

## **Park byelaws – FAQs**

### **January 2016**

#### **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.

#### **Why is the council continuing to introduce new byelaws for Bristol's parks and green spaces?**

Bristol has many parks and green spaces and we want to encourage people to enjoy them responsibly and considerately. The vast majority do this but public consultation showed us that 77% of respondents said they were in favour of new byelaws for parks and green spaces. This gives a clear message that the public expects the council to actively manage nuisance behaviour in its parks and 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. Over 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, 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.

From 18<sup>th</sup> January 2016 we are consulting with local people and specific groups to get their views on designating areas for certain activities. This includes golf, horse riding routes, operating model aircraft, fishing and having barbecues.

Because of a change in the legislation relating to byelaws, we are also asking new questions that will inform a measure of the impact of byelaws on people affected by them.

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

No, but we don't want to stop people taking part in something they enjoy so we are proposing to designate the majority of parks and green spaces for barbecues except where there is a specific nature conservation interest or higher risk of fire.

We know people enjoy outdoor picnics and barbecues in the city's parks. However they do come with some risks. Disposable barbecues can damage the grass when they are placed directly on the ground or on a bench and can cause fires if not used or disposed of properly.

To reduce the possibility of damage we are setting some criteria for barbecues – for example they must be lifted off the ground to avoid damage and must not be placed on park furniture. Many complaints are about the litter left and a lot of council time is spent picking up litter left from barbecues – one of the criteria will be the removal of litter by those having the barbecue.

## **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 might issue 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 encourage 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 PCSOs and council officers will be able to take action immediately against people who deliberately and persistently ignore byelaws.

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

This was raised in the previous byelaws consultation. 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 – delay in being able to take action causes its own frustration for those experiencing anti-social

behaviour, so on balance for the 24 remaining byelaws this was deemed the most effective approach.

### **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. In the 2013 consultation of the 77% of people in favour of byelaws, 85% thought their introduction would make parks better for everyone. 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. This list is our starting point. 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.

### **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 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.

### **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 Police Community Support Officer (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 fine. They can also be removed from the park.

### **Won't the byelaws criminalise people?**

Our focus is to raise awareness of the new byelaws and encourage people to enjoy our parks and green spaces responsibly. Most people will do this, however if people are intent on breaching byelaws and spoiling other people's right to enjoyment of our parks they can be issued with a penalty fine and gain a criminal record.

**Some of the issues I experience still do not appear in the proposed byelaws. For example dog fouling and dogs off leads cause 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 (which has now been replaced by the Anti social Behaviour, Crime and Policing Act 2014) 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.

If you would like to report problems you can contact the Dog Warden service on 0117 922 250, or for more information:

<https://www.bristol.gov.uk/pests-pollution-noise-food/dog-issues>

### **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. The legislation under which these designations were made by The council's Licensing Committee has now been replaced by the Anti-social Behaviour, Crime and Policing Act 2014, the existing Designation Orders all last until 2017 unless renewed under the new law.

### **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

### **Why has the council based its new byelaws on the nationally developed 'model byelaws'?**

The model byelaws were developed to cover a long list of anti-social behaviours and activities that can occur in parks and green spaces across the country.

We have only taken from the model byelaws those behaviours that we have evidence for in Bristol – at some locations and on some occasions.

### **Why change the existing ones?**

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 new, more useful, more relevant byelaws will replace these and apply to more parks and green spaces.

### **Who has the power to enact a byelaw?**

Under new legislation local authorities make the decision whether to have parks byelaws. They must first, however, publish a regulatory assessment and make a scheme including the byelaws and that assessment to the Secretary of State. The Secretary of State will then decide whether to allow the Council to continue the process to make byelaws..

## **What happens next?**

Once we have completed this consultation and, subject to what comes out of it, we would:

1. Prepare the regulatory assessment;
2. Publish a statement of that assessment on our website and elsewhere and submit the proposals and the assessment to the Secretary of State;
3. Once given clearance by the Secretary of State to do so, publish an advertisement of intention to make byelaws; and then
4. Make a report to a full council meeting recommending that byelaws be made;
5. If full council agreed to make new byelaws, they will come into force on a date to be fixed.