there are any councils in England actually charging for the permits identified above, this English regulation: *The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) 2009* apply to every publicly maintainable highway, and allow councils to punish contractors and utilities for taking unreasonable times to complete jobs. Under this regulation the highway authority has the option to levy a fee when it feels the work on the road has gone on unnecessarily long, based on the original agreement it made with the undertaker. The maximum fees are shown in table 1 below:

The reason perhaps why the charges under the permit scheme have yet to be applied is that **there are also provisions in the legislation, as there are in this Bill for circumstances when a fee is not necessary,** where it may be discounted and the timeframe and manner of payment.

The code of practice identifies types of works which are exempt from payment, these are⁷:

- works in non traffic-sensitive streets;
- works in the footway of traffic-sensitive streets, at traffic-sensitive times;
- works in traffic-sensitive streets at non traffic-sensitive times;
- replacing poles, lamps, columns or signs in the same location;
- pole testing;
- works where any small diameter holes of less than 30mm diameter are created for investigatory purposes; for example bar holes.
- works carried out by, or on behalf of, a highway authority.

Therefore, what constitutes a traffic sensitive street may be open to interpretation.

Table 1: Maximum fees (daily charges) for unreasonable overrun of project⁸

	Street having a road category other than 2, 3 or 4 ¹	Street of road category 2	Street of road category 3 or 4 (TS)	Street of road category 3 or 4 (TS)
Major and Standard works	£ 2, 500	£2,000	£750	£250
Minor and Immediate works	£500	£500	£250	£100

It has been announced that a permit scheme will come into effect on London's busiest roads from January 11th 2010. The Permits scheme, which will affect 18 Borough's in all, will require utility companies and other companies to apply for permits to dig up roads and is also **aimed at reducing disruption by putting heavy penalties on jobs that go over time** for example, they will have to pay £240 for each permit and face fines of up to £5,000 if they breach regulations⁹. Transport for London also believes that:

"Permitting will enable TfL to plan and coordinate the timing of roadwork's, providing greater opportunities for multiple companies to work on the same sections of road simultaneously"¹⁰.

7 DfT(2009) New Roads and Street Works Act 199: Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters. Dft: London [online] Available from: <http://www.dft.gov.uk/pgr/roads/network/local/streetworks/cop/cop3rdedition.pdf>

8 Ibid (page 67)

9 Williams, D. (2009) "Utility firms will need a permit to dig holes in roads". London Evening Standard (7th December 2009) [online] Available from: <http://www.thisislondon.co.uk/standard/article-23780629-utility-firms-will-need-a-permit-to-dig-holes-in-roads.do>

10 Transport for London (TfL) "First road works permit scheme in UK to start on 11 January 2010" [online] Available from: <http://www.tfl.gov.uk/corporate/media/newscentre/13757.aspx>

While this will reduce the need to re-dig certain roads and will inevitably reduce disruption, further action may also be taken. In addition to the permitting scheme and with a view to putting the companies under further pressure to complete jobs on time **TfL are in talks with the Department for Transport to allow them to introduce a lane rental scheme which would require utility companies to pay a rental charge for every day that they are working on a street, rather than a one-off charge.**

In terms of the response at consultation to the introduction of charges for permits here in Northern Ireland; BT, NIE and NJUG all took the view that these **should only be associated to any costs which the department may incur** with NJUG stating that:

“Roads that do not attract congestion should not be included within a permit scheme. Charges should only relate to the additional costs incurred in operating a permit scheme and not be related to the works activity being undertaken. **There should be no profit loading which this proposal would allow.**”¹¹

This suggestion from NJUG would appear to be closely aligned to what is happening in England with only the busiest roads in London now likely to charge for the permit scheme. **The possible negative implications of these types of charges becoming too widespread include the passing on of costs to consumers**¹².

Road Closure for filming and special events

Background

The PSNI and some local council’s lobbied the Department to introduce statutory powers to clarify and better regulate the closure of roads for events. Currently the Department controls road closures through either the:

- Road Traffic Regulation (Northern Ireland) Order 1997; or the
- Road Races (Northern Ireland) Order 1986.

The Police Service for Northern Ireland facilitates events such as the Belfast Marathon through the temporary closing of roads under article 32 of the Road Traffic Regulation (NI) Order 1997.

Road Closures in Other legislatures

In England powers to close roads are contained in the Road Traffic Regulation Act 1984 which states that the traffic authority can prohibit or restrict traffic on a road for the purpose of:

- a. facilitating the holding of a relevant event,
- b. enabling members of the public to watch a relevant event, or
- c. reducing the disruption to traffic likely to be caused by a relevant event.¹³

In this “relevant event” means any sporting event, social event or entertainment which is held on a road and the order which closes the road will only last for 3 days¹⁴. This does not however pay any particular reference to closing a road for the purpose of filming which has created a level of ambiguity surrounding what is a “relevant event”.

11 (NJUG) National Joint Utilities Group – Response to Consultation. 26th February 2009

12 See: Barney, K. (2009) “Mayor’s roadwork’s charge ‘will increase energy bills’”. London Evening Standard (14th October 2009) [online] Available from: <http://www.thisislondon.co.uk/standard/article-23756244-mayors-roadworks-charge-will-increase-energy-bills.do>

13 Roads Traffic Regulation Act 1984. S. 16A(2)

14 Roads Traffic Regulation Act 1984. S. 16B

The power to close a road for filming is of particular interest to this Bill which will provide the power to enable traffic on roads to be restricted or prohibited temporarily to facilitate the making of a film, or to facilitate the holding of sporting, social or entertainment events.

London

The London Local Authorities (LLA) and Transport for London (TfL) Act 2008 provides legislation which allows traffic authorities to close roads or highways in London specifically for the purposes of filming. According to Film London which acts as London's film and media agency **this legislation was most welcome and very necessary in order that London could be viewed as world class location in which to film.**¹⁵

The issue with the previously existing legislation was the level of ambiguity which existed over what was a relevant event (see above) and this was seen as a major disadvantage when compared to other cities worldwide.

It is widely accepted that filming on location provides that location with many economic benefits both directly through job creation and the use of local services¹⁶ but also indirectly, not least through its propensity to promote tourism to film locations¹⁷.

What the old legislation did allow for was a road closure by order for up to three days and only once per year, where as this legislation allows for road closures to be longer and occur more often depending on whether they are done through Order or through Notice.

The closure of a road by Order is done through the amendment in the LLA & TfL Act 2008 to the Highways Act 1980 which (in section 12(2)) specifies that roads may be closed "...for a relevant event" and emphasises that "relevant event" includes filming. In addition to the one order which was allowed **this new legislation allows for a further six orders (7 total) per road, per calendar year, each of which can last up to seven days**¹⁸ (section 13(2)).

Notices may also be issued under this new legislation but are more short term, lasting only 24 hours. The issue of whether or not to grant a Notice to restrict or prohibit traffic on a road is at the discretion of the local authority and there are a number of London Boroughs who do not offer these. When issued, Notices can come into effect immediately and there are no limits to the number of these which can be issued to a particular road (section 13(4)).

Costs

Having an Order or Notice implemented involves a fee which is set by the various boroughs and is paid for by the applicant (see annex 1 for charges). **The production companies are also responsible for the additional costs associated with necessary traffic management plans** such as:

- Stewarding;
- policing and security plans;
- the provision, maintenance and removal of all advance signing;
- traffic management signs;

15 Film London (2008) "The London Local Authorities and Transport for London Act 2008" [online] Available from: http://www.filmlondon.org.uk/uploads/documents/doc_680.doc

16 NI Executive (2009) "US studio to film Hollywood Blockbuster in Northern Ireland " [online] available from: <http://www.northernireland.gov.uk/news/news-ofmdfm/news-ofmdfm-090409-us-studio-to.htm>

17 Bolan, P, Crossan, C. and Connor, N. (2008) "Film and Television Induced Tourism in Ireland: A Comparative Impact Study of Ryan's Daughter and Ballykissangel". Conference Proceedings, University of Nottingham [online] Available from: <http://lit.academia.edu/documents/0008/5817/NottinghamPaperBolanCrossanOConnor.doc>
<http://lit.academia.edu/documents/0008/5817/NottinghamPaperBolanCrossanOConnor.doc>

18 London Local Authorities and Transport for London Act 2008 [online] Available from: http://www.opsi.gov.uk/acts/localact2008/ukla_20080003_en_3

- cones and barriers as agreed with the Traffic Authority; as well as
- any other costs associated with issuing the Order/Notice¹⁹.

Lead in Times i.e. when an application must be made and the cost of applications for both Notice's and Order's vary dramatically across all Boroughs', for example in Bromley a notice is £162 where as in Camden it costs £2000. In Bromley the lead in time is five days and Haringley it is six weeks²⁰. This would suggest that both cost and lead in time are dependent on popularity indicating that Bromley is not the most sought after location for filming where as Camden and Haringley may well be. Order's can cost anywhere from £340 – 2100 and in the majority of cases these take a *minimum* of six weeks and can take up to 24 (weeks).

Republic of Ireland

The power to recover costs for holding events is also present in Section 75 of the Roads Act 1993 (Republic of Ireland) which enables road authorities in the Republic to close temporarily close roads by order for the purpose of facilitating a road race, the carrying out of works, or for any other purposes²¹. Provisions also exist for applicants to apply in advance, the requirement for time to be given to consider objections and the provision for the requirement of an indemnity²².

Clauses 6 and 7

Part 2 of the Bill provides the Miscellaneous Provisions which are concerned with “prohibition or restriction of use of public roads in connection with special events”²³ and includes 2 clauses (clauses 6 and 7). **Clause 6** amends the Road Traffic Regulation (Northern Ireland) Order 1997 enabling local councils to prohibit or restrict the use of roads for the purpose of holding special events, while **clause 7** replaces section 65 of that legislation dealing with Inquiries which may be held into either the issuing of permits or the closure of roads. Clause 7(4) further states that Inquiries should be held according to the regulations provided in Schedule 6 of the 1997 order which deals with publication of a notice and the eligibility of participants in the Inquiry.

Schedule 1

The intricacies of clauses 6 and 7 are dealt with within the Schedules of this Bill, of which there are three. **Schedule 1** replaces Schedule 3A of the 1997 Order and provides interpretation regarding the details of closing roads for special events, the purpose of the Bill, details of procedures for making orders and rules regarding the recovery of costs.

First of all it removes the perceived ambiguity which existed by defining what events are “*relevant events*”, these can be:

- a. any sporting event, social event or entertainment which is held on a public road; or
- b. the making of a film on a public road

It excludes as special events; public processions, motor races and cycling races which all have legislation in place to enable the closing of roads for those purposes. Like the Road Traffic Regulation Act (1994) which operates in England and Wales the purpose of the Bill is to:

19 Ibid.

20 Film London (2008) “Borough Road Closures and Traffic Management” [online] Available from: http://www.filmlondon.org.uk/uploads/documents/doc_679.pdf

21 Road Service (2008) “Policy Proposals for a Roads (Miscellaneous Provisions) Bill”. Policy Consultation Paper. DRD: Belfast.

22 Section 75 (4) Roads Act 1993 [online] Available from: <http://www.irishstatutebook.ie/1993/en/act/pub/0014/sec0075.html>

23 Roads (Miscellaneous Provisions) Bill, Part 2.

- a. facilitate the holding of a relevant event,
- b. enable members of the public to watch a relevant event, or
- c. reduce the disruption to traffic likely to be caused by a relevant event

Orders cannot be issued if it would prevent access to any shops or homes adjacent to the road. The order also may contain a number of provisions for the responsibilities of promoters such as the need for insurance, safety certificates (for equipment), to erect barriers, to erect signs and the provision that they must comply with any other requirement, similar to the requirements in London.

In addition to these provisions the Bill states that Orders will only be made when an application is submitted by a promoter and when the application is received a notice must be published in a local paper which identifies:

- The name of the promoter;
- The road affected;
- Details of any restrictions;
- The dates of these;
- Any alternative routes for drivers and pedestrians;
- The address where the public may view the application; and
- The way in which objections can be submitted

As well as public consultation the Bill specifies that all the relevant emergency services be consulted.

In terms of recovering costs the bill states that **the local council can retrieve all costs associated with either making the bill such as those involved in the consultation process detailed above or those which are as a consequence of issuing the order such as cleaning up and repairing any damage.**

Clauses 8 - 10

Clauses 8-10 are the supplementary clauses. **Clause 8** is 'minor amendments and repeals' which are dealt with also in *schedules 2 and 3*. **Clause 9** is 'commencement' and **Clause 10** is the short title of the Bill which is the "Roads (Miscellaneous Provisions) Act 2009.

Costs for road closure by notice and order across the london boroughs

Borough	Road Closure by Notice (£)	Road Closure by Order (£)
Brent	625	1820 +VAT
Bromley	162	1500
Camden	2000	1600
City of London	NA	1000 – 2100
Croydon	NA	700
Ealing	528 + Standard Filming Charges	528 + 309 For Advertising + Standard Filming Charges
Greenwich	414 + Associated Costs	414 + Associated Costs
Hackney	600	600
Hammersmith & Fulham	340 + Traffic Management Costs	340 + Traffic Management Costs
Haringey	1500	1500
Harrow	700	1500
Havering	1035	1035 +Additional Costs
Hillingdon	200	1000
Hounslow	200	850 Chiswick 650 Rest of Borough
Islington	2000	2000
Royal Borough of Kensington and Chelsea	NA	1025

(Footnotes)

- 1 Road category is an indication of the importance of the street - 0 being the highest, 4 the lowest.



Northern Ireland
Assembly

Appendix 6

Other Documents Relevant to the Roads (Miscellaneous Provisions) Bill

Roads (Miscellaneous Provisions) Bill - As Introduced

Roads (Miscellaneous Provisions) Bill

[AS INTRODUCED]

CONTENTS

PART 1

PERMIT SCHEMES

1. Meaning of permit scheme
2. Making, variation and revocation of schemes
3. Permit regulations
4. Crown application
5. Interpretation of Part 1

PART 2

MISCELLANEOUS

6. Prohibition or restriction of use of public roads in connection with special events
7. Inquiries

PART 3

SUPPLEMENTARY

8. Minor amendments and repeals
9. Commencement
10. Short title

SCHEDULES:

- | | |
|------------|---|
| Schedule 1 | Schedule to be inserted as Schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997 |
| Schedule 2 | Minor and consequential amendments |
| Schedule 3 | Repeals |

Roads (Miscellaneous Provisions)

A

B I L L

TO

Provide for permit schemes to control the carrying out of works in roads; for prohibiting or restricting the use of roads in connection with special events; for inquiries in connection with the exercise of certain functions relating to roads; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

PERMIT SCHEMES

Meaning of permit scheme

5 **1.**—(1) Any reference in this Part to a permit scheme is a reference to a scheme which is designed to control the carrying out of specified works in specified roads.

(2) A permit scheme may (in particular) include provision—

10 (a) for, or in connection with, requiring a permit to be obtained before specified works are carried out (including provision as to the persons who are required to obtain permits),

(b) for, or in connection with, the issue of permits (including provision with respect to applications for permits, provision for cases in which there is to be an entitlement to the issue of a permit and provision with respect to cases in which permits are to be deemed to be issued),

15 (c) as to cases in which specified works may be carried out without a permit,

(d) for, or in connection with, the imposition of conditions which are to apply in relation to the carrying out of specified works (including provision for, or in connection with, the attachment of such conditions to permits),

20 (e) for, or in connection with, the review or variation of permits or such conditions (including provision with respect to applications for such variations).

Roads (Miscellaneous Provisions)

PART 1

(3) In this section “specified”, in relation to a permit scheme, means specified, or of a description specified, in the scheme.

Making, variation and revocation of schemes

2.—(1) The Department may prepare a permit scheme and in doing so must comply with permit regulations. 5

(2) A permit scheme shall not have effect unless the Department by order gives effect to it.

(3) An order under subsection (2)—

(a) must specify—

(i) a place where copies of the scheme may be obtained free of charge; 10

(ii) the date on which the scheme is to come into effect, and

(b) may (in accordance with permit regulations) include provisions which disapply or modify statutory provisions to the extent specified in the order.

(4) The Department may by order vary or revoke any permit scheme which for the time being has effect. 15

(5) An order under subsection (4)—

(a) may relate to one or more permit schemes,

(b) may vary or revoke any order under subsection (2), or any order previously made under subsection (4), 20

(c) may (in accordance with permit regulations) include provisions which disapply or modify statutory provisions to the extent specified in the order,

(d) may contain such incidental, supplementary, consequential or transitional provisions as the Department considers necessary or expedient. 25

Permit regulations

3.—(1) The Department may by regulations (“permit regulations”) make provision with respect to the content, preparation, operation, variation or revocation of permit schemes.

(2) Permit regulations may— 30

(a) set out procedural provisions with which the Department must comply in preparing permit schemes,

(b) set out standard provisions which may or must be included in a permit scheme,

(c) make provision as to the publicity to be given to permit schemes, 35

(d) make provision with respect to any of the matters mentioned in section 1(2) (including provision as to the conditions or types of conditions which may be imposed by virtue of section 1(2)(d)).

(3) Permit regulations may make provision—

(a) as to the criteria to be taken into account in the case of decisions with respect to the issue, review or variation of permits or decisions with 40

Roads (Miscellaneous Provisions)

PART 1

- respect to the imposition, review or variation of conditions under a scheme,
- (b) for, or in connection with, the determination, or facilitating the determination, of disputes (including provision with respect to the appointment of persons to determine, or facilitate the determination of, disputes),
- (c) for, or in connection with, appeals to the planning appeals commission,
- (d) as to the action which may be taken if works are carried out without a permit or if any conditions are not complied with,
- (e) for, or in connection with, the creation, in prescribed cases (including prescribed cases where works are carried out without a permit or in breach of any conditions), of a criminal offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale,
- (f) for, or in connection with, excluding or limiting the liability of prescribed persons in prescribed cases,
- (g) for such incidental, supplemental, consequential or transitional matters as the Department considers necessary or expedient.
- (4) Permit regulations may make provision for, or in connection with, the giving of fixed penalty notices (including, in particular, provision applying Schedule 2A to the Street Works Order with or without modifications) in relation to any offence created by the regulations; and for this purpose “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence by payment of a penalty.
- (5) Permit regulations may make provision for, or in connection with, the payment of a fee in respect of any one or more of the following—
- (a) an application for a permit,
- (b) the issue of a permit,
- (c) an application for the variation of a permit or the conditions attached to a permit,
- (d) the variation of a permit or the conditions attached to a permit.
- (6) Provision made under subsection (5) may include provision as to—
- (a) the amount or maximum amount of any fee,
- (b) cases in which fees are not to be payable or are to be repaid,
- (c) cases in which fees may be discounted,
- (d) the time and manner of making payment of fees,
- (e) the application of sums paid by way of fees.
- (7) Permit regulations may make provision—
- (a) for, or in connection with, the creation and maintenance of a register of permits,
- (b) with respect to access to information contained in any such register (including provision restricting such access).
- (8) Permit regulations may set out provisions—
- (a) which disapply or modify statutory provisions, and

Roads (Miscellaneous Provisions)

PART 1

(b) which are to or may apply in the case of permit schemes.

(9) Nothing in subsections (2) to (8) is to be taken as affecting the generality of subsection (1).

(10) The first regulations under this section may not be made unless a draft of them has been laid before, and approved by a resolution of, the Assembly. 5

(11) Any other regulations under this section are subject to negative resolution.

Crown application

4. This Part binds the Crown; but nothing in this Part authorises the bringing of proceedings for a criminal offence against a person acting on behalf of the Crown.

Interpretation of Part 1 10

5. In this Part—

“condition” is to be construed in accordance with section 1(2)(d);

“in”, in the context of referring to works in a road, includes a reference to works under, over, across, along or upon a road;

“permit” is to be construed in accordance with section 1(2); 15

“permit scheme” is to be construed in accordance with section 1;

“permit regulations” is to be construed in accordance with section 3;

“prescribed” means prescribed, or of a description prescribed, by permit regulations;

“road” means— 20

(a) a road within the meaning of the Roads (Northern Ireland) Order 1993 (NI 15); and

(b) anything which (not being such a road) is a street within the meaning of the Street Works Order;

“the Street Works Order” means the Street Works (Northern Ireland) Order 1995 (NI 19); 25

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“works” includes—

(a) street works within the meaning of the Street Works Order; and 30

(b) works for road purposes and major road works within the meaning of that Order.

PART 2

MISCELLANEOUS

Prohibition or restriction of use of public roads in connection with special events 35

6.—(1) The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2) is amended as follows.

(2) After Article 8 insert the following Article—

Roads (Miscellaneous Provisions)

PART 2

“Prohibition or restriction of use of public roads: special events

8A. Schedule 3A (which makes provision for prohibiting or restricting the use of public roads in connection with the holding of special events) shall have effect.”.

5 (3) After Schedule 3 insert the Schedule set out in Schedule 1 to this Act.

Inquiries

7. For Article 65 of the Road Traffic Regulation (Northern Ireland) Order 1997 substitute—

“Inquiries

10 65.—(1) Subject to paragraph (2), the Department may cause a public inquiry to be held in connection with the exercise of any of its functions under this Order.

(2) Paragraph (1) does not apply to the making of an order under Article 10, 13 or 15 if the sole effect of the order is to vary charges.

15 (3) For the purposes of any inquiry under paragraph (1), Schedule A1 to the Interpretation Act (Northern Ireland) 1954 (which applies in relation to such inquiries by virtue of section 23 of that Act) shall have effect as if the words “or may, if the Department so determines, be wholly or partly defrayed by the Department” were added at the end of paragraph 7(1) of that Schedule.

20 (4) Schedule 6 shall have effect in relation to any inquiry under paragraph (1) which is held in connection with the making by the Department of an order or a scheme under this Order.”.

PART 3

25 SUPPLEMENTARY

Minor amendments and repeals

8.—(1) The statutory provisions set out in Schedule 2 have effect subject to the minor and consequential amendments specified in that Schedule.

30 (2) The statutory provisions set out in Schedule 3 are repealed to the extent specified in the second column of that Schedule.

Commencement

9.—(1) Except as provided by subsection (2), this Act comes into operation on the day after that on which it receives Royal Assent.

35 (2) The following provisions come into operation on such day as the Department may by order appoint—

(a) section 6;

(b) Schedule 1;

(c) in Schedule 2, paragraphs 3 to 5 and 6(1) and (2) (and Article 8(1) so far as relating to those paragraphs);

Roads (Miscellaneous Provisions)

PART 3

(d) in Schedule 3, the entries relating to the Street Works (Northern Ireland) Order 1995 and the Street Works (Amendment) (Northern Ireland) Order 2007 (and Article 8(2) so far as relating to those entries).

Short title

10. This Act may be cited as the Roads (Miscellaneous Provisions) Act 5
(Northern Ireland) 2010.

Roads (Miscellaneous Provisions)

SCHEDULES

SCHEDULE 1

Section 6.

SCHEDULE TO BE INSERTED AS SCHEDULE 3A TO THE ROAD
TRAFFIC REGULATION (NORTHERN IRELAND) ORDER 1997

5

“SCHEDULE 3A

PROHIBITION OR RESTRICTION OF USE OF PUBLIC ROADS: SPECIAL
EVENTS

Interpretation

- 1.—(1) This paragraph applies for the purposes of this Schedule.
- 10 (2) Subject to sub-paragraph (3), a “special event” is—
- (a) any sporting event, social event or entertainment which is held on a public road; or
 - (b) the making of a film on a public road.
- (3) The following are not special events —
- 15 (a) a public procession (within the meaning of the Public Processions (Northern Ireland) Act 1998);
- (b) a motor race falling within the Road Races (Northern Ireland) Order 1986 (motor races on roads);
- 20 (c) a race or trial falling within Article 45 of the Road Traffic (Northern Ireland) Order 1995 (cycle racing on roads).
- (4) The “relevant authority”—
- (a) for a special road, is the Department;
 - (b) for any other public road, is the district council for the district in which the road is situated.
- 25 (5) Where the special event is the making of a film, references to the holding of the event are to be read as references to the making of the film.
- (6) References to the promoter, in relation to a special event, are references to the person organising the event.
- (7) References to an order are to an order under paragraph 2.
- 30 (8) A public road is “affected” by an order or proposed order if the order contains or would contain provisions restricting or prohibiting the use of the road.

Roads (Miscellaneous Provisions)

SCH. 1

Prohibition or restriction on public roads in connection with special events

2.—(1) Sub-paragraph (2) applies if the relevant authority for a public road is satisfied that—

(a) traffic on the road should be restricted or prohibited for the purpose of— 5

(i) facilitating the holding of a special event,

(ii) enabling members of the public to watch a special event, or

(iii) reducing the disruption to traffic likely to be caused by a special event; and 10

(b) it is not reasonably practicable for the event to be held otherwise than on a public road.

(2) The relevant authority may by order restrict or prohibit temporarily the use of that road, or any part of it, by vehicles or vehicles of any class or by pedestrians, to such extent and subject to such conditions or exceptions as it may consider necessary or expedient. 15

(3) An order may relate to the public road on which the special event is to be held or to any other public road.

(4) No order shall be made with respect to any public road which would have the effect of preventing at any time access for pedestrians— 20

(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.

(5) An order may suspend or modify any statutory provision relating to the affected road or its use by traffic or pedestrians. 25

(6) An order may contain provision —

(a) requiring the promoter to insure against such risks in connection with the holding of the event on a public road as the relevant authority may specify;

(b) requiring the promoter to produce to the relevant authority such certificates as it may require as to the safety of any structures, equipment or other apparatus to be used in association with the special event; 30

(c) requiring the promoter to erect such barriers and place such signs in such places on or in the vicinity of any affected road as the relevant authority may specify; 35

(d) requiring any such barriers and signs to be erected no earlier than, and removed no later than, such times as the relevant authority may specify;

(e) requiring the promoter to comply with such other conditions as may be specified in the order. 40

(7) A district council may not make an order except with the consent of the Department.

Roads (Miscellaneous Provisions)

SCH. 1

Procedure for making orders

3.—(1) An order shall not be made except on an application made to the relevant authority by the promoter of the special event.

(2) An application shall be in writing and give such details of the event as the relevant authority may require.

(3) Where—

- (a) an application for an order is made to a relevant authority, and
- (b) the relevant authority is minded to make an order,

the relevant authority shall publish in at least one local newspaper circulating in the district in which any affected road is situated a notice complying with paragraph (4).

(4) The notice must—

- (a) identify the promoter of the special event;
- (b) identify any affected road;
- (c) specify any restrictions or prohibitions which the relevant authority proposes to include in the order;
- (d) specify the dates on which and times between which the restrictions or prohibitions would apply;
- (e) specify any alternative routes for traffic or pedestrians;
- (f) state the address where copies of the application may be inspected by any person free of charge at all reasonable times;
- (g) state that representations in writing may be sent to the relevant authority within such period as is specified in the notice (not being less than 21 days from the date of the last publication of the notice) at such address as is so specified.

(5) Before making an order the relevant authority must consult—

- (a) the district commander of the police district in which any affected road is situated;
- (b) the Northern Ireland Fire and Rescue Service;
- (c) the Northern Ireland Ambulance Service.

(6) When considering whether to make an order, the relevant authority must—

- (a) consider any representations made in accordance with a notice published under sub-paragraph (3) and the outcome of consultations under sub-paragraph (5);
- (b) have regard to the safety and convenience of alternative routes suitable for traffic and pedestrians affected by the order; and
- (c) if the relevant authority is a district council, also have regard to any guidance issued by the Department under paragraph 5.

Recovery of certain costs

4. The relevant authority may recover from the promoter the whole of the costs incurred by the relevant authority in connection with or in

Roads (Miscellaneous Provisions)

SCH. 1

consequence of the making of an order, including in particular the cost to the relevant authority of complying with the requirement in paragraph 3(3) to publish notices.

Guidance

5. The Department may issue guidance— 5

(a) to district councils as to the exercise of their functions under this Schedule; and

(b) to promoters of events as to the procedure for making an order and as to the conduct of events in relation to which an order has been made. 10

Offences in relation to orders

6.—(1) A person who contravenes, or who uses or permits the use of a vehicle in contravention of, a restriction or prohibition imposed by an order is guilty of an offence.

(2) A promoter who fails to comply with any requirement imposed under paragraph 2(6) is guilty of an offence.”. 15

Section 8.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Towns Improvement (Ireland) Act 1854 (c. 103)

1. Section 70 (obstruction of streets) shall cease to have effect. 20

The Belfast Corporation Act (Northern Ireland) 1930 (c. ii)

2. Section 59 (closure of certain streets) shall cease to have effect.

The Statutory Rules (Northern Ireland) Order 1979 (NI 12)

3. In Schedule 3 (statutory rules exempt from requirements as to printing and sale) in paragraph 7A after “66 of” insert “, or Schedule 3A to,”. 25

The Roads (Northern Ireland) Order 1993 (NI 15)

4. In Article 71(2) (erection of structures on roads) after sub-paragraph (c) insert “or

(d) in connection with the holding of an event in connection with which an order has been made under Schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997,”. 30

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

5. In Part 1 of Schedule 1 (offences) at the end of the entries relating to the Road Traffic Regulation (Northern Ireland) Order 1997 insert—

Schedule 3A, paragraph 6(1)	Contravention of prohibition or restriction imposed by order.	Summarily.	Level 3 on the standard scale.	—	—	—	35
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Roads (Miscellaneous Provisions)

SCH. 2

Schedule 3A, paragraph 6(2)	Failure to comply with requirement imposed under paragraph 2(6).	Summarily.	Level 2 on the standard scale.	—	—	—
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The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 5 6.—(1) In Article 9(1), (2) and (3) for “this Part” substitute “Articles 4 to 8”.
- (2) In Article 69 (trolley vehicles) after “7,” insert “8A,”.
- (3) In Schedule 6 (inquiries), in paragraph 1(1) for “under this Order” substitute “in connection with the making by the Department of an order or scheme under this Order”.
- 10 (4) In Schedule 6, at the end add—
- “3. Where the inquiry has been held, the Department may, after considering the report of the person who held the inquiry—
- (a) determine to make the order or scheme; or
- 15 (b) make the order or scheme either without modification or subject to such modifications as the Department thinks fit.”.

The Traffic Management (Northern Ireland) Order 2005 (NI 14)

- 7.—(1) In Article 16(3) (statutory declaration to contain such additional matters as Lord Chancellor may determine) after “may” insert “after consultation with the Lord Chief Justice”.
- 20 (2) In Article 30(1) (Lord Chancellor may make regulations as to procedure before adjudicators) after “may” insert “after consultation with the Lord Chief Justice”.

SCHEDULE 3

Section 8.

REPEALS

Short Title	Extent of repeal
The Towns Improvement (Ireland) Act 1854 (c. 103)	Section 70.
The Belfast Corporation Act (Northern Ireland) 1930 (c. ii)	Section 59.
The Street Works (Northern Ireland) Order 1995 (NI 19)	Article 12A. In Article 59(1) the words “12A(8),”.
The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)	In Schedule 1, paragraph 4. In Schedule 2, paragraph 5. In Schedule 4, paragraph 4. In Schedule 4A, paragraph 4.

Roads (Miscellaneous Provisions)

SCH. 3

Short Title	Extent of repeal
	In Schedule 5, paragraph 4.
The Street Works (Amendment) (Northern Ireland) Order 2007 (NI 1)	Article 3.

5

Explanatory and Financial Memorandum

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

ROADS (MISCELLANEOUS PROVISIONS) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Department for Regional Development in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause, or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The current framework for managing traffic restrictions and road closures to enable works on roads to take place is contained in various pieces of primary legislation for which the Department for Regional Development, as road authority, has responsibility. These are the Roads (Northern Ireland) Order 1993, the Street Works (Northern Ireland) Order 1995, the Road Traffic Regulation (Northern Ireland) Order 1997 and the Traffic Management (Northern Ireland) Order 2005.
4. The Department's functions as road authority are exercised, on its behalf, by Roads Service.
5. The Bill would introduce arrangements in relation to the authorisation of certain events on roads and for a permit scheme to control works on roads. It would also introduce, to the Road Traffic Regulation (Northern Ireland) Order 1997, a power to hold enquiries and would amend the Traffic Management (Northern Ireland) Order 2005 to take account of changes that have taken place in the functions of both the Lord Chancellor's Office and that of the Lord Chief Justice.

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

OVERVIEW

6. The Bill proposes to introduce provisions for the management of:

Events on Roads

7. A number of events are held on roads throughout the year. Many of these are entertainment or sporting events, attracting, in some cases, international competitors and large numbers of spectators. There are also occasions when film production companies need to have restrictions placed on traffic using a road to enable location filming to take place.
8. The Department for Regional Development, in its role as road authority, was advised that there was some uncertainty about the identity of the appropriate authority to authorise such events and decided to clarify the situation.
9. In addition, on 31 March 2008, Minister Foster announced to the Assembly the Northern Ireland Executive's vision for the future, following implementation of the Review of Public Administration. One of the proposed measures was to make local councils responsible for authorising local events on roads.
10. Taking into account both of the foregoing issues the Bill contains arrangements that would make councils responsible for authorising certain events on roads.

Permit Schemes

11. In Northern Ireland roads are the medium through which the movement of people, goods and services for the social and economic benefit of all people is achieved.
12. Works on roads inevitably cause delay. Disruption and congestion often occur and journey times are adversely affected. Beyond the necessary works of the Department to maintain and develop the road network, utility openings alone are in excess of 35,000 in number each year.
13. The Public Accounts Committee's 2009 report on Road Openings by Utilities found that despite utilities having a statutory requirement to notify all road openings in advance, a pattern of late notifications remained. One of the effects of this is to compromise attempts to coordinate works of all kinds on roads.
14. The Department for Regional Development spent some £173m on the construction and improvement of roads and £91.2m on maintaining (including reconstruction, resurfacing and patching) this important public asset. Although some new roads have been constructed and a number of existing roads improved to cope better with traffic volumes (for example, the recently completed M1, M2 and Westlink schemes), often these types of works are simply not possible due to budgetary constraints.

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

15. The Northern Ireland Transport Statistics for 2008–9 reveal that there were 1,024,396 vehicles licensed in Northern Ireland at 31 December 2008 – an increase of 16,107 vehicles from the previous year. In 2008 the most frequently used method of travel to work in Northern Ireland was by car, van or minibus, with 83 per cent of the workforce interviewed in October to December using these methods.
16. Goods lifted on roads within Northern Ireland by goods vehicles over 3.5 tonnes between 2002 and 2007 increased from 48,116 tonnes in 2002 to 76,674 tonnes in 2007.
17. With the increasing volume of traffic using the road network there is a growing impact on road users, both private and commercial, caused by the execution of works on roads. The Street Works (Amendment) (Northern Ireland) Order 2007 introduced permit requirements in respect of street works (largely the works of utility companies). However, given the response to the consultation the Department determined that those arrangements should be replaced with a wider scheme that would apply to other works on roads.
18. The Bill would therefore repeal the street works permit scheme arrangements and provide a wider scheme to better control the timing and duration of works on roads.

Holding of Inquiries under the Road Traffic Regulation (Northern Ireland) Order 1997

19. A power to hold an inquiry into the exercise, by the Department for Regional Development, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997 would ensure procedural fairness in the Department's decision-making processes and would provide an opportunity for concerned parties to make representations.

Giving effect to the reform of the Lord Chancellor's Office

20. The Constitutional Reform Act 2005 reformed the Office of the Lord Chancellor. The Bill would amend the Traffic Management (Northern Ireland) Order 2005 to take account of that reform.

Consultation

21. The Department consulted stakeholders and the wider public on its policy proposals for a Roads (Miscellaneous Provisions) Bill between 3 December 2008 and 6 March 2009. Documents relating to the consultation, including a report on its findings, can be viewed at <http://www.roadsni.gov.uk/index/consultations/consultations-2c.htm>

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

22. The utility companies that responded to the consultation were not in support of the general principle of permit schemes. However, given that the Street Works (Northern Ireland) Order 1995 (as amended) had included similar arrangements in respect of works carried out by the utilities, they were content that these arrangements should be extended to others working on roads. Non-utility respondents generally welcomed the proposal.
23. All respondents broadly welcomed the proposal to introduce powers enabling councils to authorise the closure or restriction of traffic using roads to enable special events to take place.
24. Where respondents commented on proposals to introduce a general power to hold inquiries under the Road Traffic Regulation (Northern Ireland) Order 1997 and to give effect to the reform of the Lord Chancellor's Office by changing rule-making procedures contained within the Traffic Management (Northern Ireland) Order 2005, the proposals were welcomed.

OPTIONS CONSIDERED

Permits schemes for works on roads

25. Do nothing - the Department considered maintaining the status quo and not introducing any additional legislation to more effectively manage works on roads. However, given increasing volumes of traffic using the road network the level of disruption caused to road users by works on roads would be likely to increase.
26. Introduce a non-regulatory scheme - the Department also considered adopting a non-regulatory approach, with the introduction of a non-statutory code of practice. However, this was considered unlikely to be successful for two reasons. Firstly, no representative body exists to supervise its implementation beyond the utilities and, secondly, without enforcement provisions, it may would have been largely ineffectual.
27. It was therefore decided that the interests of the road user would be best served by the introduction of new statutory arrangements.

Prohibition or restriction on the use of roads in connection with special events

28. Do nothing – in view of the need to clarify the situation about which authority possesses the necessary powers to authorise such closures or restrictions, doing nothing was not really an option.
29. Vesting of new powers in the Department - the Department considered taking new powers to enable it to authorise such events with a discretionary power, to be exercised in the future, to devolve that function to local councils.

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

30. Vest new powers in councils - it was considered that councils would be best placed to make decisions on road closures for events in their own area. In addition, given the wishes of the Northern Ireland Executive to see local councils become responsible for events on roads under the Review of Public Administration it was decided to proceed with this option.

COMMENTARY ON CLAUSES

The Bill contains 10 clauses and 3 schedules. A commentary on them follows.

Clause 1: Meaning of permit scheme

This clause defines a permit scheme and outlines arrangements relating to permits that may be contained within such a scheme. For example, a scheme may prescribe the circumstances under which a permit is, or is not, required for the execution of works on roads and what conditions may be attached to a permit issued under such a scheme.

Clause 2: Making, variation and revocation of schemes

Under this clause, the Department may bring a permit scheme into operation, or change or revoke it, by order. Permit schemes must comply with any permit regulations made under clause 3.

Clause 3: Permit regulations

This clause provides for the Department to make regulations concerning the content of schemes and the procedures to be followed in the making and operation of schemes. The regulations may, for example, make provision for offences and for fees payable in relation to the application for or issue of a permit.

Clause 6: Prohibition or restriction of use of public roads in connection with special events

This clause provides a procedure enabling local councils, with the consent of the Department, to close roads or restrict traffic using them to facilitate special events taking place on roads. It introduces a new schedule 3A setting out the arrangements into the Road Traffic Regulation (Northern Ireland) Order 1997.

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

Schedule 1: Schedule to be inserted as schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997

Paragraph 1: Interpretation

This paragraph defines key phrases used in the schedule. It establishes which public authority ('the relevant authority') is responsible for authorising special events on roads: the Department may authorise the closure or restriction of special roads (usually motorways); local councils may authorise the closure or restriction of all other public roads for special events to be held in their jurisdiction. While the term 'special event' is defined, other types of events that are not included in the new arrangements are also identified.

Paragraph 2: Prohibition or restriction on roads in connection with special events

This paragraph sets out the circumstances under which an application to close or restrict traffic using a road for a special event may be approved. The Department or a local council may impose conditions on the event promoter. For example, a promoter would be required to obtain public liability insurance and to erect diversionary signs. Existing statutory provisions on the affected road, such as speed limits or the direction of traffic, may be changed or suspended for the duration of the event.

Paragraph 6: Offences in relation to orders

It would be an offence to contravene a road closure or restriction, or for an event promoter to fail to comply with any condition imposed by the Department or council. As set out in schedule 2(5), offences are to be prosecuted summarily with, respectively, a maximum fine of level 3 on the standard scale of fines (currently £1,000) and level 2 (currently £500) on the standard scale.

Schedule 3: Repeals

This paragraph identifies other legislative provision that would be repealed. It includes Article 12A of the Street Works (Northern Ireland) Order 1995 and Article 3 of the Street Works (Amendment) (Northern Ireland) Order 2007, which presently enable the Department to make a permit scheme in respect of street works on roads.

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

FINANCIAL EFFECTS OF THE BILL

31. It is difficult to quantify the financial effects of the Bill. It is not anticipated that the authorisation of special events on roads would have a financial impact on councils or the Department as provision has been made for costs to be recovered from event promoters.
32. It is estimated that a permit scheme that would be applied to all roads could cost in the region of £3.2 Million while such a scheme applying to only the most traffic sensitive streets would cost some £700,000.
33. Introduction of a permit scheme would create an increase in workload for the Department and it is possible that some twenty to thirty additional staff may be required to manage it.
34. Different levels of charges could be applied for different types of permits. Charges would be determined by the nature of the works to be carried out, their duration and their anticipated impact on traffic flows. Consequently, the most expensive permits would be those required for major activities on heavily trafficked routes or in traffic-sensitive streets. It is proposed that permit-scheme income would cover the cost of administering the scheme which would, as a result, be self-financing.
35. There are no financial or resource costs associated with the amendments to the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005.

HUMAN RIGHTS ISSUES

36. The introduction of a power to hold an inquiry into the execution of any of the Department's functions under the Road Traffic Regulation (Northern Ireland) Order 1997 will enhance the protection of human rights offered by the Order. The remaining provisions of the Bill are compatible with the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

37. An Equality Impact Assessment screening analysis was completed for each of the four proposals. No significant differential impacts were identified between any of the groups listed in section 75 of the Northern Ireland Act 1998. The screening forms were included in the policy consultation paper and no comments were received on equality issues. The Department concluded that full Equality Impact Assessments were not required on any of the proposals.

This Memorandum refers to the Roads (Miscellaneous Provisions) Bill as introduced in the Northern Ireland Assembly on 18 January 2010 (Bill 6/09)

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

38. As the measures introducing inquiries and implementing the reform of the Lord Chancellor's Office are unlikely to impose new costs or savings on businesses, charities or the voluntary sector, a Regulatory Impact Assessment (RIA) was considered unnecessary.
39. Partial RIAs were completed in respect of proposals for permit schemes and road closures for special events. These were included in the policy consultation document.
40. A full RIA for the permit scheme will be carried out when the Department is preparing the scheme and draft permit scheme regulations. A full RIA will be prepared in respect of the special events provisions before the Department publishes guidance.

LEGISLATIVE COMPETENCE

41. The Minister for Regional Development had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Roads (Miscellaneous Provisions) Bill would be within the legislative competence of the Northern Ireland Assembly.”

SECRETARY OF STATE CONSENT

42. The Secretary of State has consented under section 10(3)(b) of the Northern Ireland Act 1998 to the Assembly considering this Bill.

Transcript of First Stage, 18 January 2010

Monday 18 January 2010

EXECUTIVE COMMITTEE BUSINESS

Roads (Miscellaneous Provisions) Bill

First Stage

The Minister for Regional Development: I beg to introduce the Roads (Miscellaneous Provisions) Bill [NIA 6/09], which is a Bill to provide for permit schemes to control the carrying out of works in roads; for prohibiting or restricting the use of roads in connection with special events; for inquiries in connection with the exercise of certain functions relating to roads; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Transcript of Second Stage, 26 January 2010

Tuesday 26 January 2010

EXECUTIVE COMMITTEE BUSINESS

Roads (Miscellaneous Provisions) Bill

Second Stage

The Minister for Regional Development (Mr Murphy): Go raibh maith agat, a Cheann Comhairle. I beg to move

That the Second Stage of the Roads (Miscellaneous Provisions) Bill (NIA 6/09) be agreed.

The Bill contains four measures. First, it introduces powers to enable my Department to introduce a permit scheme, which is aimed at minimising the disruption on the roads that is caused by certain works. My Department introduced the Street Works (Amendment) Order 2007, which contains similar proposals for a permit scheme. However, that was confined to street works, which are largely the work of utility companies. Utility companies operating in the North lobbied for a level playing field by seeking to ensure that any permit scheme that is introduced here will cover all those who carry out works on roads. Consequently, the permit scheme provisions will apply not only to the works of utility companies but to the works for road purposes that are carried out by my Department, as the road authority.

The facility to apply the arrangements to other works on the roads is also provided for. The earlier street works arrangements, which have not yet been exercised, will be repealed by the Bill. Members will note that no permit scheme regulations may be made without being laid before and approved by the Assembly.

The second measure will give local councils the power to temporarily restrict traffic or to close roads for sporting, social or entertainment events. The background to that is that it is not clear to whom a promoter should apply in cases where an event is to be held. The Department was lobbied by a number of organisations, including the Department of Culture, Arts and Leisure (DCAL), the Department of Enterprise, Trade and Investment (DETI) and NI Screen. The PSNI uses powers that are available to it to facilitate events such as the Belfast marathon. However, the PSNI has concerns about whether those powers are appropriate. Additionally, there are no legislative powers here that enable location filming to take place on roads. The Bill will clarify the position with regard to the appropriate authority. Councils will authorise events on all roads in their areas, except special roads, usually motorways, for which my Department will have responsibility.

The third measure will ensure that the Road Traffic Regulation Order 1997 is fully human rights compliant by introducing an amendment to that Order to enable my Department to hold an inquiry into the execution of

any of its functions under the Order. That is required because some articles of the 1997 Order include powers to hold an inquiry while others provide a right of appeal or a right to make representations to the Department in respect of decisions already made. However, some articles do not provide any such safeguards to the public. The Bill will rectify that.

Finally, the Bill will amend the duties of the Lord Chancellor that are outlined in the Traffic Management Order 2005. The Constitutional Reform Act 2005 reformed the office of Lord Chancellor to give legal effect to the separation of the Lord Chancellor's judicial and executive functions. The Lord Chief Justice for the North became the head of the judiciary here, and, as a result, many of the Lord Chancellor's judiciary and court-related functions transferred to him. The Bill takes account of the changes between the offices of the Lord Chancellor and the Lord Chief Justice and amends the 2005 Order accordingly.

The Chairperson of the Committee for Regional Development (Mr Cobain): I welcome the opportunity to contribute to the debate on the Second Stage of the Bill. The Committee is mindful of the need to progress business in an efficient and effective manner while discharging its scrutiny responsibilities on behalf of the Assembly in a thorough and conscientious way. The Committee is taking that approach to the Bill.

At its meeting on 20 January 2009, the Committee for Regional Development agreed that it intended not to oppose the principles of the Bill. The Committee welcomes the proposal to extend the permit scheme to include other works on roads, and it welcomes the fact that the scheme is not limited to utility companies. During the consultation, the utility companies raised their concern that the scheme should not be limited in that way. The Committee will investigate that further during Committee Stage. In their responses to the consultation, the utility companies were not in favour of a permit scheme, but they felt that if such a scheme were in place, it should apply to all works. When it considers the proposals on the permit scheme, the Committee will pay particular attention to the cost implications.

The Committee welcomed the fact that the Department took account of the consultation responses and decided to transfer the management of road closures on trunk roads to councils. That is to be welcomed not only on account of the fact that the views of consultees have obviously influenced the process but on account of the fact that such closures can now be considered and acted upon in a more timely manner. If the function were to be retained in the Department, proposals to close roads would have to proceed through the introduction of subordinate legislation, which can be a long, drawn-out process. Transferring the functions to the councils will remove the need for subordinate legislation.

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Executive Committee Business:
Roads (Miscellaneous Provisions) Bill: Second Stage

The Committee welcomes the proposals to allow inquiries into the decision-making process of the Department to take place, and will consider those further during its evidence-gathering process. As this stage, the Committee welcomes the potential enhancement for the protection of human rights contained in the proposal.

We look forward to Committee Stage. I assure the Minister that the Bill will be a priority for the Committee.

The Deputy Chairperson of the Committee for Regional Development (Miss McIlveen): I welcome the opportunity to contribute to the Second Stage of the Bill. I welcome the principles of the Bill, which have been outlined by the Minister and the Chairman.

We can all agree that confusion exists around some matters relating to road closures, particularly for special events in and around our constituencies. I am going to be parochial for just a second; it is an occupational hazard. Strangford has two main events: the Fayre in the Square in Comber and the Portaferry Gala. The former requires the closure of the square. Until recently, there was a great deal of toing and froing between agencies to determine who was responsible for the closure of the square, which caused a great deal of anxiety for the organisers of such events. The Bill appears to simplify and clarify that process, which is to be welcomed.

We all recognise the importance of community-led and community-based activities in our local areas. As well as funding issues, the level of bureaucracy that is required to organise such events often deters people from getting involved. The responsibility for the management of such closures presently lies with the Department. The Bill proposes that powers to close roads for special events would rest with local councils, which is consistent with the recommendations made under the review of public administration (RPA).

As has been said, the Bill proposes to introduce measures to amend current permit legislation. It is intended to introduce a new permit scheme that will create better controls on the timing and duration of the works on the roads. Such a scheme will ensure that transport delays and travellers' inconvenience as a result of works that are being carried out on roads are kept to a minimum. Clearly, when road usage is increasing and there is a continued reliance on roads, it is necessary for a workable and an effective permit scheme to be put in place. I particularly welcome the fact that the proposed scheme will extend beyond the utility companies and will include other works on the roads.

The Bill also proposes to allow for inquiries to be held into the exercise by the Department of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997, thereby allowing for oversight and accountability of such processes. That is to be welcomed, and I look forward to examining it in greater detail during

Committee Stage. It is also to be welcomed that such a power will enhance the rights of individuals and companies that are affected by the Department's decisions.

Finally, the Bill seeks to amend the Traffic Management (Northern Ireland) Order 2005 to take account of the reform of the office of the Lord Chancellor. I have no particular issues about that.

At this stage, and in principle, I support the Bill, and I look forward to considering it in greater detail at Committee Stage.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas don Aire as an seans a thabhairt dúinn labhairt ar an Bhille seo.

The Chairperson outlined the Committee's views — there was no opposition to the principles of the Bill. As he and the Minister said, there are four main aspects to the Bill, including road closures for special events. The Committee discussed that issue and some of the difficulties that organisers of special events have had, such as who is responsible for road closures. The Bill will clear up such difficulties. It is a similar situation with the permit schemes.

The Bill also introduces a power to hold inquiries, and it makes appropriate amendments to the Road Traffic Regulation Order 1997, as outlined by the Minister, regarding changes to the functions of the Lord Chief Justice in the North.

The intention of the Bill is to update the legislation and to provide for more efficient and better management of certain issues. In that sense, we support the proposals. Issues were brought to the Committee's attention through the consultation process, and it is our intention to examine those at the appropriate stage and to report back. However, we support the Bill.

10.45 am

Mr Gallagher: I understand that proposals for the Bill first came before the Committee for Regional Development in September 2008. I was appointed to the Committee after that time.

At this stage, the SDLP has no particular difficulty with the Bill's provisions, the two main components of which are the permit schemes and road closures. We look forward to further detail and clarification of those issues at Committee Stage.

I note that the Committee Chairman said that the utility companies have indicated that if there is to be a permit system, it should apply to all works. I presume that the utility companies mean that anyone who has to carry out any roadworks should have to pay a charge to obtain a permit. The charging for permits needs to be considered in more detail. Is the purpose of a permit scheme simply to generate some income for the Department, or is there something more to it? In Committee, we will want to

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examine the fairness of such a system and to ensure that no undue burden is placed on those who might carry out roadworks on a one-off basis, such as members of the farming community or people who are building a new home in the countryside. That kind of work can often entail building a house on one side of the road and a septic tank on the other. We will seek further clarification on that kind of issue at Committee Stage.

There are merits in transferring powers to local councils to allow them to close roads in order to facilitate local festivals and other events, such as sporting events. As I said earlier, we will seek more detail on that at Committee Stage.

Mr Kinahan: I, too, welcome the chance to speak to the Bill. It has caused us to focus on the management of the digging-up of roads and on how we pass that responsibility to local councils in future.

I congratulate Roads Service on many areas of its work, especially over the winter period. Staff have put in long hours and a great deal of work into everything that they have done.

I shall concentrate on one or two little points that should be raised. In the Bill, we see passed down to councils a tiny morsel of what my colleague Sam Foster had envisaged for the review of public administration. It is pathetic. A few more powers, concerning on-street and off-street parking, are to be delegated to councils, but we have not properly considered what we should pass to councils. The RPA lets us down in that respect.

The councils welcome those powers and any accompanying resources. However, I have two areas of concern. One is over the need to ensure that when they use permits to close roads, councils talk to one another, whether through Roads Service or directly. That is so that we do not witness a large pop concert in one council area being hindered by closed roads in an adjacent area. We need a dynamic system to ensure that councils and Roads Service talk to one another.

My other concern relates to a point that the Public Accounts Committee raised last year about the Northern Ireland street-works register and notification system (NISRANS). It was pointed out that the system does not work properly, largely as a result of late notifications, some of which are given by Northern Ireland Water. In the Bill, we give more power to one facet of the Department for Regional Development (DRD) — namely, Roads Service — yet the present system does not work at times. The Department needs to look at that system and get it to work much more effectively.

Most Members, wherever they live, see roads being dug up. Where I live, in Templepatrick, one of the main roads to Belfast International Airport is being dug up endlessly by electricity or gas companies or to install traffic lights. Now driving on it is like driving on a country road. With all due respect to Fermanagh,

that road could be a back road in the middle of the countryside.

When I was at school, I learned that the Romans built good roads, with their systems running alongside them. Today, we have many more roads, and many, many more systems, which must run under, over or beside the roads. We must manage our roads in a slicker way than we do at present.

I sometimes wonder whether computers and desk-based studies have taken away from the experience of people who carried out practical work on the ground and knew what mattered. Therefore, we should consider whether we are cutting the right jobs. My party supports the Bill, and I look forward to discussing it at Committee Stage.

The Minister for Regional Development: Go raibh maith agat, a Cheann Comhairle. I thank all the Members who commented on the Bill during the debate on Second Stage. Some general issues and several specific points were raised, and I will try to deal with all of those. However, as is the practice, I will study the Hansard report, and if I have missed any significant points, I will respond in writing to the Members who raised them.

I thank the Committee Chairperson, the Deputy Chairperson and all the Committee members who spoke in support of the Bill. I also thank the Committee for its co-operation in trying to facilitate the smooth passage and proper scrutiny — as is its function — of several pieces of legislation that are before it. I intend to ensure that the Department co-operates as best it can and that we work together to pass the legislation following proper scrutiny from the Committee.

The Chairperson raised the issue of cost, and Tommy Gallagher further developed that theme. The introduction of permit schemes is essential for the better management and control of all works on the roads. Members spoke about the need to better regulate such works and to ensure that roads are properly reinstated after they have been dug up by utilities or other organisations, including Roads Service, which have access to them. The cost of introducing a scheme can be kept to a minimum by using the existing computerised street-works register and notification system to manage permits.

Tommy Gallagher asked whether permits are, effectively, a tax on utilities to raise revenue. Utilities have statutory rights to place and maintain their apparatus on the roads, but those rights must be controlled to avoid unnecessary congestion and disruption to road users. Both the Committee for Regional Development and the Public Accounts Committee have strong views on that. Permits will assist the Department in the co-ordination of all roadworks, and the fees for the permits will be set at a level that will cover the administrative costs of running the scheme rather than generate revenue. The permits are intended to create better control and

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co-ordination of works. Inevitably, an administrative cost will be associated with permit schemes, but the fees will cover that cost and will not be used by Roads Service to generate revenue.

Danny Kinahan raised an issue about the ability of the councils to become involved in the process and asked whether powers would be transferred to them. In cases where it is suitable for functions to be exercised at local government level, I am keen that we play our part in devolving them. As the Deputy Chairperson and other Members said, the closure of roads is one of the functions that local government and councils can, quite rightly, exercise.

Some organisations, including the PSNI, are unclear about who is responsible for, and has the legal power to, close roads. By clarifying the position, the Bill will give some comfort not only to the organisations and agencies involved, but to the promoters, the general public, the councils and the community and voluntary sector, all of which may wish to host events on streets and roads. To ensure that that is done in a consistent way and that the councils are aware of their responsibilities, the Department may issue guidance to councils, and they must have regard to that when considering whether to make an order.

If an event crosses a council boundary, the promoter will be required to seek authority from both councils. That will ensure a level of co-ordination between councils. The Department and the PSNI must also be consulted on any road closures. The Department will be involved in providing councils with guidance to make sure that there is a consistent approach and no confusion between councils, particularly where an event straddles a council border.

I very much welcome the comments from Members and the level of support shown for the Bill. Undoubtedly, the Committee will have further issues to tease out in its scrutiny of the legislation. I and my officials look forward to working with the Committee on that and to continued engagement with the Committee and Members as the Bill progresses through its legislative stages. Go raibh míle maith agat.

Question put and agreed to.

Resolved:

That the Second Stage of the Roads (Miscellaneous Provisions) Bill [NIA 6/09] be agreed.

Motion for Extension of Committee Stage, 15 February 2010

ABO/3



Northern Ireland
Assembly

MOTION

Short Title for Motion (this will be used as a heading for the motion on the No Day Named list and, if selected for debate, on the Order Paper):

**Extension of Committee Stage: Roads (Miscellaneous Provision) Bill
(NIA Bill 6/09)**

That this Assembly, in accordance with Standing Order 33(4), extends the period referred to in Standing Order 33(2) to 18 June 2010, in relation to the Committee Stage of the Roads (Miscellaneous Provisions) Bill (NIA Bill 6/09).

	Name (please print):	Signature:	R
1.	MICHELLE McILVEEN	Michelle McIlveen	
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Up to 4 names may be shown on the Order Paper and, unless otherwise instructed, these will appear in the order shown here. Other Members may add their names in support of the motion, but they will not appear on the Order Paper.

Please return this form to the Assembly Business Office, Room 32, Parliament Buildings.

* If you wish to declare a relevant interest, as required by the Code of Conduct and Guide to the Rules Relating to the Conduct of Members, please place an R in this column adjacent to your name.

Transcript of Motion for Extension of Committee Stage, 15 February 2010

Monday 15 February 2010

Committee Business

Roads (Miscellaneous Provisions) Bill

Extension of Committee Stage

The Chairperson of the Committee for Regional Development (Mr Cobain): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 18 June 2010, in relation to the Committee Stage of the Roads (Miscellaneous Provisions) Bill [NIA Bill 6/09].

The Committee Stage of the Roads (Miscellaneous Provisions) Bill began on 27 January 2010. Members will be aware that the Bill makes four provisions to enable local councils to close roads for special events and to introduce a permit scheme for roads and works on roads, and for two smaller issues that enable the Department for Regional Development (DRD) to hold inquiries and to take account of changes to the functions of the Lord Chief Justice and the Lord Chancellor.

During Second Stage, I informed the House that the Committee for Regional Development did not oppose the principles of the Bill, and that remains the case. Thus far, during Committee Stage, the Committee wrote to a range of key stakeholder organisations to request their views on the Bill. It also published a notice in local newspapers to provide any individual organisation with the opportunity to put forward views on the Bill. The Committee agreed a four-week deadline for submissions, which ends on 8 March 2010. The Committee intends to hold evidence sessions with key stakeholders, including the Department, in February and March, and will arrange other evidence sessions as appropriate when it has considered all the written evidence that it receives.

Although the Bill is relatively short, it makes provisions for the introduction of a charge for permit schemes for works on roads and a permit scheme for road closures for events on roads. Those provisions may have an impact on the infrastructure, telecoms and utilities sectors of the economy, and on tourism and sports in Northern Ireland. We will progress the

details of both the proposed schemes through subordinate legislation.

To reflect the importance of those sectors to the competitiveness of Northern Ireland and the quality of life for its citizens, members are seeking an Committee Stage extension to 18 June 2010. Members agreed that date to take account of the context of the Bill, the time needed to gather written evidence, hear oral evidence and compile and consider the Committee's report to the Assembly.

The extension also allows leeway for the Committee to consider in detail the evidence that it receives and any amendments it may wish to propose. I reiterate the Committee's support for the principles in the Bill. In seeking the extension, members are, rightly, being prudent and cautious in their approach, and are seeking to progress business in an efficient and effective manner while discharging their scrutiny responsibilities on behalf of the Assembly.

The Committee is committed to the timely passage of the Bill, and it will endeavour to report on it to the Assembly ahead of the proposed 18 June 2010 deadline, if possible. In the interim, I commend the motion to the House.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 18 June 2010, in relation to the Committee Stage of the Roads (Miscellaneous Provisions) Bill [NIA Bill 6/09].

Public Notice, Published 8 February 2010



Northern Ireland Assembly

Committee for Regional Development

ROADS (MISCELLANEOUS PROVISIONS) BILL

PUBLIC CONSULTATION

The Northern Ireland Assembly Committee for Regional Development will be considering the Roads (Miscellaneous Provisions) Bill during its formal Committee Stage in the Assembly. Any organisation or individual who may have an interest in the proposed Bill is invited to submit evidence to the Committee.

Information regarding the Bill can be obtained from the Assembly's website at: http://www.niassembly.gov.uk/legislation/primary/2009/nia6_09.htm

Written evidence on the provisions of the Bill, including any proposed amendments to the Bill, should be submitted to the Committee by email, where possible (in MS Word format). Written submissions received, in response to this notice, may be published on the Northern Ireland Assembly website and included in the Committee's report to the Assembly.

Note that the written submissions should be structured to address the specific clauses of the Bill.

Email address: committee.regionaldevelopment@niassembly.gov.uk

Any enquiries can be made to the Committee Clerk on (028) 90521821.

The closing date for submissions is **8 March 2010.**



Northern Ireland
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Appendix 7

Stakeholders invited to give evidence

Stakeholders invited to give evidence to the Committee

The following Assembly Committees, Government Departments and stakeholders organisations were specifically invited to provide written evidence to the Committee during its call for evidence on the Roads (Miscellaneous Provisions) Bill:

Antrim Borough Council;
Ards Borough Council;
Armagh City and District Council;
Arts Council of Northern Ireland;
Ballymena Borough Council;
Ballymoney Borough Council;
Banbridge District Council;
Belfast City Council;
BT Ireland;
Carrickfergus Borough Council;
Castlereagh Borough Council;
Coleraine Borough Council;
Committee for Culture, Arts and Leisure;
Committee for the Environment;
Confederation of British Industry;
Confederation of British Industry;
Cookstown District Council;
Craigavon Borough Council;
Department of Enterprise, Trade and Investment;
Derry City Council;
Down District Council;
Dungannon and South Tyrone Borough Council;
Federation of Small Businesses;
Fermanagh District Council;
Firmus Energy;
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Moyle District Council;
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