

STATEMENT OF REGULATORY IMPACTS OF PROPOSED CHANGES TO BYELAWS FOR RECREATION GROUNDS, PARKS, PLAY AREAS AND OPEN SPACES

Background

1. Narborough Parish Council has had byelaws covering its recreation grounds, parks, play areas and open spaces since 1989. It has decided that it is now time to review those byelaws and bring them up to date. In particular, the Council wants to:
 - make the byelaws less complex and more consistent with modern practice;
 - remove restrictions that are no longer required;
 - reflect changes to the areas owned or controlled by the Council since 1989; and
 - ensure that any byelaws are a robust framework for tackling the unfortunate spates of anti-social behaviour that happen from time to time.
2. The Parish Council sees byelaws as being a last resort. It is not its intention to place unnecessary restrictions on residents. Rather it wants local residents to be able to use and enjoy its facilities for the widest possible range of activities that are consistent with the peaceful enjoyment of others. Where there are problems it will aim to resolve issues through education, dialogue and persuasion before resorting to the application of the byelaws.
3. Whilst there are some minor changes of wording or emphasis that result from using updated wording in the Department of Communities and Local Government's current model byelaws, the most significant changes in the proposed draft byelaws are:
 - An ability to enforce opening times if necessary
 - Provisions to protect Wildlife
 - Banning fires and throwing missiles
 - Restrictions on horse riding to address public concerns
 - Relaxation of restrictions on cycling
 - Restrictions on adults without children in play areas aimed at combating vandalism and protecting children
 - Ability to enforce age restrictions on play equipment
 - Bans on certain high risk sporting activity and the ability to designate areas for ball games to replace provisions

- permitted the Council to restrict activities to specified areas
- Requirement for the Council to consent commercial activities or public events – this has always been a requirement but was not enshrined in the byelaws.
 - Measures to stop excessive noise
 - Ban on the use of metal detectors

Assessment and Statement of Regulatory Impacts

4. In accordance with statutory requirements, the Council has made an assessment of the regulatory impacts of these proposals and will consult local interests. An earlier consultation on a previous draft of the byelaws was undertaken and no responses relating to regulatory impacts were received.
5. On the basis of its own analysis, attached at Annex A, the Council believes that, where additional restrictions or requirements have been proposed, these are both justified and are necessary and, wherever possible, these do not impose additional costs. It has also concluded that the proposed changes to the existing byelaws do not represent a significant increase in regulation when revocations and increased exemptions are taking into account and that any increased burdens are minimal and justifiable in the public interest by helping to reduce anti-social activity and its impacts on the local communities the Council represents and users of these facilities.

ANALYSIS OF IMPACTS OF PROPOSED CHANGES

PROPOSED CHANGE	RATIONALE	IMPACT	ASSESSMENT
Ability To enforce opening times (byelaw 3)	Enabling power that allows Council to regulate hours at which facilities are open to the public	Main negative impact is on the Council itself but measure could help address anti social behaviour	Neutral
Provisions to protect wildlife (byelaw 8)	To address anti social behaviour. (ASB). Omission from previous byelaws	Will help address public concerns about impacts of ASB on wildlife	Positive impact
Banning fires (byelaw 10)	To address anti social behaviour. (ASB). Omission from previous byelaws	Will help address public concerns about impacts of ASB	Positive impact
Banning the throwing of missiles (byelaw 11)	To address anti social behaviour. (ASB). Omission from previous byelaws	Will help address public concerns about impacts of ASB	Positive impact
Restrictions on horse riding (byelaw 14)	To address public concerns about health and safety. Horse riding inappropriate on parks and playgrounds and recreation grounds because of their other uses. Open space at Thorpe Meadows is small and puts other users of site at risk.	Positive in addressing public concerns but small negative impact on the small number of horse riders using open spaces for recreation. Not aware there is any use by commercial stables. Other options (e.g. local bridleways) are available and the impact will be insignificant.	Insignificant negative impact.
Relaxation on restrictions on cycling (byelaw 13)	Introduction of a more flexible approach to change a blanket ban on cycling to one which allows cycling on some sites	Positive decrease in regulation	Significant positive impact

Restriction on over 14s in play areas who are not accompanying children (byelaw 17)	To increase protection for children and make it easier to combat vandalism.	Positive impact in terms of ASB but negative impact in terms of more complex regulation	Insignificant negative impact
Ability to enforce age restrictions on play equipment (byelaw 18)	To provide a safer play environment for children and make it easier to combat vandalism	Positive impact in terms of ASB and safety but negative impact in terms of more complex regulation	Neutral
Bans on certain 'high risk activities' (filed sports, archery and use of hard golf balls) (byelaws 19-24)	Replace existing provisions to enable the Council to designate areas for certain activities with a more permissive approach that allows all but a few high risk activities where there is minimal demand and for the Council to designate areas which may be used for ball games.	Positive impact in that there is a clearer regulatory framework which is expected to command public support. Proposal allows golf with practice (i.e. soft balls) – there is currently an informal ban on golf on some sites. May have a negative impact on a small number of users but alternate facilities are available in the area including at a local golf club within the parish.	Insignificant positive impact
Requirement for the Council to give consent for commercial activities and public events (byelaws 25 and 26)	This is already a policy requirement. Formalisation will allow better enforcement but demand is low. There have been recent issues with traders not seeking consent. Additional legal requirement for traders and event holders. The Council would not intend to charge other than in exceptional circumstances.	Negative impact on traders or those seeking to hold events in a small number of cases.	Minor negative impact

Measures to stop excessive noise	To address anti social behaviour. (ASB). Omission from previous byelaws	Will help address public concerns about impacts of ASB	Positive impact
Ban on the use of metal detectors	To address anti social behaviour. (ASB). Omission from previous byelaws	Will help address public concerns about impacts of ASB	Positive impact
Areas subject to byelaws (schedules)	These are updated to reflect current ownership or control with some areas dropping off. The increase number of areas included is not as great as it first seems as play areas and adjacent parks have been included as separate entries to allow more tailored approaches.	There is a potentially small negative impact for the Police and Council in terms of enforcement (see below) but a positive impact in terms a clearer and more consistent approach on sites owned or controlled by the parish.	Neutral
Enforcement	It will not be the Council's policy to aggressively enforce the byelaws but to apply them sensitively to address extreme or persistent inappropriate behaviour and anti social behaviour.	There will be potential additional burdens on the Council and the Police from the inclusion of additional areas and some new restrictions but these will in large part be offset but a clearer and easier to understand set of byelaws which include sensible exemptions.	Minor negative impact