

RG13/17 REVIEW OF BYELAWS: NEW MODEL BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

The Committee received a report providing an outline of how the Council was able to review byelaws using the new regulations introduced in 2016 and to explain how the Council aimed to modernise the current Open Spaces Byelaw which came into operation in February 1981. Officers had prepared the draft Byelaws, consultation documents, a Regulation Impact Assessment and an Equality Impact Assessment; as required by the Byelaws Regulations. Research had shown a number of Local Authorities had used this method to modernise their byelaws.

The following points were raised:

A Member was concerned that the rules for playing ball games and cricket would be seen as discouraging people from exercising. The Performance and Projects Manager advised that, as stated in Appendix 2 Ref 25, the aim of the Byelaw was not to prevent anyone from playing informal ball games but to prevent antisocial behaviour from taking place. He advised that there was no change to the previous Byelaws.

Under Appendix 1 it was queried why Cricket was a separate item to Ball Games. The Performance and Projects Manager would find out however he advised that there was no change to the original Byelaw.

- It was agreed that the final list of areas covered by the Byelaws would be circulated to the Committee.
- A preamble to be incorporated into the document stating 'ball games can be played providing it is within a designated area.
- Once completed a report to come back to the Committee.

RESOLVED:

- 1) That the Consultation process, timescales and Regulatory Impact Assessment (RIA), set out in paragraphs 2.6, 3 and 4 be agreed and actioned;
- 2) That the Council should consult on the proposed model byelaws attached at Appendix 1;
- 3) That the Director of Community and Environmental Services, in consultation with the Chairman of the Regulatory Services Committee, be delegated to consider minor amendments to the draft Byelaws and RIA following consultation:
 - The final list of areas covered by the byelaws be circulated to the Committee.
 - A preamble to be incorporated into the document stating 'ball games can be played providing it is within a designated area.
 - Once completed the report to come back to the Committee.

RECOMMEND:

- 1) That once the Council had received approval from the Secretary of State to the new Byelaws that they were formally adopted by Full Council and would come into operation in 2018; and.
- 2) That once the new Byelaws were adopted, Council would revoke the existing Byelaws for Parks and Open Spaces (1981).

Post Meeting Note:

- *The first task to add the word 'Cricket' to section 25, so that it matched section 27 which specifically referred to the use of 'designated' cricket pitches. This information was already included in the Q & A document. More importantly, given the Byelaws follow the 'model' Byelaws and having spoken to the legal team; we were unable to change the wording in the Byelaws. That is, the Byelaws model provided options to choose from but the wording could not be changed.*
- *Members asked for a preamble to be included in Part 4 of the Byelaws, stating 'we encourage ball games... etc'. Again adding this information would be difficult, given the position on changing the wording of the model Byelaws. However, we do have a solution to this problem because again the further explanation (preamble) is included in a few places in the Q&A document – in sections: 4, 21, 25, and 42.*
- *A list of open spaces covered by the Byelaws to be sent to the Committee Members to view and possibly propose additions. This would be provided together with the 'book of maps' (of the open spaces) for Members to review.*
- *Members asked for a report back to Regulatory committee on the final Byelaws. The P & P Manager had been told that Committees should not receive reports for information only and also the recommendations in the Committee Report, sections 16.3 and 16.4 asked Members to refer to Council, once any amendments are made following consultation. The proposed solution to this was to provide the Regulatory Committee Members with an update report from the Manager, directly to them and avoid the issue of information reports going onto the Committee Work Programme.*