

This matter is not a key decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Assistant Chief Executive (ACE), Legal and Governance, joint with the Executive Director of Development, Environment and Culture (DEC) to Council on 6 February 2014

Proposed Bye-laws for Town Hall Square Area

1. Purpose of Report

- 1.1 For the Council to formally resolve to adopt bye-laws for the good rule and government and the prohibition of undesirable conduct in the Town Hall Square area of Barnsley.

2. Recommendations

- 2.1 **That the Council, using its power under Section 235 of the Local Government Act 1972 make the bye-laws in the form annexed to this report.**
- 2.2 **That the ACE, Legal and Governance, be authorised to complete the procedure for enacting the bye-laws, by sealing and advertising the bye-laws and submitting them to the Secretary of State for Communities and Local Government for confirmation in accordance with the statutory procedure, including responding to DCLG in respect of any objections received.**
- 2.3 **That the Executive Director (DEC) procure and affix in the area covered by the bye-law appropriate signage as part of the enforcement strategy to bring about compliant behaviour.**

3. Background

- 3.1 Following the opening of Experience Barnsley and the PALS Centenary Square there were a number of examples of individuals abusing the facilities by, for example, climbing the sculpture, skateboarding, stunt cycling and applying foaming pollutants to the fountain water. Such activities are capable of causing damage to the fabric of the facilities and are a nuisance to other users.
- 3.2 In September 2013 Cabinet considered a report proposing the introduction of bye-laws to enable effective enforcement within the Town Hall square in respect of a number of undesirable activities (Cab.11.9.2013/9.1). A copy of that report is appended. The report

sets out the consideration of other approaches and the proposal and justification for making bye-laws.

- 3.3 Under statutory procedures bye-laws have to be made with the authority of the full Council. Before the Council can make and authorise the sealing of bye-laws a draft of those bye-laws has to receive the provisional approval of the Department of Communities and Local Government (DCLG). Accordingly, the resolution of Cabinet was to recommend to Council that it should make bye-laws in the form attached to that report, or with whatever amendments the ACE (Legal and Governance) saw fit, having regard to the response of the DCLG to the submitted draft.
- 3.4 Unfortunately, the process of obtaining provisional approval became more protracted than had been anticipated, meaning that it was not possible to bring a report to the Council meeting in either September or November 2013, as had been hoped. In order to meet the requirements of DCLG a number of modifications and amendments were needed to the draft bye-laws originally submitted. The version of the bye-laws now appended to this report received provisional approval from DCLG in December 2013. Notwithstanding the amendments, the bye-laws will still prohibit the principal sources of mischief that they were intended to combat: skateboarding and scooting, cycling, polluting the waters and climbing the sculpture.

4.0 Next Steps

- 4.1 Once the Council has resolved to make the bye-laws and they have been sealed, they are required to be advertised in a local newspaper and held on deposit for a period of not less than one calendar month. Following the period of deposit the sealed bye-laws need to be submitted to The Secretary of State for confirmation. Where no objections have been received confirmation will normally be a “rubber stamping” exercise. Where objections have been received, the Council will be asked to comment upon them before The Secretary of State takes a decision. Once confirmed, the bye-laws will take effect on a date fixed by The Secretary of State which will normally be one month from the point of confirmation, although the ACE, Legal and Governance, will request the earliest implementation date possible. Appropriate signs advising the public of the effects of the bye-laws will be prepared in advance of the effective date so that they can be erected and the bye-laws enforced immediately upon their coming into operation.

5.0 Financial Implications

- 5.1 Small costs will be incurred in placing a notice in the Barnsley Chronicle and in producing and affixing signs setting out the effect of bye-laws. Otherwise, there are no direct financial implications of

making the bye-laws. The level of activity by Barnsley MBC staff in enforcing the bye-laws will be under the Council's control.

6.0 Other Matters

The Implications for Local People/Service Users, Employee Implications, Communications Implications, Consultations, Risk Management Issues, Health and Safety Issues, Compatibility with European Convention on Human Rights considerations, Reduction of Crime and Disorder, Conservation of Biodiversity, Legal Implications, Implications for other service users and Background papers are as set out in the attached Cabinet report.

7.0 List of Appendices

- Bye-laws for the approval of Council
- Cabinet Report (Cab.11.9.2013/9.1)

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