



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

12th May, 2008

Updating of Parks Byelaws

Report of the Corporate Director Regeneration and Culture

1. PURPOSE OF REPORT

- 1.1 To provide an update on the process of updating the existing Parks Byelaws and to seek approval from Cabinet for the formal approval of the new proposed Parks Byelaws, and their subsequent sealing and final public consultation process.

2. SUMMARY

- 2.1 The Parks and Green Spaces Service of the Council have been working on the process of updating the existing Parks Byelaws (Appendix A). The new Byelaws (Appendix B) are based upon the model set of Byelaws provided by the now Department of Communities and Local Government (DCLG).
- 2.2 A draft set of proposed byelaws were subject to initial public and internal consultation that concluded last year. Since then the draft has been under scrutiny by the DCLG. A final draft was agreed by between the DCLG and Leicester City Council's legal service section in February this year.
- 2.3 The final stage in the process of adopting the new Byelaws is for the draft to be formally approved and sealed by Council and held on deposit for one month for public comment. After this period, as long as no major issues are forthcoming the DCLG will approve the byelaws and bring them into force.

3. RECOMMENDATIONS

- 3.1 That Cabinet formally approves the final draft of the proposed Parks Byelaws and that they are then sealed by Council.
- 3.2 The byelaws are advertised by public notice in a newspaper circulating in the local area and held on deposit for a period of one month for public comment.

4. REPORT

- 4.1 The existing Byelaws date from 1958, with a minor amendment in 1971 to add new sites. These Byelaws are outdated in the range of issues they address, the sites they apply to and also their regard to new legislation.
- 4.2 The Council's Parks and Green Spaces Service was instructed by members in 2003 to undertake an updating process to create a new set of Parks Byelaws. The draft byelaws were based upon the model set of Byelaws provided by the then Office of the Deputy Prime Minister.
- 4.3 A public consultation exercise was carried out last year where the draft of the proposed byelaws was made available to the general public, park interest groups and local councillors. There was little response to the consultation and most of this referred to issues outside the remit of the Byelaws.
- 4.4 Since the completion of the consultation, the Department for Communities and Local Government (DCLG), who will confirm the Byelaws, have been scrutinising the draft, although this process has taken a long time, there were in fact only minor changes made, which do not materially alter the content of the draft document consulted upon. The DCLG have now provisionally approved the draft.
- 4.5 The final draft has been circulated to all Members; the only issue raised is that of Model Aircraft. Councillor Dempster is concerned that the Council will be prohibiting the activities of two Model Aircraft Flying Clubs.
- 4.6 Further to legal advice it is now proposed to remove the model aircraft byelaw altogether and continue to control the use of model aircraft through the use of licences.
- 4.7 The process has now reached the stage where it is now necessary for Council to formally resolve to adopt the proposed Byelaws; the Byelaws should then be made under the common seal of the Council.
- 4.8 Following this the notice of the Council's intention to apply for confirmation of the Byelaws must be advertised as a public notice in a newspaper circulating in the area to which the Byelaws apply. They must then be held on deposit by the Council for public scrutiny for 1 month.
- 4.9 Provided that the DCLG receives no objections they will normally confirm the Byelaws and fix a date on which they will become into force; this is usually 1 month after confirmation.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications of this report.

Martin Judson, Head of Resources, extension 7390

5.2 Legal Implications

- 5.2.1 Given the thorough consultation process that the imminent set of byelaws has undergone, there appears little scope for legal implications to arise.
- 5.2.2 Regarding the byelaws generally, their enforcement is expected to be via the Magistrates' court with breaches set at a fine not exceeding Level 2 on the Standard Scale which is currently up to £500.

Satvinder Bal, Legal Services, Tel: 296346

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Model byelaw 2 guidance note – Department of Communities and Local Government
Guidance notes for arrangements - Department of Communities and Local Government
Cabinet Lead Briefing 1st November 2006
Cabinet Lead Briefing 6th March 2007
Cabinet Lead Briefing 12th February 2008

8. CONSULTATIONS

All Councillors
Financial Services
Legal Services

9. REPORT AUTHOR

Geoff Mason
Project and Development Officer
Parks and Green Spaces
T: 0116 291 4485
E: geoff.mason@leicester.gov.uk

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive