



NON-CONFIDENTIAL

Meeting	Community Services Committee
Date	12 January 2022
Report by	Sarah Brimley – Projects Manager
Report title	Green Spaces Byelaws - Update
Business Plan theme	Conserve and improve our parks, green spaces and other assets so they offer a natural haven for residents' use and enjoyment.

1. Purpose of the report

- 1.1. To set out the next steps required to amend the Byelaws for all Town Council owned land, including the assets transferred/due to be transferred from St Albans City & District Council.

2. Recommendation

- 2.1. Committee is asked to:

2.1.1. note the update provided.

2.1.2. agree that the five new assets (Rothamsted Park, Wood End Open Space, Roundwood Lane, Parva Close and Oakley Road), once transferred from St Albans City & District Council, should be added to the Harpenden Town Council Byelaws.

3. Background information

- 3.1. Revised Byelaws were last adopted in 2010. A review in 2018 did not lead to changes being implemented.

- 3.2. This Committee approved the proposed revised Byelaws in November 2018, with a thorough Community Engagement exercise undertaken in Summer 2019.

- 3.3. Community Engagement is one of many prescribed stages of the Secretary of State (SoS) submission, to obtain public and lead organisations commentary on the proposed byelaws and the land boundaries to which they would apply.
- 3.4. In March 2020, the Town Council was notified that the revised Byelaws had not been accepted by the SoS due to the inclusion of the 'Drone Code' and concern that the SoS suggested Model 2 Byelaw wording had been amended with regards to golf course and cricket ground restrictions.
- 3.5. Due to the impending asset transfer from St Albans City & District Council, the re-application for the Byelaws was paused to allow the new assets to be detailed within the re-submission and suitably be protected under the document should this Committee deem appropriate. The dates within the table below are based upon the Draft Byelaws being approved by this Committee in March 2022.
- 3.6. Should the five additional assets be added under the protection of the Byelaws, the Community Engagement process would need to be re-started, a reminder of the timetable is below.

Action	Time Scale	Approximate Dates
Presentation of Draft Byelaws to Community Services Committee		9 th March 2022
Launch Community Engagement	Minimum of twenty-eight days	21 March 2022 (post CSC approval of Draft Byelaws)
Complete Community Engagement exercise of the proposed Byelaws	Allow six weeks	18 th April 2022
Submit application to SoS (containing proposed byelaws, deregulatory statement and report).	Allow ten days of Officer time to collate findings and formulate report	31 st May 2022
SoS response to the Byelaws	Within thirty working days of receipt (subject to delay due to Covid-19).	14 th June 2022
HTC submit notice in one or more newspapers and HTC website following SoS approval	The notice must give a consultation period of not less than twenty-eight days	18 th July 2022
Closure of notice period	Allow at least thirty-five days (to include weekends)	15 th August 2022

Consideration of consultation responses and decision on whether to make the proposed Byelaws	HTC then have six months to whether or not to make the Byelaws. A Council meeting would fall within this period to agree the recommendation.	19 th September 2022
Byelaw made under the common seal of the Council	Meeting to be arranged with Town Mayor and Town Clerk	By 17 th March 2023 <i>at the latest.</i>
Closure of publicity after making the Byelaw	At least seven days before the day on which the Byelaw comes into force	
Byelaw comes into force	Thirty days after the date that they are made	

3.7. Using the projected timescales in the table above, the Town Council would need to decide to make the Byelaws by 17th March 2023 (nearest working day) at the latest.

3.8. It should be noted that a Byelaw cannot be made on an area of land until the Land Registry title has the correct land owner detailed. The transfer of ownership on such titles has a very long lead time and would need to be completed before a Byelaw Community Engagement process could commence.

3.9. It may be considered to apply for the revised Byelaws to include Rothamsted Park following the review of the Draft Byelaws at this Committee in March 2023 should the transfer of the outstanding assets not have taken place, therefore avoiding having areas of HTC owned land unprotected by the existing 2010 Byelaws.

4. Resource implications

4.1. The Community Engagement and Consultation will be carried out within existing Officer capacity.

5. Other implications

Other Implications	Comment
Legal	Byelaws provide the Council with the opportunity to encourage appropriate behaviours and discourage inappropriate behaviours such as encampment within the Green Spaces owned by Harpenden Town Council.
Environment and biodiversity	Byelaws have the potential to have a positive impact on the environment and biodiversity as they often put in place measures which

	prevent the misuse of local parks and open spaces.
Crime and Disorder	The revision of the byelaws will align with the aims for the Crime and Disorder policy.
Risk/Health & Safety	The revised Model Byelaws (September 2018) show a reduction of (the applicable fines), Level on the standard scale, from Level 3 (£1,000 fine) to Level 2 (£500). In reality the Council do not issue fines for breaches of the Byelaws.