

The Cabinet - 5 November 2018: Item 9

Minute 429 - Motorcycle Parking on land owned by the Council at Bancroft Gardens, Waterside, Stratford-upon-Avon

Councillor Mike Brain – Services for the Community Portfolio

The Cabinet was presented with a report following a recent complaint that was upheld through the Council's complaint process relating to the gathering of motorcycles on land owned by the Council at Bancroft Gardens, Waterside.

At the invitation of The Leader, The Cabinet was addressed by Patrick McCullagh in support of the gathering of motorcycles at Waterside.

Historically, motorcycles parked on Waterside, until in 2002 a dedicated parking area was created alongside Bridgeway car park.

Subsequent to the renovation of Bancroft Gardens in 2009, an enforcement contract was put in place to prevent motorcycles parking on the Bancroft paving. Land at Bancroft Gardens was privately owned and therefore falls outside the off-street parking places order and is not covered by parking regulations enforcement. Since 2009, following the initial success of the enforcement action contract, it had not been cost effective to continue with this arrangement and consequently, it had come to the Council's attention that significant numbers of motorcyclists were gathering on Wednesday evenings on the Council's land at Waterside.

Byelaws at Bancroft Gardens were established in 1901 and although dated remain valid and are explicit in stating that all vehicles are prohibited to go on to the land. A request from representatives of the motorcycle community to the Council in October 2009 sought permission to gather and park on the Waterside paved area. The request was denied by The Cabinet at their meeting in December 2009 as it was considered, at the time, that to amend the Byelaws would be an extensive and complicated process. However, having reviewed the situation, it was not clear that, although made in good faith, The Cabinet had the authority to make this decision, as it was not an executive function and, under the Council's Constitution, it was a matter reserved for Council to decide.

Whilst it was acknowledged that the decision should be a Council function, it was however appropriate for The Cabinet to express its view, in a consultative position, in relation to considering a process under which a review could be undertaken resulting in Byelaws more appropriate to the current environment.

In considering the report, The Cabinet acknowledged the historic arrangements to the parking of motorcycles at Bancroft Gardens and the enjoyment the parked motorcycles gave to members of the public.

Accordingly, it was

RESOLVED

- 1) That Council be requested to review the byelaws for the Bancroft Gardens; and,
- 2) To express the view to Council that organised motorcycle gatherings on Council-owned land referred to as "Waterside" in the report be supported.

Consideration was given to the recommendation from The Cabinet as contained in Minute 429 of its meeting held on 5 November 2018 relating to the review of Byelaws for Bancroft Gardens, Stratford-upon-Avon.

In considering the report Members considered that the responsibility to amend, revoke, re-enact and enforce byelaws should rest with the Council.

Following a proposal by Councillor Pemberton which was seconded by Councillor Vaudry, it was

RESOLVED:

- (1) That the Terms of Reference for the Regulatory Committee be amended to allow it to make, amend, revoke, re-enact and enforce, in relation to all byelaws, subject to ratification by full Council: and
- (2) That subject to the above, the review of byelaws for the Bancroft Gardens be delegated to the Regulatory Committee.