

REPORT TO	DATE OF MEETING
Cabinet	4 September 2013

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
Introduction of Byelaws to Areas around Leyland Town Centre	Neighbourhoods and Streetscene	Mark Gaffney	11

SUMMARY AND LINK TO CORPORATE PRIORITIES

There is a long history of nuisance issues from skateboarding and ball games at the Tesco site, off Towngate in Leyland. It is proposed that the introduction of byelaws will help to reduce the nuisance issues.

Under the Council's Constitution it is for Full Council to approve the making of any byelaws.

This report seeks approval to commence the necessary procedures for obtaining provisional approval from government for introducing byelaws on the Tesco site and a number of other sites around Leyland Town Centre. There would be a subsequent report to Council seeking authority to actually make the byelaws should the government prove to be supportive of these proposals.

The report links directly to all of the Council's corporate priorities but especially Clean, Green and Safe.

RECOMMENDATIONS

That Cabinet agrees:

1. To recommend to Council that the Director of Neighbourhoods be authorised, in consultation with the Deputy Leader, Neighbourhoods and Streetscene, to seek provisional approval from government to the making of byelaws to control skateboarding and the playing of games (including the playing of ball games) as detailed in this report.
2. In the event that the government grants provisional approval to the proposed byelaws to recommend to Council that the appropriate byelaws should then be made – such approval from Council would be sought by a further report.

DETAILS AND REASONING

1. Background

There is a long history of young people gathering at the Tesco site in Leyland which has sometimes resulted in varying degrees of anti-social behaviour and nuisance. Whilst the element that causes these issues is generally the minority, it does affect residents, local businesses, customers of Tesco and the local shops and the general public.

Recent issues have in the main been around the skateboarding and ball game activities carried out by the young people.

2. Byelaws

It should be noted that any introduction of byelaws in itself will not bring a complete solution to some of the issues experienced. Byelaws should be viewed as additional powers to those already in place to help deal with the wider issues.

The government's "Model Byelaws for Good Rule and Government" contains additional powers that can be of assistance to local authorities. Please see the Appendix to this report. Legal Services has considered these model byelaws and recommended that those sections relating to skateboarding and ball games are appropriate to utilise in these circumstances. When making the byelaws it is only the relevant sections from the model set which will be included – in this instance model byelaw 7, 8, 10 and 11. Byelaw 7 prohibits skateboarding (and other related activities) from sites to be designated. Byelaw 8 prohibits dangerous or nuisance skateboarding on footways and carriageways. Byelaw 10 prohibits dangerous games being played near the highway and Byelaw 11 prohibits the playing of games to the annoyance of local residents.

Prior to going through the formal approval process it is recommended good practice that a council should seek provisional approval from government (the Department for Communities and Local Government) as to the byelaws that it wishes to see introduced. The government will need to be convinced, amongst other things, that we have carried out sufficient consultation and that the making of the byelaws is both necessary and proportionate in the circumstances.

If the government decides to grant provisional approval then the intention would be to take a further report to Council seeking authorisation to take the necessary formal steps namely the actual making of the byelaws, the giving of the requisite public notice of the making of the byelaws and finally submitting the byelaws to government for final approval/confirmation. Members of the public will have the right to object to the making of such byelaws.

There are a number of sites that it is proposed should be covered by these proposed byelaws (it should be noted though that Byelaw 8 [please see above] would apply to all footways and carriageways in the borough).

The Tesco site consists of land owned by Tesco and land owned by the Council but leased to Tesco on a 999 year lease. The Council owned land is the large paved area fronting the small shops adjacent to the Leyland Cross conservation area, known locally as Town Square. This is the area where most of the issues occur.

On previous occasions when the police have broken up the gatherings of young people at the Tesco site, they have sometimes re-grouped at other locations - in particular on the car parks and areas adjacent to Leyland Market or Worden Park. There is also a risk in relation to other areas such as the car parks and surrounding areas at Leyland Leisure Centre, the Civic Centre and other council car parks.

It is therefore proposed that the following sites are covered by the byelaws, so that if displacement occurs the police are in a position to respond if necessary:

- Tesco site and Town Square
- Leyland Leisure Centre and car parks
- Civic Centre and car parks
- King Street car park
- Sumner Street car park
- Leyland Market and car park
- Churchill Way car park
- Railway Station car parks

Worden Park is already covered by byelaws and is a more appropriate location for ball games etc. and does not need to be included.

The majority of the above sites are council owned. However, the Tesco site and some of the other sites and surrounding areas will need consents from Tesco, LCC as Highway Authority and other land owners. Also following any such discussions with land owners it may be necessary to re-consider some of the proposed sites and the exact boundaries to be covered by the byelaws. All necessary consultations will be completed prior to applying to the government for provisional approval.

The Police have been consulted about the proposals in this report and have confirmed their support. However, as mentioned earlier in the report, they have pointed out that the introduction of byelaws will not bring a total solution and should be viewed as additional powers to help deal with the wider issues.

It is not proposed at this stage to introduce these byelaws at other similar sites in the borough. However, should there be a future need then this position can be re-considered. Also the current process to introduce byelaws is quite onerous but central government is looking to change the legislation to make the process easier and less complex in the future.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

FINANCIAL	There are no direct financial costs at this stage although it is expected that costs for advertising and signage will be in the region of £1,600. These costs will be met from within the existing revenue budgets.
LEGAL	<p>It is recommended good practice that a council should obtain provisional approval to any proposed byelaws prior to commencing the formal approval processes.</p> <p>Should government indeed provide provisional approval then a further report will be taken to Council for approval to actually make the byelaws and submit them for final government approval. Prior to doing this, public notice must be given in the form of a newspaper advert. People at that stage will have the right to object to such proposals.</p> <p>If the byelaws are confirmed enforcement, then such byelaws may then be enforced.</p>
RISK	The proposed sites need to be covered by the byelaws as otherwise the problems, issues, nuisance and anti-social behaviour outlined in the report will continue. The byelaws in relation to skateboarding and ball games will enable more effective enforcement of the sites.
THE IMPACT ON EQUALITY	An Equality Impact Assessment has been carried out in respect of these proposals - no issues of concern have been identified.

<i>OTHER (see below)</i>	Crime and Disorder The proposals in this report should have a positive impact on anti-social behaviour.
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

None