

CITY COUNCIL - 12 DECEMBER 2011

JOINT REPORT OF THE PORTFOLIO HOLDERS FOR PLANNING AND TRANSPORTATION AND AREA WORKING, CLEANSING AND COMMUNITY SAFETY

BYELAWS FOR GOOD RULE AND GOVERNMENT IN RELATION TO SNEINTON SQUARE

1 SUMMARY

- 1.1 This report asks Council to consider making Byelaws to prohibit persons from skating, sliding, or riding on rollers, skateboards or other self propelled vehicles on the recently developed Sneinton Square.

2 RECOMMENDATIONS

- 2.1 That Council approve the adoption of Byelaws in the terms outlined in Appendix 1 to the report.
- 2.2 That the Corporate Director for Development and the Director of Legal and Democratic Services be authorised to take all such steps as may be necessary to make, seal, advertise and obtain confirmation of the Byelaws so as to bring them into effect.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 The Byelaws are felt to be necessary in order to prevent nuisance being caused to citizens from those who may seek to use the recently re-developed Sneinton Square for skateboarding or similar purposes. No public consultation has been carried out but provisional approval to make the Byelaws has been obtained from the Department for Communities and Local Government.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Not to make the Byelaws, however, for the reasons outlined below they were considered to be necessary.

5 BACKGROUND

- 5.1 Sneinton Square is part of the £6.8 million Connecting Eastside regeneration scheme, with the re-development of the area to be covered by the Byelaws costing in the region of £2.5 million. It has been designed as a flexible space which can be easily adapted to host regular markets and events. It is also a functional open space with terracing which will act as sculptural seating. The purpose of the regeneration project (and the Square), is to provide a high quality pedestrian connection between the City Centre and the St Ann's and Sneinton areas of Nottingham and complement the re-development of the adjacent Victoria Leisure Centre. One of the primary objectives of the re-development therefore is to encourage and enhance pedestrian usage in this area and to provide a place for the public to meet and engage in various recreational activities.
- 5.2 The Byelaws are felt to be necessary in order to prevent nuisance being caused to citizens by those who may use the area for skateboarding and other similar purposes. Skateboarders have already broken through the security fencing currently protecting the re-development and used the area for skateboarding. This has resulted in approximately £1,000 of damage to the newly constructed granite benches, despite the design incorporating an anti-skateboarding detail. The area, therefore, already appears to have been identified by skateboarders as one which will be suitable for their purposes and targeted as such, despite the security measures currently in place and potential hazards to their health and safety. It is therefore felt that it is necessary to promote the Byelaws in order to prevent nuisance being caused to citizens who will be encouraged to use the area for recreational and pedestrian uses, to prevent risks to their health and safety, and further damage to Council property.
- 5.3 The Byelaws will be made under Section 235 of the Local Government Act 1972. Before making the Byelaws the Council is required to obtain provisional consent from the Department for Communities and Local Government. This has now been granted. Any deviation from the draft outlined in Appendix 1 would require further approval.
- 5.4 If Council agrees to adopt the Byelaws they will be required to be made and sealed, a notice placed in one or more local newspapers, and the Byelaws placed on deposit for public

inspection for a period of at least a month before an application can be made to the Secretary of State asking for the Byelaws to be confirmed. If confirmed, the Secretary of State would determine the date upon which the Byelaws would come into force. This is usually one month after the date of confirmation. If authorised therefore it is hoped that the Byelaws could come into force in spring.

- 5.5 Enforcement of the Byelaws would be through Community Protection. Currently enforcement can only be by prosecution with the maximum penalty being a fine of £500.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 The costs associated with making the Byelaws are for the placing of a notice in the local newspaper. This cost is not anticipated to exceed £700. This expenditure will be funded from the Connecting Eastside project capital budget.
- 6.2 If the alternative option of not making the Byelaws was pursued, then the City Council would have to address the financial impact of the targeted activities caused by damage to street furniture in this area. The cost for repairing such damage could be in excess of thousands of pounds.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 7.1 It is within the Councils powers to make these Byelaws and the process for doing so is contained within the main body of the report. Guidance issued by the Department for Communities and Local Government advises that whilst the power under Section 235 of the Local Government Act 1972 cannot be used to prohibit skateboarding, etc, throughout the whole administrative district it may be appropriate to ban such activities in certain places where it causes a particular danger or nuisance. It also advises that Byelaws should only be adopted when genuinely required to address an existing problem. As indicated above the Department has already given provisional approval for the Council to proceed with the adoption of the Byelaws.

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA has been carried out and is attached at Appendix 2.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Department for Communities and Local Government – Model Byelaw 8 Guidance notes.

**COUNCILLOR JANE URQUHART
PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION**

**COUNCILLOR ALEX NORRIS
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NOTTINGHAM CITY COUNCIL

BYELAWS FOR GOOD RULE AND GOVERNMENT

Byelaws made under section 235 of the Local Government Act 1972 by Nottingham City Council for the good rule and government of the District of the City of Nottingham and for the prevention and suppression of nuisances.

General interpretation

1. In these byelaws:

“the Council” means Nottingham City Council;

“designated area” means the area designated in byelaw 2 to these byelaws;

“self-propelled vehicle” means a vehicle other than a cycle, wheelchair or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more other persons pulling or pushing the vehicle;

Application

2. These byelaws apply to the area of the Council designated in the Schedule and delineated by black hatching on the plan attached to these byelaws.

Skateboarding, etc

3. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in the designated area

Penalty

4. Any person offending against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

SCHEDULE

The designated area is that pedestrianised area known as Sneinton Square more particularly delineated by black hatching on the plan attached

Given under the Common }
Seal of NOTTINGHAM
CITY COUNCIL:

Authorised Signatory

APPENDIX 2

Name and brief description of proposal / policy / service being assessed

The proposal is to make Byelaws to prohibit persons from skating, sliding or riding on rollers, skateboards or other self propelled vehicles on the recently developed Sneinton Square. If the necessary approvals are received it is anticipated that the Byelaws could come into force late spring/early summer. The aims of the proposal are to ensure pedestrians can use the square safely for walking and recreational purposes, as well as to address the financial impact of the targeted activities caused by damage to street furniture in this area.

Information used to analyse the effects on equality

A review has been undertaken to consider the various impacts of the implementation of the proposed Byelaws.

	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	The different groups identified could particularly benefit from the Byelaws as it will enable them to enjoy the use of the public space for recreational and pedestrian uses without the risk of nuisance or potential danger from these activities. Pregnant women, very young children, older and disabled people are expected to particularly benefit as collisions and falls may have more serious consequences for these groups.	Action that could reduce the negative impact on younger people would be Council officers and partners who are carrying out enforcement, signposting alternative locations for the activity or alternative leisure activities.
Men, women (including maternity/pregnancy impact), transgender people	X	<input type="checkbox"/>		
Disabled people or carers	X	<input type="checkbox"/>		
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	X	X		Furthermore the introduction of a dedicated facility for these activities in the local area could reduce the impact; however there are currently no proposals or funding available for such a facility to be provided by the City Council.
Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	<input type="checkbox"/>	<input type="checkbox"/>	Younger people could be adversely impacted by the Byelaws as they will be prevented from undertaking the various activities that are to be prohibited as part of the Byelaws in this location; however there are other areas in the locality where skateboarding is permitted and where other leisure activities are possible.	

Outcome(s) of equality impact assessment:

No major change needed Adjust the policy Adverse impact but continue X Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

Review this assessment if any subsequent information indicates other adverse impact.

Approved by (manager signature): Steve Hunt, Head of Traffic and

Safety - Contact Kirstie Turner, Highway Programmes 0115 87 65291

Date sent to equality team for publishing: