

PROPOSED NEW BYELAWS – REPORT TO THE SECRETARY OF STATE

With reference to the Lavant Parish Council Proposed Byelaws (v5) and its Regulatory Assessment:

1. The enactment under which the byelaw is proposed to be made

Section 164 of the Public Health Act 1875 and
Sections 12 and 15 of the Open Spaces Act 1906

2. Confirming that the new, alternative procedure for making the proposed byelaw has been followed

Lavant Parish Council (hereinafter referred to as the Council) confirms that it has taken all the necessary steps under The Byelaws (Alternative Procedure) (England) Regulations 2016.

3. The purpose of, and need for, the byelaw

The last byelaws to be enacted are dated 14 January 1996 (attached at Appendix 1). These are specific to the Recreational Ground which includes the registered Village Green. They do not cover other Council owned or managed land (now or that will be received in the near future as a result of approved planning applications), specifically the children's Playground, the Sports Pitch, Village Pond and other miscellaneous public spaces, and as such are incomplete in reference to the Council's overall responsibilities for land management. A new set of byelaws addresses this discrepancy.

4. The local authority's reasons why it considers the proposed byelaw is reasonable, and why the proposed sanction for contravening the byelaw is both necessary and proportionate

The Council believes it is entirely reasonable to have the protection of an appropriate legal framework for the provision of the peaceful enjoyment of its public spaces and the suppression of any nuisances that might arise. Although the Council has never been required to raise a sanction for any contravention of the existing byelaws, if it were to do so it considers that the standard scale of penalty fine is sufficient inasmuch as they are the nationally recognised rates.

5. Does any other existing enactment, law or legislation already fulfil the purpose of, and need for, the proposed byelaw, or not.

There are existing national laws covering public nuisance, but they do not provide the detailed coverage of byelaws relevant to specific spaces at such a local level. The parish is split across two greater authorities (South Downs National Park Authority and Chichester District Council) but neither of these have byelaws that reflect the purpose of the proposed byelaws.

6. Why, if any other existing enactment, law or legislation already fulfils the purpose of, and need for, the proposed byelaw, the local authority still considers there is a need for the proposed byelaw

National laws are heavy implements for dealing with local issues. The proposed byelaws are specifically designed using an approved Government template to provide a local framework under which the Council can take action against infringements without the need to involve the Police or any other greater authority.

7. If it is the case that the local authority considers that no other existing enactment, law or legislation already fulfils the purpose of, and need for, the proposed byelaw, the proposed byelaw does not conflict with any existing enactments

The Parish has used the Model Byelaws (Set 2) as a template for its proposed byelaws. This template already takes account of existing enactments as will any future updates.

8. Has the local authority revoked or is it revoking a byelaw in relation to this application to make a new byelaw

Yes, the byelaws of 14 January 1996 confirmed by the Secretary of State relating to the Recreation Ground are being revoked by this application to make a new set of byelaws, see Point 40 in the proposed draft byelaws.

9. Has the local authority used a model byelaw to help draft the proposed byelaw and if so, which one

Yes, the Parish Council has used the Model Byelaws (Set 2) as provided by HM Government (DCLG – February 2013). Any changes have been deletions of sections that are not relevant to the Parish's land/spaces, or amendments to wording using the suggested template format.

10. Identifying, by using a map if necessary, the area to which the byelaw applies

Two notated maps are provided at Appendix 2 indicating all the relevant spaces referred to by the byelaws.

11. The result of the consultation

Consultation was conducted on an initial draft of the byelaws in 2017. This initial draft has been further amended in 2020 to take into account changes in the open spaces owned and/or managed by Lavant Parish Council (but no other changes). Further consultation took place in November 2020 through the Council's website, the local village monthly magazine which is delivered to all the parish residences, and through written communication to potentially interested third parties (including overarching local authorities, neighbouring councils, local organisations and companies, the local area disability group). A copy of all the comments received from 3rd parties is attached at Appendix 3. There have been no comments from the general public.

12. Have any objections been made to the proposed byelaw during the consultation exercise and what has been the local authority's response to those objections; the authority should also include with the report copies of all correspondence dealing with the objections

There have been no objections to the proposed byelaws, either in 2017 or since. Comments received (see point 11 above) have been taken into account within the proposed byelaws submitted here. Copies of email correspondence are attached at Appendix 4.

Attachments:

Appendix 1 - Byelaws dated 14 January 1996

Appendix 2 - Notated maps indicating extent of byelaw coverage

Appendix 3 - Summary of all consultation comments received.

Appendix 4 - Copy correspondence from LMH and WSCC.