
PROPOSED BYELAWS IN RESPECT OF SKATEBOARDING AND BALL GAMES

Responsible Cabinet Member(s) – Councillor John Williams, Leader

Responsible Director(s) – John Buxton, Director of Development and Environment

Purpose of Report

1. This report is to advise Members of the complaints received from the public in respect of persons skateboarding and playing ball games in the pedestrian heart and in the vicinity of the new register office. Whilst a particular problem has been identified in the town centre nuisance skateboarding affects the whole Borough and, whilst it is not intended to prohibit skateboarding throughout the Borough measures to tackle those skateboarders causing a nuisance or danger to other road or footpath users. The report also seeks Members' approval for the adoption of byelaws designed to prohibit these activities in these particular areas in the future.

Background

2. The Council has received a number of complaints from members of the public concerned that skateboarding is becoming very common in the pedestrian heart. This activity is causing nuisance, and the risk of injury, to other town centre users as well as damaging some of the new street furniture. It is anticipated that as more areas of the town become pedestrianised skateboarders will find more areas to use.
3. There has also been an ongoing problem around the grassed area and fountain at the intersection of Houndgate and Bull Wynd. The problem will be exacerbated now that the new register office is based in the area which is being used by the bride and groom and their guests as a gathering place and a venue for taking photographs.
4. Skateboarding has been a problem throughout the Borough and not just in the town centre. A further byelaw is proposed at clause 4 of the Appendix which, whilst not prohibiting all skateboarding within the Borough, makes it an offence to skateboard in a manner which causes danger or annoyance to other footpath and road users.
5. The Director of Development and Environment has identified that there has been an increase in the instances of persons playing ball games in some areas of the town centre; this has previously been a problem on the market square and in Skinnergate. As the pedestrian heart has progressed officers have noticed that ball games are increasing, one recent instance involved several youths playing football in the events area near the Joseph Pease statue.

6. The Council can seek to obtain byelaws, which would make such activities a criminal offence punishable by a fine of up to £500.00.

Process for Adopting Byelaws

7. A draft of the proposed byelaws are attached as an appendix to this report. These are taken from the model byelaws for good rule and government which have been produced by the Department for Communities and Local Government. The wording of the model byelaws cannot be amended, although separately the clauses can be removed or inserted according to local choice. A plan is attached to the byelaws showing the area of the town over which the byelaws will apply.
8. If Members decide to adopt the byelaws they must be sealed by the Council. The fact that the Council intends to send the sealed byelaws to the Secretary of State for confirmation must then be advertised in the local press. The notice must advise that objections can be made to the Secretary of State for Communities and Local Government. A copy of the byelaw must be made available for public inspection for at least a month before it is sent for confirmation.
9. At the end of the period of public inspection the Council must send a copy of the sealed byelaws to the Secretary of State. If no substantive objections have been received then the sealed byelaw will be confirmed. It is then law and can be enforced by Council officers. Where objections have been received, copies will be sent to the council for comments before a decision is taken.

Legal Implications

10. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

11. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. There are no further crime and disorder considerations other than those set out elsewhere in this report.

Council Policy Framework

12. The issues contained within this report are required to be considered by Council.

Conclusion

13. There is a clear problem within the town centre in respect of the playing of ball games and, in particular, skateboarding. The Council can decide to deal with this issue by adoption of appropriate byelaws to cover the areas most affected.

Recommendation

14. Council are requested to :-

- (a) Approve the adoption of the byelaws as they are set out in the Appendix.
- (b) Subject to the adoption of the byelaws, authorise the Borough Solicitor to carry out the remaining statutory process to bring the byelaws into force.

Reasons

15. The recommendations are supported by the following reasons :-

- (a) Action is required to protect members of the public going about their business in the town centre.
- (b) The adoption of these byelaws would prohibit the nuisance activities and allow the Council to take enforcement action against those who flout the law.

John Buxton
Director of Development and Environment

Background Papers

A.Catterick : Extension 2293