

REGULATORY COMMITTEE

12 July 2019

*Held at Council Chamber, Elizabeth House, Church Street, Stratford-upon-Avon
Meeting commenced: 09:30am Meeting ended: 10:30am*

MINUTES

Present: Councillor Christopher Mills (Chairman), Councillors J Feilding, D Curtis, B Fleming, G Forman, J Fradgley, A Parry and I Shenton

Apologies: Councillors P Richards and N Rock

126. Disclosure of Interests

There were no disclosures of interest.

127. Public Participation (Questions by the Public)

There were no questions received.

128. Councillor Questions

There were no items received.

129. Review of Byelaws for Bancroft Gardens, Recreation Ground and the Tramway, Stratford-upon-Avon

Consideration was given to a report seeking approval of the Committee with regard to the first stage of a byelaw consultation process encompassing the Bancroft Gardens, The Tramway and the Recreation Ground into a combined new byelaw and thereby revoking all existing byelaws for those particular areas.

The Head of Technical and Community Services ("HOTCS") addressed the meeting to advise that the review of the pleasure ground, public walk and open space byelaws came about following the use of the Bancroft Gardens by motorcyclists. This had highlighted that the byelaws for the aforementioned areas were outdated and in need of review.

He further advised that the draft byelaw, proposed to replace existing byelaws on the Bancroft, The Tramway and Recreation Ground, was based on the model byelaws as provided by the Ministry of Housing, Communities and Local Government ("MHCLG") that related to the use of a pleasure ground, public walk and open spaces however with amendments that were considered applicable to the use of those grounds.

HOTCS advised that if the members were happy to accept the draft byelaw proposed, or a draft byelaw subject to amendments, officers could proceed with the process set out in the Legal Implications section of the report before it referred the formal request to the MHCLG for approval.

Members were then given an update by the legal officer at the meeting following receipt of an informal response from the MHCLG with regard to certain provisions of the draft byelaw which the latter received as part of a consultation process (as required by MHCLG guidelines). The legal officer confirmed, following assessment of the points raised by the MHCLG, that the Pollution provision (provision 34 of the draft byelaw) was covered by environmental

legislation therefore advised that that particular provision should be removed from the draft byelaw, and further advised that the Yarn Bombing definition (provision 4) and Mooring (provision 33) required further investigation as to whether those particular matters were covered by other forms of legislation and therefore were not required as part of the draft byelaw. Three other points highlighted by the MHCLG, namely Opening Times (provision 3), Cricket (provision 23) and Kites (provision 40), were clarified by the legal officer as being points of clarification relevant to those particular parts of the grounds, to which MHCLG expressed no further issue.

Members were then invited to assess the draft byelaw, with clarification of the draft byelaw provisions provided by the HOTCS and legal officer, as a first step in the consultation process. Note a request was made by Cllr Fradgely that all open spaces in the ownership of the District Council or even parish councils be subject to a suitable model byelaw however for the purposes of pleasure grounds applicable to this report that request would be considered once this process had been completed.

Having considered the report and the draft byelaw and statements made by the HOTCS and legal officer at the meeting, a motion to proceed in accordance with the process set out in the Legal Implications section of the report as detailed in the report, was proposed by Councillor Fradgley and seconded by Councillor Parry.

Thereafter, by a unanimous vote, it was

RESOLVED:

That the process proceeds under the Legal Implications section of the report WITH amendments to the draft byelaw in respect of:

- the deletion of provision 34; and
- further investigation of provision 4 and 33 as to their inclusion in the draft byelaw (subject to approval of the Chair of Regulatory Committee).

130. Urgent Business

There were no items of urgent business.

CHAIRMAN