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## **JIM CLARK RALLY 2020 PUBLIC CONSULTATION PROCESS**

### **Report by Executive Director & Service Director Assets & Infrastructure**

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## **EXECUTIVE**

**21 January 2020**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report is intended to raise awareness with Members of the revised legislation for motor sport events on closed public roads and to agree the Council's consultation process for the proposals submitted by event organisers of the Jim Clark Rally to hold a rally on closed roads in the Scottish Borders on 30 and 31 May 2020.**
- 1.2 Revised legislation was introduced in 2019 to allow motor sports events to take place on closed public roads. The new regulations build upon previous experience through the Jim Clark Rally and other such events and are intended to introduce increased rigor to the procedure for organising and running such events.
- 1.3 The 2019 regulations introduced a two stage procedure where organisers must first successfully apply to an "authorised body" for a permit before applying to the local roads authority for a Motor Sports Order.
- 1.4 In determining whether to make a Motor Sports Order, Scottish Borders Council, as local roads authority, must consider a number of factors that are laid out in the regulations. This report outlines those factors and provides an opportunity to examine the proposals submitted by the rally organisers in respect of the routes and timings for the rally on 30 and 31 May 2020.

### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Executive:-**
  - (a) Notes the introduction of the new legislation and the application by organisers of the Jim Clark Rally to run an event on 30 and 31 May 2020.**
  - (b) Agrees that reports are taken to the three Area Partnerships whose areas the event is scheduled to take place in.**
  - (c) Agrees that, as in 2019, a public consultation is launched on the Council's website.**
  - (d) Makes known any comments it has about the proposal to run an event and/or the proposed routes and timings for that event.**

### **3 BACKGROUND**

- 3.1 From 1996 through to 2014 the Jim Clark Rally took place annually on closed roads in the Berwickshire area. The legislation that allowed this to happen was the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996.
- 3.2 Following the tragic events at the 2014 Jim Clark Rally a Motor Sport Event Safety Review Group was set up to determine how such events might be made safer in the future. This, along with the findings of the Fatal Accident Inquiry carried out into the 2014 event, has led to more robust procedures and new legislation being put in place for all motor sport events going forward.
- 3.3 The Motor Sport on Public Roads (Scotland) Regulations 2019 came into force on 17 April 2019 and revoked the previously used 1996 Act that is discussed in 3.1 above. The new regulations introduce increased rigor to the planning process and aims to reduce the likelihood of a repeat of the tragic events of 2014. They introduce a two stage procedure where organisers must first successfully apply to an "authorised body" for a permit before applying to the local roads authority for a Motor Sports Order. The latter procedure must be completed at least 6 months prior to an event taking place.
- 3.4 An important point to note is that the previous 1996 Act was specific to the Jim Clark Rally and restricted routes to the Berwickshire Area. The 2019 Regulations applies to the whole of Scotland and an application can be made by anyone who wishes to promote a race or trial of speed between motor vehicles on a public road in Scotland. Similar legislation is in place for the rest of the United Kingdom.
- 3.5 The 2019 Jim Clark Rally held in November was the first event in the Scottish Borders to be held under the new legislation.
- 3.6 In determining whether to make a Motor Sports Order roads authorities must consider:
  - the likely impact of the event on the local community;
  - potential local economic and other benefits
  - and any other matters that it considers relevant.
- 3.7 The new legislation also states that the roads authority may make the Motor Sports Order if it is satisfied that:
  - adequate arrangements have been made to allow the views of the local community to be taken into account
  - adequate arrangements have been made to involve local residents, the police and other emergency services in the planning and implementation of the event
  - adequate public safety arrangements have been or will be made for the event, and
  - adequate traffic management arrangements have been or will be made for the event.

## 4 CURRENT POSITION

- 4.1 The organisers of the Jim Clark Rally, having successfully applied for a permit from “the authorised body”, have lodged an application with Scottish Borders Council (within the specified 6 month period required to allow consideration) seeking a Motor Sports Order to undertake an event on Saturday 30 & Sunday 31 May 2020. It should be noted, however, that the event organisers have, prior to submitting the application, been in consultation with representatives of Scottish Borders Council and Police Scotland through the established Safety Advisory Group (SAG) system that is in place at the Council.
- 4.2 The SAG process is separate from the operational management of an event. SAG meetings are a multi-agency forum normally made up of Police Scotland, Scottish Fire & Rescue Services, Scottish Ambulance Services and Scottish Borders Council along with the event promoters and organisers. The main purpose of SAG is to assist event organisers in planning their events, with the specific aim of ensuring the safety of the public.
- 4.3 At this time the intention of the Jim Clark Rally organisers is to be based in Duns and to run a total of 8 rally stages (over 4 different routes) on the Saturday and 6 rally stages (over 3 different routes) on the Sunday. On the Saturday the four routes are Westruther, Scott’s View, Eccles and Longformacus – Abbey St Bathans. This would see a single run, in an anti-clockwise direction of travel, over the first three routes followed by vehicle servicing and refuelling in Duns and then a repeat of that earlier sequence. Following a further re-group and service in Duns the day would then conclude with two runs over the Longformacus – Abbey St Bathans route. Sunday would see routes at Edrom, Ayton and Whitsome. The intention being to run a clockwise loop of these routes followed by servicing and refuelling in Duns before a repeat loop over the three routes and a podium finish in Duns. As this is the first time that the Jim Clark Rally will have run out with Berwickshire it was felt appropriate that the Executive was provided an opportunity to comments on the proposals.
- 4.4 As part of the process of satisfying itself on the first two bullet points of section 3.7 above, the Council proposes to have a public consultation, available online via <https://scotborders.citizenspace.com/>. The online consultation will run for six weeks. In addition to this, it is intended that Council Officers be in attendance at the first meeting in the calendar year of the Berwickshire, Cheviot and Eildon Area Partnerships to discuss the event plan, including the proposed routes and timings.
- 4.5 A reserve route has been identified at Stichill, and it is also intended to run a “shakedown stage” on Friday afternoon on the road south of Mellerstain Mill.
- 4.6 As for previous events the organisers of the Jim Clark Rally will be contacting separately those residents who are directly impacted by the routes. This includes individual visits to all properties in addition to letter drops. Organisers have also indicated that they will consult with/inform the Community Councils affected by the rally through meeting with them face to face.
- 4.7 Properties on “open” road sections who will experience an increase in traffic due to the temporary road closures will receive written notification of this.

- 4.8 The Jim Clark Rally organisers will also provide pre-event ongoing information on the status of the rally and on-the-day information through their website and social media outlets. In addition, an on-the-day helpline will be permanently manned during the live-event.
- 4.9 The Jim Clark Rally is a major sporting event that brings significant economic benefit to the Scottish Borders. It attracts a high number of spectators, supporters, staff and competitors to the area; many of whom stay a number of nights. Previous studies have estimated that the event contributes over £2.5 Million to the local economy.
- 4.10 It is recommended that the Executive notes the new legislation and the requirement for the Council to consult on the proposals submitted by the Rally Organisers. The Committee should consider the routes and timings proposed by the Rally Organisers attached at Appendices A to C and provide any comments or questions on these for consideration as the Council assess whether or not to issue a Motor Sports Order.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no direct costs attached to any of the recommendations contained in this report.

### **5.2 Risk and Mitigations**

The new legislation and other measures that are now in place go further than previous legislation in its attempt to mitigate the safety and associated risks of holding the Rally. As with all events of this type, there are inherent risks that can never be fully mitigated. However, SBC is working with partners and the event organisers to ensure that the new legislation is complied with; that risk assessments and other appropriate safety measures are in place, monitored and reviewed.

### **5.3 Equalities**

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

### **5.4 Acting Sustainably**

There are no economic, social or environmental effects directly linked to the recommendations within this report.

### **5.5 Carbon Management**

The recommendations within this report will have no impact on the Council's carbon emissions.

### **5.6 Rural Proofing**

This report is not linked to a new or amended policy or strategy.

### **5.7 Changes to Scheme of Administration or Scheme of Delegation**

The recommendations in this report do not require any change to either the Scheme of Administration or the Scheme of Delegation.

## 6 CONSULTATION

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, the Clerk to the Council and Corporate Communications have been consulted and comments received are incorporated in the report.

### Approved by

**Rob Dickson**  
Executive Director

Signature .....

**Martin Joyce**

**Service Director Assets & Infrastructure** Signature .....

### Author(s)

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**Background Papers:** N/A

**Previous Minute Reference:** None

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Contact us at Jacqueline Whitelaw, PLACE, Business Support, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 0300 100 1800, email [JWhitelaw@scotborders.gov.uk](mailto:JWhitelaw@scotborders.gov.uk).