

## CYNGOR SIR POWYS COUNTY COUNCIL

CABINET REPORT  
17<sup>th</sup> April 2012

**REPORT AUTHOR:** County Councillor Wynne Jones  
Portfolio Holder for Leisure and Recreation

**SUBJECT:** Protocol for authorising motor vehicle events affecting  
footpaths, bridleways and restricted byways

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**REPORT FOR:** Decision

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**Summary**

The County Council has a direct role in giving authorisation to those motor vehicle events which may cross or pass along public footpaths, bridleways and restricted byways. The law relating to such 'authorisations' is less than satisfactorily set-out in the legislation, as to how the Council is meant to perform its duties in considering and providing such authorisations.

In addition to interpreting the legislation specifically dealing with this issue, namely the Road Traffic Act 1988 (RTA 1988), other legislation also has a direct bearing on how authorisations are managed and conditions applied, namely the duty to conserve biodiversity under the Natural Environment and Rural Communities (NERC) Act 2006 and duty to safeguard the authority and public in discharging its duties under the Health & Safety at Work Act 1974 and in meeting the Council's duty to 'assert and protect the rights of the public' under the Highways Act 1980.

As a central theme within the Powys Change Plan, the Council is committed to supporting projects which drive Regeneration of the local economy within Powys. It is recognised that events affected by the paper can contribute significantly to this work, and in particular the larger national and international events with major stages in Powys and Mid Wales.

A trial of speed and races represent events where competitors compete with one another, as quickly as possible to complete a circuit or route. In the majority of applications received however, applications are for 'trials of average speed', where competitors are not required to complete a course in the fastest times but to do so within defined time controls, and these events are determined to be lawful by the Motor Sports Association. However, in some case the applications are less than clear as to the nature of the proposed event.

It is the duty of the County Council to ensure that for any event, where it affects a footpath, bridleway or restricted byway, that assessments and measures are put into place by the event organiser that fully safeguard the use of these public rights of way. It is intended that conditions regarding health and safety and safeguarding the local biodiversity are made explicitly clear in the authorisation of an event.

Where a motor sport event does not intersect with any public rights of way, the organiser has no need to seek a s.33 TRA authorisation from the County Council.

In setting out safe methods of work, the Council already expect that adequate control measures are put in place to safeguard rights of way users. This may include appropriate signage or marshalling. Concerns over signage are outstanding and representations should be made to the Governing bodies to improve and agree suitable wording.

Organisers are also required to put right any damage to the highway resulting from an event.

In order to ensure that local rights of way and local biodiversity interests are being fully safeguarded, random event monitoring will take place. Event organisers will be asked for copies of their Risk Assessments and evidence of appropriate mitigation measures.

Whilst s.16A of the Road Traffic Regulations Act 1984 does provide measures for a road to be closed by either the secretary of state or County Council, this does not represent an easy or affordable way to manage this issue.

In addition to safeguarding the public who may use local rights of way, the NERC Act requires the Council to formally consider how its actions affect wildlife. The NERC Act, Wildlife & Countryside Act 1981, and Habitats & Species Regulations 2010 also specifically protect a range of habitats and species, which the Council has a duty to ensure are not threatened by its actions. To this end, organisers will need to consult with the Countryside Council for Wales to identify areas of concern and agree ways to safeguard them.

Conditions will be set-out in authorisation letters, which will require full consultation having taken place with the CCW, that any areas of concern which relate to protected species or habitats have been discussed, mitigation measures agreed and put in place on the day/s of the event. Conditions will in each case require that any event organiser adheres to the advice and requirements for management of events as set out in either the Motor Sports Association (MSA) or Auto Cycle Union (ACU) handbooks.

To support the conditions, guidance notes will be produced which will advise organisers of their biodiversity responsibilities. Guidance will also include contact details in relation to the protection of ancient monuments (see Appendix 1).

Whilst not considered to be a routine occurrence, where an application crosses or is close to land designated as an Site of Special Scientific Interest (SSSI), or EU designated Special Protection Area (SPA) or Special Area for Conservation (SAC), the Council must consult with the CCW, and where required to do so will request additional information from applicants. This might include ecological assessments and proposed mitigation measures. Any measures required by the CCW as management or mitigation will be set-out as conditions in any authorisation.

Where a SSSI is directly affected by an application, Schedule 2, Part 4, Class B.1(c)(i) Town and Country Planning (General Permitted Development Order) 1995 also requires that planning permission would be required to allow an event to take place, which would separately involve full consultation with the CCW.

Applicant guidance will set out the need to undertake prior consultation with the CCW to ensure such issues are identified and fully discussed prior to any application being made to the Council.

In cases of EU designations, the Council is also required to ensure that an 'appropriate assessment' is undertaken of the assessments and mitigation measures provided by the

applicant, and these will be provided to the CCW, who will need to provide consents before any authorisation can take place.

In circumstances such as these, applicant guidance will set-out that adequate time is set-aside to allow consultation, assessment and mitigation issues to be properly considered prior to submitting an application and before any determination can take place.

### **Proposal**

That suitable procedures will be put in place, alongside clear conditions to safeguard biodiversity and the public using local rights of way, supported by guidance notes.

The approach set out acknowledges the economic opportunities that such events bring to the area, but also seeks to balance the needs to secure public safety and biodiversity.

The County Council formally supports the Countryside Service in taking a pragmatic approach when managing and giving authorisations which ensures that the Council complies with its statutory obligations and that the public interests and those of the Council are safeguarded as far as is reasonably practicable.

Where a breach of condition is found, a report to the Council's Cabinet will follow.

### **Powys Change Plan**

Regeneration is a central theme in the PCP, and this approach will continue to support this, whilst securing public safety and biodiversity interests.

The proposal supports the delivery of One Powys, notably 'People in Powys benefit from a thriving diverse economy' for which would be a deliverable under the regeneration strategy.

### **Options Considered/Available**

#### **Proposal**

- A. Applications under s.33 Road Traffic Act 1988 for a race or trial of speed will be refused.
- B. Applications under s.33 Road Traffic Act 1988 for average trial of speed or other events which are not trials of speed or races will be approved subject to the following –
  - (i) Full compliance with the protocol (Appendix 1) as attached.
  - (ii) That organisers comply with guidance as set out in the current Motor Sport Association or Auto Cycle Union handbooks, including signage.
  - (iii) Applicants who are not members of either governing body will be expected to follow guidance as set out by MSA or ACU, as relevant for their event.
  - (iv) If MSA/ACU signage is not used, personalised signage must be agreed by the County Council in advance of the event.
  - (v) That in authorising an application, the Council will issue a letter containing conditions which the authority think fit (section 33 RTA 1988), which will specifically require compliance with guidance on Health and Safety, and Biodiversity.
  - (vi) That full prior consultation will have taken place between an applicant and the CCW where the event may affect a SSSI or EU designated conservation site, with additional consultation taking place between the Council and the CCW upon receipt of such an application.



- (vii) The Council being satisfied that it is not likely to have a significant effect on a European site or having ascertained, following an appropriate assessment, that it will not adversely affect the integrity of a European site.
- (viii) The Council will carry out monitoring on a random basis and without notice, to ensure that any conditions are adhered to and that where events are found to be in serious breach –
  - (a) a report will be made to the ACU/MSA as appropriate.
  - (b) a report will be made to the County Council Cabinet, who will decide upon appropriate sanctions or approach to future applications.
- (ix) A timetable will be issued to guide prospective organisers in procedures for making their applications.
- (x) On receipt of an application, the Council will endeavour to determine an application within 4 weeks. In the event of failure to meet this deadline, the applicant will be advised of the reasons.

## **Proposal 2**

To make representations to the ACU and MSA on improvements to national signage, to ensure that any signage advises the public on an event, but also ensures that wording is neither false or misleading, nor seeking to directly deter legitimate use of a public right of way.

## **Preferred Choice and Reasons**

It is recommended that Proposal 1 and 2 are adopted as protocol. These provide for simple but clear expectations upon event organisers to meet their statutory and civil duties in safeguarding the public and biodiversity.

## **Sustainability and Environmental Issues/Equalities/Crime and Disorder/Welsh Language/Other Policies etc**

Powys County Council has signed up to the Welsh Government's Sustainability Charter committing the Authority to make sustainable development its central organising principle. A sustainable future for Wales includes a commitment '*to support healthy, biologically diverse and productive ecosystems, by actively recognising and supporting our environmental assets including land, water and biodiversity*'. This proposal mirrors recommendations in the accompanying guidance document for embedding sustainability across the organisation. This further adds to the duty under the NERC Act 2006 and Wildlife & Countryside Act 1981 (as amended) which requires the Council to consider biodiversity in exercising its functions and in safeguarding protected species and habitats.

The proposal would not impact upon Welsh language, Equalities or Crime and Disorder policies.

## **Children and Young People's Impact Statement - Safeguarding and Wellbeing**

The proposal would not impact on securing the safety and protection of children and young people and supporting the promotion of their wellbeing.

**Local Member(s)** N/A

## **Other Front Line Services**

If the event runs though a Special Site of Scientific Interest, then planning permission is required under Schedule 2, Part 4, Class B.1(c)(i) Town and Country Planning (General Permitted Development Order) 1995. It states within this section that development is not permitted if the land is, or is within, a site of special scientific interest and the use of the land is for motor sports.



Alan Southerby comments: 'There are no specific comments from the Development Management team that deals with planning applications other than to confirm that in the event of a planning application being submitted, this would be processed in the normal way giving any interested parties the opportunity to comment and make representations before any final decision is taken.'

#### **Support Services (Legal, Finance, HR, ICT, BPU)**

Finance - The Principal Accountant for Community, Skills and Learning comments that each application made under s.33 RTA1988 is already subject to a fee of £100.

The proposal does not have any direct budgetary implications and may be reviewed accordingly.

Legal - The comments of the Principal Solicitor (Shire) have been incorporated in the report.

#### **Local Service Board/Partnerships/Stakeholders etc**

Although the Countryside Council for Wales and the Brecon Beacons National Park Authority are Local Service Board Members, they are already included in consultations and this report does not affect their interests as LSB members.

#### **Communications**

Proactive news release required following decision taken by Cabinet.

#### **Statutory Officers**

The Strategic Director, Law & Governance (Monitoring Officer) comments "I am content with the report."

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
To approve Proposals 1 & 2 as set out	Safeguard Authority position and officer interests and role

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	Y
<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	None
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<b>Person(s) To Implement Decision:</b>	Chris Jones
<b>Date By When Decision To Be Implemented:</b>	Immediate effect

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Stuart Mackintosh	01597 827583	01597 827555	Stuart.mackintodh@powys.gov.uk

#### **Background Papers used to prepare Report:**

1. *Guidance for Public Authorities on Implementing the Biodiversity Duty* (2007) Department for Environment, Food and Rural Affairs.
2. Background legislation (extracts from the Road Traffic Act 1988 (s.12,13 and 33))
3. Appendix 1 - Guidance Note: Conservation of Wildlife And Heritage

<b>APPENDIX 2 APPLICATION FOR AUTHORISATION UNDER SECTION 33 OF THE ROAD TRAFFIC ACT 1988 TO CONDUCT A TRIAL OF MOTOR VEHICLES ON A FOOTPATH, BRIDLEWAY OR RESTRICTED BYWAY.</b>																	
Name of event:																	
Location of event:																	
Event start date:		Event finish date:															
Name of applicant:																	
Contact details: (e-mail preferred)																	
<table border="1"> <thead> <tr> <th>PLEASE SUPPLY</th> <th>Please Tick</th> </tr> </thead> <tbody> <tr> <td>1 copy of an Ordnance Survey map scaled 1:25,000, showing locations of footpaths, bridleways and restricted byways.</td> <td></td> </tr> <tr> <td>1 fee (as appropriate)</td> <td></td> </tr> <tr> <td>1 copy of landowner and occupier consent(s) cross referencing where they relate to a footpath, bridleway or restricted byway.</td> <td></td> </tr> <tr> <td>1 copy of Natural Resources Wales response. All details of necessary mitigation <i>affecting a footpath, bridleway or restricted byway</i> required to safeguard a SSSI, SAC or SPA to be provided <i>(if applicable)</i>.</td> <td></td> </tr> <tr> <td>1 copy of MSA route authorisation under the Motor Vehicle (Competition and Trials) Regulations 1969 (as amended) <i>(or to be provided no more than 3 working days after the event)</i>.</td> <td></td> </tr> <tr> <td>1 completed application for closing a Footpath, Bridleway or Restricted byway.</td> <td></td> </tr> </tbody> </table>				PLEASE SUPPLY	Please Tick	1 copy of an Ordnance Survey map scaled 1:25,000, showing locations of footpaths, bridleways and restricted byways.		1 fee (as appropriate)		1 copy of landowner and occupier consent(s) cross referencing where they relate to a footpath, bridleway or restricted byway.		1 copy of Natural Resources Wales response. All details of necessary mitigation <i>affecting a footpath, bridleway or restricted byway</i> required to safeguard a SSSI, SAC or SPA to be provided <i>(if applicable)</i> .		1 copy of MSA route authorisation under the Motor Vehicle (Competition and Trials) Regulations 1969 (as amended) <i>(or to be provided no more than 3 working days after the event)</i> .		1 completed application for closing a Footpath, Bridleway or Restricted byway.	
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Please return this form to: Countryside Services and Outdoor Recreation, Powys County Council, The Gwalia, Ithon Road, Llandrindod Wells, Powys, LD1 6AA or <a href="mailto:rights.of.way@powys.gov.uk">rights.of.way@powys.gov.uk</a>																	
<b>APPLICATION FORM WILL BE RETURNED IF ANY MANDATORY INFORMATION IS NOT SUPPLIED. APPLICATION MAY BE REFUSED IF SUPPLIED LESS THAN TWO MONTHS BEFORE THE EVENT.</b>																	

### ***Undertaking***

*That the event being authorised under s.33 Road Traffic Act 1988 is authorised and held in accordance under the Motor Vehicle (Competition and Trials) Regulations 1969 (as amended).*

*That I hereby agree to place and remove the legal notices to close any footpath, bridleway or restricted byway should I agree to undertake this work and pay the appropriate fee.*

Signed: .....

Dated: .....

## Section 33 Road Traffic Act 1988

**The organiser is reminded that the event must have a route authorisation from the Royal Automobile Club Motor Sports Association for this authorisation to be effective.**

Whereas an application has been made to Powys County Council for an authorisation to the holding of a trial on a public footpath, bridleway or restricted byway involving the use of motor vehicles under the Motor Vehicles (Competitions and Trials) Regulations 1969. The Council has been assured by the organiser/s that the consent in writing has been given by all of the owners and occupiers of land over which that length of footpath, bridleway or restricted byway runs, and **the trial is not a race or a trial of speed** consent is hereby granted subject to such conditions as are specified hereunder:-

**On behalf of  
Powys County Council**

### **CONDITIONS**

1. The Council will be indemnified by the organisers against any claims or damages that may arise in consequence of the granting of this authorisation and the organisers shall have in place a suitable policy indemnifying the authority to a minimum sum as required by the Royal Automobile Club Motor Sports Association Limited.
2. The Royal Automobile Club Motor Sports Association Limited has authorised the event, and it complies with the Motor Vehicle (Competition and Trials) Regulations 1969 (as amended). That the route authorisation and documentation has been provided to the Council before the event, or at least three working days after the event.
3. Any damage to the public highway caused in consequence of the holding of the event will be met or made good to the satisfaction of the Council.
4. Organisers must have in place appropriate risk assessments to ensure public safety is maintained.
5.
  - a) That appropriate Motorsport UK signs are placed at junctions of footpaths, bridleways and restricted byways in addition to any legal notices where public traffic has been suspended under s.14 Road Traffic Regulation Act 1984.
  - b) If Motorsport UK /ACU approved signage is not used, personalised signage must be agreed by the Council in advance of the event.
6. That consent in writing by all landowners and occupiers where the event coincides with footpaths, bridleways and restricted byways has been provided to the Council by the event organiser/applicant.
7. That where any part of an event takes place on land on or within a Special Site of Scientific Interest, planning consent has been granted by the Council or Brecon Beacons National Park (as applicable) as required under The Town and Country Planning (General Permitted Development) Order 1995.



8. That appropriate consultation with the Natural Resources Wales (NRW) has been undertaken prior to the event. Further, that any response by NRW has been provided to the Council.
9. That the event does not adversely affect a Special Site of Scientific Interest, a Special Area of Conservation, Special Protection Area or notifiable species and that any agreed mitigation measures are implemented.
10. That the event is compliant with the protection afforded to species cited in the Wildlife and Countryside Act 1981 (as amended), the Conservation of Species and Habitats 2010 (as amended) and the Protection of Badgers Act 1992, and there is no adverse impact on any species or habitat listed by the Welsh Government under s.42 Natural Environment and Rural Communities Act 2006.
11. That the Council may randomly monitor events to ensure that conditions for the event are being complied with.
12. Any debris, litter or waymarking shall be removed within 48 hours after the event, but in the event of extreme weather then contact the Council.
13. Details of any complaint, damage or claims are notified promptly in writing by the organisers to the Council and the results of investigations which the organisers have undertaken to be made available to the Council.

Title or Description of Event:

Date of event:

Authorised by:

Date Issued:

#### **Appendix 4 – Requirements and procedures for seeking authorisation for motorsport events under section 33 of the Road Traffic Act 1988:**

Organisers of motorsport events are required to use the application form on the Council's website, when applying to Powys County Council for consent under section 33 of the Road Traffic Act 1988.

The following requirements apply:

1. An application for authorisation must be made at least 8 weeks in advance of the event. Application forms will be acknowledged within 5 working days of receipt.
2. On receipt of a duly made application, the Council will endeavour to determine an application within 5 weeks.
3. To be duly made, an application must be accompanied by all of the following:
  - a. A clear Ordnance Survey plan (or equivalent.) Ordinarily, this must be to a scale no greater than 1:25,000. If the organiser wishes to provide a plan of a smaller scale e.g. 1:50,000, they must contact the Council in advance of submitting an application and explain their reasoning for proposing this. If this is considered acceptable, the Council will agree an alternative scale in writing. The route must be accurately and clearly drawn on the map with the location of footpaths, bridleways and restricted byways annotated. Electronic or hard copy formats will be accepted if legible.
  - b. Landowner and occupier consent in writing, which must be cross-referenced with the route map.
  - c. Payment for the appropriate fee.

If any of these items are not included, or there is a lack of clarity e.g. in relation to the way in which the route is drawn on the map, then the application will be returned within 5 working days of receipt without being processed. The organiser's attention will be drawn to any such problems so that they can be rectified.

4. A copy of the Motorsport UK route authorisation under the 1969 Regulations shall be included with every application, or provided to the Council within three working days after the event.
5. Organisers must fully comply with the Motor Vehicle (Competition and Trials) Regulations 1969 (as amended) unless authorised as a race or trial of speed under the 2018 Regulations. The regulations are interpreted within guidance as set out in the current Motorsport UK or ACU handbooks. Where there is conflict, the 1969 Regulations will take precedence.
6. Organisers are encouraged to consult Natural Resources Wales prior to making an application for authorisation under section 33 of the Road Traffic Act 1988. The Council is obliged to consult Natural Resources Wales when considering these applications. If a response from NRW is included with the application, together with details of any mitigation measures suggested by them, this will

allow the Council to process the application more quickly. The section 33 authorisation will include a condition to deliver protected site protection measures as agreed, and any mitigation suggested by the NRW at the Council's discretion.

7. If Motorsport UK/ACU signage (or similar) is not used, personalised signage must be agreed by the Council in advance of the event.
8. Where a footpath, bridleway or restricted byway proposed to be used by an event is on, or within land that is a SSSI, planning permission will be required under Schedule 2, Part 4, Class B.1(c)(i) B2 Town and Country Planning (General Permitted Development Order) 1995.
9. Where an event route lies in whole or in part in a National Park, the event organiser must consult with the National Park Authority, as required under section 10(3) of The Motor Vehicles (Competition and Trials) Regulations 1969.



**Appendix 5 - Revised protocol for authorisation of motorsport events under section 33 of the Road Traffic Act 1988**  
**Summary of responses to consultation with path user groups and motorsport organisations and representatives**

Comments made by consultee:	Officer response:
<p>We consider use of public rights of way to stage motorsport to be generally detrimental to the health and wellbeing of the legitimate users of public rights of way through inconvenient suspension of rights, commonly at a time those users would want access to the rights of way and, too frequently, damage to surfaces or the need to 'improve' surfaces which makes bridleways and byways less safe for equestrians in particular and may change the character of the way completely. When the damage is done is too late.</p> <p>Non-motorised users are severely compromised in their wish to travel without pollution but with scant provision for active travel away from motorised traffic. The lack of available routes free from motor traffic reduces every year at the same time as the danger to vulnerable road users increases on roads where enforcement of considerate and safe driving is neglected by lack of police force and penalty.</p> <p>We consider that taking public rights of way from non-motorised users to deliver motorsport, which is severely environmentally damaging, is contrary to the position we would expect Powys to be taking on reducing environmental impact and encouraging provision for active travel on foot, horse, cycle and horse-drawn carriage.</p> <p>XXXX is against motorsport on byways and bridleways and would urge Powys County Council to create a protocol which</p>	<p>It is recognised that both motorsport events and outdoor recreation tourism bring benefits to the local economy of mid-Wales. Given this, a balance must be met between the need for correct authorisation of motorsport events and any detrimental impact on the public rights of way network. The revised protocol aims to achieve that in a number of ways.</p> <p>Currently, public rights of way are not suspended for the duration of a motorsport event. Whilst this allows continued public access, it is likely that being in close proximity to a motorsport event will render the experience less enjoyable for at least some path users. Under the revised protocol, when an application is made for a temporary closure affected paths, consideration must be given to provision of an alternative route. This will allow the Council to work more pro-actively with event organisers to identify suitable, off-road alternative routes that are impacted much less by the event, to ensure continued and enjoyable public access.</p> <p>Under the revised protocol, motorsport event organisers would be encouraged to consult Natural Resources Wales at a much earlier stage than is currently the case. This will allow sufficient time for appropriate mitigation against environmental impacts to be identified and implemented, well in advance of the event.</p> <p>In practice, there are likely to be few locations where a public right of way needs to be closed more than once per year for a</p>

<p>discourages it. Should this not be considered possible, mitigation would be from:</p> <ol style="list-style-type: none"> <li>1. No bridleway or byway to be closed more than one day per year</li> <li>2. No bridleway or byway to be used for motorsport if it could result in damage to the surface or change in the character of the way.</li> </ol>	<p>motorsport event. However, on the small number of sites where it is known that events take place more than once per year, the Council will work with event organisers to identify more permanent solutions to mitigate against inconvenience.</p> <p>A requirement to meet the costs of any damage that the event may cause to the surface of public rights of way is highlighted in the event authorisation form (appendix 3, point 3.)</p>
<p>There is a requirement under section 10(3) of The Motor Vehicles (Competition and Trials) Regulations 1969 to consult with a National Park Authority where the route lies in whole or in part in a National Park. There is nothing in the application form or in the conditions about this.</p>	<p>A reminder to organisers has been added to the notes about the procedures and requirements.</p>
<p>[1.3] Last sentence, make it ‘the council’s concerns ...’</p> <p>[2.1] “<i>A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (Appendix 3.)</i>” This should agree and specify sufficient lead-time to cope with holidays, communication glitches, etc.</p> <p>[2.3] “<i>If authorisation is granted under section 33 of the Road Traffic Act 1988, the Council will suspend public use of the public right(s) of way affected.</i>” Blanket closure goes against our view and policy. We ask that “will suspend ...” is changed to “may suspend ...” and that will do, if actioned in accordance with protocols to be agreed.</p> <p>[2.6(i)] Breach of a s.33 condition would be better first referred to the event permitting body. Otherwise Motorsport UK is going to have to be the investigative and enforcement authority for,</p>	<p>The concerns are not limited to being those of the Council only.</p> <p>The 8-week period specified is considered sufficient, as long as event organisers provide all of the specified information with the initial application. Event organisers are invited to contact the Council at the earliest possible opportunity, but 8 weeks is considered the minimum period needed to ensure that the application is processed in advance of the event date.</p> <p>This has been amended; the usual position will be that public rights of way are suspended, but the Council will apply discretion and local knowledge to decide where that is not the most appropriate course of action for an individual path.</p> <p>This has been amended so that where Motorsport UK is not the event permitting body, the breach would first be reported to the permitting body for resolution.</p>

<p>e.g., ACU events. Suggest – make the process two stage, with MotorsportUK stepping in only if there is no parent body resolution.</p> <p>[4.1] “<i>There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes.</i>” We ask that this recommendation to the portfolio holder should include a ‘commencement date’ (to be agreed) and add a reference to ‘transitional provisions’ for already-fixed events inside the 12 months from commencement.</p> <p>Powys’ Appendix 2 (and 4). These refer to 1:25,000 OS Plans. Motorsport UK route authorisation uses 1:50,000, and therefore asking for 1:25,000 is unreasonable. Suggest caveat the use of 1:50,000 with something like “sufficient to identify” or similar wording.</p> <p>Powys’ Appendix 3. Head statement: “<i>The organiser is reminded that the event must have been authorised by the Royal Automobile Club Motor Sports Association for this</i></p>	<p>The revised protocol would apply to applications for authorisation that are received after the commencement date, so no transitional period should be needed for those received or authorised at an earlier date. However, event organisers are encouraged to ensure that all required information is included with applications submitted in the interim, to ensure that the application can be considered in good time for the event.</p> <p>The plan supplied with an application must contain sufficient detail for officers to be able to identify individual public rights of way affected. That includes enough detail to be clear about any significant points on the route e.g. start and finish areas. On the basis of past experience, whilst a plan at 1:50,000 scale may be sufficient for the purpose of Motorsport UK authorisation, it may not always provide the detail needed by officers for authorisation under section 33. The procedure notes have been amended so that the general requirement is that the plan be at no less than 1:25,000 and Ordnance Survey based; if an organiser has good reason for providing a plan of a different scale, they must contact the Council in advance of submitting an application to explain this. Officers can then consider their request and decide whether an alternative scale would be appropriate; if so, that will be agreed in writing.</p> <p>This has been amended.</p>
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<p><i>authorisation to be effective.</i>” That may be read in the context of ‘permitting’ an event. Use the term ‘route authorisation’ in the context of the Motorsport UK authorisation process.</p> <p>There should be a review after say 18 months of operation.</p> <p>The protocol should state an ‘annual repeat’ process for carrying-over applications for the same event, year-on-year. This will save a lot of administration time for all concerned.</p>	<p>If matters arise that suggest that significant changes to the protocol are required, then a review will be carried out. However, it is not considered necessary to specify a review period at this stage.</p> <p>It is recognised that there will be some information that can be resubmitted in consecutive years by the organiser to save administration e.g. route plans, if unchanged. However, the extent of carry-over is likely to be limited, in practice. As a minimum, new landowner consents would be required every year for every event, as the Council must be content that each affected landowner’s consent is still forthcoming. Natural Resources Wales would also need to be consulted each year.</p>
<p>Our concern with the new protocol is on club events that closing every path used / crossed is simply not necessary as the rights of way are unused or even unusable</p>	<p>As noted above, the revised protocol has been amended to allow an element of discretion. However, the fact that a path is not perceived to be in use, or is obstructed, does not remove the rights of the public to try to use the path and so come into contact with the event, with the attendant risks and liabilities. As such, these paths will not automatically be exempted from the need for a temporary closure during a motorsport event.</p>
<p>I know little about the legislation referred to in the paperwork but I am surprised by the decision not to follow the advice given by a QC in paras 4.2 and 4.3 of the proposal. I therefore think you need to set out why you have decided against the QC’s preference given in para 4.2. Para 4.3 suggests the decision to go against the QC’s advice is because event organisers don’t like it. That cannot be right. It also seems rather odd to say that it is ok for MSA authorisation to be retrospective. In these</p>	<p>The advice provided by the Queen’s Counsel is subject to legal privilege and so cannot be appended to this report. In response to the points raised, whilst the QC advised that affected paths should be subject of a temporary closure during an event and suggested that this could be achieved under section 16(A) of the Road Traffic Regulation Act 1984, they did not advise that it <u>must</u> be achieved under this section of the Act. Neither did they advise against use of a closure under section 14 of the Road</p>

<p>circumstances it would help if the QC's advice on both points was attached as a further appendix.</p> <p>It would be useful to be clear about whether these arrangements cover any events within the BBNP.</p> <p>There is nothing in the proposal about arrangements in other rural Counties and it would be useful to know whether they are along the same lines, in particular, the proposed charges.</p> <p>Can some more information be given please on how the proposed costs have been calculated. They do not seem very high to me bearing in mind the amount of officer time that will be taken up in managing the processes and paperwork.</p> <p>Apologies if I missed it but I could not see anything in the paperwork making reference to the event organisers agreeing to meet the cost of repairing the damage to any rights of way they use. I assume there should be. In addition it would not seem unreasonable to require a deposit to be paid to guard against organisers not meeting such costs.</p> <p>As indicated above I know little about the legislation in these matters and it would be helpful to know whether local authorities are required to consult with other users of rights of way before agreeing to suspend public use for a motor vehicle event. Whether or not is provided for in legislation, it would seem to me to be good practice to consult user representative</p>	<p>Traffic Regulation Act 1984. The Council has opted to use section 14 to allow for the occasions where the same path may be affected by an event more than once per year. However, as noted above, more permanent solutions will be explored with the event organiser where that is the case.</p> <p>Yes, these arrangements cover the areas of the Brecon Beacons National Park that are within Powys.</p> <p>The charges are set in line with the actual costs incurred by Powys County Council. Those take into account local officer costs and overheads, so will vary between counties. The costs are in line with the Council's charges for other notices under section 14 affecting public rights of way and have been calculated using the same hourly rate. It should be noted that for a closure by notice under section 14, no newspaper advert is required, so the costs are lower than for an Order and less officer time is needed for administration.</p> <p>A requirement to meet the costs of any damage that the event may cause to the surface of public rights of way is highlighted in the event authorisation form (appendix 3, point 3.)</p> <p>As a matter of good practice, the Council does already consult with path user groups about proposed temporary closures of a public right of way, where the need for a closure is known and planned in advance and not for an unplanned emergency e.g. landslip. That will apply to motorsport events, so path users will have opportunity to highlight any particular concerns.</p>
--	--

<p>bodies on whether the proposed use is likely to cause any unreasonable damage to the rights of way in question and, more practically, to make sure there is no clash with any other events, walking festivals.</p> <p>Para 1.5 says there will be a separate process for handling 'speed' events. Is it the intention of the should be reviewed as well? It would seem reasonable to do them both at the same time.</p>	<p>These are dealt with via the 'Motor race Order' process which has its own legal provisions. These provisions only came into effect in 2018 and a separate protocol is required.</p>
--	--

**From:** [Sian Barnes](#)  
**To:** **Section**  
**Subject:** Cabinet report for comment - Revised protocol for authorisation of motorsport events  
**Date:** 31 December 2019 11:33:00  
**Attachments:** [Revised Protocol for authorising motor vehicle events affecting footpaths, bridleways and restri.doc](#)  
[v1 s33 revised protocol - Impact Assessment \(IA\) .docx](#)  
[Appendix 1 - 2012 Cabinet report.PDF](#)  
[Appendix 2 - Application form.pdf](#)  
[Appendix 3 - Authorisation form.pdf](#)  
[Appendix 4 - Procedures & requirements.pdf](#)  
[Appendix 5 - Summary of consult responses.pdf](#)

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Hi **Section**,

I've forwarded the Cabinet report that we discussed before Christmas to you for comment via Modern Gov; it relates to a revised protocol for authorising motorsport events. In case you have any problems accessing it via Modern Gov, I've attached the report and appendices to this email as well.

[Redacted]

Regards,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
Cyngor Sir Powys / Powys County Council  
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**MINUTES OF A MEETING OF THE CABINET HELD AT COUNCIL CHAMBER -  
COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 3 MARCH 2020**

**PRESENT**

County Councillor M R Harris (Chair)

County Councillors MC Alexander, G Breeze, A W Davies, P Davies, J Evans and  
R Powell

The Leader thanked all the staff who had been involved in the Council's response to Storm Dennis. She and the Chief Executive also gave an update on the work going on in the Council and with partner agencies to cope with the coronavirus outbreak.

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillor Heulwen Hulme.

<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>
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County Councillor James Evans declared a personal and prejudicial interest in the item on High Street and Retail Rates Relief Scheme.

<b>3.</b>	<b>MINUTES</b>
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The Leader was authorised to sign the minutes of the last meeting held on 11<sup>th</sup> February 2020 as a correct record.

<b>4.</b>	<b>LADYWELL GREEN INFANTS SCHOOL AND HAFREN C.P. JUNIOR SCHOOL</b>
-----------	--

Cabinet was advised that no objections had been received to the proposal to close Ladywell Green Infants School and Hafren C.P. Junior School from the 31<sup>st</sup> August 2021, and to establish a new English-medium primary school for pupils aged 4-11 from the 1<sup>st</sup> September 2021 during the statutory notice period.

**RESOLVED**

1. to approve the proposal to amalgamate Ladywell Green Infants School and Hafren C.P. Junior School in order to establish a new English-medium primary school for pupils aged 4-11 on the current sites of the two schools, by:
  - Closing Ladywell Green Infants School and Hafren C.P. Junior School from the 31<sup>st</sup> August 2021
  - Establishing a new English-medium primary school for pupils aged 4-11 on the current sites of Ladywell Green Infants School and Hafren C.P. Junior School on the 1<sup>st</sup> September 2021

**2. That in line with Section 3.7.2 of the Scheme for Financing Schools, it is proposed that:**

- **Spend at the schools is restricted to that included in their approved budget plan and no virement of funds between budget headings is permitted unless approved by the Authority.**
- **Any staffing changes have to be approved by the Authority.**
- **Any contracts awarded for the supply of goods or services have to be approved by the Authority.**

<b>5.</b>	<b>21ST CENTURY SCHOOLS PROGRAMME YSGOL CEDEWAIN PROJECT</b>
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Cabinet considered a Strategic Outline Case to Welsh Government's 21<sup>st</sup> Century Schools Programme for capital investment to build a new 108 place special school to replace the existing Ysgol Cedewain building in Newtown. Cabinet fully supported the proposal.

**RESOLVED**

- 1. To submit the Strategic Outline Case, as set out in Appendix 1 to the report, to Welsh Government's 21<sup>st</sup> Century Schools Programme for capital investment to build a new 108 place school to replace the existing Ysgol Cedewain building in Newtown.**
- 2. The note that the estimated cost of the overall project is £22,678,200.00 with Welsh Government funding 75% of the costs, and the Council funding the remaining 25%, and to note that the current total cost estimate includes an early stage risk contingency of 25%.**

<b>6.</b>	<b>REVISED PROTOCOL FOR AUTHORISING MOTOR VEHICLE EVENTS AFFECTING FOOTPATHS, BRIDLEWAYS AND RESTRICTED BYWAYS UNDER S.33 ROAD TRAFFIC ACT 1988</b>
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Cabinet considered revisions to the protocol for authorising motorsport events affecting footpaths, bridleways and restricted byways. The Portfolio Holder advised that there had been extensive consultation and that the revisions were intended to address issues that had been raised by officers, members and the motor sport industry as to the effectiveness and operation of the current protocol. Cabinet recognised the importance of motor sports events to the local economy.

**RESOLVED**

- 1. That the revised Protocol and Guidance as set out in Appendices 3 and 4 of the Report are approved and to be put into effect on or before 31<sup>st</sup> August 2020**



2. That the fees set out in paragraph 3.5 are approved.
3. That the further arrangements set out in paragraphs 3.6 and 3.7 of the report are approved.
4. The reason for the recommendation is to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance and managing public safety during an event.

<b>7.</b>	<b>HOUSING REVENUE ACCOUNT (HRA) THIRTY YEAR FINANCIAL BUSINESS PLAN 2020-2021</b>
-----------	--

Cabinet considered the Housing Revenue Account (HRA) Thirty Year Financial Business Plan Starting 2020-2021. The Plan set out detailed proposals for the five year period starting in 2020-2021 with outline proposals thereafter. This would allow for a strategic approach to be taken with investment decisions and planning and for more informed consultation and communication with residents and tenants. The plan set out the levels of investment for the following programmes:

New Homes for Powys (Capital Programme)  
 WHQS (Capital Programme)  
 Compliance One Hundred  
 Green Powys  
 Fit for Life  
 Love Where You Live  
 Careline  
 Repairs and Maintenance

**RESOLVED to approve the Housing Revenue Account (HRA)  
 Thirty Year Business Plan Starting 2020-2021.**

<b>8.</b>	<b>HIGH STREET AND RETAIL RATES RELIEF SCHEME IN WALES 2020-21</b>
-----------	--

County Councillor James Evans declared a personal and prejudicial interest in this item and left the meeting while it was being considered.

Cabinet was advised that Welsh Government had announced the continuation of the Business Rates high street and retail rates relief scheme for 2020-21 to support businesses within the retail sector in Wales. £1,080,000 was being made available to the Council by way of a Welsh Government Grant.

Properties benefiting from this relief would be occupied retail properties such as shops, pubs and restaurants with a rateable value of £50,000 or less on 1 April 2020. The maximum relief available per property in 2020-21 would be £2,500, the same figure of relief available in 2019-20. During the 2019-20 year, 605 Powys businesses were granted a share of £1,048,000 being 97% of available grant.

The Portfolio Holder for Finance, Countryside and Transport also advised that following Storm Dennis, the Council had contacted businesses affected by flooding to inform them of the discretionary rate relief scheme.

**RESOLVED**

- 1. That a Business Rates high street and retail rates relief scheme 2020-21 be established in accordance with section 3 of this report**
- 2. Ratepayers that received high street and retail rates relief in 2019-20 and remain in occupation as at 1 April 2020 be automatically granted this relief for financial year 2020-21.**
- 3. New applications for Business Rates high street and retail rates relief 2020-21 under the scheme referred to above shall be delegated to and determined by the Portfolio holder for Finance in consultation with the Head of Financial services (Section 151 Officer).**

County Councillor James Evans returned to the meeting.

<b>9.</b>	<b>FINANCIAL OVERVIEW AND FORECAST AS AT 31ST JANUARY 2020</b>
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Cabinet was advised that the forecast as at 31 January 2020 showed an underspend at year end of £6,000 compared to a forecast overspend of £570,000 at the end of December 2019. This improvement was as a result of the delivery of additional cost reductions. Subject to delivery of further expected cost reductions in February and March, the outturn was forecast to be an underspend of £650,000. Cabinet was further advised that the financial impact of Storm Dennis would not be known for some months. Not only had damage been caused to roads and infrastructure, but staff had been diverted away from fee earning work to deal with flooding. Without financial support from Welsh Government the costs would be borne by the Council. This would impact on the revenue outturn position and any resulting overspend would be financed from the Council's reserves.

The report also included a virement to reduce collection costs from £231,000 to £130,000 from the bring site budget to reflect reduced collection costs following the removal of the garden waste green banks at all the small recycling bring sites.

**RESOLVED**

- 1. That Cabinet note the budget position.**
- 2. That the virement noted above be approved.**

<b>10.</b>	<b>CAPITAL FORECAST AS AT 31ST JANUARY 2020</b>
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Cabinet was advised that the forecast outturn on the revised 2019-20 capital budget as at 31<sup>st</sup> January was an underspend of £11.6 million on service budgets and £4.6 million on the Housing Revenue Account. Actual spend and committed expenditure as at 31 January 2020 amounts to £57.26 million representing 72% of the total revised budget comprising actual spend of £43.35 million and £13.92 million committed.

**RESOLVED that the report be noted.**

<b>11.</b>	<b>CORRESPONDENCE</b>
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There were no items of correspondence.

<b>12.</b>	<b>DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING</b>
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Cabinet received a list of delegated decisions taken by Portfolio Holders since the last meeting.

<b>13.</b>	<b>FORWARD WORK PROGRAMME</b>
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The Portfolio Holder for Economic Development, Housing and Regulatory Services advised that he was delaying the report on Ecoflex coming to Cabinet until he had an opportunity to consider the views of Scrutiny.

**County Councillor M R Harris (Chair)**

**From:** [Sian Barnes](#)  
**To:** **Section**  
**Subject:** RE: Cabinet date - Report for revised protocol, section 33 authorisation of motorsport events  
**Date:** 31 January 2020 18:44:00

---

Hi **Section**,

Many thanks – he called me about something else earlier today, as it happens, so I have mentioned it as well. I have agreed to speak to Clive to check whether that has any implications for the recommendations.

Regards,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
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**From:** **Section 40(2) - Personal Data** @powys.gov.uk>  
**Sent:** 31 January 2020 13:20  
**To:** Sian Barnes <~~xx@xx~~>  
**Subject:** RE: Cabinet date - Report for revised protocol, section 33 authorisation of motorsport events

Hi Sian

I have asked the question and just waiting for Cllr Aled to come back to me. Will be in touch as soon as soon as he lets me know.

Thanks.

Karen

---

**From:** Sian Barnes <[xx@xx](mailto:xx@xx)>

**Sent:** 30 January 2020 12:35

**To:** Section 40(2) - Personal Data [@powys.gov.uk](mailto:xx@powys.gov.uk)>

**Subject:** Cabinet date - Report for revised protocol, section 33 authorisation of motorsport events

Hi Section,

Cllr Aled recently took a Cabinet report to Scrutiny Committee, for a revised protocol for section 33 authorisation of motorsport events affecting public rights of way.

It was scheduled to go to Cabinet on 11<sup>th</sup> February but unfortunately, consideration by EMT has been delayed. Given that, Steve Boyd has asked whether we could present the report to Cabinet on 3<sup>rd</sup> March instead. I am available that morning; I have spoken with Nina Davies, as my line manager and Head of Service and although she is not available that day, she is content that the report be presented to Cabinet, if Cllr Aled is content to do so.

Please could you check whether he is available on 3<sup>rd</sup> March and content to delay the report until then, or would it be better if I were to contact him directly?

Many thanks,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
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**From:** Section  
**To:** Sian Barnes  
**Cc:** Section 40(2) -  
**Subject:** RE: Modern  
**Date:** 23 December 2019 10:35:25  
**Attachments:** image001.png

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Thanks Sian,

Please can you add the following comment from HR:

There is unlikely to be any foreseeable impact on employees of the council based on the report. However, any changes to terms or conditions that may subsequently occur would be managed through the appropriate employment policies of the council.

Many thanks

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40(2)  
-

Section 40(2) - Personal Data

Cyngor Sir Powys | Powys County Council

Ffon | Tel: Section 40(2)  
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Please note - Wednesday is my non-working day



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**From:** Sian Barnes <xxxx.xxxxxx@xxxxx.xxx.xx>

**Sent:** 23 December 2019 10:08

**To:** Section 40(2) - Personal @powys.gov.uk>

**Cc:** Wyn Richards <xxx.xxxxxxxx@xxxxx.xxx.xx>

**Subject:** RE: Modern

Hi Section  
40(2)

Thank you for trying – I have attached the report and appendices to this email instead, I hope that helps. If you could send me your comments by email, that would be much appreciated.

Regards,  
Sian



Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
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**From:** Section 40(2) - Personal [REDACTED] <[REDACTED]@powys.gov.uk>  
**Sent:** 23 December 2019 10:02  
**To:** Wyn Richards <[REDACTED]@xxxxx.xxx.xx>  
**Cc:** Sian Barnes <[REDACTED]@xxxxx.xxx.xx>  
**Subject:** RE: Modern

I can't seem to access this sorry.

Many thanks

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P I

Please note - Wednesday is my non-working day



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**From:** [Sian Barnes](#)  
**To:** [Councillor Aled Davies](#)  
**Subject:** RE: Motorsport in Powys  
**Date:** 18 February 2020 17:50:00

---

Hi Councillor Aled,

Further to our conversation yesterday, **Section 40(2) - Personal Data** has an interest as a member of the Rhayader Motorcycle & Light Car Club. As discussed, a draft response is below.

Dear **Section 40(2)**

*Thank you for your interest in this. The figures given of 30-45 applications per year are intended to give an illustration of the level of interest and workload associated with this type of event authorisation. The number of events does vary each year and the numbers fluctuate both up and down. However, as the Council process has not changed since 2012, these variations are unlikely to be due to our protocol for authorisation under section 33 of the Road Traffic Act 1988.*

*There are a number of external factors that can, and do influence the location of these events, which are outside the Council's control; as such, we would not be able to pinpoint any individual factor that may have resulted in an increase or decrease in the number of motorsport events held in a year. Officers are always happy to provide advice to event organisers to assist them through the process of securing section 33 authorisation when an application is received; the new protocol is intended to ensure that these requests can be dealt with as efficiently as possible.*

Would you like me to add anything in relation to the budget pressures?

Regards,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
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**From:** Councillor Aled Davies <xx@xx>

**Sent:** 14 February 2020 07:54

**To:** Sian Barnes <xx@xx>

**Subject:** FW: Motorsport in Powys

Hi Sian,

Who is **Section 40(2) - P ID t** not sure how to respond, should it be quite robust? What would you suggest?

I can't remember making much of the drop in number, it was just giving the committee an indication of numbers involved.

Thanks

Aled

Aled Davies

Cynghorydd Sir LlanrhaeadrYM/Llangedwyn/Llansilin

07772152357/01691600235

Deputy Leader

Cabinet Member for Finance

Leader of the Welsh Conservative Group

Dirprwy Arweinydd

Aelod Cabinet dros Cyllid

Arweinydd Grwp Ceidwadwyr Gymraeg

---

**From:** **Section 40(2) - Personal Data**

**Sent:** 13 February 2020 20:44

**To:** Councillor Aled Davies <xx@xx>

**Subject:** Motorsport in Powys

Aled

I was very pleased to see in the local newspaper that Powys CC was supportive of motorsport events in Mid Wales, however, the one concern was the figures quoted 45 events in 2018 down to 30 in 2019. A drop of a third of events must point to being some issue for organisers, perhaps your support isn't shared by your staff! It also suggests a third less work for the relevant department maybe some room for savings there.

Always glad to meet with you if required.

**Section 40(2)**

Rhayader MC

**From:** [Nina Davies](#)  
**To:** [Sian Barnes](#)  
**Cc:** **Section**  
**Subject:** RE: New Cabinet date - revised protocol for section 33 motorsport event authorisations  
**Date:** 08 October 2019 16:19:56  
**Attachments:** [image003.jpg](#)  
[image001.jpg](#)

---

Please liaise with Steve Boyd over booking in reports. Thanks.

Best wishes,

Nina

**Nina Davies**  
**Pennaeth Tai a Datblygu Cymunedol**  
**Head of Housing & Community Development**



---

**From:** Sian Barnes <[x@xxx](#)>  
**Sent:** 08 October 2019 16:19  
**To:** Nina Davies <[x@xxx](#)>  
**Cc:** **Section 40(2) - Personal Data** <[x@xxx](#)> @powys.gov.uk>  
**Subject:** RE: New Cabinet date - revised protocol for section 33 motorsport event authorisations

Thank you Nina – having spoken to Wyn this morning, he has timetabled this in for Scrutiny on 13<sup>th</sup> January, as it's not going to Cabinet until February. If you are content with that, I will ask **Secti** when she needs the report for EMT.

Regards,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
Cyngor Sir Powys / Powys County Council  
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Mae Gwasanaethau Cefn Gwlad a'r Gwasanaeth Hamdden Awyr Agored yn prosesu'ch data personol er mwyn bodloni ein dyletswyddau statudol, ein pwerau a'n cyfrifoldebau mewn perthynas â hawliau tramwy cyhoeddus a'r canlynol: Y Map Diffiniol, Y Gofrestr Tir Comin, parciau, lleoedd chwarae, a'r lleoedd agored rydym yn eu rheoli. Pe ddymunech wybod mwy am sut rydym yn defnyddio data personol, ewch i:  
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**From:** Nina Davies <[REDACTED]>  
**Sent:** 07 October 2019 22:31  
**To:** Sian Barnes <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]@powys.gov.uk>  
**Subject:** RE: New Cabinet date - revised protocol for section 33 motorsport event authorisations

Go to normal scrutiny please when I am away. Thank you. Could you make sure its in my diary for Cabinet.

Best wishes,

Nina

**Nina Davies**  
**Pennaeth Tai a Datblygu Cymunedol**  
**Head of Housing & Community Development**



---

**From:** Sian Barnes <[REDACTED]>  
**Sent:** 04 October 2019 16:19  
**To:** Nina Davies <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** New Cabinet date - revised protocol for section 33 motorsport event authorisations

Hi Nina,

I have spoken with Steve Boyd and Wyn Richards to find a new date for the Cabinet report about the revised protocol for section 33 motorsport event authorisations. I understand that there is a Cabinet on 11<sup>th</sup> February 2020 and I think that's already in your diary. Would that date be OK for you?

Wyn has made two suggestions for Scrutiny to see the report, being either:

- If you would prefer to attend Scrutiny when they consider the report, Wyn can arrange a working group to do that as he already has approval in principle to do so; or
- If you are content not to attend, it could be considered by Scrutiny Committee on 25<sup>th</sup> November, when you are on leave.

Which would you prefer? I will finalise the report and impact assessment shortly and send them to you for review, before they go out for internal consultation.

Regards,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
Cyngor Sir Powys / Powys County Council

**From:** [Sian Barnes](#)  
**To:** [Wyn Richards](#)  
**Subject:** Report for Cabinet on 17th September - Motorsport authorisations, Scrutiny submission  
**Date:** 11 July 2019 16:57:00

---

Hi Wyn,

I have a report that is programmed for Cabinet on 17<sup>th</sup> September, and understand that there is a Scrutiny Committee on 20<sup>th</sup> August. The report is about a revised protocol for authorising motorsport events under section 33 of the Road Traffic Act 1988. By what date will you need the report and appendices for submission to Scrutiny Committee?

Many thanks,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
Cyngor Sir Powys / Powys County Council  
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**From:** [Sian Barnes](#)  
**To:** [Nina Davies](#)  
**Subject:** Section 33 Motorsport event authorisation report - Cabinet date  
**Date:** 30 January 2020 11:49:00

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Hi Nina,

Steve Boyd has contacted me about the Cabinet report for the revised protocol for section 33 Motorsport event authorisation; he has sent apologies, as he was unable to include it in the EMT agenda for last week. Given this, he has asked whether we could delay presenting the report until 3<sup>rd</sup> March. [REDACTED]

Would you be content that the report be delayed until 3<sup>rd</sup> March? If so, I will speak to Clive to check whether the implementation date (6 months from decision making) needs to be amended and to Cllr Aled, to check that delaying this is acceptable to him.

I have also been asked to transfer this into the new template – it was entered onto Modern Gov when the old template was still in use, so has been caught in the changeover unfortunately.

Many thanks,  
Sian

Sian Barnes  
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden  
Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
Cyngor Sir Powys / Powys County Council  
Ffon / Tel: 01597 827595

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**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**  
**Monday, 13 January 2020**

**REPORT AUTHOR:** County Councillor Aled Davies  
Deputy Leader and Portfolio Holder for Finance,  
Countryside and Transport

**SUBJECT:** Revised Protocol for authorising motor vehicle events  
affecting footpaths, bridleways and restricted byways  
under s.33 Road Traffic Act 1988

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**REPORT FOR:** Decision

---

**1. Summary**

1.1 The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes.

1.2 The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways. That includes authorisations for the parts of the Brecon Beacons National Park area that are within Powys.

1.3 In 2012 the Cabinet approved a protocol for the authorisation of motorsport events (Appendix 1). Issues have been raised by officers, members and the motor sport industry as to the effectiveness and operation of that protocol. It was agreed that there should be a review of the protocol, so as to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.

1.4 The purpose of this report is to recommend revisions to the protocol which address those issues raised. The revised protocol has been drafted following the receipt of independent legal advice and discussions with Welsh Government. There has been extensive consultation with the Motorsport UK, Auto Cycle Union (ACU) and the Land Access Recreation Association (LARA) as motorsport representatives.

1.5 Races and trials of speed are subject to a separate process under section 12(A) of the Road Traffic Act 1988. This allows for the making of 'motor race Orders.' In addition to a 'motor race Order', authorisation under section 33 of the Road Traffic Act 1988 will be required for these events, if

they affect a public footpath, bridleway or restricted byway. This protocol will apply to the section 33 authorisation aspect of a race or trial of speed. Any temporary closure that is needed for a race or trial of speed will be dealt with separately.

## 2. **Proposal**

- 2.1 A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (appendix 3.)
- 2.2 Organisers will need to comply with a number of requirements and procedures, as set out in appendix 4.
- 2.3 If authorisation is granted under section 33 of the Road Traffic Act 1988, in the majority of circumstances the Council will suspend public use of the public right(s) of way affected. However, the Council will exercise its discretion, as this may not always be necessary; an example would be where a public right of way is coincident with a county road that remains open for public use during an event, where drivers and pedestrians would normally expect to encounter each other. The public rights of way will be temporarily closed to the public under Section 14(2) Road Traffic Regulation Act 1984. This prevents other highway users from using the highway at the same time as the motorsport event.
- 2.4 There will be a stepped fee structure for these authorisations. The fee level will be determined by:
- The number of public rights of way impacted by the event; and
  - Whether the applicant undertakes to erect and remove the statutory notices.

These costs are set out in paragraph 2.4 below; the fees will be reviewed periodically and revised in the light of current costs.

### 2.5 Application fee if the **Council** erects and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
Band One	£240	£30	£270
Band Two	£750	£30	£780

### Application fee if the **Organisers** erect and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
Band One	£50	£30	£80
Band Two	£117	£30	£147

Band One: Where no more than two public rights of way are affected.

Band Two: Where three or more public rights of way are affected.

- 2.6 The s.33 RTA88 authorisation will contain conditions (as set out in Appendix 3) that will be reviewed from time to time.
- 2.7 In the event of a breach of the conditions, then the following will apply:
- (i) A report will be made to Motorsport UK; or
  - (ii) In the event that Motorsport UK is not the authorising body, to the authorising body first and then to Motorsport UK if the issue is not satisfactorily resolved.
  - (iii) A report will be made to the Portfolio Holder, who will decide on the appropriate action or approach to future applications.

### **3. Options Considered / Available**

#### **3.1 The options are that:**

One - The Council could choose not to review the current protocol relating to authorising motoring events under section 33 of the Road Traffic Act 1988. This option would not resolve the issues being brought forward by Officers and motorsport organisers, and it would not streamline and provide clarity on the processes involved; or

Two - The Council could review the protocol as described above.

### **4. Preferred Choice and Reasons**

- 4.1 The preferred choice is Option Two as it provides a reasonable balance, to ensure that motorsport and motoring events are able to take place safely, whilst ensuring the Council is able to discharge its legal obligations when authorising events under section 33 of the Road Traffic Act 1988. There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes. The implementation date will be 6 months from the date of a Cabinet decision to adopt the protocol.
- 4.2 Queen's Counsel advice was sought in relation to these proposals. It should be noted that the Queen's Counsel (QC) advised that temporary closure of the affected public rights of way could be achieved under either section 16(A) or section 14(2) of the Road Traffic Regulation Act 1984. The QC expressed a preference for use of s.16(A) closures, but did not advise against use of closures under section 14(2.) The proposal to use section 14(2) has been fully considered and is supported by the Solicitor to the Council.
- 4.3 The Queen's Counsel also advised that there should be evidence that the event is "properly authorised" by Motorsport UK, before authorisation could be issued under section 33 of the Road Traffic Act 1988. As this raised significant concerns with event organisers, it is instead proposed that a condition of consent is put in place, whereby the onus is on event

organisers to provide “route authorisation” either before the event, or within three working days after the event. This approach has been fully considered and is supported by the Solicitor to the Council.

**5. Impact Assessment**

5.1 Is an impact assessment required? Yes

5.2 If yes is it attached? Yes

**6. Corporate Improvement Plan**

6.1 Motoring events that require section 33 of the Road Traffic Act 1988 authorisation can have local, regional or international importance, providing a direct link to developing a vibrant economy.

Use of public rights of way also has a link to developing a vibrant economy, through tourism and contributes to improved physical and mental wellbeing. The protocol aims to reach a balance between allowing motorsport events to be managed effectively, and ensuring that users of the public rights of way network have safe alternative routes to follow during an event.

**7. Local Member(s)**

7.1 This report covers the whole county.

**8. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council?

Yes – This impacts on the Highways, Transport and Recycling service due to the crossover with the Motor Race Orders process. The Traffic and Travel Manager has been consulted and no concerns have been raised.

**9. Communications**

Have Communications seen a copy of this report? Yes

Have they made a comment? Yes - Communications comment: The report is of public interest and requires proactive communications action to publicise the recommendation/decision.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

~~(Comments from Legal and Finance officers must be set out here along with comments from Corporate Property, HR and ICT if applicable)~~

10.1 Legal



10.2 Finance

10.4 HR:

~~(if appropriate)~~ There is unlikely to be any foreseeable impact on employees of the council based on the report. However, any changes to terms or conditions that may subsequently occur would be managed through the appropriate employment policies of the council.

**11. Scrutiny**

To be completed by the report author

Has this report been scrutinised? Yes / No?

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

11.1

**12. Data Protection**

12.1 The comments of the Data Protection Officer are that:

The personal data of applicants and respondents will be processed to deliver the proposed service, and as such appropriate notices and documentation will be developed to ensure compliance with data protection legislation.

**13. Statutory Officers**

(The views of both the Strategic Director Resources (Section 151 Officer) and the Monitoring Officer **must** be set out below)

**14. Members' Interests**

(To be completed by the Monitoring Officer)

The Monitoring Officer advises that Members may have an interest in this item if .....

or

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

**15. Future Status of the Report**

(This section must be completed if the report is a confidential/exempt report)

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the revised protocol, as set out above and in appendices 1-4 to this report be adopted.</b>	To safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance and managing public safety during an event.

Relevant Policy (ies):			
Within Policy:	N	Within Budget:	Y

<b>Relevant Local Member(s):</b>	(Countywide)
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<b>Person(s) To Implement Decision:</b>	Countryside Services and Outdoor Recreation team
<b>Date By When Decision To Be Implemented:</b>	Within 6 months of Cabinet decision

<b>Is a review of the impact of the decision required?</b>	<b>Y</b>
<b>If yes, date of review</b>	<b>December 2020</b>
<b>Person responsible for the review</b>	<b>Sian Barnes</b>
<b>Date review to be presented to Portfolio Holder/ Cabinet for information or further action</b>	<b>11<sup>th</sup> February 2021</b>

<b>Contact Officer:</b>	Sian Barnes, Acting Professional Lead, Countryside Access and Recreation
<b>Tel:</b>	01597 827595
<b>Email:</b>	sian.barnes@powys.gov.uk

**Background Papers used to prepare Report:**

- Appendix 1 – Cabinet report 17<sup>th</sup> April 2012, Protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways.
- Appendix 2 – Application form for authorisation under section 33 Road Traffic Act 1988
- Appendix 3 – Conditions of consent
- Appendix 4 – Requirements and procedures for seeking section 33 consent
- Appendix 5 – Summary of responses to consultation with path user groups and motorsport organisations and representatives
- Appendix 6 – Impact Assessment

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**

**3<sup>rd</sup> March 2020**

**REPORT AUTHOR:** County Councillor Aled Davies  
Deputy Leader and Portfolio Holder for Finance,  
Countryside and Transport

**REPORT TITLE:** Revised Protocol for authorising motor vehicle events  
affecting footpaths, bridleways and restricted byways  
under s.33 Road Traffic Act 1988

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**REPORT FOR:** Decision

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**1. Purpose**

- 1.1 The purpose of this report is to recommend revisions to the protocol for authorising motorsport events affecting footpaths, bridleways and restricted byways.

**2. Background**

- 2.1 The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes.
- 2.2 The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways. That includes authorisations for the parts of the Brecon Beacons National Park area that are within Powys.
- 2.3 In 2012 the Cabinet approved a protocol for the authorisation of motorsport events (Appendix 1). Issues have been raised by officers, members and the motor sport industry as to the effectiveness and operation of that protocol. It was agreed that there should be a review of the protocol, so as to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.
- 2.4 The purpose of this report is to recommend revisions to the protocol which address those issues raised. The revised protocol has been drafted following the receipt of independent legal advice and discussions with Welsh Government. There has been extensive consultation with the

Motorsport UK, Auto Cycle Union (ACU) and the Land Access Recreation Association (LARA) as motorsport representatives.

- 2.5 Races and trials of speed are subject to a separate process under section 12(A) of the Road Traffic Act 1988. This allows for the making of 'motor race Orders.' In addition to a 'motor race Order', authorisation under section 33 of the Road Traffic Act 1988 will be required for these events, if they affect a public footpath, bridleway or restricted byway. This protocol will apply to the section 33 authorisation aspect of a race or trial of speed. Any temporary closure that is needed for a race or trial of speed will be dealt with separately.

### 3. **Advice**

- 3.1 A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (appendix 3.)
- 3.2 Organisers will need to comply with a number of requirements and procedures, as set out in appendix 4.
- 3.3 If authorisation is granted under section 33 of the Road Traffic Act 1988, in the majority of circumstances the Council will suspend public use of the public right(s) of way affected. However, the Council will exercise its discretion, as this may not always be necessary; an example would be where a public right of way is coincident with a county road that remains open for public use during an event, where drivers and pedestrians would normally expect to encounter each other. The public rights of way will be temporarily closed to the public under Section 14(2) Road Traffic Regulation Act 1984. This prevents other highway users from using the highway at the same time as the motorsport event.
- 3.4 There will be a stepped fee structure for these authorisations. The fee level will be determined by:
- The number of public rights of way impacted by the event; and
  - Whether the applicant undertakes to erect and remove the statutory notices.

These costs are set out in paragraph 2.5 below; the fees will be reviewed periodically and revised in the light of current costs.

- 3.5 Application fee if the **Council** erects and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
Band One	£240	£30	£270
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  - (iii) A report will be made to the Portfolio Holder, who will decide on the appropriate action or approach to future applications.
- 3.8 The options are that:
- One - The Council could choose not to review the current protocol relating to authorising motoring events under section 33 of the Road Traffic Act 1988. This option would not resolve the issues being brought forward by Officers and motorsport organisers, and it would not streamline and provide clarity on the processes involved; or
- Two - The Council could review the protocol as described above.
- 3.9 The preferred choice is Option Two as it provides a reasonable balance, to ensure that motorsport and motoring events are able to take place safely, whilst ensuring the Council is able to discharge its legal obligations when authorising events under section 33 of the Road Traffic Act 1988. There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes. The implementation date will be 6 months from the date of a Cabinet decision to adopt the protocol.
- 3.10 Motoring events that require section 33 of the Road Traffic Act 1988 authorisation can have local, regional or international importance, providing a direct link to developing a vibrant economy. Use of public rights of way also has a link to developing a vibrant economy, through tourism and contributes to improved physical and mental wellbeing. The protocol aims to reach a balance between allowing motorsport events to

be managed effectively, and ensuring that users of the public rights of way network have safe alternative routes to follow during an event.

- 3.11 This impacts on the Highways, Transport and Recycling Service due to the crossover with the Motor Race Orders process. The Traffic and Travel Manager has been consulted and no concerns have been raised.
- 3.12 HR comment that there is unlikely to be any foreseeable impact on employees of the council based on the report. However, any changes to terms or conditions that may subsequently occur would be managed through the appropriate employment policies of the council.
- 3.13 Communications comment is that the report is of public interest and requires proactive communications action to publicise the recommendation/decision.

#### **4. Resource Implications**

- 4.1 The additional costs that will be incurred in making traffic regulation Orders are covered by the charges proposed. The Council is already required to consider requests for authorisation for motorsports events under section 33 of the Road Traffic Act 1988 and processes 30-45 applications per year; the revised protocol is not anticipated to incur any additional costs in relation to that element.
- 4.2 The Finance Business Partner notes the contents of the report and confirms that the proposal does not have any budgetary implications as the additional costs incurred will be covered by the charges proposed.
- 4.3 The Head of Finance (Section 151 Officer) notes paragraph 4.2 of the report and the comment of the Finance Business Partner.

#### **5. Legal implications**

- 5.1 Queen's Counsel advice was sought in relation to these proposals. It should be noted that the Queen's Counsel (QC) advised that temporary closure of the affected public rights of way could be achieved under either section 16(A) or section 14(2) of the Road Traffic Regulation Act 1984. The QC expressed a preference for use of s.16(A) closures, but did not advise against use of closures under section 14(2.) The proposal to use section 14(2) has been fully considered and is supported by the Solicitor to the Council.
- 4.3 The Queen's Counsel also advised that there should be evidence that the event is "properly authorised" by Motorsport UK, before authorisation could be issued under section 33 of the Road Traffic Act 1988. As this raised significant concerns with event organisers, it is instead proposed that a condition of consent is put in place, whereby the onus is on event organisers to provide "route authorisation" either before the event, or

within three working days after the event. This approach has been fully considered and is supported by the Solicitor to the Council.

- 4.4 Legal Services comment is that the recommendation can be supported from a legal point of view.
- 4.5 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

## **6. Data Protection**

- 6.1 The comments of the Data Protection Officer are that:  
The personal data of applicants and respondents will be processed to deliver the proposed service, and as such appropriate notices and documentation will be developed to ensure compliance with data protection legislation.

## **7. Comment from local member(s)**

- 7.1 N/A This report covers the whole county.

## **8. Integrated Impact Assessment**

- 8.1 An Impact Assessment is attached (appendix 6.)

## **9. Recommendation**

- 9.1 That the revised Protocol and Guidance as set out in Appendices 3 and 4 of the Report are approved and to be put into effect on or before 31<sup>st</sup> August 2020
- 9.2 That the fees set out in paragraph 3.5 are approved.
- 9.3 That the further arrangements set out in paragraphs 3.6 and 3.7 of the report are approved.
- 9.4 The reason for the recommendation is to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance and managing public safety during an event.

Contact Officer:	Sian Barnes, Acting Professional Lead, Countryside Access and Recreation
Tel:	01597 827595
Email:	<a href="mailto:sian.barnes@powys.gov.uk">sian.barnes@powys.gov.uk</a>
Head of Service:	Nina Davies
Corporate Director:	Nigel Brinn

**Appendices:**

- Appendix 1 – Cabinet report 17<sup>th</sup> April 2012, Protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways.
- Appendix 2 – Application form for authorisation under section 33 Road Traffic Act 1988
- Appendix 3 – Conditions of consent
- Appendix 4 – Requirements and procedures for seeking section 33 consent
- Appendix 5 – Summary of responses to consultation with path user groups and motorsport organisations and representatives
- Appendix 6 – Impact Assessment



**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**  
**Monday, 13 January 2020**

**REPORT AUTHOR:** County Councillor Aled Davies  
Deputy Leader and Portfolio Holder for Finance,  
Countryside and Transport

**SUBJECT:** Revised Protocol for authorising motor vehicle events  
affecting footpaths, bridleways and restricted byways  
under s.33 Road Traffic Act 1988

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**REPORT FOR:** Decision

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**1. Summary**

1.1 The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes.

1.2 The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways. That includes authorisations for the parts of the Brecon Beacons National Park area that are within Powys.

1.3 In 2012 the Cabinet approved a protocol for the authorisation of motorsport events (Appendix 1). Issues have been raised by officers, members and the motor sport industry as to the effectiveness and operation of that protocol. It was agreed that there should be a review of the protocol, so as to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.

1.4 The purpose of this report is to recommend revisions to the protocol which address those issues raised. The revised protocol has been drafted following the receipt of independent legal advice and discussions with Welsh Government. There has been extensive consultation with the Motorsport UK, Auto Cycle Union (ACU) and the Land Access Recreation Association (LARA) as motorsport representatives.

1.5 Races and trials of speed are subject to a separate process under section 12(A) of the Road Traffic Act 1988. This allows for the making of 'motor race Orders.' In addition to a 'motor race Order', authorisation under section 33 of the Road Traffic Act 1988 will be required for these events, if

they affect a public footpath, bridleway or restricted byway. This protocol will apply to the section 33 authorisation aspect of a race or trial of speed. Any temporary closure that is needed for a race or trial of speed will be dealt with separately.

## 2. **Proposal**

- 2.1 A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (appendix 3.)
- 2.2 Organisers will need to comply with a number of requirements and procedures, as set out in appendix 4.
- 2.3 If authorisation is granted under section 33 of the Road Traffic Act 1988, in the majority of circumstances the Council will suspend public use of the public right(s) of way affected. However, the Council will exercise its discretion, as this may not always be necessary; an example would be where a public right of way is coincident with a county road that remains open for public use during an event, where drivers and pedestrians would normally expect to encounter each other. The public rights of way will be temporarily closed to the public under Section 14(2) Road Traffic Regulation Act 1984. This prevents other highway users from using the highway at the same time as the motorsport event.
- 2.4 There will be a stepped fee structure for these authorisations. The fee level will be determined by:
- The number of public rights of way impacted by the event; and
  - Whether the applicant undertakes to erect and remove the statutory notices.

These costs are set out in paragraph 2.4 below; the fees will be reviewed periodically and revised in the light of current costs.

### 2.5 Application fee if the **Council** erects and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
Band One	£240	£30	£270
Band Two	£750	£30	£780

### Application fee if the **Organisers** erect and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
Band One	£50	£30	£80
Band Two	£117	£30	£147

Band One: Where no more than two public rights of way are affected.

Band Two: Where three or more public rights of way are affected.

- 2.6 The s.33 RTA88 authorisation will contain conditions (as set out in Appendix 3) that will be reviewed from time to time.
- 2.7 In the event of a breach of the conditions, then the following will apply:
- (i) A report will be made to Motorsport UK; or
  - (ii) In the event that Motorsport UK is not the authorising body, to the authorising body first and then to Motorsport UK if the issue is not satisfactorily resolved.
  - (iii) A report will be made to the Portfolio Holder, who will decide on the appropriate action or approach to future applications.

### **3. Options Considered / Available**

#### **3.1 The options are that:**

One - The Council could choose not to review the current protocol relating to authorising motoring events under section 33 of the Road Traffic Act 1988. This option would not resolve the issues being brought forward by Officers and motorsport organisers, and it would not streamline and provide clarity on the processes involved; or

Two - The Council could review the protocol as described above.

### **4. Preferred Choice and Reasons**

- 4.1 The preferred choice is Option Two as it provides a reasonable balance, to ensure that motorsport and motoring events are able to take place safely, whilst ensuring the Council is able to discharge its legal obligations when authorising events under section 33 of the Road Traffic Act 1988. There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes. The implementation date will be 6 months from the date of a Cabinet decision to adopt the protocol.
- 4.2 Queen's Counsel advice was sought in relation to these proposals. It should be noted that the Queen's Counsel (QC) advised that temporary closure of the affected public rights of way could be achieved under either section 16(A) or section 14(2) of the Road Traffic Regulation Act 1984. The QC expressed a preference for use of s.16(A) closures, but did not advise against use of closures under section 14(2.) The proposal to use section 14(2) has been fully considered and is supported by the Solicitor to the Council.
- 4.3 The Queen's Counsel also advised that there should be evidence that the event is "properly authorised" by Motorsport UK, before authorisation could be issued under section 33 of the Road Traffic Act 1988. As this raised significant concerns with event organisers, it is instead proposed that a condition of consent is put in place, whereby the onus is on event

organisers to provide “route authorisation” either before the event, or within three working days after the event. This approach has been fully considered and is supported by the Solicitor to the Council.

**5. Impact Assessment**

5.1 Is an impact assessment required? Yes

5.2 If yes is it attached? Yes

**6. Corporate Improvement Plan**

6.1 Motoring events that require section 33 of the Road Traffic Act 1988 authorisation can have local, regional or international importance, providing a direct link to developing a vibrant economy.

Use of public rights of way also has a link to developing a vibrant economy, through tourism and contributes to improved physical and mental wellbeing. The protocol aims to reach a balance between allowing motorsport events to be managed effectively, and ensuring that users of the public rights of way network have safe alternative routes to follow during an event.

**7. Local Member(s)**

7.1 This report covers the whole county.

**8. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council?

Yes – This impacts on the Highways, Transport and Recycling service due to the crossover with the Motor Race Orders process. The Traffic and Travel Manager has been consulted and no concerns have been raised.

**9. Communications**

Have Communications seen a copy of this report? Yes

Have they made a comment? Yes - Communications comment: The report is of public interest and requires proactive communications action to publicise the recommendation/decision.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

~~(Comments from Legal and Finance officers must be set out here along with comments from Corporate Property, HR and ICT if applicable)~~

10.1 Legal

10.2 Finance

The Finance Business Partner notes the contents of the report and confirms that the proposal does not have any direct budgetary implications and may be reviewed accordingly.

10.34 HR:

~~-(if appropriate)-~~There is unlikely to be any foreseeable impact on employees of the council based on the report. However, any changes to terms or conditions that may subsequently occur would be managed through the appropriate employment policies of the council.

**11. Scrutiny**

To be completed by the report author

Has this report been scrutinised? Yes / No?

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

11.1

**12. Data Protection**

12.1 The comments of the Data Protection Officer are that:

The personal data of applicants and respondents will be processed to deliver the proposed service, and as such appropriate notices and documentation will be developed to ensure compliance with data protection legislation.

**13. Statutory Officers**

(The views of both the Strategic Director Resources (Section 151 Officer) and the Monitoring Officer **must** be set out below)

**14. Members' Interests**

(To be completed by the Monitoring Officer)

The Monitoring Officer advises that Members may have an interest in this item if .....

or

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

**15. Future Status of the Report**

(This section must be completed if the report is a confidential/exempt report)

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the revised protocol, as set out above and in appendices 1-4 to this report be adopted.</b>	To safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance and managing public safety during an event.

Relevant Policy (ies):			
Within Policy:	N	Within Budget:	Y

<b>Relevant Local Member(s):</b>	(Countywide)
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<b>Person(s) To Implement Decision:</b>	Countryside Services and Outdoor Recreation team
<b>Date By When Decision To Be Implemented:</b>	Within 6 months of Cabinet decision

<b>Is a review of the impact of the decision required?</b>	<b>Y</b>
<b>If yes, date of review</b>	<b>December 2020</b>
<b>Person responsible for the review</b>	<b>Sian Barnes</b>
<b>Date review to be presented to Portfolio Holder/ Cabinet for information or further action</b>	<b>11<sup>th</sup> February 2021</b>

<b>Contact Officer:</b>	Sian Barnes, Acting Professional Lead, Countryside Access and Recreation
<b>Tel:</b>	01597 827595
<b>Email:</b>	sian.barnes@powys.gov.uk

**Background Papers used to prepare Report:**

- Appendix 1 – Cabinet report 17<sup>th</sup> April 2012, Protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways.
- Appendix 2 – Application form for authorisation under section 33 Road Traffic Act 1988
- Appendix 3 – Conditions of consent
- Appendix 4 – Requirements and procedures for seeking section 33 consent

- Appendix 5 – Summary of responses to consultation with path user groups and motorsport organisations and representatives
- Appendix 6 – Impact Assessment

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**  
**Monday, 13 January 2020**

**REPORT AUTHOR:** County Councillor Aled Davies  
Deputy Leader and Portfolio Holder for Finance,  
Countryside and Transport

**SUBJECT:** Revised Protocol for authorising motor vehicle events  
affecting footpaths, bridleways and restricted byways  
under s.33 Road Traffic Act 1988

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**REPORT FOR:** Decision

---

**1. Summary**

1.1 The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes.

1.2 The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways. That includes authorisations for the parts of the Brecon Beacons National Park area that are within Powys.

1.3 In 2012 the Cabinet approved a protocol for the authorisation of motorsport events (Appendix 1). Issues have been raised by officers, members and the motor sport industry as to the effectiveness and operation of that protocol. It was agreed that there should be a review of the protocol, so as to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.

1.4 The purpose of this report is to recommend revisions to the protocol which address those issues raised. The revised protocol has been drafted following the receipt of independent legal advice and discussions with Welsh Government. There has been extensive consultation with the Motorsport UK, Auto Cycle Union (ACU) and the Land Access Recreation Association (LARA) as motorsport representatives.

1.5 Races and trials of speed are subject to a separate process under section 12(A) of the Road Traffic Act 1988. This allows for the making of 'motor race Orders.' In addition to a 'motor race Order', authorisation under section 33 of the Road Traffic Act 1988 will be required for these events, if



they affect a public footpath, bridleway or restricted byway. This protocol will apply to the section 33 authorisation aspect of a race or trial of speed. Any temporary closure that is needed for a race or trial of speed will be dealt with separately.

## 2. **Proposal**

- 2.1 A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (appendix 3.)
- 2.2 Organisers will need to comply with a number of requirements and procedures, as set out in appendix 4.
- 2.3 If authorisation is granted under section 33 of the Road Traffic Act 1988, in the majority of circumstances the Council will suspend public use of the public right(s) of way affected. However, the Council will exercise its discretion, as this may not always be necessary; an example would be where a public right of way is coincident with a county road that remains open for public use during an event, where drivers and pedestrians would normally expect to encounter each other. The public rights of way will be temporarily closed to the public under Section 14(2) Road Traffic Regulation Act 1984. This prevents other highway users from using the highway at the same time as the motorsport event.
- 2.4 There will be a stepped fee structure for these authorisations. The fee level will be determined by:
- The number of public rights of way impacted by the event; and
  - Whether the applicant undertakes to erect and remove the statutory notices.

These costs are set out in paragraph 2.4 below; the fees will be reviewed periodically and revised in the light of current costs.

### 2.5 Application fee if the **Council** erects and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
Band One	£240	£30	£270
Band Two	£750	£30	£780

### Application fee if the **Organisers** erect and remove s.14 RTRA84 notices.

	<b>s.14 Costs</b>	<b>s.33RTA Costs</b>	<b>Total Costs</b>
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Band One: Where no more than two public rights of way are affected.

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- (i) A report will be made to Motorsport UK; or
  - (ii) In the event that Motorsport UK is not the authorising body, to the authorising body first and then to Motorsport UK if the issue is not satisfactorily resolved.
  - (iii) A report will be made to the Portfolio Holder, who will decide on the appropriate action or approach to future applications.

### **3. Options Considered / Available**

#### **3.1 The options are that:**

One - The Council could choose not to review the current protocol relating to authorising motoring events under section 33 of the Road Traffic Act 1988. This option would not resolve the issues being brought forward by Officers and motorsport organisers, and it would not streamline and provide clarity on the processes involved; or

Two - The Council could review the protocol as described above.

### **4. Preferred Choice and Reasons**

- 4.1 The preferred choice is Option Two as it provides a reasonable balance, to ensure that motorsport and motoring events are able to take place safely, whilst ensuring the Council is able to discharge its legal obligations when authorising events under section 33 of the Road Traffic Act 1988. There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes. The implementation date will be 6 months from the date of a Cabinet decision to adopt the protocol.
- 4.2 Queen's Counsel advice was sought in relation to these proposals. It should be noted that the Queen's Counsel (QC) advised that temporary closure of the affected public rights of way could be achieved under either section 16(A) or section 14(2) of the Road Traffic Regulation Act 1984. The QC expressed a preference for use of s.16(A) closures, but did not advise against use of closures under section 14(2.) The proposal to use section 14(2) has been fully considered and is supported by the Solicitor to the Council.
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organisers to provide “route authorisation” either before the event, or within three working days after the event. This approach has been fully considered and is supported by the Solicitor to the Council.

**5. Impact Assessment**

5.1 Is an impact assessment required? Yes

5.2 If yes is it attached? Yes

**6. Corporate Improvement Plan**

6.1 Motoring events that require section 33 of the Road Traffic Act 1988 authorisation can have local, regional or international importance, providing a direct link to developing a vibrant economy.

Use of public rights of way also has a link to developing a vibrant economy, through tourism and contributes to improved physical and mental wellbeing. The protocol aims to reach a balance between allowing motorsport events to be managed effectively, and ensuring that users of the public rights of way network have safe alternative routes to follow during an event.

**7. Local Member(s)**

7.1 This report covers the whole county.

**8. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council?

Yes – This impacts on the Highways, Transport and Recycling service due to the crossover with the Motor Race Orders process. The Traffic and Travel Manager has been consulted and no concerns have been raised.

**9. Communications**

Have Communications seen a copy of this report? Yes

Have they made a comment? Yes - Communications comment: The report is of public interest and requires proactive communications action to publicise the recommendation/decision.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

~~(Comments from Legal and Finance officers must be set out here along with comments from Corporate Property, HR and ICT if applicable)~~

10.1 Legal : The recommendation can be supported from a legal point of view.~~Legal~~

10.2 **Finance**

The Finance Business Partner notes the contents of the report and confirms that the proposal does not have any direct budgetary implications and may be reviewed accordingly.

10.4 **HR:**

~~(if appropriate).~~ There is unlikely to be any foreseeable impact on employees of the council based on the report. However, any changes to terms or conditions that may subsequently occur would be managed through the appropriate employment policies of the council.

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11. **Scrutiny**

~~To be completed by the report author~~

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

~~11.1~~

12. **Data Protection**

12.1 The comments of the Data Protection Officer are that:

The personal data of applicants and respondents will be processed to deliver the proposed service, and as such appropriate notices and documentation will be developed to ensure compliance with data protection legislation.

13. **Statutory Officers**

~~(The views of both the Strategic Director Resources (Section 151 Officer) and the Monitoring Officer must be set out below)~~

14. **Members' Interests**

~~(To be completed by the Monitoring Officer)~~

~~15. **Future Status of the Report**~~

Recommendation:	Reason for Recommendation:
<del>That the revised protocol, as set out above and in appendices 1-4 to this report be adopted.</del> <u>1. That the revised Protocol and Guidance as set out in Appendices 3 and 4 of the Report are approved and to be put into effect on or before 31<sup>st</sup> July 2020</u>	To safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance and managing public safety during an event.

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<p><u>2. That the fees set out in paragraph 2.5 are approved.</u></p> <p><u>3. That the further arrangements set out in paragraphs 2.7 and 2.8 of the report are approved.</u></p>	
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Relevant Policy (ies):			
Within Policy:	N	Within Budget:	Y

Relevant Local Member(s):	(Countywide)
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Person(s) To Implement Decision:	Countryside Services and Outdoor Recreation team
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Date By When Decision To Be Implemented:	<del>Within 6 months of Cabinet decision</del> By 31 <sup>st</sup> July 2020
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Is a review of the impact of the decision required?	Y
If yes, date of review	December 2020
Person responsible for the review	Sian Barnes
Date review to be presented to Portfolio Holder/ Cabinet for information or further action	11 <sup>th</sup> February 2021

Contact Officer:	Sian Barnes, Acting Professional Lead, Countryside Access and Recreation
Tel:	01597 827595
Email:	sian.barnes@powys.gov.uk

#### Background Papers used to prepare Report:

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**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**  
**Monday, 13 January 2020**

**REPORT AUTHOR:** County Councillor Aled Davies  
Deputy Leader and Portfolio Holder for Finance,  
Countryside and Transport

**SUBJECT:** Revised Protocol for authorising motor vehicle events  
affecting footpaths, bridleways and restricted byways  
under s.33 Road Traffic Act 1988

---

**REPORT FOR:** Decision

---

**1. Summary**

1.1 The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes.

1.2 The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways. That includes authorisations for the parts of the Brecon Beacons National Park area that are within Powys.

1.3 In 2012 the Cabinet approved a protocol for the authorisation of motorsport events (Appendix 1). Issues have been raised by officers, members and the motor sport industry as to the effectiveness and operation of that protocol. It was agreed that there should be a review of the protocol, so as to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.

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they affect a public footpath, bridleway or restricted byway. This protocol will apply to the section 33 authorisation aspect of a race or trial of speed. Any temporary closure that is needed for a race or trial of speed will be dealt with separately.

## 2. **Proposal**

- 2.1 A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (appendix 3.)
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- (i) A report will be made to Motorsport UK; or
  - (ii) In the event that Motorsport UK is not the authorising body, to the authorising body first and then to Motorsport UK if the issue is not satisfactorily resolved.
  - (iii) A report will be made to the Portfolio Holder, who will decide on the appropriate action or approach to future applications.

### **3. Options Considered / Available**

#### **3.1 The options are that:**

One - The Council could choose not to review the current protocol relating to authorising motoring events under section 33 of the Road Traffic Act 1988. This option would not resolve the issues being brought forward by Officers and motorsport organisers, and it would not streamline and provide clarity on the processes involved; or

Two - The Council could review the protocol as described above.

### **4. Preferred Choice and Reasons**

- 4.1 The preferred choice is Option Two as it provides a reasonable balance, to ensure that motorsport and motoring events are able to take place safely, whilst ensuring the Council is able to discharge its legal obligations when authorising events under section 33 of the Road Traffic Act 1988. There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes. The implementation date will be 6 months from the date of a Cabinet decision to adopt the protocol.
- 4.2 Queen's Counsel advice was sought in relation to these proposals. It should be noted that the Queen's Counsel (QC) advised that temporary closure of the affected public rights of way could be achieved under either section 16(A) or section 14(2) of the Road Traffic Regulation Act 1984. The QC expressed a preference for use of s.16(A) closures, but did not advise against use of closures under section 14(2.) The proposal to use section 14(2) has been fully considered and is supported by the Solicitor to the Council.
- 4.3 The Queen's Counsel also advised that there should be evidence that the event is "properly authorised" by Motorsport UK, before authorisation could be issued under section 33 of the Road Traffic Act 1988. As this raised significant concerns with event organisers, it is instead proposed that a condition of consent is put in place, whereby the onus is on event



organisers to provide “route authorisation” either before the event, or within three working days after the event. This approach has been fully considered and is supported by the Solicitor to the Council.

**5. Impact Assessment**

5.1 Is an impact assessment required? Yes

5.2 If yes is it attached? Yes

**6. Corporate Improvement Plan**

6.1 Motoring events that require section 33 of the Road Traffic Act 1988 authorisation can have local, regional or international importance, providing a direct link to developing a vibrant economy.

Use of public rights of way also has a link to developing a vibrant economy, through tourism and contributes to improved physical and mental wellbeing. The protocol aims to reach a balance between allowing motorsport events to be managed effectively, and ensuring that users of the public rights of way network have safe alternative routes to follow during an event.

**7. Local Member(s)**

7.1 This report covers the whole county.

**8. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council?

Yes – This impacts on the Highways, Transport and Recycling service due to the crossover with the Motor Race Orders process. The Traffic and Travel Manager has been consulted and no concerns have been raised.

**9. Communications**

Have Communications seen a copy of this report? Yes

Have they made a comment? Yes - Communications comment: The report is of public interest and requires proactive communications action to publicise the recommendation/decision.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

(Comments from Legal and Finance officers must be set out here along with comments from Corporate Property, HR and ICT if applicable)

- 10.1 Legal
- 10.2 Finance
- 10.3 Corporate Property (if appropriate)
- 10.4 HR (if appropriate)
- 10.5 ICT (if appropriate)

**11. Scrutiny**

To be completed by the report author

Has this report been scrutinised? Yes / No?

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

11.1

**12. Data Protection**

- 12.1 The comments of the Data Protection Officer are that:  
The personal data of applicants and respondents will be processed to deliver the proposed service, and as such appropriate notices and documentation will be developed to ensure compliance with data protection legislation.

**13. Statutory Officers**

(The views of both the Strategic Director Resources (Section 151 Officer) and the Monitoring Officer **must** be set out below)

**14. Members' Interests**

(To be completed by the Monitoring Officer)

The Monitoring Officer advises that Members may have an interest in this item if .....

or

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

**15. Future Status of the Report**

(This section must be completed if the report is a confidential/exempt report)

Members are invited to consider the future status of this report and whether it can be made available to the press and public either

immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the revised protocol, as set out above and in appendices 1-4 to this report be adopted.</b>	To safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance and managing public safety during an event.

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	<b>N</b>
<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	(Countywide)
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<b>Person(s) To Implement Decision:</b>	Countryside Services and Outdoor Recreation team
<b>Date By When Decision To Be Implemented:</b>	Within 6 months of Cabinet decision

<b>Is a review of the impact of the decision required?</b>	<b>Y</b>
<b>If yes, date of review</b>	<b>December 2020</b>
<b>Person responsible for the review</b>	<b>Sian Barnes</b>
<b>Date review to be presented to Portfolio Holder/ Cabinet for information or further action</b>	<b>11<sup>th</sup> February 2021</b>

<b>Contact Officer:</b>	Sian Barnes, Acting Professional Lead, Countryside Access and Recreation
<b>Tel:</b>	01597 827595
<b>Email:</b>	sian.barnes@powys.gov.uk

#### **Background Papers used to prepare Report:**

- Appendix 1 – Cabinet report 17<sup>th</sup> April 2012, Protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways.
- Appendix 2 – Application form for authorisation under section 33 Road Traffic Act 1988
- Appendix 3 – Conditions of consent
- Appendix 4 – Requirements and procedures for seeking section 33 consent
- Appendix 5 – Summary of responses to consultation with path user groups and motorsport organisations and representatives
- Appendix 6 – Impact Assessment

# Cyngor Sir Powys County Council

## Impact Assessment (IA)

*The integrated approach to support effective decision making*



**Please read the accompanying guidance before completing the form.**

This **Impact Assessment (IA)** toolkit, incorporates a range of legislative requirements that support effective decision making and ensure compliance with all relevant legislation. **Draft versions of the assessment should be watermarked as "Draft" and retained for completeness. However, only the final version will be made publicly available. Draft versions may be provided to regulators if appropriate. In line with Council policy IAs should be retained for 7 years.**

Service Area	Countryside Services & Outdoor Recreation	Head of Service	Nina Davies	Director	Nigel Brinn	Portfolio Holder	Cllr Aled Davies
Proposal		To adopt a revised protocol for authorisation of motorsport events affecting public rights of way, under section 33 of the Road Traffic Act 1988					
Outline Summary / Description of Proposal							
<p>The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes. The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways.</p>							
<p>It is proposed that a revised protocol be implemented for authorising these events. The revisions are being made to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.</p>							

### 1. Version Control (services should consider the impact assessment early in the development process and continually evaluate)

Version	Author	Job Title	Date
1	Sian Barnes	Acting Professional Lead, Countryside Access and Recreation	17/11/2019

### 2. Profile of savings delivery (if applicable)

2018-19	2019-20	2020-21	2021-22	2022-23	TOTAL
£N/A	£ N/A	£ N/A	£ N/A	£ N/A	£ N/A

### 3. Consultation requirements

Consultation Requirement	Consultation deadline/or justification for no consultation
Public consultation required	Consultation with public rights of way user groups, motorsport organisations and representatives has already been completed.

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### 4. Impact on Other Service Areas

Does the proposal have potential to impact on another service area? (Have you considered the implications on Health & Safety and Corporate Parenting?) PLEASE ENSURE YOU INFORM / ENGAGE ANY AFFECTED SERVICE AREAS AT THE EARLIEST OPPORTUNITY		
Adult Services <input type="checkbox"/>	Education <input type="checkbox"/>	Legal and Democratic Services <input checked="" type="checkbox"/>
Children's Services <input type="checkbox"/>	Finance <input type="checkbox"/>	Property, Planning and Public Protection <input type="checkbox"/>
Commissioning <input type="checkbox"/>	Highways, Transportation and Recycling <input checked="" type="checkbox"/>	Strategy, Performance and Transformation Programmes <input type="checkbox"/>
Customers and Communications <input type="checkbox"/>	Housing and Community Development <input type="checkbox"/>	Workforce and OD <input type="checkbox"/>
Data Protection Impact Assessment		
<p>Will the proposal involve processing the personal details of individuals? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Is Powys County Council the data controller? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If you have answered yes to either of the above you will be required to complete, as a minimum, the screening questions on the data protection impact assessment. For further advice please contact the Data Compliance Team.</p>		

### 4a Geographical Locations

What geographical area(s) will be impacted by the proposal? (Chose all those applicable)			
Powys <input checked="" type="checkbox"/>	Brecon <input type="checkbox"/>	Llandrindod and Rhayader <input type="checkbox"/>	Machynlleth <input type="checkbox"/>
North <input checked="" type="checkbox"/>	Builth and Llanwrtyd <input type="checkbox"/>	Llanfair Caereinion <input type="checkbox"/>	Newtown <input type="checkbox"/>
Mid <input checked="" type="checkbox"/>	Crickhowell <input type="checkbox"/>	Llanfyllin <input type="checkbox"/>	Welshpool and Montgomery <input type="checkbox"/>
South <input checked="" type="checkbox"/>	Hay and Talgarth <input type="checkbox"/>	Llanidloes <input type="checkbox"/>	Ystradgynlais <input type="checkbox"/>
	Knighton and Presteigne <input type="checkbox"/>		

5. How does your proposal impact on the council's strategic vision?

Council Priority	How does the proposal impact on this priority?	<b>IMPACT</b> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<b>IMPACT AFTER MITIGATION</b> Please select from drop down box below
<b>The Economy</b> We will develop a vibrant economy	The overall impact would be neutral. Motorsport events are known to bring economic benefits to the county, through increased visitor numbers and jobs directly and indirectly associated with the event. The proposal safeguards the future of those events and ensures that safety and liability concerns are addressed. The proposals would result in some increased cost for event organisers for temporary closures, but these are considered modest and not likely to impact on the viability of events. Temporary closures for affected public rights of way could negatively impact on the local economy, via reduced tourism due to the inconvenience that may be caused.	Neutral	Alternative routes will be considered for affected public rights of way to ensure that safe and enjoyable routes are available to the public during an event, to minimise inconvenience.	Good
<b>Health and Care</b> We will lead the way in effective, integrated rural health and care	The proposal would result in suspension of public rights of way for short periods during a motorsport event, so could have an adverse impact on preventive healthcare by reducing opportunities for physical activity in the outdoors.	Poor	The suspension of public rights of way would be short term – no more than 5 days – and alternative routes will be identified wherever possible to mitigate against adverse impacts.	Neutral
<b>Learning and skills</b> We will strengthen learning and skills		Unknown		

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Council Priority	How does the proposal impact on this priority?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>Residents and Communities</b> <b>We will support our residents and communities</b>	The impacts for residents may be positive, if they enjoy watching or taking part in motorsport events, or benefit from a job associated with the event or the tourism that it brings, as they would safeguard the event. Alternatively, residents may feel that an event in their locality causes them inconvenience. However, the proposals do not change the frequency of events or their locations. The proposals ensure that safety requirements in relation to public paths are more actively considered and alternatives provided, so the overall impact is considered to be neutral as compared to the existing situation.	Neutral		
<b>Source of Outline Evidence to support judgements</b>				
Consultation responses from path user groups, motorsport organisations and representatives .GOV.UK website article about motorsport events at <a href="https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism">https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism</a> The Economic Impact of Outdoor Activity Tourism in Wales report, Final Report, Visit Wales, March 2014 Regulatory Impact Assessment: Proposal to Authorise Motor Sport Events on Public Roads (12 <sup>th</sup> May 2014) at <a href="https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads">https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads</a>				



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6. How does your proposal impact on the Welsh Government's well-being goals?

Well-being Goal	How does proposal contribute to this goal?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>A prosperous Wales:</b> An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.	The overall impact would be neutral. Motorsport events are known to bring economic benefits to the county through increased visitor numbers and jobs directly and indirectly associated with the event. The proposal safeguards the future of those events and ensures that safety and liability concerns are addressed. The proposals would result in some increased cost for event organisers for temporary closures, but these are considered modest and not likely to impact on the viability of events. Temporary closures for affected public rights of way could negatively impact on the local economy via reduced tourism due to the inconvenience that may be caused.	Neutral	Alternative routes will be considered for affected public rights of way to ensure that safe and enjoyable routes are available to the public during an event, to minimise inconvenience.	Good
<b>A resilient Wales:</b> A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).	Motorsport events may impact adversely on designated sites e.g. SSSIs and are already subject of statutory consultation with Natural Resources Wales to identify impacts and mitigation. The proposals do not change this, so are considered to have a neutral impact on biodiversity as compared to the current situation.	Neutral	Natural Resources Wales would be consulted at an earlier stage under the new protocol, so allowing more time to identify adverse impacts and put mitigation in place.	Good
<b>A healthier Wales:</b> A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood. <b>Public Health (Wales) Act, 2017:</b> Part 6 of the Act requires for public bodies to undertake a health impact assessment to assess the likely effect of a proposed action or decision on the physical or mental health of the people of Wales.	The impact of suspending public rights of way during an event could have a negative impact on physical and mental wellbeing, by reducing the opportunities for physical activity in the outdoors.	Poor	The suspension of public rights of way would be short term – no more than 5 days – and alternative routes will be identified wherever possible to mitigate against adverse impacts.	Neutral



Well-being Goal	How does proposal contribute to this goal?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>A Wales of cohesive communities:</b> Attractive, viable, safe and well-connected Communities.	The overall impact is neutral. Motorsport events may take place in remote, rural areas e.g. forestry or may have stages that start in, or pass through towns or villages. Events can form a focus for communities that allow for involvement and enjoyment, thus increasing community cohesion.  However, suspension of public rights of way may have a negative effect, if popular local paths are closed and this impacts on tourism and local use.	Neutral	Suspension of public rights of way will be of very short duration – generally not more than one day – and alternative routes will be provided wherever possible. Path user groups and others will be consulted prior to the suspension taking effect, to allow opportunity for particular concerns to be raised and resolved and for the community to make preparations for any adverse impact.	Good
<b>A globally responsible Wales:</b> A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being. <b>Human Rights - is about being proactive (see guidance)</b> <b>UN Convention on the Rights of the Child:</b> The Convention gives rights to everyone under the age of 18, which include the right to be treated fairly and to be protected from discrimination; that organisations act for the best interest of the child; the right to life, survival and development; and the right to be heard.	Motorsport events may have a negative impact on emissions and resource use, through increased activity by motor vehicles in remote, rural areas. The events may cause damage to the surface of public rights of way, which could negatively impact on opportunities for low-carbon travel.	Poor	The protocol includes a requirement that event organisers meet the cost of any damage to the surface of public rights of way that is caused by their event. The revised protocol will not increase the number of motorsport events held per year in itself; it will simply ensure that they are managed more safely in relation to public access.	Neutral
<b>A Wales of vibrant culture and thriving Welsh language:</b> A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.				
<i>Opportunities for persons to use the Welsh language, and treating the Welsh language no less favourable than the English language</i>	The signage for temporary closures of public paths is bilingual. Guidance notes for the new protocol will be produced in Welsh.	Neutral		
<i>Opportunities to promote the Welsh language</i>		Unknown		

Well-being Goal	How does proposal contribute to this goal?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<i>People are encouraged to do sport, art and recreation.</i>	By safeguarding the future of motorsport events in the county, the impact on the ability of people to enjoy motorsport as recreation (as a spectator or participant) will be positive. The impact on users of public rights of way may be negative if paths are temporarily closed, so the overall impact is poor.	Poor	Alternative routes will be provided wherever possible for public rights of way that are closed. These will be located to minimise adverse effects of the event on enjoyment of the paths.	Neutral
<b>A more equal Wales:</b> A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).				
<i>Age</i>		Unknown		
<i>Disability</i>	In choosing alternative routes for public rights of way that are temporarily closed, least restrictive access principles will be applied.	Neutral		
<i>Gender reassignment</i>		Unknown		
<i>Marriage or civil partnership</i>		Unknown		
<i>Race</i>		Unknown		
<i>Religion or belief</i>		Unknown		
<i>Sex</i>		Unknown		
<i>Sexual Orientation</i>		Unknown		
<i>Pregnancy and Maternity</i>		Unknown		

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*The integrated approach to support effective decision making*



### Source of Outline Evidence to support judgements

Consultation responses from path user groups, motorsport organisations and representatives  
 .GOV.UK website article about motorsport events at <https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism>  
 The Economic Impact of Outdoor Activity Tourism in Wales report, Final Report, Visit Wales, March 2014  
 Regulatory Impact Assessment: Proposal to Authorise Motor Sport Events on Public Roads (12<sup>th</sup> May 2014) at <https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads>  
 Rights of Way Improvement plan consultation responses

### 7. How does your proposal impact on the council's other key guiding principles?

Principle	How does the proposal impact on this principle?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>Sustainable Development Principle (5 ways of working)</b>				
<b>Long Term:</b> Looking to the long term so that we do not compromise the ability of future generations to meet their own needs.	The revised protocol provides an approach that is resourced through full cost recovery, so can be sustained in the longer term. It allows for motorsport events to continue in a more sustainable and safe way, with the ongoing economic benefits and allows for active consideration of the impact of events on public rights of way with appropriate mitigation through alternative routes.	Good		
<b>Collaboration:</b> Working with others in a collaborative way to find shared sustainable solutions.	The impact is positive; a significant amount of consultation and collaboration has taken place with path user groups, motorsport organisations and representatives in preparing this protocol, to understand their views. Dialogue will be ongoing; under the revised protocol, path user groups and others will be consulted about all section 33 authorisations, which is not currently the case.	Good		

Principle	How does the proposal impact on this principle?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>Involvement (including Communication and Engagement):</b> <i>Involving a diversity of the population in the decisions that affect them.</i>	Stakeholders have been involved through the process of revising this protocol. Motorsport organisations and representatives have been instrumental in developing it. Other path user groups have been consulted to ensure that they have opportunity to contribute ideas.	Neutral	Key stakeholders will continue to be involved once the revised protocol comes into effect, as they will be consulted about any paths to be suspended each time an application is made for section 33 authorisation. They also have opportunity to contribute their views via the Powys Local Access Forum, Byways User Group and Countryside Services and Outdoor Recreation team's stakeholder working group.	Good
<b>Prevention:</b> <i>Understanding the root causes of issues to prevent them from occurring.</i>	Management of health and safety of motorsport events in relation to public rights of way is an ongoing concern, as path users are coming into close proximity to these events. By suspending existing public rights of way and providing alternative routes for the duration of the event, the revised protocol will address that issue to prevent problems occurring in the future.	Good		
<b>Integration:</b> <i>Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives.</i>	There are potential tensions between motorsport events and users of public rights of way already. Event organisers may feel that members of the public using the paths during an event impacts on event management. Users of the public rights of way network are likely to feel that the event impacts on the convenience and enjoyment with which they can use public rights of way. The proposal aims to reduce these tensions by providing pro-active management of the impact of events on public rights of way and vice versa, including provision of alternative routes.	Good		

Principle	How does the proposal impact on this principle?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>Preventing Poverty:</b> Prevention, including helping people into work and mitigating the impact of poverty.	By safeguarding the future of motorsport events within the county, the proposal would ensure the ongoing contribution that these events make to the local economy and so help to provide job opportunities, either directly or through tourism. The proposals may have a negative impact on job opportunities associated with outdoor recreation tourism associated with public rights of way, due to inconvenience caused by temporary suspension.	Neutral	Alternative routes will be provided wherever possible for public rights of way that are temporarily suspended, to mitigate against any adverse impact.	Good
<b>Unpaid Carers:</b> Ensuring that unpaid carers views are sought and taken into account		Unknown		
<b>Safeguarding:</b> Preventing and responding to abuse and neglect of children, young people and adults with health and social care needs who can't protect themselves.		Unknown		
<b>Powys County Council Workforce:</b> What Impact will this change have on the Workforce?	The process of authorising motorsports events will become more involved and time-consuming, which will have an adverse impact on staff workloads. However, legal protection to staff members would be afforded by implementing temporary closures of the affected public rights of way. There is currently a liability and corporate manslaughter risk for Council staff associated with authorising these events. This change would have a positive impact on the workforce by reducing that risk.	Neutral	Costs will be recovered for the time spent, releasing resources for other work. Event organisers will be required to submit fuller information at the outset, which will ease some pressure on officer time.	Good



Principle	How does the proposal impact on this principle?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<b>Payroll:</b> Will this change impact negatively or positively on salary, or any overtime/enhanced payments etc? Does this proposal comply with the Councils Single Status Terms and Conditions? If the pay element for the member of staff changes, does this affect any particular group of employees? (Male/Female dominated workforce) Does this proposal comply with the Councils Single Status Terms and Conditions?	No	Neutral		
<b>Welsh Language impact on staff</b>	N/A	Neutral		
<b>Apprenticeships:</b> Has consideration been given to whether this change impacts negatively, or positively on Apprenticeships within the service?	N/A	Unknown		
<b>Source of Outline Evidence to support judgements</b>				
Discussions with staff involved in authorising motorsport events under section 33 of the Road Traffic Act 1988 Legal advice from Queen's Counsel about legal implications and options for authorisation of these events and temporary suspension of public rights of way Consultation responses from path user groups, motorsport organisations and representatives .GOV.UK website article about motorsport events at <a href="https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism">https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism</a> The Economic Impact of Outdoor Activity Tourism in Wales report, Final Report, Visit Wales, March 2014 Regulatory Impact Assessment: Proposal to Authorise Motor Sport Events on Public Roads (12 <sup>th</sup> May 2014) at <a href="https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads">https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads</a>				

8. What is the impact of this proposal on our communities?

# Cyngor Sir Powys County Council

## Impact Assessment (IA)

*The integrated approach to support effective decision making*



Severity of Impact on Communities	Scale of impact	Overall Impact
Medium	Medium	Medium
<b>Mitigation</b>		
Those communities that regularly host motorsport events will be most heavily impacted by these proposals, both positively through increased income from tourism and negatively through any inconvenience caused by temporary closure of public rights of way. However, the impact of the events and any temporary closures of public rights of way will be very short term in duration, being usually one day and no more than 5 days in length. Prior consultation with community councils about temporary closures of public rights of way will help to mitigate against these impacts.		

9. How likely are you to successfully implement the proposed change?

Impact on Service / Council	Risk to delivery of the proposal	Inherent Risk
Medium	Medium	Medium
<b>Mitigation</b>		
The proposal is not difficult to implement, as current systems and processes can be adapted. However, the need to temporarily close public rights of way will impose additional workload on the service. As such, administrative systems will need to be in place to ensure that the processing of these applications is as efficient as possible.		

What are the risks to service delivery or the council following implementation of this proposal? (To be included within project risk register)

Risk Identified	Inherent Risk Rating	Mitigation	Residual Risk Rating
Legal challenge to temporary closure of a public right of way	Medium	Early communication with stakeholders and identifying suitable alternative routes	Low
Insufficient staff time to process section 33 applications and implement temporary closures in advance of an event	Medium	Ongoing review of process; ensure that full costs are met and consider whether additional staff time can be bought using income if required.	Low
Failure of event organisers to provide sufficient information to allow for authorisation of events in advance of the planned date, leading to events being cancelled and adverse publicity	Medium	Ensure good communications strategy to ensure that all events organisers are aware of the protocol. Early communication of potential problems to organisers and Council events team and escalate to senior management if required. Ongoing review of process with stakeholders to address issues and streamline process.	Low

10. Overall Summary and Judgement of this Impact Assessment?

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Outline Assessment (to be inserted in cabinet report)	Cabinet Report Reference:
The proposals would safeguard the future of motorsport events in the County, whilst allowing for more pro-active management of the health and safety risks associated with members of the public using public rights of way across the event site. Temporary closure of public rights of way would cause some short term inconvenience to public rights of way users, which would be mitigated through provision of alternative routes. The proposals would significantly reduce the liability and corporate manslaughter risks to Council staff associated with authorising these events. Overall, the impact of the changes would be positive.	
Overall Risk Judgement:	Medium

### 11. Is there additional evidence to support the Impact Assessment (IA)?

What additional evidence and data has informed the development of your proposal?
Officer expertise and experience in processing these applications for authorisation and management of the public rights of way network

### 12. On-going monitoring arrangements?

What arrangements will be put in place to monitor the impact over time?
Ongoing, periodic discussions and review of impacts with: - Local Access Forum - Countryside Services & Outdoor Recreation team's stakeholder working group - Motorsport organisers and representatives - Powys byways user group. Ad hoc review of feedback from members of the public and tourism providers.
Please state when this Impact Assessment will be reviewed.
December 2020

### 13. Sign Off

Position	Name	Signature	Date
Impact Assessment Lead:	Sian Barnes		
Head of Service:	Nina Davies		
Director:	Nigel Brinn		
Portfolio Holder:	CLlr Aled Davies		

### 14. Governance

Decision to be made by	Date required
Cabinet	11 <sup>th</sup> February 2020



# FORM ENDS

## **Review of motorsport protocol**

The way motorsport events are managed in Powys is being reviewed to safeguard events and make sure public rights of way are protected.

Powys County Council introduced a management policy in 2012 for events where they impacted public rights of way and the cabinet is now being asked to approve an updated policy.

Deputy Leader and Cabinet Member for Finance, Countryside and Transport, Councillor Aled Davies said; "The council has long recognised that motorsport events and outdoor recreation tourism bring benefits to the local economy of mid-Wales.

"The proposed changes are designed to address concerns about management of the events in relation to public safety. In future, public rights of way that cross the course of a motorsport event may be temporarily closed during the event. Where that happens, the council will work with the event organiser to identify alternative paths that the public can use instead.

"We hope the changes will help achieve a balance between safeguarding the future of motorsports events in the county and making sure that the public can continue to enjoy access to the countryside of Powys, using our public rights of way."

The revised protocol has been drafted following discussions with the Welsh Government, extensive consultation with the Motorsport UK, Auto Cycle Union (ACU) and the Land Access Recreation Association (LARA) as motorsport representatives and after taking independent legal advice.

It will be reviewed by the council's Economy, Residents, Communities and Governance Scrutiny Committee later this month before a decision is taken by the cabinet in February.

ENDS