



Department for

Infrastructure

An Roinn

Bonneagair

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**From the Permanent Secretary
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Our reference: PSDFI 187/17
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Dear Theresa

The Roads (Miscellaneous Provisions) (2010 Act) (Commencement No. 1) Order (Northern Ireland) 2017

Thank you for your letter of 7 August in relation to the implementation of the above legislation. Unfortunately we only received the letter on 18 August.

Let me say at the outset that I am happy to meet to discuss these issues but that there is no means by which the implementation date of 4 September 2017 can be altered in the absence of a Minister for Infrastructure. This is because the outgoing Minister decided on that as the implementation date when agreeing to defer previously.

To rehearse the background, since the passing of the primary legislation and particularly between 2010 and 2013 a great deal of work has been undertaken by officials from this Department working alongside local councils and NILGA to develop guidance around the implementation of the powers which are now to become operational on the 4 September 2017. Councils have been aware from November 2016 that the Department intended to commence the outstanding provisions of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 including those relating to special events. The Department has worked assiduously with Councils and their representatives and the previous Minister agreed that although the legislation would be made in January 2017 it would not be commenced until 4 September 2017 to allow additional time for local councils to prepare for its implementation. This legislation reflects the will of the Northern Ireland Assembly to extend powers to local government. The provisions contained in the Commencement Order will therefore become operational on 4 September 2017.

In relation to the specific issues you have raised I would offer the following brief commentary but as indicated above I am happy to discuss further:-

1. Council Vires

The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 provided councils with their vires in relation to this matter.

2. Discretionary Powers

Discretionary powers are those of councils and are clearly set out in the legislation.

3. Financial and Resource Implications

Councils have been aware since November 2016 that the Department intended to commence the outstanding provisions and have known the commencement date since January 2017. I would hope that would have allowed for financial planning.

4. Equality or Good Relations Impact

An EQIA was conducted by this Department at the time of the legislation being introduced. The issues of Equality and Good Relations are however matters which the Councils themselves will need to take a view on, as a balance between a proposed event, its positive or otherwise impact on the community and a Council's own policy on dealing with such issues.

5. Reputational risk

The intent of the legislation was to give Councils the responsibility to oversee applications for special events on Roads within their Council area. It will therefore be the Councils' responsibility to consider and decide on all matters pertaining to the application, including how or if they seek to recover costs, using the guidance provided to and discussed with Councils. It will be the responsibility of the relevant Council to consider and adjudicate on any objections received before either approving or rejecting any application.

6. Impact on Film Industry

There is no doubt that the activities of the film industry in Northern Ireland has significantly increased in the recent past and that it now represents a growing industry in its own right and this is to be welcomed. Much of that has been due to considerable investment in studio-type accommodation and in the attraction of high profile films and series here. It is anticipated that the Special Events on Roads provisions will have limited impact on these high profile matters. Currently the closing of roads for filming is largely facilitated by the police. The film industry itself was one of the main bodies seeking the Special Events legislation as it was aware of the issue of lack of appropriate powers and that roads were being closed with the assistance of the police. The film industry, I understand, is still broadly supportive of the new powers and, despite reservations about how any statutory requirements may impact on timings, considers that having an official Order which provides the power to restrict traffic is still a welcome step forward, especially when undertaking any local notification. Councils will also appreciate that there is a balance to be reached between those who seek to hold events on roads and those who are impacted by road closures etc. The notice period within the legislation permits time for those who wish to object to do so. If the legislation causes difficulties we are happy to engage about the options for resolution.

7. Impact on Parades Legislation

Policy proposals that led to the introduction of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 were the subject of a widespread public consultation. The consultation document specifically stated that the proposed

legislation would not affect the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades. This position is reflected in the 2010 Act at Schedule 1 which inserts a new Schedule 3A into The Road Traffic Regulation (NI) Order 1997 where at 1(3) it expressly provides that a public procession (within the meaning of the Public Processions (Northern Ireland) Act 1998) is not a special event. However, given the concerns raised by the Parades Commission, I have asked colleagues to meet with the organisation to discuss those issues.

I trust that the above is helpful. I would be happy to meet with you further to discuss any outstanding issues should you consider it helpful.

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PETER MAY

