**Statement outlining the Regulatory Assessment for the amended byelaws for Commons, Recreation Ground and Open Spaces**

The current byelaws have been in place since 1977. The Parish Council has decided it is now time to review these byelaws and bring them up to date. The Council now wants to:

* Make the byelaws more consistent with modern practice
* Remove any outdated restrictions
* Ensure there is a robust framework in place for tackling any breach of the byelaws
* Include additional land, Frenchay Parkland and Frenchay Nature Reserve, which is now in the Councils’ ownership.

The Parish Council sees byelaws as being a last resort. It is not its intention to place unnecessary restrictions on residents. It wants local residents to be able to use and enjoy its facilities to their full extent. Where there are problems it will aim to resolve issues through education, dialogue and persuasion before resorting to the application of the byelaws.

What is the objective of the new byelaws?

In revising the byelaws the Parish Council wishes to preserve the open spaces as places of recreation for local residents and others, while at the same time controlling activities which hamper this.

The 1977 byelaws do not address the following areas:

* Protection of wildlife and the environment
* Camping
* Fires
* Missiles
* Restrictions on over 14s in play area
* Public entertainment
* Aircraft, hang-gliders and hot air balloons
* Kites
* Metal detecting
* Removal of canine faeces
* Interference with lifesaving equipment

The changes of wording in the byelaws result from using the updated wording in the Department of Communities and Local Governments current model byelaws.

This has resulted in a general modernization of the byelaws not an abrupt change.

Where can I find the current byelaws?

Copies of the current byelaws are available from the Parish Office.

How will the changes affect people affect people?

The attachment Annex A provides an analysis of the impact of the proposed changes.

What is this consultation about?

This consultation is intended to give local people and organisations an opportunity to say if they agree with the Council’s views on the impacts of the proposed changes. It is required by law to give that opportunity for comment and will carefully consider all responses to the consultation before publishing a final assessment of impacts.

How can I have my say?

You can make comments on the draft impact assessment by writing or e-mailing the Clerk to the Council by 9 October 2023. clerk@winterbournepc.co.uk

Why can’t I comment on the draft byelaws at the same time?

The Parish Council cannot formally consult on revised byelaws until it has the consent of the Secretary of State. Before it can apply for consent, it has to prepare a final statement of regulatory impacts. The Council hopes to get that consent to consult and carry out a public consultation on the revised byelaws later this year.

What happens next?

Once the current consultation has ended the Parish Council will consider responses and agree a final statement of regulatory impacts. It will then seek the Secretary of State’s consent to consult on the revised byelaws.

Where additional restrictions or requirements have been proposed, The Council has been satisfied that these are both justified and necessary and they do not impose additional costs. It takes the view that the proposed amended draft byelaws do not represent a significant increase in regulation and are justifiable in the public interests.

**Annex A**

**ANALYSIS OF IMPACTS OF PROPOSED CHANGES**

|  |  |  |  |
| --- | --- | --- | --- |
| **PROPSED CHANGE** | **RATIONALE** | **IMPACT** | **ASSESSMENT** |
| Provisions to protect wildlife (byelaw7) | To address anti-social behaviour (ASB) and protect the environment.  Omission from previous byelaws. | To preserve our environment today and for future generations | Positive Impact |
| Banning Camping without consent  (Byelaw 8) | To address anti-social behaviour (ASB) and protect the environment. | To preserve our environment today and for future generations | Positive impact |
| Banning Fires (byelaw 9) | To address anti-social behaviour. (ASB). Omission from previous byelaws. | Will help address public concerns of ASB. | Positive Impact |
| Banning the throwing of missiles (byelaw 10) | To address anti-social behaviour. (ASB). Omission from previous byelaws. | Will help address public concerns of ASB. | Positive Impact |
| Restrictions on over 14s in play areas who are not accompanying children (byelaws 15 & 16) | To increase protection for children and make it easier to combat vandalism. | Positive impact in term of ASB but negative impact in terms of more complex regulations. | Insignificant negative impact |
| Requirement for the Council to give consent for commercial activities and public events (byelaw 27) | This is already assumed as required. Formalisation will allow better enforcement. | Negative impact on traders or those seeking to hold events in a small number of cases | Minor negative impact |
| Aircraft, hang gliders and hot air balloons (byelaw 28) | To protect the safety of the public enjoying open spaces. | Will help address public concerns. | Positive impact |
| Kites  (byelaw 29) | Restriction to protect the safety of the public enjoying open spaces. | Will help address public concerns. | Positive impact |
| Ban on the use of metal detectors (byelaw 30) | Use may be considered if permission is sought. | To protect the environment | Positive impact |
| Removal of canine faeces  (byelaw 31) | To protect the public and the environment. | To protect the environment and address public concern. | Positive impact |
| Interference with lifesaving equipment | To protect the safety of the public enjoying open spaces. | Positive impact on the local community to provide increased safety measures | Positive impact |
| Areas subject to byelaws | These are updated to reflect current ownership. | There is a potentially small negative impact for the Police and Council in terms of enforcement (see below) but a positive impact in that there are clearer terms and a more consistent approach on sites owned or controlled by the Parish. | Neutral |
| Enforcement | It will not be the Council’s policy to aggressively enforce the byelaws but to apply them sensitively to address extreme or persistent inappropriate behaviour and ASB. | There will be potential additional burdens on the Council and Police from the inclusion of additional areas and some new restrictions but these will in a large part be offset by a clearer and easier to understand set of byelaws which include sensible exemptions. | Minor negative impact |