

Report of	Meeting	Date
Director of Public Protection, Streetscene and Community (Introduced by the Executive Member for Public Protection)	Executive Cabinet	22 October 2015

REVIEW OF OPEN SPACE BYELAWS

PURPOSE OF REPORT

- To seek approval to update the Council's open space byelaws following the consultation to seek views regarding any changes.

RECOMMENDATION(S)

- That approval is given to incorporate the changes to the Council's open space byelaws as detailed in the report.

EXECUTIVE SUMMARY OF REPORT

- The byelaws relating to use of Council owned open spaces have not been reviewed since 2004 (see Appendix 1). On 23rd October 2014 an Executive Cabinet Report granted approval to review the open space byelaws and to undertake consultation to seek views regarding any changes.
- The consultation was undertaken from 20th November 2014 until 14th February 2015.
- The report details the consultation responses together with a response regarding the proposed changes to the open space byelaws.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- It is over 10 years since the byelaws were reviewed and given the changes in open space during this period it is now appropriate to update them.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. Not to update the open space byelaws

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	✓	A strong local economy	
Clean, safe and healthy communities	✓	An ambitious council that does more to meet the needs of residents and the local area	✓

BACKGROUND

9. The byelaws relating to use of Council owned open spaces have not been reviewed since 2004 (see Appendix 1). In October 2014 an exec cabinet report granted approval to review the open space byelaws and to undertake consultation to seek views regarding any changes.
10. The consultation was undertaken from 20th November 2014 until 14th February 2015. It was advertised in the following places -
 - In The Borough,
 - In The know,
 - Council website
 - Press release,
 - Parish Councils,
 - Community centres
 - Sports clubs
 - Astley Advisory Group
 - Yarrow Valley Advisory Group
 - Chorley Allotments Society
 - Time Credits
 - LCC
 - EA,
 - LWT
 - Cuerden Valley Trust

CONSULTATION RESPONSE

11. There was a total of 29 consultation responses
12. 38% of respondents were happy with the existing by-laws and 62% thought that they should be updated.
13. 45% of respondents thought that new by-laws should be added.
14. The table below highlights the areas proposed to be changed, updated or removed by respondents together with the Council's response.

Issue highlighted to be changed, updated or removed.	Council Response
<p>Part 2. - 4. 7. Protection of Wildlife. Add into this section that Dogs should be in leads in wildlife areas.</p> <p>Part 5. Dogs should be kept out of waterways.</p>	<p>This is already covered under separate legislation.</p> <p>This will be considered further.</p>
<p>Regarding dog fouling, dogs barking and intimidating members of the public, disturbing wildlife. Owners should be prosecuted.</p>	<p>This is covered under the Chorley Council Dog Control Orders and a new byelaw would not be appropriate - see Appendix 2.</p>
<p>Dogs should be kept on leads in small public open spaces and parks</p>	<p>This is covered under the Chorley Council Dog Control Orders and a new byelaw would not be appropriate - see Appendix 2.</p>
<p>Clause 25 – Archery. Chorley Council are in the process of formally leasing out Wigan Lane Playing Fields to Chorley Bowmen. This will be by licence agreement. Should the clause be updated to expand on current archery use in the Borough?</p>	<p>Clause to be changed to include ‘except with prior consent of the Council on land set aside for the purpose’</p>
<p>Clause 46 Metal Detectors– Chorley Bowmen use a metal detector at Wigan Lane Playing Fields for safety purposes to find lost arrows.</p>	<p>The lease agreement will reflect this consent.</p>
<p>Clause 21 – Skateboarding etc. Rollerblading, scooting, staking is a popular sport and a valuable means of exercise. It should not be restricted in public areas, however users should be minded to behave responsibly.</p>	<p>This will be considered further.</p>
<p>Clause 16 - Motor vehicles. Call for an exception to be made to the current ban of motorcycle use on Chorley Council land to include motorcycle trials and quad bikes. All forms of motorcycling are currently treated in the same way i.e. by prohibition. I would like Chorley Council to make allowances and seek recognition for responsible and managed motorcycle sport in new bye-laws and also set aside a designated area where this sport can take place. Trails motorcycling to be seen as an acceptable sport. Allow organised motorcycle sporting events on Council land with prior consent.</p>	<p>Bye-laws to be changed to include permission for motorcycles on Council land subject to prior approval from Chorley Council.</p>
<p>Clause 14 Horses, 15 Cycling, 16 Motor vehicles, 17 Overnight parking, 21 Skateboarding, 30 Bathing, 13 Ice Skating, 32 Model Boats. Update to allow for organised and approved sporting activities under lease agreement of a club organisation to carry out these activities where agreeable. Add “unless with the consent of the Council”</p>	<p>Clause to be changed to include ‘except with prior consent of the Council’</p>
<p>Clause 14 –Horses. Horses are currently forbidden to use open spaces. Often there are no bridleways locally and riders are</p>	<p>This will be considered further.</p>

forced to use busy roads when safe routes through open spaces would be more appropriate.	
Part 6 Model Aircraft – to allow for UAV/Drone use without express consent from the Council but within CAA guidelines, possibly with time limits added. See Appendix 3 for CAA guidelines.	There is a call from the House of Lords to make it compulsory to register all commercial and civilian drones amid growing concern over the use of drones by private individuals with limited knowledge of aviation rules. Use of drones to record images of other people without their consent could be considered as a breach of the Data Protection Act. Anyone using a drone for commercial use needs permission from the Civil Aviation Authority (CAA). Drones will only be allowed on Council owned land with prior consent.
At leased sporting venues there should be the option to sell / consume alcohol with a license.	Will be considered on a case by case basis.
Clause 10 – Fires. Could the Council's stance on BBQ in POS be made clearer?	The byelaws will be updated to all fires in POS including BBQs.
Clause 19 – Children's Play Areas. Should the age limit be changed to 16?	Age limit to be changed to 16 (unless accompanying children)
Schedule 3 – Byelaw 39 needs to be updated to reflect the new days and times.	Byelaws will be updated accordingly.
Schedule 1 – Lists of Grounds needs to be updated using data from Play, Open Space and Playing Pitch Strategy	List to be updated and further categories given to Nature Reserves, Allotments, Cemeteries, Open Spaces. See Appendix 4.

IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

16. There are no direct financial implications arising from the review of the Council's open space byelaws.

COMMENTS OF THE MONITORING OFFICER

17. The procedure for revoking or making bye-laws is contained within the Local Government Act 1972 as amended and consideration should be given to ensure this is correctly followed.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jamie Dixon	5250	29-09-2015	EC Byelaws review 22-10-2015