



## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Cabinet**

**24 July 2024**

### **Report of Head of Engineering and Transport – David W Griffiths,**

#### **Matter for Decision**

**Wards Affected:** All Wards

#### **1. Report Title**

Delegation of Council Functions under section 16A of the (RTRA) Road Traffic Regulation Act 1984 to Welsh Government for Road Cycle Races in Wales.

#### **2. Purpose of Report**

1. To seek authority to delegate Council Functions under section 16A of the (RTRA) Road Traffic Regulation Act 1984 to Welsh Government for Road Cycle Races in Wales.
2. Approval for the Head of Engineering and Transport, in consultation with the Head of Legal and Democratic Services to complete the necessary agreement and associated documents for the transfer of these functions.

#### **Executive Summary**

On behalf of Welsh Government, the Head of Operations for the Strategic Road Network Division has written the authority (Appendix A) to seek the transfer of certain Council functions to Welsh Government for the preparation of traffic regulation orders to facilitate Road Cycle Racing in Wales.

### **3. Background**

Following the legislation to lower the default national speed limit on restricted roads from 30mph to 20mph Welsh Cycling, the governing body of cycling in Wales, have raised concerns that the new 20mph speed limit will have a significant impact on road race cycling in terms of participation and performance. Welsh Cycling currently use escort motorcycles and convoy vehicles to travel a short distance ahead of the race to carry out their duties of ensuring the roads are clear and holding traffic where appropriate in line with their CSAS (Community Safety Accreditation Scheme Powers) training by the police. This procedure implements a “safety bubble” that ensure that races are delivered safely for riders and the public.

Road race cyclists do not routinely exceed 30mph, the average is around 22-25mph. Welsh Cycling are concerned that it would not be practical with a 20mph limit for the above to take place. Either the safety vehicles slow to 20 mph and are overtaken by the cyclists, or the gap between the riders and the race vehicles is increased significantly to ensure that the riders do not catch up with the race vehicles in the 20mph zone – however this could lead to the race vehicles being too far in advance of the cyclists to ensure the safety of the riders and the public. They would be unable to implement the "safety bubble" in the very areas where they would expect a significant risk of encountering traffic that interacts with the race.

Welsh Cycling have requested assistance from the Welsh Government to consider possible measures to mitigate the 20mph legislation in relation to cycle racing on the highway.

A way forward would be for Welsh Cycling to request Temporary Traffic Orders to be put in place for each individual event. However, this could involve more than one Highway Authority and would obviously involve a cost to Welsh Cycling as Local Authorities apply a charge for making such orders. Welsh Cycling would have issues with trying to fund such measures especially as some of the races are community based/volunteer groups with no funding for such purposes.

Welsh Government propose that the Welsh Ministers exercise the function of making the order(s) under Section 16A of the Road Traffic Regulation Act 1984 on their behalf, under Section 83(1) of the

Government of Wales Act 2006. This would incur no costs for either Welsh Cycling or Local Authorities.

Section 83(1) specifically enables arrangements to be made between the Welsh Ministers and a local authority for any functions of one of them to be exercised by the other. It is expected that such arrangements would be recorded by an exchange of correspondence between the Welsh Government and each local authority.

The orders would suspend the speed limit for restricted roads during the short time period of the event and only exempted vehicles would be allowed to exceed 20mph but would not be allowed to exceed 30mph.

This proposal could also be implemented for other major events such as the Tour of Britain and the Women's Tour of Britain.

#### **4. Financial Impacts**

There are no financial implications to this proposal.

#### **5. Integrated Impact Assessment**

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment, attached at Appendix B, has indicated that a more in-depth assessment is not required.

#### **6. Valleys Communities Impacts**

There are no valley community impacts associated with this report.

#### **7. Workforce Impacts**

There are no workforce impacts.

#### **8. Legal Impacts**

Welsh Government propose that the Welsh Ministers exercise the function of making the order(s) under Section 16A of the Road Traffic Regulation Act 1984 on their behalf, under Section 83(1) of the Government of Wales Act 2006.

Section 83(1) specifically enables arrangements to be made between the Welsh Ministers and a local authority for any functions of one of them to be exercised by the other. It is expected that such arrangements would be recorded by an exchange of correspondence between the Welsh Government and each local authority. This Council will not be transferring any functions to the Welsh Ministers and will instead delegate the ability to them to make orders under Section 16A.

## **9. Risk Management Impacts**

The Event organisers would still need to apply to the Councils Special Events team and to satisfy all other Council requirements in terms of public liability insurance, the production of an event management plan, a traffic management plan, to indemnify the Council for any temporary structures to be placed on the highway or Council owned land to facilitate the racing and details of first aid and marshalling arrangements for the event where it passes through the County Borough Council. Welsh Government will assume responsibility for the preparation and legal advertising of the road closures in accordance with the relevant legislation and for serving the required notices of the necessary closures on the Council.

## **10. Consultation**

There is no requirement under the Constitution for external consultation on this item.

## **11. Recommendations**

It is recommended that subject to consideration of the integrated impact screening assessment that:

1. Members approve the delegation of Council Functions under section 16A of the (RTRA) Road Traffic Regulation Act 1984 to Welsh Government for Road Cycle Races in Wales; and
2. Members approve the Head of Engineering and Transport, in consultation with the Head of Legal and Democratic Services to complete any agreements and associated documents for the transfer of these functions to facilitate Road Cycle Races in Wales.

## **12. Reason for Proposed Decision**

To allow Welsh Government to assume responsibility for the drafting and publication of Traffic Orders to facilitate Road Cycle Races in Wales and to serve same on NPTCBC and requisite Councils.

## **13. Implementation of Decision**

The decision is proposed for implementation after the three day call-in period.

### **Appendices**

Appendix A – Welsh Government Letter (17 May 2024).  
Appendix B - Integrated Impact Assessment Screening.

### **List of Background Papers:**

None

### **Officer Contact:**

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