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# Motorsports on Closed Public Roads

**Public Consultation Analysis Report** 

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## 1 Acknowledgements

Transport Scotland would like to thank all of the individuals and organisations who took the time to consider and respond to this consultation.

### 2 Abbreviations/glossary

The Convention of Scottish Local Authorities	COSLA
Crown Office and Procurator Fiscal Services	COPFS
Fatal Accident Inquiry	FAI
Isle of Mull Rally	IMR
Jim Clark Rally	JCR
Local Authority	LA
Scottish Auto Cycle Union	SACU
Society of Chief Officers of Transportation in Scotland	SCOTS

### **3** Introduction

Transport Scotland has undertaken an analysis of the responses to the 'Motorsports on Closed Public Roads' public consultation which was published on 3 December 2018. It sought views from stakeholders and interested parties on a proposal to permit motorsports events, such as stage rallies, hill climbs and trials of speed, on closed public roads and the possible introduction of a two stage application process to permit such events under certain circumstances.

### 3.1. Background

The UK as a whole plays host to around 9,000 motorsport events annually, 700 of which take place in Scotland, which are organised by Motorsports UK and the Scottish Auto Cycle Union (SACU). The vast majority of these take place in purpose built venues or in rural off-road locations.

It is a criminal offence to promote or take part in a race or trial of speed on public roads in Scotland. The only exceptions to this currently in Scotland are events authorised under the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 and the Strathclyde Regional Council Order Confirmation Act 1990. Both pieces of private legislation made at Westminster authorise and allow, respectively, the Jim Clark Rally and the Isle of Mull Rally. Neither of these rallies have been held in recent years due to ongoing issues faced by the event organisers with procuring insurance cover following two tragic incidents in 2013 and 2014 which resulted in four fatalities. These consisted of one fatality at the non-closed road Snowman Rally held on forestry land near Inverness and three fatalities at the Jim Clark Rally which was being held on closed public roads.

In June 2014 Scottish Ministers announced that a Motorsport Event Safety Review Group would examine safety, and specifically spectator safety, at motorsport events in Scotland and make recommendations to improve safety for future events. The review recognised that there is an inherent risk in taking part in or attending motorsport events and it sought to recommend reasonable and proportionate measures that would manage and minimise the risks to spectators. The <u>full findings</u> can be viewed on the Scottish Government website.

In December 2016 the Crown Office and Procurator Fiscal Services (COPFS) announced that a single Fatal Accident Inquiry (FAI) would take place into the fatalities at both the Snowman and Jim Clark Rallies. The FAI determination was published in November 2017 and the <u>full findings</u> can be viewed online.

Motorsport events, such as the Jim Clark Rally, can have a positive impact on the local economy. Previous analysis of the Jim Clark Rally by the Sheffield Hallam University Sport Industry Research Centre estimated that an additional £1.2 million was spent in the local area during the three day event by visitors and organisers linked to the staging of the rally. Motorsports UK has previously asked the Scottish Government to bring forward regulations to allow a limited number of motorsport events on public roads.

The Scottish Ministers have the power, under Section 12 of the Deregulation Act 2015, to make provision for authorising the holding of races or trials of speed on public roads in Scotland. The powers in the 2015 Act were granted following a UK Government consultation on a proposal to authorise motorsports events on public roads. The Department for Transport have completed the work necessary to bring the Deregulation Act provisions on motor racing in England into effect, with Regulations specifying the Motorsports Governing Bodies who are authorised to issue the necessary permits coming into force in April 2017. Wales followed suit in February 2018.

The Scottish Government was therefore seeking views on the proposal to introduce a two stage regulatory process to permit motorsport events to be held on closed public roads within Scotland.



Table 1: Proposed two stage process

### 3.2. The consultation

The consultation was designed to gather the views of stakeholders and individuals to help inform the Scottish Government's policy in relation to motorsports on closed public roads, and to assist in the development of any future legislation in this area.

Transport Scotland designed the consultation in collaboration with an advisory group consisting of key stakeholders including Police Scotland, SCOTS, COSLA, the Jim Clark & Isle of Mull rally organisers, Motorsports UK, Scottish Motorsports Association, the Scottish Auto Cycle Union, the Scottish Borders Council and Active Scotland.

The consultation paper posed nine questions in relation to the overall proposals, Local Authority powers, Motorsport Governing Body powers, and impacts of the proposals and three additional questions which were Local Authority specific. The consultation period ran from 3 December 2018 to 28 January 2019 and was published on both <u>Transport Scotland's website</u> and the <u>Scottish Government's</u> <u>Citizen Space website</u>. Interested parties could submit responses online, by email or by post.

### 3.3. Responses and emerging themes

In total 3,788 responses were received. 98.71% of those responses agreed with the proposal to introduce a two stage application process, involving Motorsports Governing Bodies and Local Authorities, to allow motorsports events to take place on closed public roads.

The majority of respondents (99.10%) agreed that the current powers Local Authorities have to close roads for events should be extended to also cover motorsports events. In addition the majority of respondents (98.84%) also agreed that Local Authorities should have the power to suspend speed limits and road traffic regulations for event participants.

Seven Local Authorities responded to the consultation and answered questions 6 to 8 which were designed to be Local Road Authority specific questions. Of the seven, six Local Authority respondents (85.71%) stated that they would be willing to work with a Motorsports Governing Body to host an on road event within their area with one of the seven answering no.

### 3.4. Overview of responses

The final number of responses received was 3,788. Of these, seven were submitted by Local Authorities and one by a Community Council. 52 other respondents also identified their organisation, and 3,728 were listed as individuals.



Figure 1: Responses by type

### 3.5. Analysis of responses

The consultation was hosted on Citizen Space and launched on 3 December 2018 and closed on 28 January 2019. Responses could be submitted directly from the Citizen Space website, via email and via post. Some 3,785 responses were received via Citizen Space and three via email. No responses were received via post.

Respondents were not required to answer every question and typically answered the questions that interested them or they felt informed to answer. As such the total number of respondents varies for each question. Most of the questions incorporated a 'closed' yes or no response although all gave respondents an opportunity to provide a written comment if they wished.

Of the 3,788 responses, 1891 (49.92%) were happy for their responses to be published. A further 1709 (45.12%), while happy for their responses to be published, did not want their name and/or organisation to be attributed to the response. Where this is the case these responses have been included in the overall analysis but the response has been anonymised prior to being published by Transport Scotland. Any comments or quotes made within this report have been included in a way which maintains their anonymity. 188 respondents (4.96%) did not give permission for their responses to be published.

It should be noted that although questions 6 to 8 were intended to be Local Authority specific, some 3,537 respondents who were not a Local Authority answered some or all of these questions. Although the analysis of these questions primarily focuses on the responses received from the seven Local Authorities, any other comments received in response to these questions have also been taken into account.

### 4. Question response analysis

Below we set out the questions and analyse the responses received on an individual question basis.

### 4.1. Overall proposals

#### <u>Question 1:</u> Do you agree with the proposal to introduce a two stage application process, involving Motorsports Governing Bodies and Local Authorities, to allow motorsport events to take place on closed public roads in Scotland?

The total number answering this question was 3,783 with all but five either answering yes or no.

3,739 respondents (98.71%) answered yes to this question. 44 answered no (1.16%), with five not giving a response (0.13%).



Figure 2: Question 1 responses

### If not please explain why.

62 responses were received to this part of the question which is in excess of the 44 expected for those who answered no. Respondents were free to make a comment regardless of how they answered this question hence the difference. Of the 62 comments received, 37 were from respondents who answered no and 25 from those who answered yes.

Some example comments of both types are included below:

### "No" response comments:

"A 3 stage process including the Police is needed." (Individual)

"I disagree with the principal of closing public roads. Every time this has happened near me for the Jim Clark Rally, during the fortnight before and the week after the event, the standard of driving on local roads has dropped considerably and there are too many dangerous "racers" using public roads. The actual road closures for the rally cause considerable inconvenience to the public The benefits are not at all obvious to me considering the above factors." (Individual)

"Unlike running and cycling events, motor sport events involve the use of highly polluting vehicles bringing pollution into areas of unspoilt woodland, clean air and fresh water. Neither runners or cyclists make any significant noise pollution but rally cars can be heard for miles." (Individual)

"The requirement to go through a motorsport governing body requires that organisers are (effectively) affiliated with that organisation. This removes the

capability of organisers to go through the same consultation process themselves without the governing body involved." (Individual)

### "Yes" response comments:

"The two stage proposal is consistent with the approach currently applied and working effectively in relation to forest stage rallying. This means that there is a matching process for both types of events making it easier for both organisers and regulators." (Scottish Association of Motor Sport Clubs)

"The proposed two-stage application has already been seen to work successfully in England and Wales, and it is sensible for Motorsport UK to be able to adopt a consistent approach to applications from England, Wales and Scotland. It follows that the same approach should be adopted for applications to be processed by the Scottish Auto-Cycle Union. It is likely that the organisers of any proposed events will have previous experience of running such events in Scotland or other parts of the UK, and that they will be known to their governing body, which will be in a position to assess their fitness to run an event successfully and which will be aware of the issue of relevant licences for senior personnel." (**RSAC Motorsport Limited**)

"These events are extremely important to rural communities" (Mull Community Council)

"Sportscotland agrees with the proposal to introduce a two stage application process. We recognise that motorsports can contribute to a number of public policy outcomes, including but not limited to the positive economic impact of hosting events. A process that provides a mechanism for holding motorsports events on closed public roads, whilst giving due consideration to safety factors, would therefore be welcome. We agree that working with the recognised Motorsports Governing Bodies and Local Authorities is the best means of ensuring an effective process." (Sportscotland)The Scottish Government's Response

It is clear that the vast majority of respondents support the introduction of a two stage application process with the appropriate Motorsports Governing Bodies and Local Roads Authorities at the heart of the process. This will be considered during the drafting of any future regulations.

### 4.2. Local Authority powers

# <u>Question 2:</u> Do you agree that the current powers Local Authorities have to close roads for events should be extended to cover motorsport events?

The total number answering this question was 3,787 with all but one either answering yes or no.

3,754 respondents (99.10%) answered yes to this question. 33 answered no (0.87%), with one not giving a response (0.03%).



Figure 3: Question 2 responses

### If not please explain why.

48 responses were received to this part of the question which is in excess of the 33 expected for those who answered no. Again respondents were free to make a comment regardless of how they answered this question hence the difference. Of the 48 comments received, 28 were from respondents who answered no and 20 from those who answered yes.

Some example comments of both types are included below:

### "No" response comments:

"The local road network is not sufficiently robust to have large sections closed for motorsports." (Local Authority)

"Road closure should be for essential maintenance/accidents, large vehicles passing and that's all. The roads aren't a playground and to give LA the authority to close roads will be the first step in the wrong direction. People and animal's safety should always come first." (Individual)

"They are not qualified to competently assess the risks involved." (Individual)

"National and local authorities have a duty to curb pollution. More motor sports will mean more pollution." **(Individual)** 

### "Yes" response comments:

"Local authorities should have the powers to make the decisions that they feel best fit the needs of their constituents. If they believe that closing roads for motor racing events has an overall benefit for those they represent, then the law should allow them to do this." (Individual)

"We see no reason for allowing public roads to be closed for a range of reasons, but excluding motorsports events, as long as safety considerations are given due attention. As above, we believe that these events can have a positive impact on the areas in which they are held." **(Sportscotland)** 

"As often seen there is a positive effect on the local area economy with events that are run in the authorities areas. Creating better ties between the motorsport organisers and the local authorities can only be a good thing." (British Motorsport Marshals Club)

"These events bring footfall to all towns, why should closed road rallies be any different to cycling events." **(Individual)** 

# <u>Question 3:</u> Do you agree that Local Authorities should have the power to suspend the speed limit and applicable road traffic regulations for event participants?

The total number answering this question was 3,783 with all but five either answering yes or no.

3,744 respondents (98.84%) answered yes to this question. 39 answered no (1.03%), with five not giving a response (0.13%).



Figure 4: Question 3 responses

### If not please explain why.

51 responses were received to this part of the question which is in excess of the 44 expected for those who answered no. Respondents were free to make a comment regardless of how they answered this question hence the difference. Of the 50 comments received, 28 were from respondents who answered no and 22 from those who answered yes.

Some example comments of both types are included below:

### "No" response comments:

"Inappropriate use of public roads and sends the wrong message to road users. Could encourage drivers to emulate the 'sports' drivers when the roads are back in normal use." (Local Authority)

"It encourages driving beyond the speed limit at other times - by spectators who wish to emulate the drivers they have seen." (Individual)

"The last thing the planet needs is more pollution. Closing the road for a family event, fun run or cycle race is fine. We should not be promoting activities that damage our environment." (Individual)

"The risk is too high." (Individual)

### "Yes" response comments:

"This is a vital part of the proposals in terms of allowing the events to run as intended. The motorsport events would be organised in a way that makes the speed limit and applicable road traffic regulations inappropriate for the duration of the event for duly authorised vehicles and individuals associated with the event." (Scottish Association of Motor Sports Clubs)

"Without these enabling powers such events could not run as designed to do. The motorsport events run in such a way as to make it unable to work with any normal enforcement of speed limits or traffic regulations still in place. The suspension of these regulations being for the duration of the event and for competing vehicles only." (British Motorsports Marshal Club)

"Only for competitors, not for Officials and Marshals who always need to abide by the R T Regulations." (Individual)

"But in consultation and agreement with the local Police authority." (Local Authority)

# <u>Question 4:</u> Do you agree that Local Authorities should have the ability to carry out works on public roads as they consider necessary in connection with a motorsports order?

The total number answering this question was 3,783 with all but five either answering yes or no.

3,747 respondents (98.92%) answered yes to this question. 36 answered no (0.95%), with five not giving a response (0.13%).



Figure 5: Question 4 responses

### If not please explain why.

50 responses were received to this part of the question which is in excess of the 36 expected for those who answered no. Again respondents were free to make a comment regardless of how they answered this question hence the difference. Of the 50 comments received, 30 were from respondents who answered no and 20 from those who answered yes.

Some example comments of both types are included below:

### "No" response comments:

"I don't agree with unnecessary road closures for sport." (Individual)

"Councils struggle to keep roads up to a satisfactory standard for their proper purpose. Funding for motorsport would be an insult to legitimate road users." (Individual)

"If work is necessary to be carried out for a motorsport event then this should be at the cost of the organisers of the event. Local authorities already have diminishing budgets and using the budget to help facilitate a motorsport event instead of maintaining roads in a poorer condition is not the correct way forward." **(Individual)** 

"Events need to run with what exists and not burden local authorities financially making road improvements. If local authorities want to make changes to attract events to them then fine but not the other way round." (Individual)

### "Yes" response comments:

"As part of its process for permitting closed-road motorsport events, Motorsport UK inspects and licenses any proposed venues; this may mean that minor modifications or other considerations are identified to increase driver and spectator safety, requiring the involvement of local authorities. This is a key aspect of the safety and risk management process." (Motorsports UK)

"Yes, as long as this is funded by the relevant motorsport governing body and/or the event rather than local tax payers." **(Individual)** 

"Only if fully funded by the event organiser." (Local Authority)

"As long as the sport event organisers pay for it. Funds for essential repairs must not be diverted for the event nor should the event repairs 'leapfrog' the essential repairs scheduled for elsewhere." **(Individual)** 

### 4.3. Motorsports Governing Bodies powers

# <u>Question 5:</u> Do you agree that the relevant Motorsports Governing Bodies should have the power to issue a Motorsports Permit as stage one of a two stage application process?

The total number answering this question was 3,782 with all but six either answering yes or no.

3,751 respondents (99.02%) answered yes to this question. 31 answered no (0.82%), with six not giving a response (0.16%).



Figure 6: Question 5 responses

### If not please explain why.

35 responses were received to this part of the question which is in excess of the 31 expected for those who answered no. Again respondents were free to make a comment regardless of how they answered this question hence the difference. Of the 35 comments received, 20 were from respondents who answered no and 15 from those who answered yes.

Some example comments of both types are included below:

### "No" response comments:

"They have a vested interest in the event. They can't possibly be impartial if they can issue a permit as it suits them." **(Individual)** 

"The proposed system is far too complicated. We must remember the organisers of these competitions are volunteers not full time employees of a large organisation. We must reduce the hours spent on getting a road closed." **(Individual)** 

"This kind of permit should be issued jointly by a motorsports body and a public body, before moving to the second stage." (Individual)

"The first stage should involve the local authorities. Issuing a motorsport permit can give the wrong indication that the local authority is happy for the event to go ahead when they may have grounds to refuse." (Individual)

### Yes response comments:

"Only if this was seen as a robust form of quality and safety control." (Local Authority)

"The relevant Motorsports Governing Bodies are well placed to provide an expert assessment of events and therefore to deliver stage one of a two stage application process by determining whether to issue a motorsports permit to a planned event." (Sportscotland)

"This needs further clarification as to what authority has the overall say on the event being held on the road." (Local Authority)

"It is right that the governing bodies should have an oversight and manage the calendar of events that take place as they will be best placed to judge the calibre of the proposed events, the possibility of clashes with other events requiring marshals and safety crews and proximity to other events that might not be using closed roads in the same geographical area." (Individual)

### 4.4. Local Road Authority specific questions

The questions in this section were designed to ascertain the thoughts of Local Road Authorities but it was left open for anyone to answer if they so wished.

In total seven Local Road Authorities answered the questions in this section and the analysis is focused on those responses. We have not however discounted the responses from other parties to these questions and the overall response rate has been included below.

### <u>Question 6:</u> Local Road Authority Specific Question - Would you consider working with a Motorsports Governing Body to host an on road event within your Local Authority area?

The total number answering this question was 3,544.

3,426 respondents (90.44%) answered yes to this question. 118 answered no (3.12%), with 244 not giving a response (6.44%).

When narrowed down to Local Authority responses, six respondents (85.71%) answered yes with one answering no (14.29%).



Figure 7: Question 6 Local Authority responses

### If not please explain why:

117 responses were received to this part of the question with two Local Authorities commenting as shown below.

### Local Road Authority Responses:

"No - Road network is not sufficiently large to allow for extensive closures." (Local Authority)

"Yes - provided the LA can recoup all expense incurred." (Local Authority)

# <u>Question 7:</u> Local Road Authority Specific Question - Do you anticipate any potentially negative implications from the motorsport events being run by Motorsports Governing Bodies in your local area?

The total number answering this question was 3,518.

661 respondents (17.45%) answered yes to this question. 2857 answered no (75.42%), with 270 not giving a response (7.13%).

When narrowed down to Local Authority responses, three respondents (42.86%) answered yes with four answering no (57.14%).



Figure 8: Question 7 Local Authority responses

### If yes please explain why.

605 responses were received to this part of the question with five Local Authorities commenting as shown below.

"Yes - this could act as an incentive for drivers to emulate the 'sports' drivers on roads that have returned to normal use. The example of the Isle Of Man shows that people use excessive speed on their roads." (Local Authority)

"Yes - Public reaction to closed roads in a city environment." (City of Edinburgh Council)

"Yes - Typically any large scale road closures for either events or works get negative feedback from residents and motorists. Over and above this it should be expected to get objections to events from residents relating to noise and disturbance. Either the Governing Body or the event organiser needs to carry out consultation with residents, elected members and other statutory bodies as part of the application process. This is not something that should be placed on the LA to manage as we do not have the resources." (Local Authority)

"No - Whilst the proposals would give local roads authorities new powers to close roads for motorsport events, the exercise of these powers would be at the discretion of the authority. In any case where negative implications were anticipated, the local roads authority could decline to exercise its new power." (Aberdeenshire Council)

"No - Subject to conditions set by the local authority." (Local Authority)

<u>Question 8:</u> Local Road Authority Specific Question - Do you envisage the need for any further powers in order to hold a safe and efficient event? There were 2249 responses received to this question. Five out of the seven Local Authorities who submitted a consultation responded, four answering no (57.14%), one answering yes (14.29%) and with no response from the two others (28.57%).



Figure 9: Question 8 Local Authority responses

### Local Authority comments:

"Yes - There needs to be an ability to manage spectators i.e. to determine areas that are prohibited and to ensure there are powers to remove spectators not abiding by prohibitions. Something that needs to be agreed with Police Scotland. A similar approach to that used in the Isle of Man needs to be adopted. Police involvement in the process needs to be explicit as they are the only body that can manage traffic in Scotland and the related safety issues such events raise. Maybe an opportunity to allow the Police to license other bodies to manage traffic as occurs in England and Wales." (Local Authority)

"No - There are already powers under the Safety at Sports Grounds Act." (City of Edinburgh Council)

"No - the proposed new powers combined with existing powers in relation to roads and events should be sufficient." **(Aberdeenshire Council)** 

"No - with the legislation being introduced or changed then every power should be considered at that time to allow the local roads authority to make a decision / approval." (Local Authority)

# <u>Question 9:</u> Are you aware of any further evidence that should be considered regarding the impacts of the policy proposals?

There were 2129 responses received to this question. 2089 of these were from respondents classing themselves as individuals and 40 from organisations. Of those organisations, four are from Local Authorities and one Community Council.



Figure 10: Question 9 responses

1751 respondents to this question answered no, none or not applicable. 378 answered yes and further analysis was undertaken to categorise these responses into common themes which are shown below:

Common theme	Number of responses
Fatal accident inquiry findings	5
Environmental impact/factors	6
More people participating in sport	6
Local disruption/impacts	9
Empower marshals	10
Safety including spectator & participant safety	19
Other categories with less than one response	20
Yes (no further comment)	26
Previous events held/events in other countries	73
Positive economic benefits	204
Total	378





Figure 11: Question 9 percentage of yes responses by common themes

The most popular response stated that we should take account of the positive economic benefits to the local area and Scotland as a whole, from motorsports events being held. 204 of the 378 respondents mentioned positive economic benefits.

The second most popular response, mentioned by 73 of the 378 respondents, suggested that we should examine previous successful closed road motorsports events that have been held in Scotland historically or at successful events that are currently being held in other countries such as Northern Ireland, Wales, England and throughout Europe.

Those top two responses covered over 73% of the total responses received.

## 5. Conclusion

In relation to the authorisation of motorsports events on public roads an overwhelming majority of respondents support the introduction of a two stage application process with the appropriate Motorsports Governing Bodies and Local Road Authorities at the heart of that process.

Respondents also clearly support the proposal that Local Road Authorities be given powers to close public roads for motorsports events in line with the current powers they already have for other types of events. In addition the proposal to give Local Road Authorities the ability to suspend speed limits and other traffic regulations during events, authorised under the two stage process, was also clearly well supported as otherwise the regime would be unworkable. Likewise, there was agreement that Local Road Authorities should have the ability to carry out works on public roads, in connection with an authorised event, as they deem necessary.

A clear majority also support the proposal to give the relevant Motorsports Governing Bodies the powers to issue a Motorsports Permit as stage one of the two stage application process.

The majority of Local Authorities who responded stated that they would be willing to work with the relevant Motorsports Governing Body to host an on road event within their area. Additionally the majority do not envisage the need for any further powers in addition to those being proposed.

The analysis also found that the majority of respondents wish us to consider both the positive economic impact motorsports events can bring and how previous events in Scotland and current events in other countries are run. Less favourable comments were received in relation to issues such as local and environmental impacts.

The findings of this analysis and the responses received will be considered during the drafting of regulations to govern future motorsports events on closed public roads regulations.

## 6. Appendix A - consultation questions

### 6.1. Overall proposals

**Question 1:** Do you agree with the proposal to introduce a two stage application process, involving Motorsports Governing Bodies and Local Authorities, to allow motorsport events to take place on closed public roads in Scotland? If not please explain why.

### 6.2. Local Authority powers

**Question 2:** Do you agree that the current powers Local Authorities have to close roads for events should be extended to cover motorsport events? If not please explain why.

**Question 3:** Do you agree that Local Authorities should have the power to suspend the speed limit and applicable road traffic regulations for event participants? If not please explain why.

**Question 4:** Do you agree that Local Authorities should have the ability to carry out works on public roads as they consider necessary in connection with a motorsports order? If not please explain why.

### 6.3. Motorsports Governing Body powers

**Question 5:** Do you agree that the relevant Motorsports Governing Bodies should have the power to issue a Motorsports Permit as stage one of a two stage application process? If not please explain why.

### 6.4. Local Road Authority specific questions

**Question 6:** Would you consider working with a Motorsports Governing Body to host an on road event within your Local Authority area? If not please explain why.

**Question 7:** Do you anticipate any potentially negative implications from the motorsport events being run by Motorsports Governing Bodies in your local area? If not please explain why.

**Question 8:** Do you envisage the need for any further powers in order to hold a safe and efficient event?

### 6.5. Impacts of the proposals

**Question 9:** Are you aware of any further evidence that should be considered regarding the impacts of the policy proposal.



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