COUNCIL
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<table>
<thead>
<tr>
<th>Report Title</th>
<th>Update of Byelaw for Good Rule &amp; Government</th>
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</table>

1. Summary

1.1 This report details the results of the public consultation regarding the updating of byelaws for Good Rule & Government of the Borough of Northampton and seeks Full Council’s approval for their adoption and confirmation following statutory procedures.

2. Recommendations

2.1 Full Council adopts the Byelaws for Good Rule and Government attached at Appendix 1 of this report.

2.2 Authorizes Officers to apply to the Secretary of State for Communities and Local Government for provisional approval of the Byelaws for Good Rule and Government.

2.3 Delegates powers to the Borough Solicitor to seal and advertise the Byelaws in accordance with relevant legislation.

2.4 Authorize Officers to apply to the Secretary of State for confirmation of the Byelaws.

3. Procedure After Adoption

The procedure for adoption of byelaws is proscribed by statute and supported by government guidance. In essence the following procedures apply:

3.1 After resolving to adopt the byelaw and the byelaw being sealed, a notice of the Council’s intention to apply for their confirmation by the Department for Communities and Local Government is published in one or more newspapers circulating in the area.

3.2 For at least one month after the date of the publication in the newspaper a copy of the byelaw must be held on deposit at the offices of the Council for inspection by the public at all reasonable hours.

3.3 The period of deposit cannot begin until the byelaw has been brought into existence by being sealed.
3.4 Formal application to Department of Communities and Local Government will be made after the expiry of the one month on deposit.

3.5 The application to the Department of Communities and Local Government will include a copy of the sealed byelaw which has been deposited for one month enclosing a copy of the notice published in the local newspaper.

3.6 On receipt of the sealed byelaws the Department of Communities and Local Government will normally confirm them provided that no objections have been received by Department of Communities and Local Government and the byelaw will then be returned to the Council.

3.7 In contentious cases, particularly those where the arguments are finely balanced it is open to the Secretary of State to order that a public inquiry to be held. Such inquiries are rare and in the normal course the Secretary of State would hope that the issues and any scope for compromise might be determined locally between the Council and the objectors.

4. Date of Operation of the Byelaws

4.1 The Secretary of State may fix the date upon which the byelaws are to come into force. The date will normally be one month from the point of confirmation unless there are special circumstances which make an earlier date desirable. In this case, however, there are no special circumstances so to do.

5. Report Background

5.1 During the work of Northampton Community Safety Partnership’s Town Centre Task Group it became apparent that the police and wardens were unclear of what Byelaws were in force for Northampton. After further investigation it became evident that they were outdated and most of the Byelaws could no longer be enforced as they have either been superseded by other legislation or are no longer considered criminal offences.

5.2 A Byelaw is a rule that generally requires something to be done, or not done, in a particular location where express powers to address the issue do not already exist in national legislation. They are accompanied by a sanction or penalty for non-observance. Byelaws have the force of law within the areas to which they apply but they are subsidiary to national laws and cannot over-ride them.

5.3 Section 235 of the Local Government Act 1972 enables District and Borough Councils to make Byelaws for the good rule and government of the whole or any part of the District or Borough and for the prevention and suppression of nuisances.

5.4 Byelaws cannot be made under this Section if provision for the purpose in question is made, or may be made, under any other enactment. Byelaws should not therefore be made under Section 235 where general or local legislation addresses the problem or in respect of any area where another Byelaw-making power is available. Before making Byelaws, local authorities should consult the appropriate government department about any existing general legislation. This has been done.

5.5 Many of the activities regulated by Byelaws made under Section 235 are not in themselves a danger or nuisance, but may be if conducted in certain areas or in a particularly hazardous or annoying manner. Consequently, local authorities do not have the power
under Section 235 to make Byelaws to prohibit activities such as skateboarding throughout their area. However, it may be appropriate to ban these activities in certain places where it causes a particular danger or nuisance, or to regulate the manner in which those activities can be conducted.

5.6 Byelaws should not be adopted as a matter of course, but only as genuinely required to address an existing problem.

5.7 The model Byelaw was sent out for consultation to interested parties throughout the borough in order to establish which items should remain and, where necessary, which areas need defining in order to come up with the attached draft (Appendix 1).

5.8 Internal and external officers consulted during the pre-consultation stage:-

**Internal NBC Consultees**
- Director of Northampton Community Safety Partnership
- Street Scene
- Parks and Open Spaces
- Community Safety
- Anti Social Behaviour Unit
- Town Centre Operations
- Environmental Health including EH Officers and Wardens
- CCTV
- Neighbourhood Coordinators
- Leader of the Council
- Portfolio holder for the Environment
- Portfolio holder for Communities
- Labour Group Leader
- Conservative Group Leader
- Independent Councillors

**External Consultees**
- Northamptonshire Police – sector inspectors, SCTs, Community Safety Sergeant
- Parish Councils
- Northamptonshire County Council
- Northamptonshire Fire and Rescue
- Northampton Retail Crime Initiative
- ComPaSS
- Pubwatch
- Portfolio holder for Customers and Communities, Northamptonshire County Council
- Probation Service
- Town Centre Partnership

5.9 All responses regarding this consultation were generally in favour of all parts of the byelaw.

5.10 However, concern was raised that the byelaw regarding games on the highway could be enforced too rigidly while others were concerned it may not be enforced at all. To ensure a good balance is reached, enforcement guidance has been developed (Appendix 3).

5.11 CCTV Manager and the Town Centre Manager were especially keen to ensure skateboarding in inappropriate areas was curtailed. The CCTV Manager stated that
skateboarders regularly use the multi storey car parks because of the ramps and are in serious danger of getting hurt or even killed. Damage to vehicles is also a possibility.

5.12 Concern was expressed that, although skateboarding in pedestrian areas should be prohibited, there was no dedicated provision for skateboarders within the town centre area. This cause has been taken up by another group who are currently seeking funding for a skateboarding facility.

6. Public Consultation

6.1 The public consultation ran from 13 May 2010 until 5 August 2010. A summary of the results appears in a report in Appendix 2.

6.2 Due to the fact that the number of people in favour of prohibiting skateboarding in the proposed areas was between 50% and 60% it is recommended that these are not included in the byelaw with the exception of the car parks. The car parks are a public facility and the movement of vehicles makes it a dangerous place for skateboarders and roller skaters, therefore it is recommended these are retained as skateboard prohibited spaces.

6.3 The byelaw to prohibit skateboarding in a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriage way has been well supported with 70% in favour. This byelaw will then be used to ensure that skateboarding does not cause problems to pedestrians in the previously proposed prohibition areas.

6.4 Due to the proposed prohibition of skateboarding areas a local skateboarding group posted entries on various networking websites encouraging members to respond to the questionnaire stating Northampton was trying to ban skateboarding from the streets of the borough. Due to the fact that this statement is untrue and misleading and also due to the fact that byelaws are for local areas and should be decided by local people, a number of completed questionnaires had to be taken out as they were from people who had never even visited Northampton and who had obviously not even read the byelaw.

7. Implications (including financial implications)

7.1 Resources and Risk

7.1.1 Once the byelaw has received provisional approval from the Department of Communities and Local Government a notice will have to be published a local newspaper at a cost of approximately £120.00.

7.1.2 Signs to be sourced to prohibit skateboarding in car parks. Approximate cost £200.

7.1.3 These costs will be financed from existing Community Safety and Town Centre budgets.

7.2 Legal

7.2.1 The confirming authority for the proposed byelaws is the Secretary of State for Communities and Local Government. The procedure for the formal adoption and confirmation of Byelaws is prescribed by statute, supported by government guidance. The emphasis here is on proper notification and consultation with the public who ultimately will be required to comply with the byelaws.
7.2.2 Policy - There are two current Byelaws that would need to be revoked:

- Current Byelaw for Good Rule and Government which is now outdated.
- Current Byelaw for Urination etc. This is now included in the new, updated model set for Good Rule and Government.

They would be revoked at the time of confirmation of the byelaw as set out in item 13 of Appendix 1.

7.3 Other Implications

7.3.1 An Equality Impact assessment has been carried on the NBC Anti-Social Behaviour Policy 2008-2011, to which this report is linked, and there are no known equality and diversity implications.

7.3.2 Monitoring - The management of the project is being monitored by the Community Safety Department and the Town Centre Manager. Once the Byelaw is made, the effectiveness of the Byelaw will be monitored by the partner organisations under the direction of the Northampton Community Safety Partnership.

7.3.3 The proposals in this report support the NBC Corporate Priorities to ‘achieve safer, cleaner, greener, communities’ and to contribute towards ‘partnership and community engagement’ by ‘improving partnerships to deliver joined up services’.

7.3.4 They also are in line with our Service Objectives to help our communities to become safer by ‘reducing the fear of crime and reducing anti-social behaviour’ and supports LAA outcome SSC2B to ‘build respect, reduce the fear of crime and the impact of anti-social behaviour’.

7.3.5 The proposals also fully support the aims and objectives contained within the Northampton Borough Council Anti-Social Behaviour Policy 2008-2011.

8. Background Papers

Appendix 1 Draft byelaw for Good Rule & Government
Appendix 2 Summary Report of Public Consultation
Appendix 3 Enforcement Guidance

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