POWYS COUNTY COUNCIL CONSULTATION – 15th July 2019:

Revised Protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways under section 33 of the Road Traffic Act 1988

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.
- 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 Motor Sports Association (MSA), Auto Cycle Union (ACU) and the Land Access Recreation Association (LARA) as motorsport representatives.
- 1.5 If the motoring event is a race or a trial of speed, then the event must be compliant with the Road Traffic Act 1988 (Motor Racing) (Wales) Regulations 2018. These applications will be subject to a separate process.

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, the Council will suspend public use of the public right(s) of way affected. 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.
- 2.3 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.

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

	s.14 Costs	s.33RTA Costs	Total Costs
Band One	£239.77	£30	£269.77
Band Two	£744.68	£30	£777.68

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

	s.14 Costs	s.33RTA Costs	Total Costs
Band One	£51.38	£30	£77.42
Band Two	£116.53	£30	£146.53

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.

- 2.5 The s.33 RTA88 authorisation will contain conditions (as set out in Appendix 3) that will be reviewed from time to time.
- 2.6 In the event of a breach of the conditions, then the following will apply:
 - (i) A report will be made to the MSA.
 - (ii) 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:
 - The Council could choose not to review the current protocol relating to authorising motoring events under s.33 RTA88. 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
 - The Council could review the protocol as described above.

4. Preferred Choice and Reasons

- 4.1 The preferred choice 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 s.33 RTA88. 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.
- 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 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 the MSA, before a s.33 RTA88 authorisation could be issued. As this raised significant concerns with event organisers, it is instead proposed that a condition of consent in 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.

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

- Appendix 1 Cabinet report 17th 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

From: Sian Barnes
To: Sian Barnes

Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys

Date: 05 August 2019 17:28:02

Attachments: Appendix 1 - 2012 Cabinet report.PDF

Appendix 2 - Application form.pdf Appendix 3 - Authorisation form.pdf Appendix 4 - Procedures & requirements.pdf

Powys CC consultation - Section 33 RTA88 revised protocol July 2019.pdf

Dear Madam or Sir.

I am writing to let you know that the deadline for response to this consultation has been extended. If you would like additional time to make comment, please send me your response no later than the end of **Tuesday 27th August 2019**.

Regards, Sian

Sian Barnes

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From: Sian Barnes <x@xxx Sent: 18 July 2019 14:36 To: Sian Barnes <x@xxxx

Subject: Consultation - Protocol for authorisation of motorsport events on public rights of way in

Powys

Dear Madam or Sir.

The Council is reviewing its protocol with regard to the authorisation of motorsports events, where they affect public rights of way in Powys. To allow for these events to take place on footpaths, bridleways and restricted byways in the county, the event must be authorised by the Council under section 33 of the Road Traffic Act 1988.

I am emailing to consult you, as an organisation with an interest in motorsport events and / or public rights of way in the county, to seek your views on a revised protocol. A document is attached, explaining the proposals; this should be read alongside the attached appendices (1-4.)

It is intended that the revised protocol be presented to the Council's Cabinet in the early autumn for consideration. To that end, I would be most grateful if I could have your comments on the attached proposals no later than the end of **Friday 9**th **August 2019.**

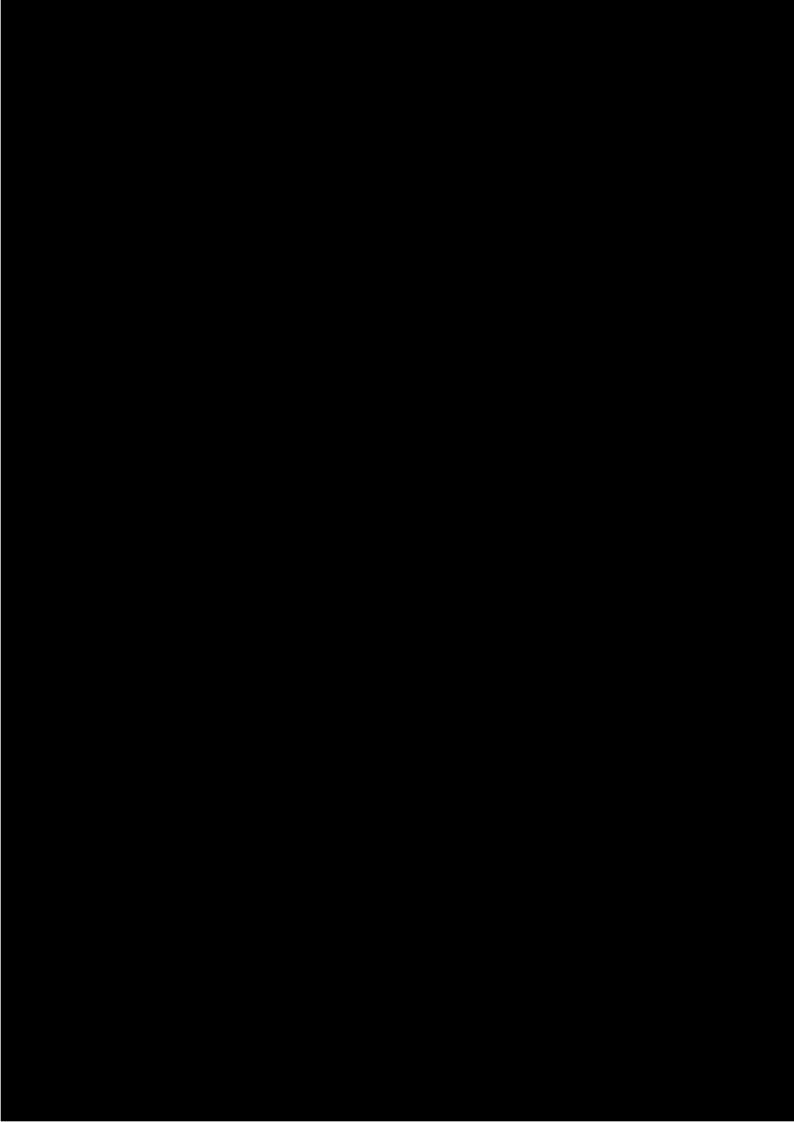
Many thanks for your time in considering this. Regards, Sian

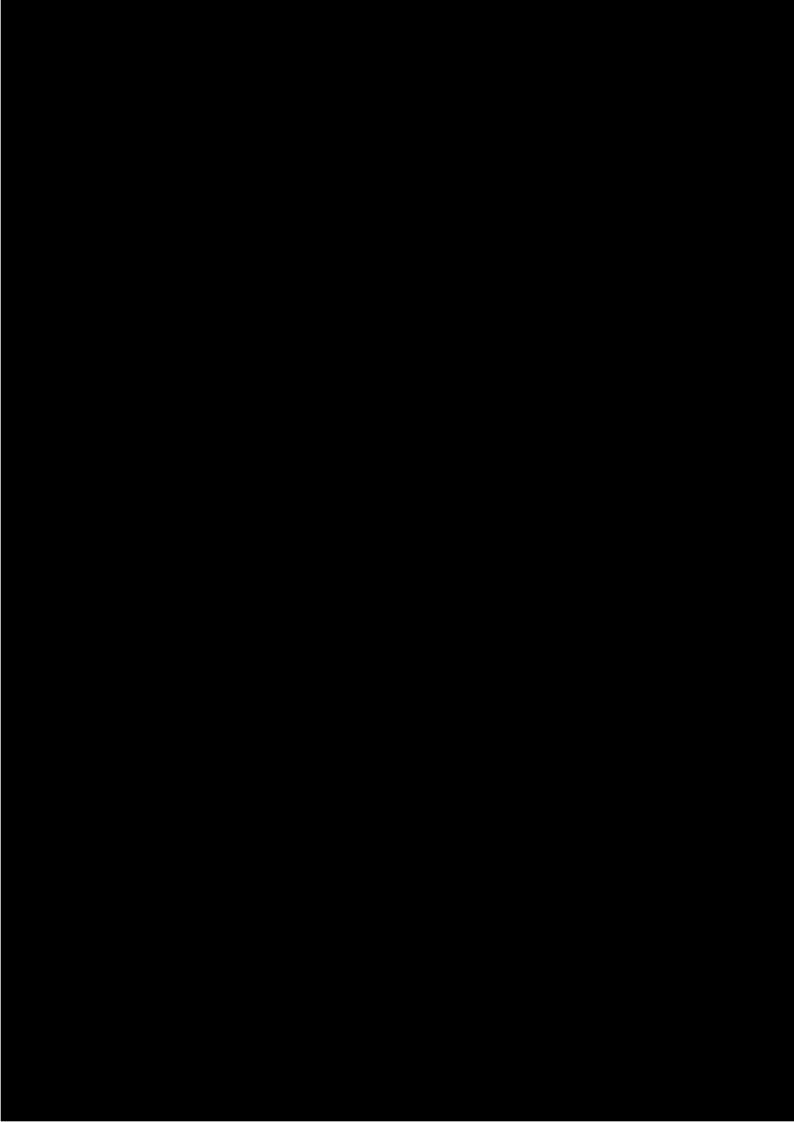
Sian Barnes

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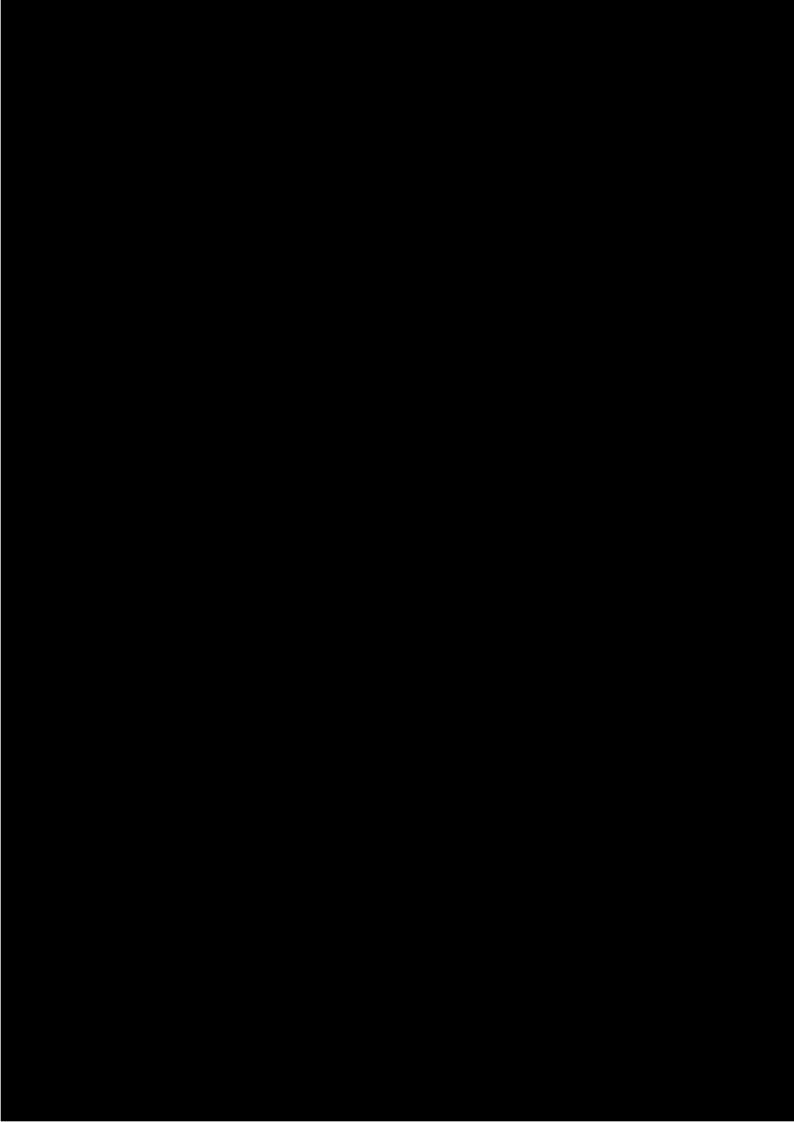
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From: Section 40(2)
To: Sian Barnes
Subject: Motorsport consultation
Date: 17 July 2019 10:08:14

Attachments: <u>image001.jpg</u>

If you want to consult at the same time the Yamaha Off-Road Experience people who organise events such as the Hafren Enduro, and Rhayader Light car and District Motorcycle Club.

Section 40(2) - Personal Data

Kind regards,

Section 40(2) - Personal Data

Personal Data

Data

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From: Sian Barnes

Subject: RE: Motorsport events - Tourism / economic benefits

Date: 19 November 2019 12:47:00

OK, thank you all for coming back to me.

Regards, Sian

To:

Sian Barnes

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From: Section 40(2) - Personal Data @powys.gov.uk>

Sent: 19 November 2019 10:47

To: Section 40(2) - @powys.gov.uk>; Sian Barnes < x@xx;

@powys.gov.uk>

Subject: RE: Motorsport events - Tourism / economic benefits

40(2) -

Hi all,

I don't not specifically for motorsport events, I am afraid. I should imagine the individual event organisers might have economic impact studies for their events, especially if they have been funded.

There is nothing obvious that I can think of, sorry.



From: Section 40(2) - @powys.gov.uk>

Sent: 19 November 2019 10:02

To: Sian Barnes < x@ xx >; Section 40(2) - Personal @powys.gov.uk >

Cc: Section 40(2) - Personal Data powys.gov.uk>

Subject: RE: Motorsport events - Tourism / economic benefits

Hi Sian,

I don't happen to know myself but having just asked a couple of colleagues the response was, try NRW, try the 2 day Enduro people, but as of yet I don't know who they are as I don't believe we have an internal contact.

Sectional any ideas of an answer for Sian.

Kind regards



From: Sian Barnes < www.

Sent: 18 November 2019 16:56

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

Subject: Motorsport events - Tourism / economic benefits

Hi both,

I am drafting an Impact Assessment for a Cabinet report about motorsport events affecting public rights of way. Do you happen to know whether we have any information / evidence sources about the economic contribution of these events on the economy of Powys?

Many thanks, Sian

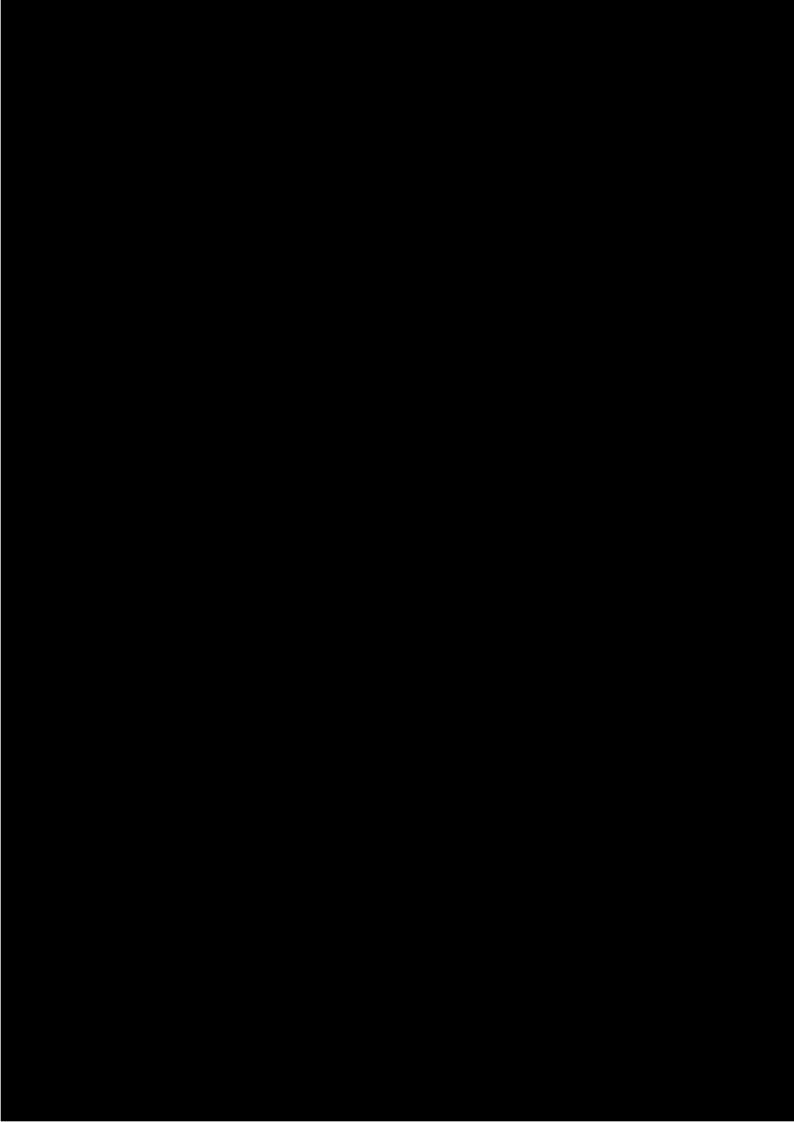
Sian Barnes

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 From:
 Sian Barnes

 To:
 Section 40(2)

 Subject:
 RE: s.33 RTA - NRW

 Date:
 18 December 2019 11:33:00

Attachments: image001.jpg



NRW have already been consulted – Section 40(2) was sent a copy of the report at the same time as other consultees. The report and commentary on responses made will be available on the Council website in the week before its presented to Scrutiny Committee, in January.

Regards, Sian

Sian Barnes

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From: Section 40(2) - Personal Data @powys.gov.uk>

Sent: 18 December 2019 10:59

To: Sian Barnes <x@xx Subject: s.33 RTA - NRW

Dear Sian,

I am just wondering if you planning on sharing the s.33 RTA88 Cabinet report with NRW? I thought this would be a good idea considering they have a role to play?

Kind regards,



Subject: Draft Cabinet report for comment - Revised protocol for authorising motorsport events on public rights of

way

Date: 10 December 2019 14:21:00

Attachments: 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

DRAFT Press release - Changes to protocol for authorising motorsports eventsaffecting public rights of

way.docx

Section 33 RTA88 Cabinet Report Dec 2019 DRAFT.doc



Further to our conversation earlier today, please find attached a draft Cabinet report for comment by the Communications team. It relates to proposed changes to the protocol for authorising motorsports events in the county under section 33 of the Road Traffic Act 1988, where they affect public rights of way.

I have also attached a draft press release; it is intended that the report be considered by the Scrutiny Committee on 13th January 2020. The Portfolio Holder is Cllr Aled Davies.

Please let me know if you need any more information about the report or draft press release.

Regards, Sian

Sian Barnes

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Subject: Draft Cabinet report for comment - Revised protocol for authorising motorsport events on public rights of

way

Date: 10 December 2019 12:17:00

Attachments: 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
Section 33 RTA88 Cabinet Report Dec 2019 DRAFT.doc
v1 s33 revised protocol - Impact Assessment (IA) .docx

Dear Section 40(2)

Please find attached a draft Cabinet report, which relates to authorisation of motorsport events affecting public rights of way under section 33 of the Road Traffic Act 1988. These authorisations are already being issued, but it is proposed that a revised protocol be adopted.

I am consulting you because both the existing and revised protocols for issuing these authorisations require that personal data be processed. The information concerned is the name, address and contact details of the applicant for the authorisation, as entered on the application form, which may include an email address and / or phone number.

The application forms are not circulated to the wider public now and there is no proposal to do so under the revised protocol. Under the revised protocol, we would need to consult stakeholders i.e. the public about any proposed temporary closures of public rights of way. However, whilst that would involve advising the public that a temporary closure has been requested "by the organiser of XXXX(name of rally)", I would not envisage that we would need to provide any personal data about the applicant.

Do you have any comments on the proposals, from an information management and data protection perspective?

Many thanks, Sian

Sian Barnes

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Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys

Date: 25 July 2019 13:52:00

Attachments: Appendix 1 - 2012 Cabinet report.PDF

Appendix 2 - Application form.pdf Appendix 3 - Authorisation form.pdf Appendix 4 - Procedures & requirements.pdf

Powys CC consultation - Section 33 RTA88 revised protocol July 2019.pdf



Further to our conversation, the Countryside Services and Outdoor Recreation team is consulting on a revised protocol for authoring motorsport events that affect public rights of way in Powys. Details are attached and below; if you have any comments, please let me know.

Regards, Sian

Sian Barnes

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From: Sian Barnes <x@xxx Sent: 18 July 2019 14:36 To: Sian Barnes <x@xxxx

Subject: Consultation - Protocol for authorisation of motorsport events on public rights of way in

Powys

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It is intended that the revised protocol be presented to the Council's Cabinet in the early autumn for consideration. To that end, I would be most grateful if I could have your comments on the attached proposals no later than the end of **Friday 9**th **August 2019**.

Many thanks for your time in considering this. Regards, Sian

Sian Barnes

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From: Section 40(2)

To: Sian Barnes

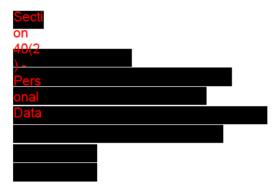
Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys

Date: 28 August 2019 09:22:35

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image003.jpg

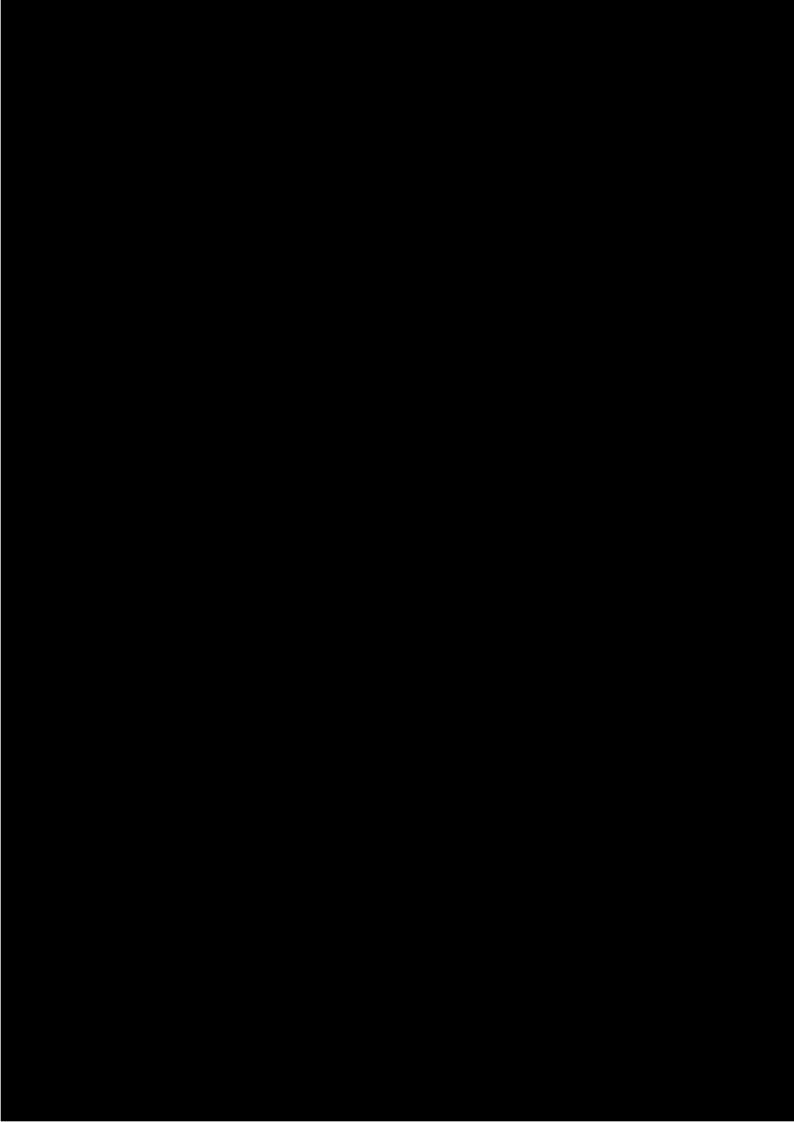
Kind regards,



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From: Sian Barnes < www. >

Sent: 05 August 2019 17:31

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

Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of way in

Powys



Please can you advise the Local Access Forum that the deadline for response to this consultation has been extended and is now 27th August 2019?

Regards,

Sian

Sian Barnes

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From: Sian Barnes < XO XX > Sent: 05 August 2019 17:28

Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of way in

Powys

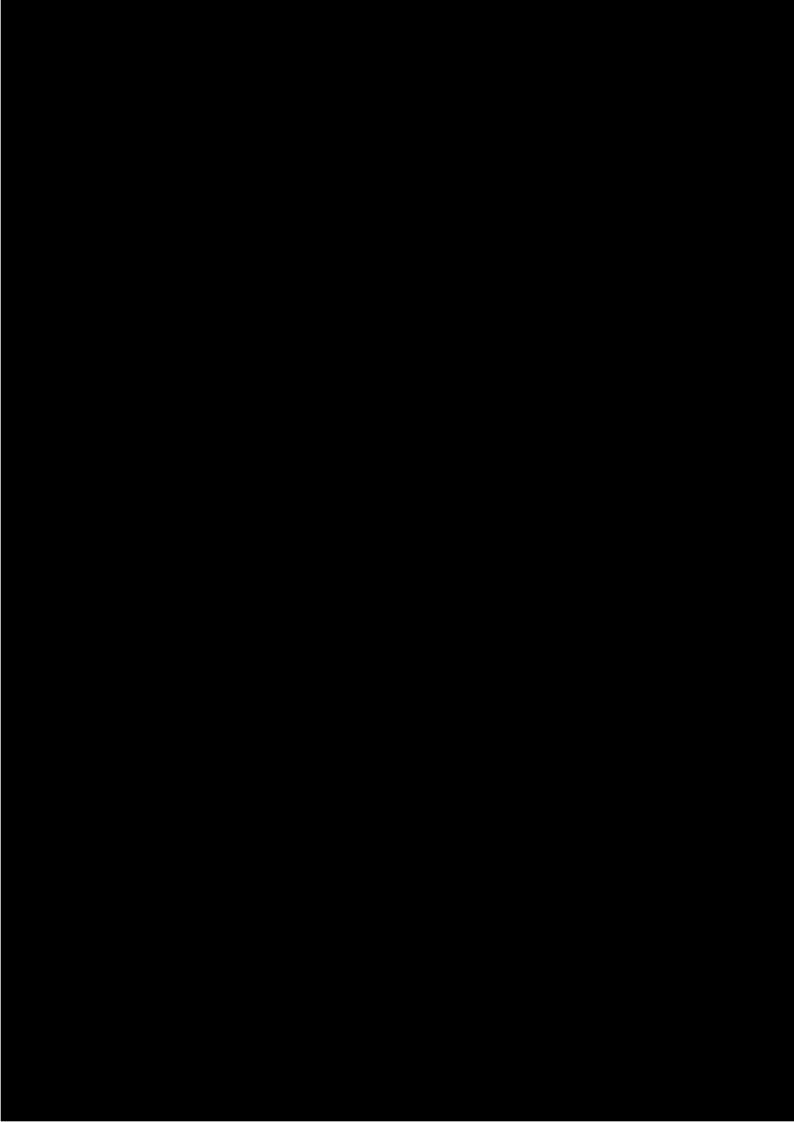
Dear Madam or Sir,

I am writing to let you know that the deadline for response to this consultation has been extended. If you would like additional time to make comment, please send me your response no later than the end of **Tuesday 27**th **August 2019**.

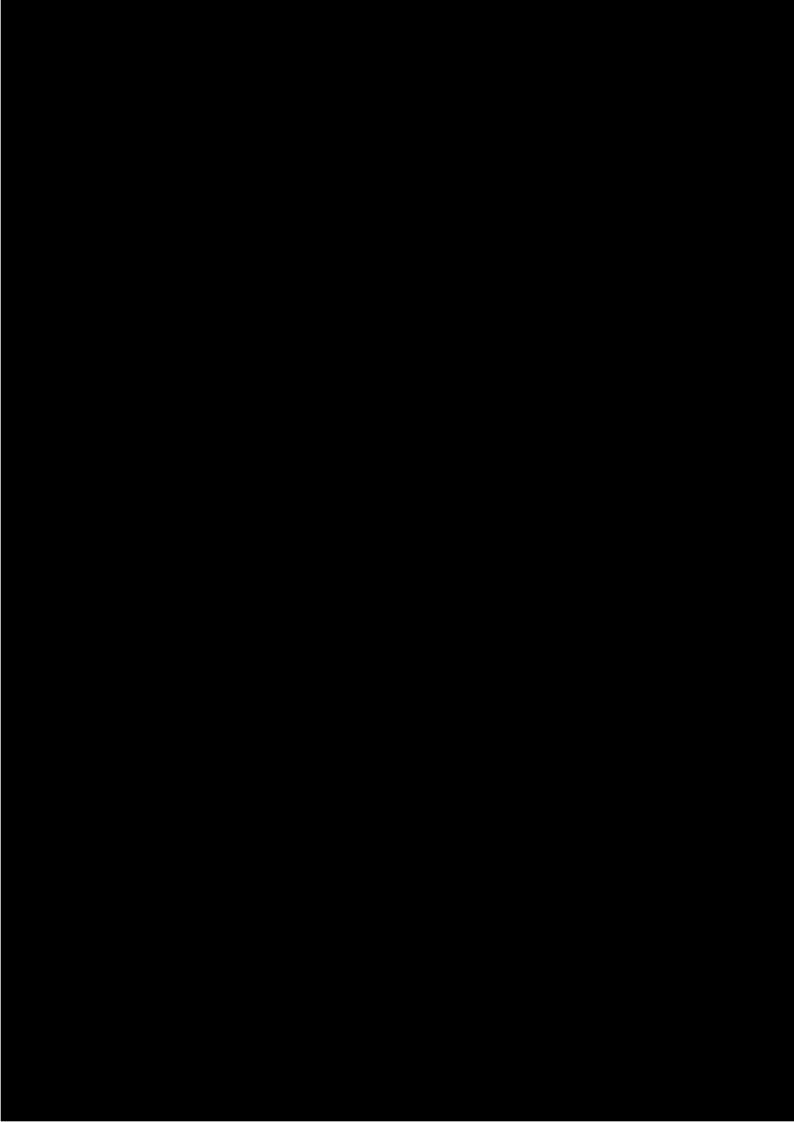
Regards, Sian

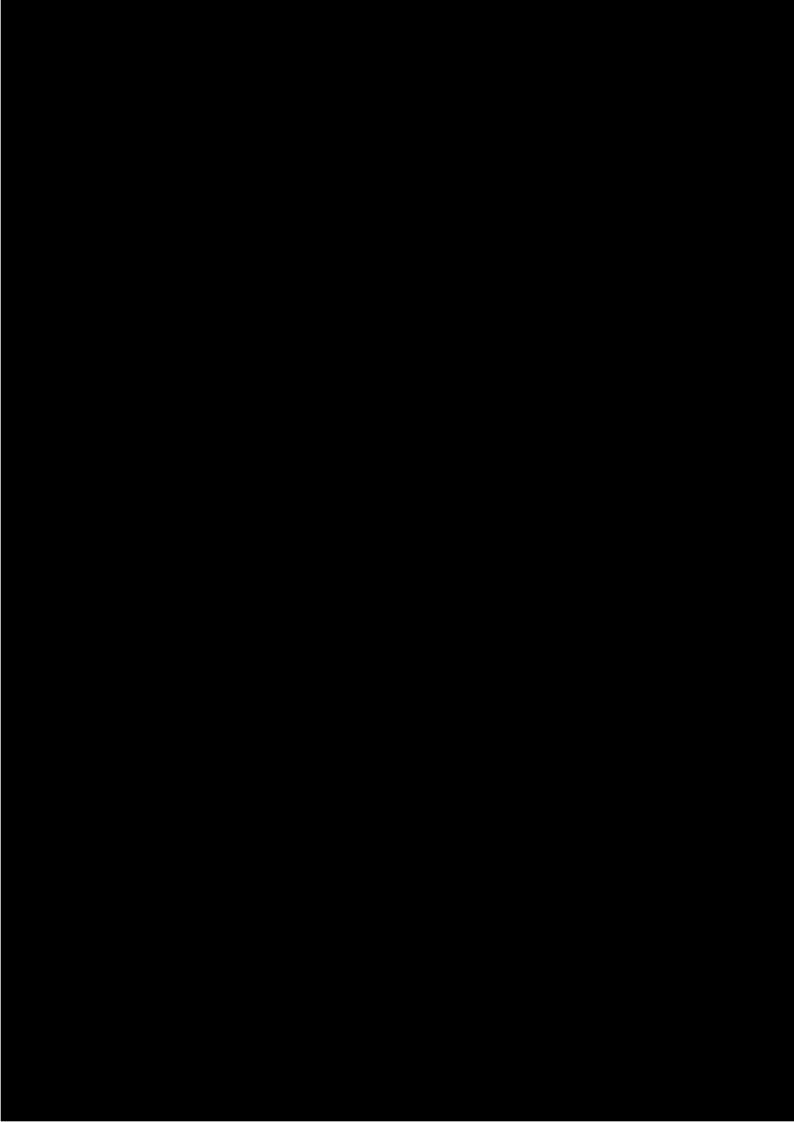
Sian Barnes

Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden Acting Professional Lead, Countryside Access and Recreation Gwasanaethau Cefn Gwlad / Countryside Services









Subject: RE: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys

Date: 07 August 2019 15:28:00



Thank you for raising that, I can see no reason why that cannot be added to the information sent out to organisers, if not the application form itself.

Regards, Sian

Sian Barnes

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From: \$\frac{\text{S} 40(2) \text{ Personal Data of third}}{\text{@beacons-npa.gov.uk}}\$

Sent: 07 August 2019 13:15

To: Sian Barnes <x@xxx

Subject: RE: Consultation - Protocol for authorisation of motorsport events on public rights of

way in Powys

Hi Sian,

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 and I think it should be added somewhere.

In practice, Motorsport UK (formerly the MSA) is doing this at present and generally in good

time.			
Regards,			
Secti on 40(2)			
- Pers			

From: Sian Barnes [mailto:x@xx

Sent: 05 August 2019 17:28

Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of

way in Powys

Dear Madam or Sir,

I am writing to let you know that the deadline for response to this consultation has been extended. If you would like additional time to make comment, please send me your response no later than the end of Tuesday 27th August 2019.

Regards, Sian

Sian Barnes

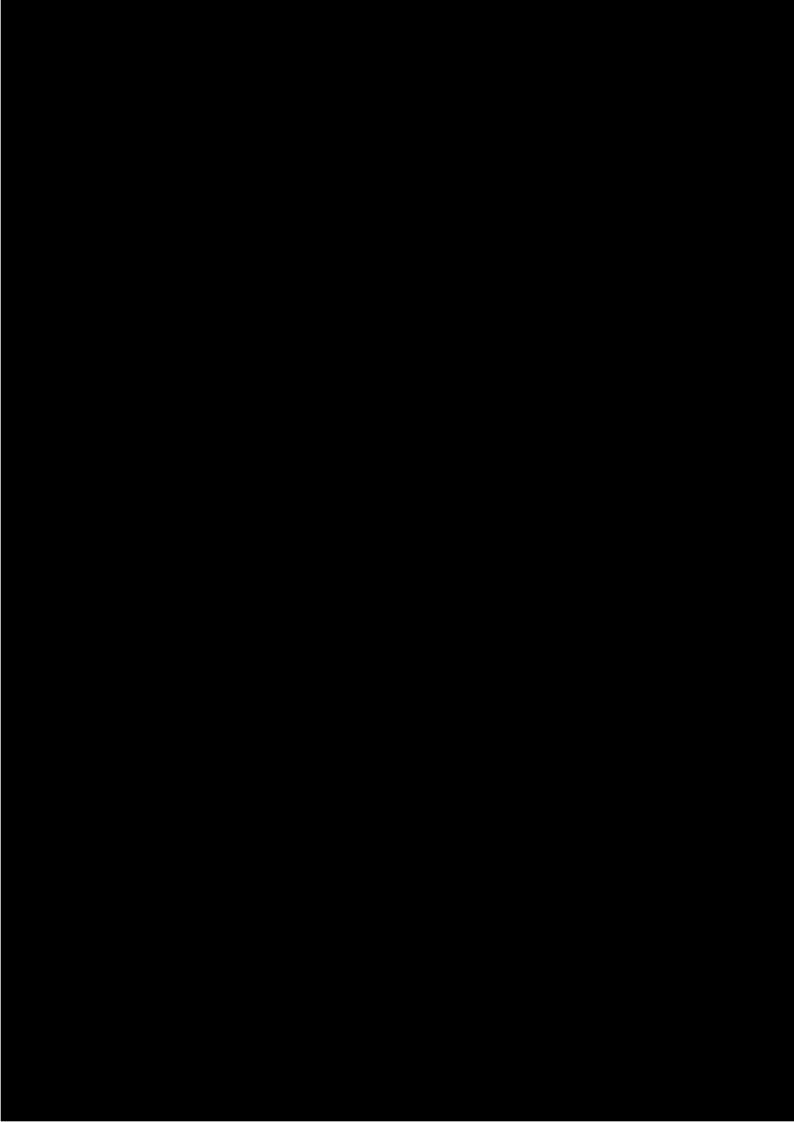
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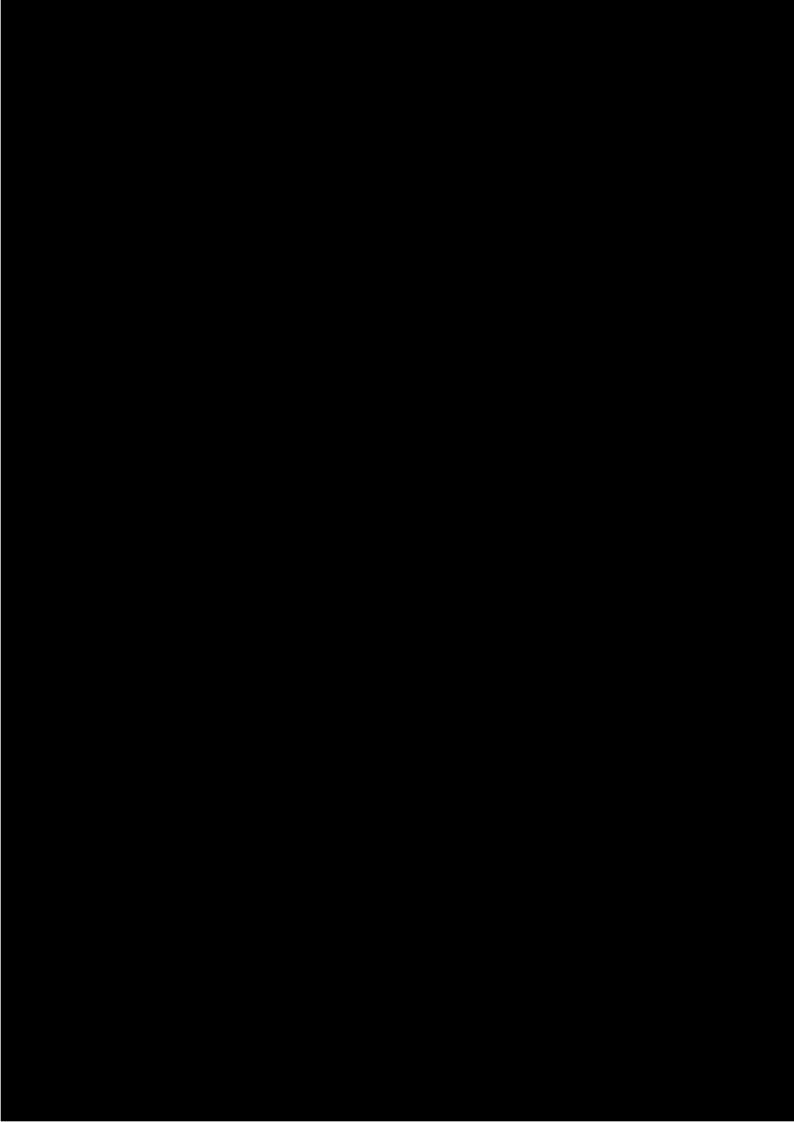
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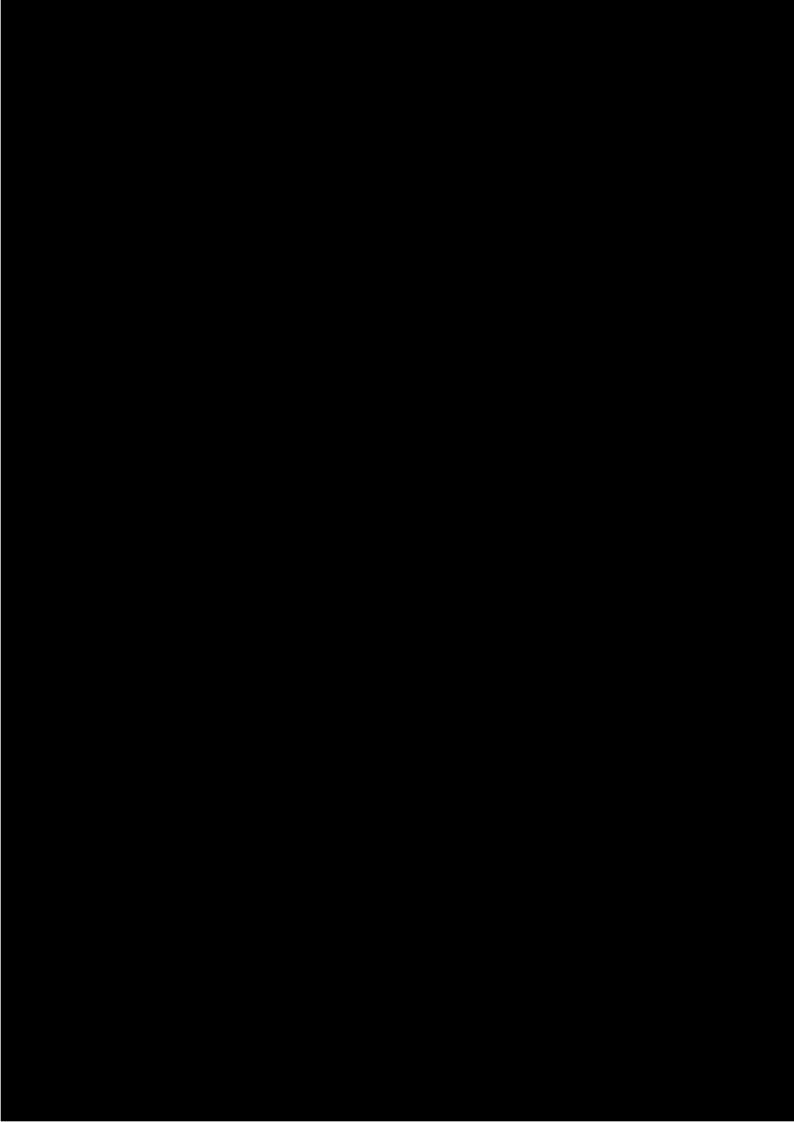
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From: Sian Barnes [mailto:x@xx

Sent: 28 November 2019 12:01

To: Section 40(2) - Personal Data

Subject: RE: Consultation - Protocol for authorisation of motorsport events on public rights of way in

Powys

Hi Section 40(2)

Many thanks for your enquiry. The revised protocol is scheduled to be presented to our Cabinet in February 2020; I will let you know when the Cabinet report is on our website, which is generally a week before the meeting.

Regards,

Sian

Sian Barnes

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From: Section 40(2) - Personal Data

Sent: 21 November 2019 20:01

To: Sian Barnes < XO XXX >

Subject: RE: Consultation - Protocol for authorisation of motorsport events on public rights of way in

Powys

Sian

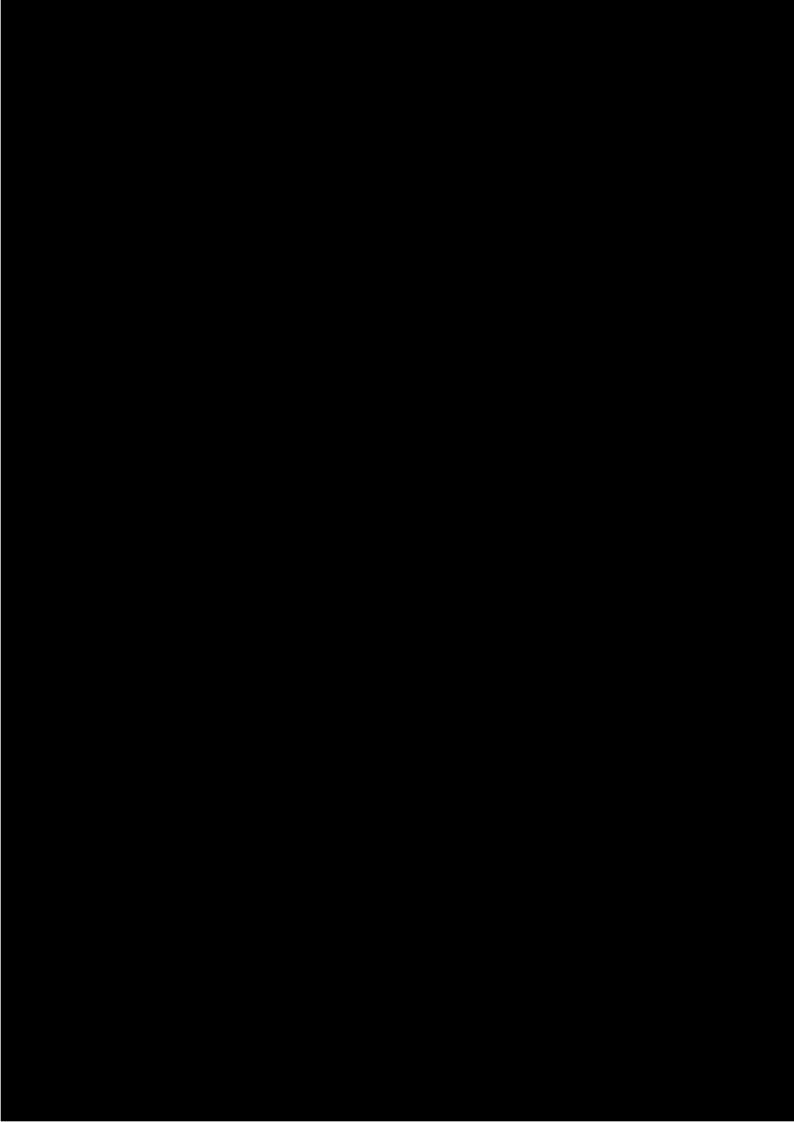
Any update please on when this issue might find its way to the Cabinet?

Thanks



From: Sian Barnes [mailto:x@xx

Sent: 19 September 2019 11:58



From: Section
To: Sian Barnes

Subject: RE: Draft Cabinet report for comment - Revised protocol for authorising motorsport events on public rights

of way

Date: 10 December 2019 14:40:44

Attachments: Section 33 RTA88 Cabinet Report Dec 2019 DRAFT DPO Comments.doc

Sian

DPO Comments attached.

Please put something in my calendar further down the line in order that we can ensure the following are considered and developed

- · Legal basis for processing is established
- Forms
- Notices
- Transfers of information
- Retention of information
- Revision of Information Register.

In the meantime I can then read the other documentation

Regards

Thanks

Regards



From: Sian Barnes <x@xx Sent: 10 December 2019 12:17

To: Section 40(2) - Personal Data

Subject: Draft Cabinet report for comment - Revised protocol for authorising motorsport events on public rights of way



Please find attached a draft Cabinet report, which relates to authorisation of motorsport events affecting public rights of way under section 33 of the Road Traffic Act 1988. These authorisations are already being issued, but it is proposed that a revised protocol be adopted.

I am consulting you because both the existing and revised protocols for issuing these authorisations require that personal data be processed. The information concerned is the name, address and contact details of the applicant for the authorisation, as entered on the application form, which may include an email address and / or phone number.

The application forms are not circulated to the wider public now and there is no proposal to do so under the revised protocol. Under the revised protocol, we would need to

consult stakeholders i.e. the public about any proposed temporary closures of public rights of way. However, whilst that would involve advising the public that a temporary closure has been requested "by the organiser of XXXX(name of rally)", I would not envisage that we would need to provide any personal data about the applicant.

Do you have any comments on the proposals, from an information management and data protection perspective?

Many thanks, Sian

Sian Barnes

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From: Section
To: Sian Barnes

Subject: RE: Draft Cabinet report for comment - Revised protocol for authorising motorsport events on public rights

of way

Date: 10 December 2019 14:56:52

Yes that would be fine

Regards



From: Sian Barnes < x@ xx Sent: 10 December 2019 14:56
To: Section 40(2) - Personal Data

Subject: RE: Draft Cabinet report for comment - Revised protocol for authorising motorsport

events on public rights of way

Great, thank you Section—the report is due to go to Cabinet in February and there would be a 6 month implementation period, so shall I find a date at the end of February / early March?

Regards, Sian

Sian Barnes

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