

Statement outlining the Regulatory Assessment of New Proposed Byelaws

This statement outlines the Town Council regulatory assessment of the new proposed byelaws for the Parks and Open Spaces. These byelaws will be made under Public Health Act 1875 (c.55). If confirmed, existing byelaws will be revoked as prescribed under Local Government Act 1972 (c.70).

Identification of the objective the new byelaws seek to achieve

To ensure the enjoyment and safety of those who make use of parks and open spaces within Thorpe St Andrew, the council and its partners have a duty to ensure they have the ability to tackle nuisance and other anti-social behaviour that adversely affects the enjoyment of these sites.

Thorpe St Andrew has 3 open spaces which are subject to byelaws, some of which date from 1921. The current byelaws do not cover all types of anti-social and nuisance behaviour that are reported. A new set of cohesive and universal byelaws would replace these and apply to additional areas of open space which have come under Town Council ownership since the current byelaws were passed.

Identification of any alternative means of securing the objective intended to be secured by the proposed byelaws; and

Whether the objective intended to be secured by the proposed byelaws could be satisfactorily controlled by alternative means.

The Town Council has held longstanding consultations with residents and other interested organisations regarding the proposed changes to the existing byelaws.

In considering the proposed changes, the Town Council has reviewed relevant changes to legislation which aims to tackle anti-social and nuisance behaviour.

It was found that provisions allowed through the Anti-Social Behaviour, Crime and Policing Act 2014 specifically exempt Town and Parish Councils, and therefore specific measures to tackle anti-social and nuisance behaviour are required.

Further consideration of powers for Town Councils to act both independently and under authority of the District Council through Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, The Dog Control Orders Regulations 2006 and Environmental Offences Regulations 2007 have all been considered. The issues addressed by the byelaws cannot be secured by the existing legislation.

The enforcement of persistent nuisance requires ongoing monitoring of each instance of nuisance behaviour before other interventions can take effect, whereas the controls envisaged through the byelaws can be enforced promptly, with anyone breaching the byelaws being removed immediately. Furthermore, Thorpe St Andrew has seen the number of officers within local enforcement agencies routinely patrolling the area reduce in recent years. The imposition of new byelaws will empower the community to resolve local issues without the need for other local enforcement bodies to be present to do so.

The impact of the proposed byelaws on all persons potentially affected by them; and

Whether the result of the proposed byelaws would increase or lessen the regulatory burden on persons potentially affected by them

The Town Council has undertaken significant consultation with relevant organisations, park users and residents. This has been through direct consultation with relevant organisations and through seeking the views of residents by publicising the new proposed byelaws through an advert in the local regional newspaper, an article in the newsletter delivered to every residence in Thorpe St Andrew, displays in our 10 noticeboards throughout the town, inclusion on the agenda of public meetings and through social media. During a formal consultation which was widely promoted in November and December 2015 no submissions or comments on the byelaws were received. The following comments on the new byelaws were received through direct consultation with relevant organisations:

- “no comments or concerns” –Norwich Bystanders Cricket Club

- "I was under the impression that the new byelaws would include a section on dog use, to take into consideration public concerns raised through recent consultations. Not sure if I've missed it or it's not there" – Friends of Thorpe St Andrew Parks
- "I have looked through the byelaws and agree that it is time they were updated. It would be great if people could be stopped from playing in the goal areas often with bikes" – Thorpe Village FC

The Broads Authority gave the following comments:

- Abandoned and sunk vessels, there appears to be no provision to deal with these at the moment. There is reference to removing vessels for essential works etc but no specific reference to lifting and disposing of wrecks.
- Contacting owners. Lack of owner's details and no mechanism to make owners declare ownership can, as we have found out, be a barrier to dealing with problem boats.
- Zoning areas for the mooring of dinghies and for angling. These have both been problems and the current situation is far from satisfactory as there is no mechanism to deal with it. Including this in the byelaws will make it much easier to deal with.

Other directly contacted consultees including Broadland District Council, Norwich Boot Camp, Thorpe Rovers FC, St Andrews Cricket Club, Thorpe Utd Ladies and Girls FC, Norwich Canaries Football Club, Thorpe St Andrew Kite Flyers, the Tree Wardens and Thorpe Recreation Bowls Club gave no comments.

Prior to the formal consultation, the following was received:

- "it will be down to the Thorpe St Andrew Town Council to redraft and beef up the existing byelaws(s) in a way which gives the Council sufficient "clout" ...we would like to express our continuing concern and hope that the Council will consider strengthening their position and ability (with appropriately amended byelaws) to stop any further erosion to this magnificent facility" [in reference to River Green] – local resident

In response to the request for byelaws to cover dog use the consultee was advised of the existing legislation which covers this issue which cannot be replicated within byelaws. In response to the consultee comment regarding use of the goal mouths it was advised that greater signage and education would be more suitable to cover this issue than inclusion within new byelaws.

The Broads Authority suggestions have been included within the byelaws as they reflect the current byelaws currently in place by the Broads Authority for River Green. Therefore this will be a continuation of the status quo.

The new byelaws would allow authorised officers both within the Police (specifically our Safer Neighbourhood Team) and authorised Town Council officers to take enforcement action against any person who contravenes the byelaws. The council would empower officers who have received appropriate training and the enforcement would be undertaken in a proportionate, reasonable and justifiable manner.

It is envisaged that the new byelaws would suit alongside other powers including those to issue Fixed Penalty Notices, and compliment the work of partner agencies. The approach of the Town Council is to ensure that robust enforcement will curtail and prevent the negative effects of anti-social and nuisance behaviour and in doing so protect the enjoyment of users of our open spaces.

As has been the case with the existing byelaws, the Town Council recognises the significant impact a criminal record would have on any individual prosecuted under the byelaws. This concern is balanced against the reassurance for families and users of our open spaces that sufficient enforcement is in place to tackle any behaviour which is anti-social or is considered a nuisance. Furthermore, the current byelaws on River green are prohibitive of activities such as mooring on quayheading and public speaking and by removing these requirements in place of those which reflect current usage the byelaws, the Council will be reducing the regulatory burden. The proposed byelaws relating to this and other sites are taken from set 2 of the Department for Communities and Local Government model byelaws.

How the alternative means and the proposed byelaws compare with doing nothing at all

The Town Council has a statutory responsibility to consider the safety and general well-being of both residents and casual users of its parks and open spaces. The existing byelaws cover land which have subsequently been exchanged and used for housing, whereas other areas are not covered by any byelaws. This has created an unsuitable patchwork of enforceable sites which have suffered from vandalism and nuisance behaviour which in most instances cannot be tackled using existing powers. There has been public frustration about the inability to enforce existing byelaws on these sites, and confusion relating to separate byelaws covering each of the separate parks. If the Council were to do nothing it would be in breach of its duty of care to residents and be counter to responsibilities placed on this authority under s.17 of the Crime and Disorder Act 1998 which requires the Council "to do all it reasonably can to prevent, crime and disorder in its area". In doing nothing it would further be allowing a proliferation of anti-social and nuisance behaviour by relying on other enforcement agencies who have insufficient resources to provide a daily presence on our parks and open spaces. In addition to this, the Town Council would also be disempowering the local community in tackling and solving local issues.