



**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND SCRUTINY
COMMITTEE: 19 JANUARY 2023**

COUNTRY PARKS BYELAWS

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of report

1. The purpose of this report is to seek the views of the committee on the proposal to update the byelaws for each of the Country Parks and other informal rural recreation areas in the County managed by the County Council.

Policy Framework and Previous Decisions

2. The byelaws were considered by Development Control and Regulatory Board at their meeting on 13th October 2022 and approval was granted to move to consultation on the proposed byelaws.

Background

3. All Country Parks and recreational sites managed by the Country Parks Service are covered by Byelaws introduced in 2003, with the exception of the Brampton Valley Way, Market Harborough (adopted in 1990). A Byelaw is a local law, which is made by a local authority. If there is already legislation covering a matter causing concern then a Byelaw is not normally considered suitable. Since Byelaws create criminal offences they must be confirmed by the Secretary of State before they can come into effect. These Byelaws will be made under Section 41 of the Countryside Act 1968, following procedure laid down in the Local Government Act 1972. By virtue of Article 4 of the County Council's Constitution the final decision will be made by the County Council following the consultation process.
4. In a meeting of the council on 30th September 2020, a motion was passed to:

“Require officers to introduce a condition of contract relating to outdoor events and organised functions on land or property owned and/or controlled by the County Council to prohibit the release of any sky lantern or helium balloons regardless of purpose.”

Proposals/Options

5. It is proposed to revoke the 2003 Byelaws to be replaced with updated Byelaws which fulfil the decision of full council, as well as reflect changes in technology and site usage. No changes will be made to the Brampton Valley Way Byelaws.

6. Officers consider the current Byelaws now need updating so they can cover/address the following issues:
 - a. Inclusion definition of electrically powered cycles;
 - b. Prohibition of use of BBQs and camping stoves;
 - c. Inclusion and prohibition of sky lanterns;
 - d. Inclusion and prohibition of the release of fire works;
 - e. Improved clarity over the use of model boats;
 - f. Inclusion and prohibition of dogs from designated playgrounds and other specified areas;
 - g. Inclusion of dogs on leads areas and dogs on leads by direction;
 - h. Inclusion and clarity of the use of model electric cars;
 - i. Inclusion and clarity of the use model aircraft and drones;
 - j. Inclusion, prohibition and clarity on permission for flyers, graffiti, musical entertainment and firearms.
7. Post the Covid-19 pandemic, the number of visitors using parks, and levels of dog ownership has increased dramatically, as has the reported incidences of anti-social behaviour associated with fires & BBQs, electrically powered cycles, scooters, and the flying of drones. The amendments now being suggested if confirmed will help the Ranger Services in conjunction with the Police, to address these problems more effectively.
8. The Department of Levelling Up Housing and Communities has been consulted informally. Appendix A is the Proposed Byelaws to apply in each Country Park. Appendix B is the schedule of Country Parks.
9. Prior to adoption, the Byelaws must be advertised in local newspapers. Following their confirmation, they will be displayed on site. Standard fines will be introduced for contravention of the Byelaws. Any additional costs will be met from the appropriate Departmental budgets.
10. Following the conclusion of the consultation a further report will be brought back to the Development and Regulatory Control Board to detail next steps.

Consultation

11. The consultation opened on the county council website on 1 December 2023 and is live for 12 weeks. <https://www.leicestershire.gov.uk/have-your-say/current-engagement/your-views-on-byelaws-in-leicestershires-country-parks> Links to the consultation have been posted on corporate social media accounts.
12. A comprehensive list of stakeholder organisations has been created and all will be contacted. This includes local groups using the parks, relevant parish councils and user groups representing key stakeholders affected by the proposed changes.
13. At the DCRB meeting on 13 October 2022, the committee members made the following comments on the proposed byelaws:
 - a. With regards to the definitions in section 1 of the proposed new byelaws, Members noted that there was no definition of Electric Scooters and

questioned whether the wording of the Byelaws was sufficient to make it clear that Electric Scooters were prohibited in the country parks. The Director of Corporate Resources agreed to give this further consideration after the meeting.

- b. Members were also of the view that section 27 of the proposed new byelaws regarding musical entertainment was insufficiently clear and could be interpreted to mean that all music and singing was prohibited. The Director of Corporate Resources agreed to give this further consideration after the meeting.
- c. The Director of Law and Governance informed that the byelaws were based on a model set of byelaws and therefore it was not advisable to move too far away from the model.
- d. In response to a question from a member it was explained that the approach towards enforcing the byelaws in Leicestershire had traditionally been one of collaborating with Leicestershire Police and raising awareness amongst the public in a non-threatening manner rather than taking a strict approach.

Resource Implications

14. There are no resource implications.
15. The Director of Corporate Resources and the Director of Law and Governance have been consulted.

Timetable for Decisions

16. Following on from the public consultation, the Director of Corporate Resources will consult informally with DLUHC, DEFRA, Natural England and other statutory bodies
17. The consultation report will be delivered to Development Control and Regulatory Board (DCRB) at their meeting in May 2023. If DCRB resolve to proceed then a report will be presented to full council in July 2022 recommending the making and sealing of new byelaws, as well as to advertise the making of and to seek confirmation by the Secretary of State of these Byelaws.
18. Notice of the intention to apply for confirmation is given in one or more local newspapers circulating in the area to which the byelaws are to apply and copies are made available for inspection in council offices.

Conclusions

19. Members are asked for the views of the committee on the proposal to update the byelaws for each of the Country Parks and other informal rural recreation areas in the County managed by the County Council.

Background papers

20. Report to Development Control and Regulatory Board on 13 October 2022
<https://politics.leics.gov.uk/documents/s171623/Byelaws%20-%20DCRB%20Report%20October%202022%20Final%20draft.pdf>

Circulation under the Local Issues Alert Procedure

21. None

Equality Implications

22. There are no quantifiable equality implications arising from the recommendations in this report at this point in time.

Human Rights Implications

23. There are no quantifiable human rights implications arising from the recommendations in this report at this point in time.

Appendices

Appendix A - Proposed byelaws

Appendix B - Schedule of Country Parks

Officer(s) to Contact

Richard Hunt – Head of Catering, Hospitality and Country Parks

Telephone: 0116 3059293

Email: richard.hunt@leics.gov.uk