

Park byelaws – Frequently Asked Questions

What is a byelaw?

A byelaw is a local law which is made by a statutory body, such as a local authority, under an enabling power established by an Act of Parliament.

In Bristol, the existing byelaws date from Victorian times and apply to just 25 of our parks. They have not been enacted for a considerable time and do not cover some types of anti-social and nuisance behaviour now reported. The proposed, more relevant byelaws will replace these and apply to more parks and green spaces.

Bristol's proposed parks byelaws are based on model byelaws from the Department of Communities and Local Government (DCLG).

Why is the council proposing new byelaws for parks?

Bristol has many parks and green spaces and we want to encourage people to enjoy them responsibly and considerately.

In 2013, 77% of consultation respondents said they were in favour of new byelaws. In 2016, more than 800 people responded to a second consultation on the detail of these byelaws (rather than the principle of introducing them). In particular, this year's consultation sought a view on whether certain activities should be permitted widely or restricted to designated areas or under certain conditions. There was broad support for the council's proposals in this regard and the majority of respondents (58%) stated that byelaws would help them to enjoy the city's green spaces.

Anti-social behaviour in parks can affect the enjoyment and use of parks by other people as well as people living nearby. Byelaws are a common, tried and tested mechanism to do this.

In a two-year period from 2011 to 2013 the Council and the police received a total of 3,157 complaints about nuisance in parks which were specifically about issues that could be covered by byelaws. More than 200 sites were affected.

What's changed following the Council's initial consultation on byelaws in 2013?

It's all about hitting the right balance between enabling people to enjoy our parks and being able to address inconsiderate and nuisance behaviour if we need to.

We've actively listened to feedback including recommendations from the public, special interest groups and the Council's Neighbourhoods Scrutiny commission. As a result there are fewer byelaws than before - 24 compared to the 29 proposed in 2013.

The originally proposed byelaws relating to climbing, children's play areas, children's play apparatus, skateboarding and ball games have been removed.

What does 'general consent' mean and how does it apply to the new byelaws?

Where we refer to general consent it means we will allow some things without you having to ask for specific consent where a byelaw applies. For example in respect of the byelaw that says 'No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure', we propose issuing a general consent for the use of gazebos and day tents for shade etc. This would ensure everyday activities aren't restricted under the new byelaws.

Aren't byelaws unenforceable?

As part of the roll out of the proposed byelaws, Police and Community Support Officers (PCSOs) will work alongside council officers taking a supportive, informative approach to encouraging people to use parks and green spaces considerately. As detailed above we have removed some byelaws where we felt alternative approaches would work better. We expect that in a large majority of cases people will observe byelaws but the police and council officers will be able to take action immediately against people who deliberately and persistently ignore byelaws.

To achieve essential savings, the council will have to do things differently in future and we're looking to local organisations to take on roles and responsibilities previously held by the council. We hope that local parks groups can take on some responsibility for publicising the byelaws within a community ownership framework.

What happens if someone breaches a byelaw?

In the first instance they may be asked to stop the behaviour by an enforcement officer e.g. a PCSO or a designated council officer, and given an opportunity to refrain from the activity. If they persist they risk being prosecuted and would appear in the magistrate's court. They can be fined up to £500. They can also be removed from the park.

How do you report the breach of a byelaw?

At the current time, individuals can report any instances of nuisance or anti-social behaviour in parks and green spaces by calling the police on 101 or contacting the Council on 0117 9222500. Other reporting methods may be introduced when and if these updated byelaws come into force.

Why aren't you using alternative legal approaches to anti-social behaviour?

Together with the police we reviewed other options such as community protection notices, dispersal powers and public space protection orders as possible alternative means of controlling nuisance behaviours in our parks. Byelaws allow nuisance behaviour to be addressed immediately while other approaches can take time to come into effect.

Won't these byelaws stop people enjoying their parks?

The aim of the byelaws is to ensure that everyone is able to enjoy parks by addressing anti-social behaviour as necessary. As detailed above some byelaws have been removed following feedback on how they might affect people's enjoyment of parks.

Which parks are being considered for these new byelaws?

Previous research found that nuisance and antisocial behaviour was reported to the police or the Council on over 200 parks and green spaces. However feedback since has told us that people feel

more sites should be considered to improve consistency of approach and prevent nuisance or antisocial behaviours being displaced to other sites. It is proposed that all recreational spaces where parks byelaws can be applied are now included – this is 365 green spaces.

Can all green spaces in the city be covered by byelaws?

There are an estimated 1600 green spaces in the city. Only those covered by specific legislation (sections 12 and 15 of the Open spaces Act 1906 or Section 164 of The Public health Act 1875) are eligible for this type of byelaw. Only areas owned or improved and maintained by the Council can be covered by byelaws made under this legislation. The Downs are covered by a different set of byelaws that were made under the Downs Act and approved by the Downs Committee.

Some of the issues I experience still do not appear in the proposed byelaws. For example dog fouling and dogs off leads causes nuisance and stop people visiting and enjoying parks – why are these issues not covered in the byelaws?

Orders made by the Council under other legislation cover dog fouling and dogs being kept on leads and these are currently enforced. The byelaws will complement the various powers in the Anti-social Behaviour, Crime and Policing Act 2014 and other relevant existing legislation. This ‘tool-kit’ of options will mean council and police officers can address nuisance behaviours and park management issues more positively and swiftly.

You have previously said barbecues will only be allowed in designated areas – has the proposal changed?

The council intends to identify as many designated areas for barbecues as possible. The only proposed restrictions will be at Brandon Hill Park, Troopers Hill Local Nature Reserve and all children’s play areas. All other spaces are currently proposed to be designated for barbecues. The byelaw permits properly constructed, shop-bought barbecues set up on legs. What is not permitted is an open fire arrangement or the use of an unsuitable structure not fit for purpose.

Those using a barbecue in a designated area are required to clean up any resulting litter and to dispose of hot ashes responsibly and not in a plastic bin or plastic-lined bin within the park.

What if the designated area has not yet been set?

The Council has identified its proposed areas for designation and it is possible to comment on these during the ‘notice’ period. We intend to identify a final list in the report to Full Council in March. However the Council can review and change designated areas if it wishes without needing to go for government approval and it is proposed to do this periodically.

Will these byelaws stop people foraging, black berry picking or making daisy chains?

No. The model byelaw helps us deal with wilful damage to plants, trees and structures in our parks which could impact on all park users enjoying green spaces.

Picking blackberries or foraging for other edible plants and wild fruit is fine unless it begins to cause real harm to wildlife or wildlife habitats.

Will I still be able to fish in my local park?

Fishing will be available in all lakes and waterways within sites covered by the byelaws except at St George Park – this follows numerous discussions and consultations about fishing at St George, a consideration of the evidence for nuisance behaviour and the request from the Neighbourhood Partnership for a ban on fishing there.

The Council has chosen to identify and designate for fishing as many waterways as possible, including streams, even though most are not commonly used for fishing. This is to make sure that park users understand that if children are playing with fishing nets for example, this is a permitted activity.

What will happen to people found camping or sleeping rough in parks?

We understand that sometimes tents or temporary shelters are erected by vulnerable individuals in need of help and support. However, the Council does not believe that allowing overnight camping in parks is the best way to support homeless people – so, working with the outreach team at St Mungo's, each situation would be assessed on its own merit and a decision taken on what action is most appropriate. The byelaw does state that camping in tents and other temporary shelters overnight will not be permitted and will be enforced by Parks Byelaws and other legislation as necessary.

Is it true you will start charging for activities in parks?

There are no current plans to bring in new charges for activities relating to byelaws in parks.

What about people drinking alcohol in parks and green spaces and causing nuisance?

This issue will not be covered by byelaws but the police already have powers to deal with public disorder related to alcohol. Drinking in public is not always prohibited. However, there are a number of designated areas in Bristol where public drinking can be controlled.

Some areas suffer from motorbikes using parks and green spaces – why is this not covered?

Byelaws will mean that nobody can legally bring a motorbike in to a site or drive it except on a designated route so this will help prevent nuisance from the use of motorbikes in parks. Motorbike nuisance can also be tackled using other legislation

How do people go about getting consents?

There is no need to get consent to carry out an activity that is otherwise prevented by the byelaws until after they have been considered by Full Council in March. Some consents will be given through existing processes – such as applications to hold an event in a green space. Others will need to be established. If the Council is already aware of an individual or organisation that currently uses a park in a way that would need consent, we will contact them to advise them at the relevant time.

Will we be charging personal trainers etc to carry out classes on parks' land?

There are no current plans to bring in new charges for activities relating to byelaws in parks. Fitness sessions run by an instructor will require the Council's consent.

In light of the current financial situation why are you going ahead with Byelaws?

It is not considered that the byelaws are a significant financial burden. Evidence from other local authorities suggests that the need to take enforcement action through the byelaws will be low -

their main strength being a deterrent to prevent relevant antisocial behaviours acting in the first instance. Existing enforcement and parks staff in the Council and existing police officers and PCSOs will be able to advise park users of the byelaws as and when required and take enforcement action if necessary. There will be an initial need to alert park users to byelaws being in place using park noticeboards and a need to produce a small number of specific signs where it is thought beneficial to do so.

What happens next?

The Secretary of State for the Department of Communities and Local Government has given the Council leave to make new parks byelaws. We have now published a public notice of our intention to make new byelaws. During the 28-day 'notice period' any final representations or objections can be made online at <https://bristol.citizenspace.com/neighbourhoods/parks-byelaws>.

If you need further guidance or have specific questions about any aspect of the byelaws please email parksbyelaws@bristol.gov.uk.

Following on from this we will:

- Make a report to a full council meeting in March recommending that byelaws be made;
- If full council agreed to make new byelaws, they will come into force on a date to be fixed.