

Statement of Regulatory Assessment

The Council has consulted such persons as it considers may be affected by the proposed Byelaws. Relevant local groups have been contacted directly asking for their views on the proposed Byelaws as well as through the Council's website. The consultation was advertised throughout the parks and open spaces and the Council's social media channels. By doing so the Council has been able to gauge the level of support for the proposed Byelaws.

As part of the regulatory assessment, the Council has considered the requirements of the Equality Act 2010 and prepared an equalities impact assessment.

Gedling Borough Council believes the proposed Byelaws impose a proportionate regulatory burden.

The current Byelaws are out of date and so not cover all locations the Council is responsible for. The objective of the proposed Byelaws is to provide a contemporary set of rules which can consistently be relied upon in all the relevant locations as a basis for the effective and equitable management of the parks and open spaces in the Borough.

The proposed byelaws are based on the Ministry of Housing, Communities and Local Government Model Byelaws. They address matters that are considered necessary to allow effective and equitable management of the parks and open spaces that are not covered under other legislation because without the proposed Byelaws the current Byelaws would remain in place.

Where matters are dealt with under different legislation, such as dog controls under Public Spaces Protection Orders, the Council has not included them in the proposed Byelaws.

In terms of impact on persons potentially affected by the proposed Byelaws, the proposed byelaws will clarify the responsibilities of Council officers when managing and controlling the areas and assist the public to easily reference and understand what matters can or cannot be undertaken so all can enjoy the amenity of those areas.

There is no negative impact anticipated because of implementing the proposed Byelaws.

The proposed Byelaws will replace existing outdated Byelaws and as such it is considered to have a neutral impact in terms of regulatory burden. The proposed byelaws will not increase the regulatory burden imposed upon those affected by it. The changes proposed would merely reinforce the existing set of byelaws, and although some new byelaws have been added, they do not result in an increased regulatory burden.

A larger number of sites are included in the schedule of sites to be covered under the proposed byelaws, but this reflects a more comprehensive and accurate list of the public green spaces owned by the Council than that provided under the existing byelaws.

The proposed Byelaws are considered preferable to taking no action as the proposed Byelaws will result in a usable set of rules which can be relied upon as a basis for the consistent, effective and equitable management of the parks and open spaces whereas no action would leave the Council with the existing Byelaws which, are outdated and do not include matters such as the use of lighted sky lanterns and drones.

Having a set of more relevant byelaws and comprehensive list of sites covered should also lead to less confusion amongst the public and less enquiries and challenges. Steps have been taken to ensure the proposed byelaws would be more proportionate than the existing byelaws by focusing on addressing behaviours which have the potential to cause harm or distress to others, or damage to park and waterway infrastructure, wildlife habitats or the wider environment.

The enforcement of the byelaws very rarely results in progressing to court action and there is no desire to see this change. The proposed byelaws are designed to provide a clear set of rules around the use of the Council's many parks and open spaces for the protection of all users, parks and waterways infrastructure and ecology. In a vast majority of cases, verbal and written warnings and notices highlighting the existence of the byelaws and potential legal action against those in breach of them is sufficient action. Having a more focused and comprehensive set of byelaws available on the website is also aimed to reduce confusion and proactively advise which activities are or are not permitted to avoid breaches occurring in the first place.

Based on its own analysis, and the outcome of the public consultation, the Council believes that, where additional restrictions or requirements have been proposed, these are both justified and are necessary and they do not impose additional costs. It has also concluded that the proposed changes to the existing byelaws do not represent a significant increase in and that any increased burdens are minimal and justifiable in the public interest by helping to reduce anti-social activity and activity harmful to the environment and its impacts on the local communities the Council represents and users of these facilities.