



## COUNCIL – 22ND JULY 2014

**SUBJECT: PROVISION OF BYE-LAWS FOR PARKS, PLEASURE GROUNDS,  
PUBLIC WALKS AND OPEN SPACES**

**REPORT BY: INTERIM DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

1.1 To advise Council on the completion and Ministerial approval of Bye-laws for Parks, Pleasure Grounds, Public Walks and Open Spaces and to seek approval for implementation.

### **2. SUMMARY**

2.1 The formulation, consultation and Ministerial approval process for the new Caerphilly bye-laws has been an extensive exercise which has taken 2 years.

2.2 This period has included reports to:

- Living Environment Scrutiny Committee dated 20<sup>th</sup> March 2012
- Cabinet dated 17<sup>th</sup> April 2012
- Cabinet dated 17<sup>th</sup> September 2013
- WG Ministerial Approval received on 7th May 2014

2.3 A key part of the process is the formulation of the bye-laws and presentation in a format for Ministerial sign-off which has involved consultation with the following groups:-

- Community & Town Councils
- Community Partnerships
- Other Resident Groups
- MP's & AM's
- Special Interest Groups (eg: the Equine Society)
- Living Environment Scrutiny Committee

2.4 The views of the consultees have been taken into account in formulating the bye-laws which have now received Ministerial Approval.

2.5 This report therefore seeks Council approval for final implementation of the WG approved bye-laws.

### **3. LINKS TO STRATEGY**

3.1 Improving community safety and quality of life by reducing crime, anti-social behaviour and the fear of crime are key objectives within the Single Integrated Plan.

## 4. THE REPORT

- 4.1 The last occasion the bye-laws were updated covering parks, pleasure grounds, public walks and open spaces in Caerphilly was 1999. Prior to this revision many of the bye-laws had not been updated for many years and originated from the previous urban district councils, including Caerphilly, Bedwellty, Abercarn, Rhymney and Gelligaer.
- 4.2 The recently approved bye-laws, outlined in Appendix 1 to this report, are set against the changing lifestyles of residents and visitors to our parks, pleasure grounds and open spaces and the adoption of new areas including housing estates, commercial developments and the establishment of community partnership facilities.
- 4.3 The range of risks and levels of claims that the Council now faces require the provision of up-to-date bye-laws covering all areas and facilities which are managed and maintained by the Council. The public awareness and right to a reasonable level of community safety and behaviour by individuals and groups has also to be supported via up-to-date rules and guidance. Without such structure and guidance being available to Council officers and the police, the cost in terms of resources in dealing with anti-social behaviour and the impact of the same on local residents could be considerable. Well-defined and modern bye-laws permit the police and council officers to deal with such anti-social issues quickly and efficiently.
- 4.4 The newly proposed Caerphilly bye-laws will be different in several areas to the Welsh Government “model bye laws”. The differences include:
- **Reduction in the upper age limit for using play equipment from 14 (WG model) to 12 (play industry standard)** - In this regard it has been the view of officers that multi use games areas (MUGA's), youth shelters (which are often adjacent to play areas) and aerial slides, ropeways are more appropriate for children over the age of 12.
  - **Opening times** – The WG Model includes standard opening times for summer and winter months. However, officers have made the case, in light of extensive experience; a more flexible approach with local options would be of a greater benefit to Council and Police officers in dealing with anti-social behaviour.
- 4.5 It should be noted the bye-laws (Appendix 1.) have been scheduled into three main areas. Schedule 1 includes all Caerphilly parks, pleasure grounds, open spaces, welfare grounds, playing fields and land adjacent to ponds and lakes (eg: Cwm farm balancing lake). Schedule 2 includes a comprehensive list of Caerphilly play grounds and attached open spaces and finally Schedule 3 lists all Caerphilly areas designated for ball games, additional to suitable areas in Schedules 1 and 2. A new addition to the bye-laws is a section added to all areas in each Schedule, which is an ordinance survey (OS) reference for each site. This will aid any disputes in Court where the specific location of the offence is called into question. The OS reference is generally held to be the centre of the location.

## 5. EQUALITIES IMPLICATIONS

- 5.1 Having an up-to-date set of modern bye-laws as proposed by this report, also supports the wider anti-social behaviour work covered by the council's Strategic Equality Objective 1 - Tackling Identity Based Hate Crime and the West Gwent Regional Community Cohesion work being undertaken across Caerphilly, Blaenau Gwent and Torfaen.

## 6. FINANCIAL IMPLICATIONS

- 6.1 There will be a revenue cost of circa £4,000 to £5,000 to provide appropriate signage at all locations; some large parks will require several signs in order to inform the public and users of the areas/facilities covered by the new bye-laws. This provision will be phased over a period of time to cover all locations, installation being funded from the parks revenue maintenance budget.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications associated with this report.

## **8. CONSULTATIONS**

8.1 The report reflects the views of the listed consultee's.

## **9. RECOMMENDATIONS**

It is recommended that:

9.1 Council approves the attached up-to-date Bye-laws covering Parks, Pleasure Grounds, Public Walks and Open Spaces and agrees their immediate implementation.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To establish an up-to-date set of modern bye-laws which will apply to all Caerphilly Parks, Pleasure Grounds, Public Walks and Open Areas, thereby assisting Council Officers and the Police in dealing with incidents of anti social behaviour.

## **11. STATUTORY POWER**

11.1 Local Government Acts 1972 and 2000.

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Consultees: Sandra Aspinall, Acting Deputy Chief Executive  
Councillor David Poole, Cabinet Member for Community & Leisure Services  
Mark S. Williams, Head of Community & Leisure Services  
Rob Hartshorn, Head of Public Protection  
Gail Williams, Acting head of Legal Services & Monitoring Officer  
Richard Crane, Senior Solicitor  
David Thomas, Senior Policy Officer (Equalities & Welsh Language)

Appendices:

Appendix 1 Caerphilly CBC Bye Laws covering Parks, Pleasure Grounds, Public Walks and Open Spaces.