

Regulatory Committee**24 June 2022**

Title: **Proposed byelaw for The Bancroft Gardens,
The Tramway and The Recreation Ground**

Lead Officer: **Julie Lewis (01789 267575)/Macer Nash
(01789 260206)**

**Portfolio Holder/
Lead Member:** **Councillor I Shenton**

Summary

At its meeting held on 28 January 2022, the Regulatory Committee resolved that the proposed byelaw be approved and referred to the Secretary of State for Levelling Up, Housing and Communities (SOS) for leave to permit the Council to make the byelaw.

The SOS duly gave leave to the Council, without any modification, to make the proposed byelaw.

The Regulatory Committee must now decide whether it intends to make the proposed byelaw and if so, publish notice of the proposal giving 28 days from the notice for any written representations to be made by the general public.

Recommendation to the Regulatory Committee

That the Regulatory Committee give approval of its intention to make the proposed byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground and publicise the proposal, giving 28 days from the notice for any written representations to be made by the general public; and

Recommendation to Council

Subject to no adverse comments being received from the written representations process, that the proposed byelaw be approved.

1 Background

- 1.1 At its meeting held on 28 January 2022, the Regulatory Committee resolved (*Minute 526 2021/22 refers*) that the proposed byelaw be approved and referred to the SOS for leave to permit the Council to make the proposed byelaw.
- 1.2 In accordance with Regulation 6 of The Byelaws (Alternative procedure) (England) Regulations 2016 ("the Regulations"), the Council applied to the SOS for such leave on 11 February 2022.

- 1.3 In accordance with Regulation 7(2)(a) the SOS, by way of letter dated 11 May 2022 (**Appendix 1**), gave leave to the Council to make the proposed byelaw. The SOS's involvement in the making of the proposed byelaw has now ceased.
- 1.4 In accordance with Regulation 8 of the Regulations, as the Council has satisfied the requirements of Regulations 5 and 6, and the SOS has given leave to make the proposed byelaw under Regulation 7 (the aforementioned being under the Regulations), the Regulatory Committee must now decide whether it intends to make the proposed byelaw.
- 1.5 If the Regulatory Committee intends to make the byelaw, that intention must be published on the Council's website and in one or more local newspapers circulating in the area where the byelaw will apply, to permit any written representations to be made by the general public, giving not less than 28 days to do so, from the date of publication.
- 1.6 Regulations 9 to 12 of the Regulations, in respect of the final byelaw process, to be considered by a further relevant Council Committee, are set out in the Legal/Human Rights Implications section to this report.
- 1.7 If there are no adverse comments received in the written representations process, then the byelaw can be submitted to Full Council for final approval.

2 Options available to the Regulatory Committee

- 2.1 To give intention to make the proposed byelaw.
- 2.2 To refuse to make 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 In accordance with Regulation 9 of the Regulations, where the Council receives any written representations within the period specified in the notice published under Regulation 8 of the Regulations, it must consider them before making any decision in accordance with Regulation 10 of the Regulations.
- 4.1.2 In accordance with Regulation 10 of the Regulations, no later than six months after the expiration of the period specified in the notice published under Regulation 8, the Council must decide (a) to make the proposed byelaw without modification or (b) make the proposed byelaw with minor modification or (c) not to make the proposed byelaw.
- 4.1.3 Regulations 11 and 12 of the Regulations refer to sealing and publicity of the byelaw respectively and 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 within 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 proposed 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 vicinity of the proposed byelaw area.

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

6 **Conclusion**

6.1 At its meeting held on 28 January 2022, the Regulatory Committee resolved to approve the proposed byelaw and refer to the SOS for leave to be given to make the same. Following approval by the SOS, the next stage of the process is for the Regulatory Committee to give intention to make the proposed byelaw, and if so, seek further representations from the general public, before formal submission to Full Council to make the proposed byelaw.

Julie Lewis

HEAD OF COMMUNITY AND OPERATIONAL SERVICES

Background papers:

None

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