



**Report Reference Number: C/18/03**

---

**To: Council**  
**Date: 17 July 2018**  
**Status: Non Key Decision**  
**Ward(s) Affected: Selby East and Selby West**  
**Author: Aimi Brookes, Contracts Team Leader and Jade Reynolds, Solicitor / Legal Officer**  
**Lead Executive Member: Cllr Chris Pearson, Executive Lead Member for Housing, Health and Culture**  
**Lead Officer: Julie Slatter, Director of Corporate Services and Commissioning**

---

**Title: Review of Byelaws for Pleasure Grounds, Public Walks and Open Spaces**

**Summary:**

The Regulation of Pleasure Ground byelaws were adopted for Selby Park in 1899 and amended in 1925 to include four other sites (Selby Recreation Ground, Leeds Road Recreation Ground, East Common Recreation Ground and Scott Road Recreation Ground). The byelaws are outdated and we have been through a prescriptive legal process to update them to ensure they reflect how we currently use our open spaces.

The Council has chosen to use a set of model byelaws titled "Model Byelaws 2: Byelaws for Pleasure Grounds, Public Walks and Open Spaces", as published by the Department of Communities and Local Government (DCLG).

The new Byelaws will cover the existing four sites:

- Selby Park, Park Street, Selby, YO8 4PW
- Leeds Road Recreation Ground, Leeds Road, Selby, YO8 4JQ
- Portholme Road Recreation Ground, Portholme Road, Selby, YO8 4HQ
- Denison Road Recreation Ground, Denison Road, Selby, YO8 8AN

The purpose of this report is to set out the proposed byelaws for discussion and formal adoption at Full Council.

**Recommendations:**

- i. **To approve and adopt the new set of Byelaws for Pleasure Grounds, Public Walks and Open Spaces.**

- ii. **To revoke the existing Byelaws adopted by the Council in 1899, including the amendment on 21 January 1925, upon the new Byelaws coming into effect.**

## **Reasons for recommendation**

To ensure that the Council has byelaws in place which are fit for purpose and reflect how the parks are currently used.

### **1. Introduction and background**

- 1.1 Selby has a number of public open spaces that directly act as a leisure facility. Over time, the way these open spaces are used has changed. The Council wants to be able to manage the open spaces in a way that meets the diverse needs of users and encourages residents and visitors to use its open spaces responsibly.
- 1.2 The existing byelaws are outdated and do not correspond with how Selby's residents and visitors are now using or wish to use the open spaces.

### **2. The Report**

- 2.1 Byelaws are local laws set by Local Authorities (and certain other public bodies) which are designed to deal with local issues. Generally, byelaws prohibit certain behaviours in a specific location, where it may cause a nuisance to others.
- 2.2 Byelaws are accompanied by a sanction or penalty for non-compliance and if validly made, breach of a byelaw can attract an offence which can be prosecuted in the Magistrates Courts.
- 2.3 Whilst Local Authorities can draft byelaws they are currently subject to the approval of the Secretary of State (SoS) before they can come into effect. The rationale for this is that byelaws create criminal offences and should therefore be subject to scrutiny by central government.
- 2.4 The Council has an existing set of byelaws covering the use of 'pleasure grounds' (parks and open spaces). The byelaws were first adopted by the Urban District Council of Selby on 11th October 1899 and initially just covered Selby Park. The byelaws were extended on 21st January 1925 to include Selby Recreation Ground (now known as Portholme Road Recreation Ground, Leeds Road Recreation Ground, East Common Recreation Ground (now known as Denison Road Recreation Ground) and Scott Road Recreation Ground (now owned by Selby Community Trust and so not included in the proposed byelaws). The byelaws are outdated and difficult to understand due to the archaic language they are written in. The Council wishes to update them to ensure they are clear and fit for purpose.

- 2.5 The Council has chosen to use a set of model byelaws developed by the DCLG. As the legality of each of the byelaws in the model set has been reviewed by DCLG, their use is effectively a fast track approval process which minimise the potential challenges that bespoke byelaws may raise.

### The Procedure for Adopting the Model Set of Byelaws

- 2.6 There is a prescriptive process that the Council needs to follow in order to make a new set of byelaws and a summary of the steps we have undertaken / will undertake is listed below:-

- Assessment and preparation of draft byelaws
- Public consultation / analysis of feedback
- Executive approval to make the application to the SoS
- Application to SoS
- Publication of proposals / consideration of representations
- Decision to adopt the new byelaws and revoke the existing byelaws – to be made at Full Council
- \*Making the new byelaw
- \*Publicity

\*Subject to approval from Full Council

- 2.7 An initial application was made to the SoS in 2016. This application was refused. We believe that the reason for the refusal to approve the proposed byelaws was due to three small amendments that we had made to the model set.

- 2.8 The model set of byelaws are still relatively new and other LA's have had similar problems with applications as the SoS decides what they will and will not accept.

- 2.9 Following discussions with the Executive Member for Housing, Leisure, Health and Culture it was agreed to submit a second application removing the above amendments. This was done in November 2017,

### Consultations

- 2.10 Public consultations were held prior to the submission of each application to the SoS.

- 2.11 Following the first consultation 17 consultation responses were received in total. Some of the comments received related to the lack of reference to drug and alcohol misuse, dog fouling and the use of drones.

- 2.12 14 consultation responses were received following the second consultation. Some of the comments received related to the lack of reference to dog fouling, the use of drones, noise from remote controlled cars and restricting football in picnic areas.

2.13 No amendments were made to the proposed byelaws as a result of either consultation, for the following reasons:

- The byelaws do not include issues such as drug and alcohol misuse and dog fouling as there is already sufficient legislation that covers this.
- The proposed byelaws already include a restriction on the use of drones, restrictions on ‘...any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground...’ and ball games will only be allowed in designated areas.

### SoS Approval and Policy Review Committee

2.14 On 9 February 2018 we received formal notification from the SoS that our application had been approved and the Council gave notice of its intention to adopt new byelaws on 22 February 2018.

2.15 The Council received one response to this notice relating to dogs and dog fouling. The byelaws do not include issues such as dog fouling as there is already sufficient legislation that covers this.

2.16 On 17 April a report was taken to Policy Review to provide them with the assurance that the prescribed legal process has been followed (including public consultation), thereby mitigating the risk of a challenge to any future enforcement activity. At this meeting, Policy Review endorsed the referral of the revised park byelaws to Council for formal adoption.

2.16 The proposed byelaws are now being brought before Council for adoption.

## **3. Consultation**

3.1 See sections 2.10 to 2.13

## **4. Implications**

### **4.1 Legal Implications**

4.1.1 A general power for making byelaws is set out in the Local Government Act 1972. There are other statutory powers to make byelaws on specific matters. In this instance, the Council is making the byelaws under sections 12 and 15 of The Open Spaces Act 1906 and Section 164 of the Public Health Act (1875).

4.1.2 Whilst Local Authorities can draft byelaws they are currently subject to the approval of the Secretary of State.

4.1.3 The Council has followed the procedure for the adoption of the model set of byelaws as specified in The Byelaws (Alternative Procedure) Regulations 2016.

## **4.2 Financial Implications**

4.2.1 None

## **4.3 Policy and Risk Implications**

4.3.1 The current byelaws do not reflect how our parks and open spaces are currently used. If they were to remain unchanged this would limit the Councils ability to improve these areas and meet customer expectations.

## **4.4 Corporate Plan Implications**

4.4.1 The review of the existing byelaws supports the Councils Corporate Plan priority 'to enjoy life' by ensuring its parks and open spaces are accessible to everyone.

## **4.5 Resource Implications**

4.5.1 None

## **4.6 Other Implications**

*N/A*

## **4.7 Equalities Impact Assessment**

4.7.1 Due consideration has been given to equality, diversity and community issues, and a screening document has been completed.

4.7.2 The existing byelaws do not allow the use of mobility scooters and similar motorised vehicles in some of our parks and open spaces. The screening acknowledges that the new byelaws will address this issue allowing all residents to have access to these sites.

## **5. Conclusion**

5.1 The existing byelaws are outdated and in need of review. The proposed model byelaws are designed to ensure that the Councils parks and open spaces can be enjoyed safely by all users and so that appropriate enforcement action can be taken where necessary.

## **6. Background Documents**

*None*

## **7. Appendices**

Appendix A Existing byelaws

Appendix B Proposed model byelaws

Appendix C Summary of changes between existing and proposed byelaws

**Contact Officers:**

Aimi Brookes, Contracts Team Leader  
abrookes@selby.gov.uk

*Jade Reynolds, Solicitor / Legal Officer*  
*jreynolds@selby.gov.uk*