

**Report Item 120-20/21 Nuthurst Parish Council 2<sup>nd</sup> September 2020**

Updating / Revoking the Village Green Byelaws

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**To; Councillors**

**From; Clerk**

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**Recommendation** - to consider updating / revoking the village green byelaws.

**Background information**

**1. The problems with the Parish Council Byelaws**

- Public criticism over many years – including in the National Press and on the 6 villages Facebook page.
- They were made in 1985, have an authoritarian tone, and are arguably not in line with society's attitudes today.
- They do not promote a pleasant welcome to the Village Green.
- They are frequently ignored by the public.
- They cannot be enforced – police cutbacks, not prone to enforce byelaws and PC unlikely to take legal action over enforcement.

**2. Four options to address this problem**

- To write new byelaws
- To amend the existing byelaws
- To revoke the existing byelaws, remove the byelaw signs and substitute them with more resident-friendly notice-boards
- To retain the existing byelaws and the required signs on the village green (the status quo)

**3. Consideration**

- Councillors will need to think if it is really practical to write new byelaws or amend the existing ones. To do either would involve convincing HDC that such action was reasonable and that there was no other alternative. Then HDC would have to submit a document to the Secretary of State at the Ministry of Housing/Local Communities setting out why the proposed action "passed" twelve tests. And then there would have to be local consultation. It would be a very long-winded and bureaucratic course of action.
- If re-writing or amending the current byelaws is not considered practical, then Councillors will need to decide whether to retain the byelaws and signs, which would not deal with their disadvantages, or to properly revoke the byelaws, remove the byelaw signs and replace them with more welcoming signage.

**4. The process of revoking Byelaws**

**Government Guidance for Councils on making, amending and revoking byelaws** (Source: [www.gov.uk/guidance/local-government-legislation-byelaw](http://www.gov.uk/guidance/local-government-legislation-byelaw))

The guidance states “Byelaws are considered a measure of last resort after a local Council has tried to address the local issue the byelaw applies to through other means. ... Byelaws should always be proportionate and reasonable. Where a byelaw is no longer necessary, it should be revoked.”

The guidance sets out the following 4 steps for revoking byelaws:

**Step 1):** Assessment and consultation (4 questions to be answered). Must publish a notice of proposal to revoke byelaw on its website and anywhere else it sees fit. Consultation period 28 days.

**Step 2):** Decision to revoke byelaw must be formal decision of the Council

**Step 3):** Revoke the byelaw

**Step 4):** Must give publicity to the revocation after it has been done. Removal of byelaw signs.

## 5. Advantages and disadvantages of revoking byelaws

### 5.1 Advantages

- Removes ongoing criticism of Parish Council for its stringent byelaws.
- More in keeping with society’s attitudes in 2020s
- No point in having byelaws that are not complied with
- Enforcement of byelaws is not practical, because of Police cutbacks and Parish Council unlikely to take legal action for non-compliance.
- Revocation can be done by the Parish Council at very little cost. Only need perhaps to purchase a welcoming sign and a limited number of signs for the children’s playground. Came and Company, the Parish Council’s insurers, have said some signs in children’s playgrounds are a legal requirement and have pointed to the ROSPA advice on this.

### 5.2 Disadvantages of revoking byelaws

- Residents living around the Village Green may want the byelaw signs retained if they view them as a deterrent to antisocial behaviour.
- May affect the Parish Council’s insurance position. Sarah has checked with Came and Company and they have stated that revoking the byelaws will not have an impact on the Parish Council’s Public Liability Insurance.

### 5.3 Consultation if considering revoking byelaws

- Horsham District Council
- Nuthurst Cricket Club?
- Residents living around the Village Green

## 6. Mannings Heath Village Green: The present situation

The Village Green Byelaws were made 35 years ago, have an authoritarian tone and are arguably out of line with society’s attitudes today.

There are two identical notice boards listing the byelaws relevant to the Village Green (at the playground and adjacent to Greens Lane). See photo 1.

These list 13 prohibitions on each notice board (eg: do not climb, cycle, camp etc). See photo 1.

There are also two “By Order of the Parish Council” prohibition notices relating to the children’s playground. See photo 2. There is also a disclaimer sign on the children’s playground. See photo 3.



Photo 1: One of two Byelaw signs



Photo 2: By Order signs at children's playground



Photo 3: Disclaimer sign at children's playground

## 6. Comparison with other nearby Councils' Recreation Grounds

**6.1 Warninglid Recreation Ground** (Belongs to Mid Sussex DC). It is a large field which contains a cricket pitch with the children's playground in one corner— no notices displaying byelaws – instead a welcoming sign is displayed at the main entrance. See photo 4. No byelaws listed on website.



Photo 4: Welcome sign for Warninglid Recreation Ground

**6.2 Cowfold Recreation Ground** (belongs to Cowfold PC). No notices displaying byelaws and no byelaws listed on website. The playground is divided into two interlinked sections, one for children up to 12 years and the other for up to 6 years. See the notices in photos 5 and 6. There is also an additional notice about “no dogs”– see photo 7.



Photo 5: Notice – children up to 12 years



Photo 6: Notice – children up to 6 years



Photo 7: Notice – “no dogs allowed”

The playground is in a corner of large field which also has a cricket pitch, a football net, basketball/netball hoop, rope swing and other activities.

**6.3 Handcross Recreation Ground** (Slaugham PC). A large field at the top end of Handcross High Street containing two football pitches, a petanque piste, ½ basketball pitch and a children’s playground. Apart from “Covid 19 Notices” which are displayed on the gates and each piece of equipment, there is only one notice at the playground regarding dog fouling (see photo 8). There are no byelaw notices and no mention of byelaws on the PC website.



Photo 8: Notice clean up dog fouling

**6.4 Staplefield Common** (Ansty and Staplefield Parish Council). A large field with a cricket pitch and a children’s playground in a corner, but separated from the field by a minor road. There are no byelaw notices and no mention of byelaws on the PC website. There are three notices displayed at the playground, limiting it to children under 12 (photo 9), children must be supervised (photo 10) and banning dogs (photo 11).



Photo 9: Only children under 12



Photo 10: Adult Supervision



Photo 11: No dogs allowed

**DECISION NEEDED BY THE PARISH COUNCIL:**

1. To retain the current byelaws and required signage on the Village Green (the status quo)
2. To initiate the writing of new byelaws
3. To initiate the amendment of the current byelaws
4. To revoke the byelaws, remove the current signage and purchase more resident-friendly notices.

**Owen Hydes**  
 Chair of the Parish Council  
 August 2020