

Regulatory Committee
28 January 2022

Title: The proposed byelaw for Bancroft Gardens, The Tramway and the Recreation Ground

Lead Officer: Julie Lewis (01789 267575)

Portfolio Holder: Councillor I Shenton

Ward of the District directly affected: Contained within Bridgetown Ward but subject to wider general public use

Summary

By resolution on 12 July 2019, the Regulatory Committee resolved that the process under the Legal Implications section outlined in the agenda report (Minute 129 2019/20 refers) could proceed.

As part of the process, a public consultation exercise was undertaken. The aim of the consultation was to seek the views of relevant users and the wider public of the Council's proposal to encompass Bancroft Gardens, The Tramway and the Recreation Ground byelaws under one byelaw (based on Government model byelaws), as the areas are effectively managed as one overall pleasure ground.

Following the assessment of the consultation exercise, in conjunction with the proposed byelaw, two new insertions and twelve amendments are proposed. Before submitting the proposed byelaw to the Secretary of State for Levelling Up, Housing and Communities ("the SoS") for leave to make the byelaw, the Council therefore wishes to seek final approval from the Regulatory Committee of the amended proposed byelaw.

Recommendation

That the Regulatory Committee approves the amended proposed byelaw for Bancroft Gardens, The Tramway and the Recreation Ground to enable the Council to forward the byelaw proposal to the SoS, for leave to permit the Council to make the byelaw.

1 Background/Information

- 1.1 Under Regulation 6 of The Byelaws (Alternative procedure) (England) Regulations 2016 ("the Regulations"), the Council may apply to the SoS for approval of a scheme, which has been prepared in accordance with Regulation 5 of the Regulations, with regard to seeking leave for the Council to make the byelaw.
- 1.2 An application must include:
- the proposed byelaw (**Appendix 1**), including the Plan (**Appendix 2**);
 - the Statement of Regulatory Burden (**Appendix 4**), which includes the Council's comments to the consultation responses (**Appendix 3**); and
 - A report under Regulation 6 (**Appendix 5**).

- 1.3 The Statement of Regulatory Burden (**Appendix 4**) sets out the Background, Consultation, the Regulatory Assessment, the Conclusion and an Equality Act 2010 Assessment for Members to assess the contents of this report.
- 1.4 In accordance with Regulation 5(4)(b)and(c), the Council must publicise the Statement on its website and further publicise in such manner as it considers is likely to bring the Statement to the attention of persons who live in its area or, may otherwise be affected.

2 Options available to the Regulatory Committee

- 2.1 To approve the proposed byelaw to enable it to be submitted to the SoS, for leave to permit the Council to make the byelaw.
- 2.2 To approve the proposed byelaw, subject to modifications, to enable it to be submitted to the SoS, for leave to permit the Council to make the byelaw.
- 2.3 Reject the proposed byelaw.

3 Consultation and Members' comments

- 3.1 Not applicable.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 Regulation 7 of the Regulations states that with the submission of a proposed byelaw to the SoS, the SoS must respond in writing, to an application made in accordance with Regulation 6 (namely the proposed byelaw and associated appendices within this report), during the period of 30 days beginning with the date of which such an application was submitted to the SoS.
- 4.1.2 In issuing a response under Regulation 7, the SoS may (a) give the Council leave to make the byelaw,(b) send an acknowledgement to the Council stating that the SoS will issue a substantive response as soon as practicable, or (c) refuse to give leave to the Council to make the byelaw.
- 4.1.3 Regulation 8 refers to the publication and receipt of written representations by the public, of the byelaw, should the SoS give leave to make the proposal and the Council decides to make the byelaw.
- 4.1.4 Regulation 9 refers to the consideration of written representations received within the period specified under Regulation 8.
- 4.1.5 Regulation 10 refers to the decision to make the byelaw, with Regulations 11 and 12 referring to sealing and publicity of the byelaw respectively.
- 4.1.6 Note: Regulations 8 to 12 will be expanded on in further Committee reports.

4.2 Financial

- 4.2.1 There will be modest costs in the exercise of reviewing the existing and proposed byelaw. This is not, however, expected to be significant and will be accommodated with existing budgets.
- 4.2.2 When the review of the byelaws is complete, there may be a resourcing issue with regard to the enforcement of the byelaw. As the proposed byelaw is generally replicating current management control on the said areas, however, it is considered that this may be of a minimal cost, if any.

4.3 **Council Plan**

- 4.3.1 The proposed byelaw meets a number of objectives such as, enhancing Stratford-upon-Avon as a place and putting residents and communities centre stage.

4.4 **Environmental**

- 4.4.1 As the proposed byelaw is more relevant to modern social practice, this should improve the environment in and around the areas.

4.5 **Analysis of the effects on Equality**

- 4.5.1 The proposed byelaw is more reflective of a modern society and should have a positive effect on equality.

4.6 **Data Protection**

- 4.6.1 There are no data protection implications and a data protection impact assessment is, therefore, not required.

4.7 **Health and Wellbeing**

- 4.7.1 The proposed byelaw is for the effective management of a pleasure ground, open space and walk to enable all to use the three grounds for the purposes of health and wellbeing.

5 Risk Assessment

- 5.1 The byelaws for Bancroft Gardens, The Tramway and the Recreation Ground need to be updated, to ensure the effective management of these areas.

6 Conclusion

- 6.1 Members are invited to assess the proposed byelaw for Bancroft Gardens, The Tramway and the Recreation Ground to ascertain whether it is proportionate for the management of the three areas and, if in agreement, approve referral to the SoS for leave to permit the Council to make the byelaw.

Background papers: None

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