

Regulatory Assessment of Gedling Borough Council Proposed Byelaws 2025

Introduction

In 2025 Gedling Borough district has an estimated population of 117,800. Gedling Borough lies adjacent to the boundary of the City of Nottingham and covers 120km². Around 5,000 businesses are based in Gedling Borough. Gedling Borough Council is responsible for the management and maintenance of over 1,695 hectares of accessible green spaces.

Including:

- 51 local parks
- 4 Green Flags
- 601 allotment plots
- 31 play areas
- 14 ball courts
- 9 Skate Parks
- 3 Cemeteries
- 7 Outdoor gyms
- Sports facilities
- 24,000 volunteers hours on green spaces annually

In addition, the Council's Parks and street care service carries out work on tree management, environmental education, conservation management of nature reserves, guidance and support to 16 park community 'Friends Groups', street cleansing, litter management and bereavement services. We currently have a team of 2 Park Ranger posts and 7 Neighbourhood Warden Posts that oversee site health & safety monitoring, and enforcement across all the Council's portfolio of sites within the borough.

Enforcement background.

When using our parks and open spaces, it is important that certain rules are followed to ensure they remain safe and clean for everyone to enjoy. We try to make sure everyone can enjoy our accessible green spaces safely. To do this we have several byelaws, policies and guides in place. We encourage people to enjoy our parks as fully as possible, however there are circumstances where without the correct permissions, you may have to abandon your activity or be prevented from continuing if the activity is already underway.

Gedling Borough Council uses a variety of legislative powers including byelaws to address crime and anti-social behaviour. The authority has several warranted officers within various environmental teams including Public Protection who have the legal powers to issue fixed penalty notices or take alternative actions under a variety of these powers.

Why amend Gedling's current Parks Byelaws

Byelaws are made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by Gedling Borough Council with respect to pleasure grounds, public walks and open spaces.

The current byelaws were introduced in 1996 and include all of the relevant sites managed by Parks and street care and owned by the Council at that time.

Since the byelaws were introduced, some sites have changed names, e.g. Haywood Road Recreation Ground became Haywood Road Green and new sites have been acquired or developed, e.g. Magenta Way Playing Fields, and the schedule of sites listed in the 1996 byelaws is out of date and requires full review and updating.

The Council is required to use the wording for individual byelaws as set out in the set of model byelaws produced by the Ministry Housing, Communities & Local Government (MHCLG) and must make an assessment on a site-by-site basis to warrant the need for each individual byelaw.

When reviewing byelaws the local authority should consider whether the byelaw needs to be retained at all, as it may now no longer be required. For example, the issue the byelaw addressed may now be addressed through national legislation.

A full review of the new model byelaws, which were introduced by the MHCLG on the 7 September 2018, has been undertaken by the Council with each byelaw assessed against the identified sites managed by the Council and these have been grouped into schedules to apply to specific byelaws.

Based on the above process the proposed byelaws are bespoke to meet the Council's requirements.

Background

The Council is responsible for public parks, open spaces and gardens in the Borough. The conduct of the public in these locations is currently regulated primarily by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users.

Byelaws are made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by Gedling Borough Council with respect to pleasure grounds, public walks and open spaces. They are relevant to all sites owned and managed by Gedling Borough Council.

The current byelaws were introduced in 1996 and include all the relevant sites managed by Parks & Open Spaces and owned by the Council at that time. Over time the nature of park usage has altered as has the expectations of users. A copy of the current byelaws are attached as Appendix 1.

In addition, since the byelaws were introduced, some sites have changed their facilities available to the public and changed names, eg. Haywood Road Recreation Ground became Haywood Road Green and new sites have been acquired or developed, e.g. Magenta Way Playing Fields and Georgia Drive Open Space, the

byelaw schedule, listing the appropriate sites has become out of date and requires updating.

One of the Gedling Plan priorities is to provide safe communities by reducing crime and anti-social behaviour, the updated byelaws are therefore required to reflect the way in which the Borough's parks and open spaces are used today and the responsible expectations of users.

The Council is required to use the wording for individual byelaws as set out in the set of model byelaws produced by the Ministry Housing, Communities & Local Government (MHCLG) and must make an assessment on a site-by-site basis to warrant the need for each individual byelaw. When reviewing byelaws the local authority should consider whether the byelaw needs to be retained at all as it may now no longer be required. For example, the issue the byelaw addressed may now be addressed through national legislation.

A full review of the new model byelaws, which were introduced by the Ministry of Housing, Communities and Local Government (MHCLG) on the 7 September 2018, has been undertaken by the Council with each byelaw assessed against the identified sites managed by the Council and these have been grouped into schedules to apply to specific byelaws.

Park Services undertook a workshop of key officers from Parks Management (development and maintenance staff) and Public Protection staff including the Public Protection Manager, Anti-social Behaviour co-ordinator and neighbourhood wardens. This workshop provided technical support to utilise their knowledge and first-hand experience of the current management of the borough's parks and open spaces. These officers have a wealth of knowledge in terms of each site's historic crime and anti-social behaviour issues. The workshop attendees reviewed a number of key points,

1. Updating the schedule list of borough sites.
2. Identifying additional new sites.
3. Identifying and removing sites which no longer exist as a park or public open spaces.
4. Review existing byelaws that apply to each site and identify any that are no longer relevant.
5. To review the MHCLG model byelaws, identify the new byelaws available for adoption, discuss and agree which new byelaws are applicable to Gedling Borough's Parks and Open Spaces. This was based on officer knowledge, police and anti-social behaviour reports and statistics.
6. To produce an Assessment document identifying why each byelaw was proposed for adoption and implementation with Gedling Borough Council's Park & Open Spaces byelaws.

Based on the above process the new model set of proposed byelaws for Gedling Borough Parks and Open Spaces were devised to meet the Council's requirements. A copy of the proposed updated byelaws are at Appendix 2, these include the updated schedule of sites.

Also, based on the parks and public protection staff collaboration, an assessment/rationale document was produced to evidence our assessment of the new and proposed byelaws and how the byelaws apply to Gedling's Parks and Open Spaces, see document Assessment of model set of byelaws and how the clauses apply to Gedling parks, at Appendix 3.

The key changes between the existing and the proposed byelaws are below, this is in addition to the new sites and site name changes:

PROPOSED CHANGES TO THE BYELAWS

The key changes between the existing and the proposed byelaws are as follows:

Gates (previous byelaw 40)

This byelaw, which specifies the closing of gates, has been removed as it is not relevant to our sites and is more in keeping with sites with grazing stock.

Opening Times (new byelaw 3) This byelaw specifically covers Conway Road Recreation Ground, King George V Recreation Ground and the Play Area at King George V Standhill Park. These sites are locked overnight.

Fires (new byelaw 10) The byelaw prohibits the releasing of lighted Sky Lanterns into the atmosphere. This byelaw was not included in the existing byelaws.

Skateboarding (new byelaw 19)

This byelaw has been added to prohibit skateboarding in the paved area adjacent to the lake in Arnot Hill Park but it is permitted in designated areas, i.e, the skatepark. It is intended to prevent skateboarding in the pedestrianised paved area around the lake and Café.

Ball Games (new byelaw 20)

This byelaw has been added to prohibit ball games from sites that are unsuitable, it specifically covers Carnarvon Grove Play Area, Edison Way Green Space and Valeside Gardens Play Area. All of these sites receive regular resident complaints centred around ball games played adjacent to their properties.

Ball Games (new byelaw 21)

This byelaw has been added to ensure ball games are played only in designated areas for Conway Road Recreation Ground. It is intended to protect the fine turf bowling green.

Model aircraft (new byelaw 34)

This byelaw controls the flying of model aircraft which includes drones on the grounds of health and safety, privacy and data protection.

The legal process

There is a clearly defined process to be followed to demonstrate the formal process of review, consideration and adoption prior to approval for utilisation is granted.

Legal adoption process
Consultation
Review feedback and produce consultation report. Amend proposed byelaws if required
Carry out Equality Impact Assessment
Produce Regulatory Assessment
Full Council decision to approve to submit to MHCLG to grant leave to adopt them
Submit application to MHCLG
Following feedback from MHCLG, full Council approval decision to adopt them
Seal byelaws
Publish introduction of byelaws

The formal regulatory assessment process requires us to be able to answer a number of key questions, as detailed below:

What is the objective of the proposed byelaw?

To ensure parks, open spaces and play areas are safe, inclusive and free from anti-social behaviour activities. Developing such byelaws will enable officers to work towards reducing anti-social behaviour and manage issues raised relating to public nuisance on the borough's Parks, open spaces and play areas. They are intended to deal with unacceptable behaviour that might cause injury or distress to other park users, or cause damage to the park and therefore detract from all park users' enjoyment.

Could the objective be achieved in any other way, short of a byelaw?

No, as no alternative legislative measures already exist that could be used to address the problem identified via each byelaw. Many of the proposed byelaws are not new to our authority most having been in place for several years already and have been proven to allow proportionate and reasonable enforcement of acceptable behaviour. A byelaw cannot be made where alternative legislative measures already exist that can be used to address the problem. The proposed amended byelaws will enhance the Council's ability to manage its parks and open spaces effectively.

The Council understands that both the making and enforcement of a byelaw is an act

of last resort where alternative practical means of deterring unwanted activity is inadequate. The Council will, wherever possible seek to resolve any issues through education, advice and dissuasion before taking enforcement action. However, the Council considers that the byelaws are an essential tool for Council officers to have available to them to deal with situations where efforts to tackle issues through practical measures prove ineffective.

What will be the impact of the byelaw upon those affected by it?

The Council anticipates that the proposed byelaws will have a positive impact on the vast majority of users. The proposed byelaws will reassure members of the public that a transparent, consistent and fair set of rules apply to all the Council's parks and open spaces. The Council intends that the proposed byelaws will make all of its sites more inclusive, safer and free from anti-social behaviour.

The byelaws will provide a clearer regulatory framework, which will clarify the responsibilities of Council Officers when managing and controlling the areas.

Over a period of 28 days from 7th February until 7th March, Gedling Borough Council undertook a full public consultation process, we have reviewed the feedback and have completed a full Equality Impact Assessment with our Equalities Team. There were no impacts identified for any service users for any of the new and proposed byelaws.

Will the proposed byelaw increase, or decrease, the regulatory burden imposed upon those affected by it (assessed in money terms)?

The amendments from the existing Byelaws will not create any increase or decrease in the regulatory burden of those impacted by them

The Council anticipates that the proposed byelaws will have a positive impact in terms of Regulatory Burden on children and adults generally as the open spaces will be safer places to meet, play and visit. All users will be able to rely on the fact that the open spaces are accessible and safe places to exercise and relax.

The Council has identified the following byelaws as creating an additional layer of Regulatory Burden:

Byelaw 10: Fires

This byelaw will increase the Regulatory Burden on those wishing to

Byelaw 17(2): Ball Games

This byelaw will increase the Regulatory Burden on those wishing to play ball games

There would be no increased financial burden to Gedling Borough Council as a result of the regulatory burden placed upon us as a result of byelaws adoption and implementation. This is largely as we already utilise the majority of the byelaws being adopted and this current application has been more in line with reviewing and updating our existing byelaws

Gedling Borough Council utilise the byelaws as a regulatory tool not a means to charge for access or land usage. Whilst some specialist event applications may require byelaw approval, associated costs would be included in the events overall cost and ticket sales would be priced accordingly.

How does making the proposed byelaw compare with taking no further action?

By taking no further action, Stoney Stanton Parish Council risks facilitating an increase in antisocial, disruptive and nuisance behaviour. A fully considered, up-to-date and relevant set of byelaws will equip the Council with an effective, reliable and robust mechanism to tackle local issues and respond to complaints from members of the public efficiently and effectively. This, in turn, will encourage local users of the amenities to access and make the most of the open spaces, thereby facilitating and strengthening community wellbeing and cohesion

Gedling Borough Council has proactively utilised its adopted byelaws to enforce acceptable behaviour and address anti - social behaviour in a proportionate and reasonable manner. Byelaws are one of our most valuable and well used enforcement legislation tools that aid our Neighbourhood Warden team to support the provision of safe parks and green spaces for all to use. The process of reviewing annually and updating as required is essential to ensuring the changes in sites, site usage and our communities' needs are met and ensuring we are compliant with our duty of care to all service users.

certain activities and behaviours cannot be effectively controlled and enforced, for example the use of drones and sky lanterns. Whilst the neighbourhood wardens are able to use persuasion in the absence of the necessary byelaws this is not always effective. Conway Park has suffered from various incidents of anti-social behaviour, including the playing of football on the bowling greens. Since this is not covered under the existing byelaws, limited or no enforcement action can be taken. This behaviour is costly to the Council in terms of repairing the surface of the bowling greens and harmful for the Council's relationship with several licensed user groups, e.g. the Bowling Clubs.

Byelaws Consultation

The consultation was live for a period of 4 weeks from 7th February until 7th March via Gedling Borough Council website, social media channels and direct communication with park stakeholders and organisations that would be directly affected by the new and proposed byelaws. A copy of the consultation report is attached at Appendix 4.

List of Appendices:

Appendix 1 – Current set of byelaws

Appendix 2 - New and proposed set of byelaws

Appendix 3 – Assessment of the new and proposed model set of byelaws – how they apply to GBC parks

Appendix 4 – Byelaws Consultation Report