

ECONOMIC DEVELOPMENT & Agenda Item 51 CULTURE COMMITTEE

Brighton & Hove City Council

Subject:	Brighton Speed Trials		
Date of Meeting:	Thursday 23rd January 2014		
Report of:	Assistant Chief Executive		
Contact Officer:	Name:	Ian Shurrock	Tel: 292084
		Ian Taylor	
	Email:	ian.shurrock@brighton-hove.gov.uk	
		ian.taylor@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To set out the proposal from Brighton & Hove Motor Club (BHMC) to stage the Brighton Speed Trials on Madeira Drive in 2014 and outline reasons for the recommendation to not grant landlord's consent.
- 1.2 The BHMC is a tenant of the council and occupy premises in Madeira Drive as a private club with 200 members. The review of the Speed Trials event has focussed on the unique circumstances of the event itself and not the club's occupation of these premises, or the wide range of motor rallies that take place on Madeira Drive each year.

2. RECOMMENDATIONS:

That the Committee consider which of the following options is appropriate:

- 2.1 That the committee does not grant landlord's consent to stage the Brighton Speed Trials on Madeira Drive in 2014.
- 2.2 That the committee grants initial landlord's consent subject to the advice of the Safety Advisory Group and further subject to a condition requiring the organisers to fund all associated costs including essential safety requirements needed for the event to take place on the basis that the organisers will retain income from the event.
- 2.3 That the committee defers any decision to enable officers to seek further advice from the Safety Advisory Group so that a further report can be provided to the committee as soon as possible.
- 2.4 That in the event of option 2.2 being agreed the committee approves a payment of a hire fee for the event by the organisers if it takes place.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The initial stage in the approval process for an event is to receive initial landlord's consent from the council to use council parks and open spaces or Madeira Drive with an associated road closure. Even if an event receives initial landlord's consent, it does not mean that it will necessarily take place. An event may have particular licensing or health and safety requirements that must be met before the event can take place. For example, the Speed Trials have to be authorised by the relevant motor sports organisations and any initial consent would be subject to the views of the city's Safety Advisory Group (SAG).
- 3.2 SAG has a remit to advise on whether an event should proceed on safety and not any other grounds and initial landlord's consent may be withdrawn upon advice by SAG on safety grounds. The SAG comprises of external representatives from Sussex Police, East Sussex Fire & Rescue Service, South East Coast Ambulance Service and NHS Trust. Council representatives are from Environmental Health & Licensing, Health & Safety, Civil Contingencies, Highways and Sport & Leisure.
- 3.3 The National Speeds Trials, organised by BHMC Ltd, has been held on Madeira Drive in September for many years (the first was held in 1905) but did not take place in 2013. This was due to an inquest taking place into a fatality at the 2012 event and it was inappropriate for the 2013 event to take place with the inquest on-going.
- 3.4 The Speed Trials involves cars and motorbikes racing individually along a 0.25 mile section (this has reduced over the years to improve safety) of Madeira Drive as a sprint track. The participants are timed, with the event being a "time trial" to record the fastest time. The event attracts approximately 4000 spectators.
- 3.5 The event is required by law to be authorised by the relevant organisations. The authorisation relates to the safety of the event and it provides the competitors (who must compete within the rules set down by the authorising body) exemption from Road Traffic legislation. For cars, the authorising body is the Motor Sports Association (MSA) and for motorcycles it is the Auto-Cycle Union (ACU).
- 3.6 As part of the process to gain a permit for the 2012 event, both the MSA and ACU inspected the course. These inspections were carried out on 28th July 2011 (MSA) and 22nd July 2012 (ACU). Both inspections resulted in a permit being issued for the 2012 event and neither inspection raised any issues with the road surface.
- 3.7 A Sussex Police forensic collision investigation specialist investigated the fatality at the 2012 event involving a Honda sidecar (with driver and passenger). This machine is designed solely for motor sport use and was not road legal. It is a 3 wheeled 'sidecar' but it is not a motorcycle and sidecar combination in the traditional sense, where a motorcycle has a side car attached to it, but rather a machine where the area for the passenger is integral to the machine as a whole.
- 3.8 The specialist was of the opinion that the most likely scenario of the accident was that the Honda had 'grounded' i.e. touched the road surface, and at the speeds at which it was travelling (final speed -110 mph) the impact between the frame and the road could be sufficient to de-stabilise the machine, induce an

involuntary reaction by the driver i.e. rapid closing of the throttle, which in combination could result in a significant change of course.

- 3.9 At these speeds there would not have been sufficient time for the driver to react, let alone regain the intended path, prior to impact with a tyre barrier. Tragically this resulted in the passenger's untimely death with the driver sustaining serious injuries. The inquest concluded that the death was caused by an accident and no recommendation followed in relation to the road surface.
- 3.10 Following the inquest the Motor Club indicated their desire to hold the event in 2014. The opportunity was taken by officers to review the Speed Trials in the light of the event not being held in 2013. A meeting was held with the organisers and for a range of reasons, indicated in 3.11, one of the recommendation options is to decline the request to hold the event in 2014.
- 3.11 Reasons for a recommendation to decline the 2014 request are as follows:

Safety

- 3.11.1 Although the report from the Coroner's Inquest certainly cleared the event organisers or any other party of any blame for the fatality that occurred in 2012, officers are very mindful of the safety issues in relation to this event. While motor sport is inherently dangerous, the council cannot ignore that a fatal accident and serious injury occurred at the Speed Trials in 2012 and if the event takes place again there is the potential for further loss of life and serious injury.
- 3.11.2 Madeira Drive is a public highway, which is not a purpose built modern sprint track. Highways have confirmed that the surface of the road is designed and maintained for normal road traffic ie at 30 mph, not vehicles racing at speeds exceeding 100 mph. As Madeira Drive is not a purpose built modern sprint track and includes items such as street furniture appropriate for a public highway, it is inevitable that the level of risk for such an event is enhanced. While there is a level of risk at purpose built motor sport facilities, it is a risk that can be more easily managed at such venues.

Closure of Businesses

- 3.11.3 The Speed Trials is the only event, which results in the closure of businesses on Madeira Drive. This is due to the health and safety requirements of the track licence granted by the MSA. These include Yellowwave, Adventure Golf, Grace's Place Café, Concorde II, Beach Cruiser Bike Hire as well as the Volks Railway. In addition, the Martlet Kayak Club, boat lockers, and beach chalets are not able to be used on the event day. These businesses would clearly benefit if they were able to stay open.

Beach Closure

- 3.11.4 The safety requirements for the event also mean that the council has to close the beach for the duration of the event. The closure has given rise to numerous complaints over the years from residents and visitors who have been prevented from accessing the beach in that area, at a weekend when the seafront can be very busy.

Financial Risk

- 3.11.5 The council previously took a financial risk on the event as the council received the income from spectators to cover its expenditure on the event. Other events that pay a straight hire fee do not involve any financial risk for the council, as such events either have minimal or no direct costs and the hire fee represents a fee for the use of council land. It should be noted that the Speed Trial organisers have now offered to pay a straight hire fee for a future event (£10,000), which would alleviate any financial risk to the council, provided they also fund all associated costs including essential safety requirements needed for the event to take place, on the basis that they take the risk on recovering all such expenditure from the income generated.

Events Calendar

- 3.11.6 If the Speed Trials did not take place there would not be a gap in the Outdoor Events calendar in September as there are on-going requests for events to come to the city. Officers do not believe that the major negative financial impact on tourism and trade referred to by the petitioners would materialise, given that the adjoining beach and businesses could remain open whilst another event took place.
- 3.12 If members grant landlord's consent for the Speed Trials in 2014, as indicated in 3.2 there would still be a role for SAG to advise on the safety of the event. As a fatality occurred when the Speed Trials were last held the SAG have indicated it would need to be completely satisfied that the event has the appropriate event planning documentation in place (such as the event management plan including risk assessments). If the SAG are not satisfied about the safety of a proposed event, they could advise that the event should not go ahead or that any landlord's consent previously given should be withdrawn.
- 3.13 In addition, if landlord's consent is granted, in the light of the fatality in 2012, there may be additional measures required to comply with licensing requirements e.g. if it was deemed necessary to re-surface the road for the event. This could be at a considerable cost estimated to be at least £100k for a quarter of a mile section and significantly more if other areas are required to be resurfaced. This would just be to replace the road surface and Highways do not have provision within their budget for such work.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 This is included in the body of the report, including the legal implications set out in section 7.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Initial consultation has been undertaken with the SAG and the role of the SAG has been included in the body of report. The SAG requires significant information including the full event plan to be provided before it can advise any further on

safety requirements. The Ambulance Services have concurred with the initial view of council officers and would support the recommendation not to grant landlord's consent to this event.

- 5.2 Agenda item 48(a) refers to the petition which asks that the event be allowed to take place in 2014.

6. CONCLUSION

- 6.1 The option to refuse landlord's consent for the Brighton Speed Trials to take place in 2014 is based on the reasons laid out in 3.2.
- 6.2 Given the nature of the petition and the history of the event it is recognised that there are sufficient grounds to either defer the decision and refer the matter to the SAG with the request for a further report, or to grant conditional approval subject to advice from the SAG and other appropriate agencies.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The financial risks associated with staging this event are detailed in the main body of the report.

Finance Officer Consulted: Name Mike Bentley Date: 16/12/13

Legal Implications:

- 7.2 The Council is empowered under the East Sussex Act 1981 to use Madeira Drive for up to 28 days a year in order to facilitate the staging of major outdoor events. The council needs to act reasonably when exercising this power and to have regard to its Outdoor Events Policy, which incorporates relevant considerations in respect of convention rights incorporated by the Human Rights Act 1998. The policy is clear that a balancing act is required between the competing interests of those who attend events and those who do not.
- 7.3 There is an inherent risk of accident with this type of event and were there to be a further injury or fatality, although the council would look to the organisers to indemnify it against any claim, it may not be possible in all of the circumstances to achieve total indemnity for the authority.
- 7.4 As indicated in the preceding paragraphs of this report, the SAG are a key advisor on events, but require further documentation before being able to express a definitive view on whether or not the event should not be allowed to go ahead on safety grounds. Given this, unless it is considered that all or some of the reasons set out in paragraph 3.11 of the report clearly justify refusal, the committee are asked to consider either deferring the decision, which would enable the SAG to further consider the matter or granting initial approval subject to the SAG advice and the other condition set out in 2.2.,... In addition if option 2.2 is agreed, the basic hire fee should be delegated to officers to negotiate further.

Lawyer Consulted: Bob Bruce Date: 14th January 2014

Equalities Implications:

- 7.4 The Events programme caters for people from all sectors of the community as there is a diverse range of events that are staged in the city each year. Issues such as physical access to an event and designated viewing areas are developed and detailed in event plans where applicable.

Sustainability Implications:

- 7.5 All events are planned and staged in accordance with the statutory powers and planning obligations as set out in the Outdoor Events Policy.
- 7.6 The nature of outdoor events means that they often involve a range of potential sustainability impacts (both positive and negative) from travel, energy and water use, food, local economic and social impacts, use of outdoor spaces and production of waste. For this reason, there is significant potential to publicly demonstrate how outdoor events contribute to Brighton & Hove becoming a more sustainable city. Through the Sustainable Events Programme, events organisers are supported to improve sustainability at their events, focusing on the areas with the highest potential impact. The programme is certified to the international standard for environmental management ISO 14001.
- 7.7 The Sustainable Events Programme gained certification to the International Standard for Sustainable Events ISO 20121 in October 2013. The programme helps deliver visible sustainability initiatives, particularly around event waste recycling and encouraging people to use public transport. The Sustainable Events Programme contributes to the culture and community principle of the One Planet Sustainability Action Plan.

Any Other Significant Implications:

- 7.8 The City Safety Advisory Group has an overview of all the major events that take place in Brighton & Hove that have the potential to attract significantly large numbers of people. A protocol and good working partnerships between the council and emergency services are in place in the city and close agency working will be integral to both the planning and delivery of events. Where required, event specific Safety Advisory Groups can be convened for any major outdoor event taking place in Brighton & Hove that has the potential to attract significantly large numbers of people.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

Police Forensic Investigation Report on the fatality at the Speed Trials in 2012

Background Documents