

REPORT OF THE DEVELOPMENT CONTROL AND REGULATORY BOARD

A. LEICESTERSHIRE COUNTY COUNCIL COUNTRY PARKS BYELAWS

Introduction

1. This report seeks approval of the byelaws for each of the Country Parks and other informal rural recreation areas in the County managed by the County Council, subject to advertisement and confirmation from the Secretary of State.

Background

2. 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). No changes will be made to the Brampton Valley Way Byelaws.
3. 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. The delegated function of the Development Control and Regulatory Board includes the consideration of Byelaws. By virtue of Article 4 of the County Council's Constitution the final decision will be made by the County Council.
4. The County Council, at its meeting on 30 September, passed a motion 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.”
5. At the meeting on 13th October 2022 the Development Control and Regulatory Board considered an initial draft of proposed revised byelaws for Country Parks managed by the County Council. At that meeting, the Director of Corporate Resources was authorised to:
 - a. Commence consultation on amending the current byelaws for all country parks;

- b. Consult informally with DLUHC (Department for Levelling Up, Housing and Communities), DEFRA (Department for Food and Rural Affairs), Natural England and other statutory bodies.
6. Furthermore, the Board made various comments regarding the wording of the proposed byelaws, particularly in relation to electric scooters and music and singing.

Results of the Consultation

7. A public consultation on the byelaws ran from 1st December 2022 to 23rd February 2023, hosted on the County Council's website. It was also advertised on social media and on posters around parks. Separately, a comprehensive list of stakeholder organisations were contacted, and they were invited to give comments.
8. Of the 71 responses received, 78% were from Leicestershire and most were visitors to Beacon Hill Country Park.
9. 79% of respondents either tended to agree or strongly agreed with the new revised byelaws. The main comments related to the proposal to permit rangers to introduce areas where dogs must be on a lead, or dogs would be prohibited entirely. On this, respondents were split almost exactly 50/50, with comments ranging from "Dogs on leads at all times please" to "I oppose further imposition of dogs on leads policy". There was little disagreement with the proposal to prohibit barbecues on parks. There was a proposal to include fungi in the list of protected wildlife, which has been accepted, along with a proposal to include protection for geology alongside flora and fauna. Finally, there were comments around the clause on musical entertainment and this has been modified in the current draft.
10. In October 2022 the Board commented that it felt that the byelaws around electric scooters should be further strengthened. However, officers do not believe this is necessary as the byelaws prohibit any "mechanically propelled vehicle". They believe that specifying every possible vehicle would make the byelaws unwieldy and also require frequent updating. The Board also felt that the byelaw on musical entertainment was too severe, and this has been modified in the current draft.
11. DEFRA was approached for comment on the proposed byelaws and has asked that the Council send them a marked-up version with the proposed revisions post-consultation.
12. The County Council received no response from Natural England.
13. The revised byelaws are attached as Appendix A, with changes clearly indicated.

14. The Director of Law and Governance has been consulted on this report and the Byelaws proposed.

Comments of the Environment and Climate Change Overview and Scrutiny Committee

15. The Environment and Climate Change Overview and Scrutiny Committee was consulted on the proposed byelaws on 19 January 2023 and welcomed the proposal to update them.

Resource Implications

16. None.

Equality Implications

17. None that can be quantified at this time.

Human Rights Implications

18. None that can be quantified at this time.

Consideration by the Development Control and Regulatory Board

19. The Development Control and Regulatory Board at its meeting on 22 June 2023 considered the Country Parks byelaws, together with comments made by the Environment and Climate Change Overview and Scrutiny Committee.
20. The Board noted that paragraph 19(1) of the proposed byelaws referred to “a registered blind person” and sought clarification on whether this would result in Assistance Dogs (belonging to persons not registered blind) being prevented from entering or remaining in any of the dog prohibited area(s). In response the Board received reassurances that Assistance Dogs would be covered under paragraph 19(1) where it referred to “reasonable excuse”, and therefore Assistance Dogs would not be prevented from entering the prohibited areas.
21. The Board was also reassured that the amendments to the proposed byelaws would still result in people being prevented from removing the eggs of fish or birds.
22. The decision of the Development Control and Regulatory Board is reflected in the motion below.

(Motion to be moved: -

That the Director of Law and Governance be authorised:

- (a) to make and seal Byelaws as appropriate for each of the Country Parks listed in accordance with the details set out in Appendix A to this report and to revoke all previous byelaws on those sites; and**
- (b) to advertise the making of and to seek confirmation by the Secretary of State of these Byelaws.)**

22 June 2023

**Mr L Phillimore CC
Chairman of the Development
Control and Regulatory Board**

Background Papers

Report to the Development Control and Regulatory Board on 22 June 2023
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=144&MId=7142&Ver=4>

Appendix

Appendix A - Proposed byelaws
Appendix B - Schedule of Country Parks