



Full Council
25 November 2019

**Report from the Strategic Director of
Regeneration and Environment**

Revoking a Byelaw to Enable Cycling In Parks and Open Spaces

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Appendix A: Brent Parks and Open Spaces covered by byelaw 7 (ii) Appendix B: Draft Revocation Byelaw Appendix C: Safety assessment summary Appendix D: Consultation document Appendix E: Equality impact assessment
Background Papers:	None
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1.0 Summary

1.1 This report informs Council of the steps taken to revoke byelaw 7ii of the Open Spaces and Pleasure Grounds that prohibits cycling in Brent's parks and open spaces and of the results of the public consultation.

2.0 Recommendation

That Full Council:

2.1 Agree and make the revocation of byelaw 7ii, in the terms set out in Appendix B.

2.2 Notes the process followed by officers to revoke the byelaw following approval from the General Purposes Committee on 19th March 2019.

2.3 Notes the outcome of the public consultation conducted from 7 June and 19 July 2019 for revoking byelaw 7 (ii).

3.0 Detail

3.1 The Mayor's Transport Strategy 2017, the Council's Long Term Transport Strategy 2015-2035 and the Brent Cycle Strategy 2016-2021 aim to increase the uptake of cycling within the borough.

3.2 The Brent Cycle Strategy 2016-2021 sets out the vision for cycling in Brent and aims to:

- make Brent a borough where everyone can cycle safely, in comfort and with confidence;
- enable people of all ages and abilities from every section of Brent's diverse society so see cycling as a good option for everyday travel;
- develop a coherent network of direct, comfortable and attractive cycle routes;
- explore opportunities to improve permeability for cyclists through opening existing paths through Brent's parks and open spaces for shared use by pedestrians and cyclists.

3.3 The current byelaws for pleasure grounds, public walks and open spaces were made in 1977 under the 1906 Open Spaces Act and the Public Health Act 1875. Byelaw 7ii currently states:

“ a person shall not except in the exercise of any lawful right or privilege ride any bicycle, tricycle or similar machinery in any part of the Pleasure Ground.

Provided this byelaw shall not be deemed to prohibit the riding of bicycles, tricycles, and other similar machinery on any path in the Pleasure Ground known as Gladstone Park between the hours of 7am and 8:30am”.

This byelaw applies to 55 of our 90 parks and open spaces (see appendix A). Within the last few years, no complaints have been recorded relating to cycling in parks with both those covered by the byelaw and those that are not.

3.4 The current byelaws for pleasure grounds, public walks and open spaces were made in 1977 under the 1906 Open Spaces Act and the Public Health Act 1875. Byelaw 7(ii) of the existing byelaws does not generally allow cycling except in Gladstone Park between the hours of 7:00am – 8:30am. This byelaw applies to 55 of our 90 parks and open spaces (see appendix A). A review of data indicates

that no complaints have been recorded relating to cycling in parks, within both those covered by the byelaw and those that are not.

- 3.5 The Council already has some dedicated cycle routes / shared use paths in some parks and, although prohibited, cycling does take place in other parks for a number of different reasons. Transport for London (TfL) support the use of cycle routes through parks to help develop a coherent network of direct, comfortable and attractive cycle routes. There are therefore some inconsistencies in our current byelaw regulation and Brent transport policies that need to be addressed
- 3.6 Officers are of the view that only permitting cycling in specific parks does not meet our policy objectives and therefore that a general prohibition is appropriate. It is for this reason that it is proposed that byelaw 7 (ii) be revoked so that cycling is generally permitted in our parks and open spaces.
- 3.7 The health benefits of cycling, to both physical as well as mental health, are now well documented. In addition to delivering our Cycling Strategy, enabling residents to cycle in parks is fully aligned with the Council's policies on promoting physical activity and improving air quality.
- 3.8 There is a mixed approach to cycling across London with some local authorities implementing changes allowing cycling in their parks and open spaces; whilst others have retained restrictions and only granting permission for cycling in specific parks.
- 3.9 On 19 March 2019, the General Purposes Committee approved the regulatory impact assessment for making a byelaw to revoke byelaw 7 (ii) and the proposal for the making of a draft revocation byelaw (see appendix B).
- 3.10 The General Purposes Committee also authorised the Strategic Director of Regeneration and Environment to proceed with the process to conduct a public consultation for revoking byelaw 7 (ii) and for the results to be presented to Full Council for a final decision to be made.

Climate Emergency and Air Quality

- 3.11 The development of future schemes and initiatives will include a strong focus on removing barriers to walking and cycling in the borough, and considering new initiatives to encourage modal shift and supporting emerging strategies. This approach is reinforced by, and underpins, the motion passed by Full Council on the 8th July 2019 declaring a climate and ecological emergency.
- 3.12 Removing this Byelaw and permitting cycling in our parks and open spaces would support this agenda.

Surveys of parks and open spaces

3.13 Prior to the consultation, detailed surveys of all parks and open spaces covered by the Byelaw were completed to identify any potential areas of conflict between cyclists and other park users, these areas included:

- Entrances
- play areas
- outdoor gyms
- cafes and picnic areas
- paths that may be too narrow to allow safe sharing of the space, or
- places with a steep topography that may affect cycling speeds as hills can encourage faster and slower paces.

3.14 The surveys enabled us to collate information on park facilities (such as sports areas, playgrounds etc.), accessibility (type of entrance gates, bollards etc.), key routes, path widths, materials, conditions for pedestrian and cycle usage and risk assessments. They also provided the opportunity to observe park users activity for both pedestrian and cyclists in terms of volumes and movements.

3.15 Where potential conflicts and risks have been identified, mitigation measures are recommended which include; '5mph' signs and surface markings to reduce speed and encourage safe cycling and 'no cycling' signs in areas where the paths are too narrow or close to park facilities.

Examples of the types of signs to be installed are as follows:



3.16 Of the 55 parks and open spaces, surveyed 32 will be required to have remedial measures introduced before the byelaw is revoked. This includes providing 184 new signs and footway markings. Attached to this report as Appendix C is the Safety Assessment Summary. It provides details of the parks and open spaces where safety measures have been identified, the risks and associated mitigation measures to be put in place.

Consultation and results

- 3.17 The consultation was carried out between 7 June and 19 July 2019 (6 weeks). It was open to all park users and was not restricted to Brent residents. Attached at Appendix D is the consultation document that was published on the Council's website. Notices were also placed in the Brent and Kilburn Times and the London Gazette. Notices were also displayed on noticeboards at the entrances to parks to encourage park users to respond.
- 3.18 Additionally, residents' associations, friends of parks groups and organisers of parks related activities (e.g. healthy walks and outdoor gym sessions) were contacted to encourage local communities to participate.
- 3.19 Officers received 190 responses, of these 125 (66%) agreed with the proposal to revoke the Byelaw to enable cycling in our parks and open spaces and 65 (34%) disagreed.
- 3.20 Responses were received from all these groups as well as from members of the public, responses were received from Councillors, schools, Brent Cycling Campaign, The Girl Guide Association, NHS, residents' associations, friends of parks groups, dog walkers and Brent Council Officers.
- 3.21 Of the 190 responses 83 provided comments to support their decision.

Those in favour of the proposal said:

- It's a great place for children and adults to learn to ride and have lessons
- Compensate for poor cycling infrastructure, lack of cycle lanes and potholes, avoid congested roads as they are too dangerous
- Good to promote sustainable modes of travel to improve air quality and reduce congestion. Promote climate change
- Cycling helps with obesity levels and aids physical and mental health
- Shared paths are a good idea and cycling in paths is a good way to keep fit

Those against the proposal said:

- Parks are areas where children should be able to feel safe and run free
- People visit parks to enjoy a car free environment, they are for all ages including the elderly and those in wheelchairs
- Lots of dog walkers use the parks and cyclists could run into the dogs and also disturb the wildlife

- Cyclists can be very aggressive, they do not give way to pedestrians and the paths are too narrow
- Who will enforce this? People currently cycle in Brent's parks and nothing is done to stop this
- How will the Council deal with speeding cyclists if you are proposing a 5mph speed limit?

3.22 In response to the comments received from the consultation:

- Officers have identified areas that have a higher risk of conflict between park users and mitigation measures including signs and markings will be provided.
- To help address the safety concerns officers propose to run a publicity campaign to publicise the changes and to promote courteous behaviour between park users. This will include an article in the Brent Magazine, posters on the park notice boards and information on our website; this will also include contact details for reporting any problems/concerns. Considerate behaviour between cyclists and pedestrians is also included in our Road Safety Education programme delivered to schools and cycle training activities.
- Promotional materials/activities will be targeted towards providing information to groups identified by the consultation as being vulnerable and set out in further detail in Appendix E – Equality impact assessment, and will include schools, community groups, help the aged/age concern and disability groups.
- In relation to enforcement, even in the absence of byelaw 7 (ii), the Council can still restrict cycling in specific areas where it is considered unsuitable. For example, Byelaw 18 addresses general nuisance, antisocial behaviour/inconsiderate behaviour, and accordingly inconsiderate cycling/cyclist's behaviour in Brent's parks could amount to be a breach of this byelaw. Byelaws 19 to 20 allow for enforcement of any breach through the Council's Environmental Enforcement Officers.
- It is envisaged that the majority of cyclists will use the pathways and that there should not be any significant increase to the disturbance of wildlife.
- The situation will be monitored on a regular basis. Complaints received will be investigated and where appropriate additional measures introduced which may include prohibitions, additional signage and, or other low cost measures.

Key Milestones

Steps	Date
Surveys	December 2018 – February 2019
General Purposes Committee Decision	19 th March 2019
Public Consultation on Revocation Byelaw	7 th June to 19 th July 2019
Analysis and Report of Consultation Responses	September 2019
Full Council Decision	25 th November 2019
Implement mitigation measures, signs and markings in parks	December to February 2020
If approved, the Revocation Byelaw is made under the Common Seal of the Council	December 2019
Deposit a copy of the Revocation Byelaw at Brent Civic Centre for public inspection Install new Signage where necessary	January/February 2020
Publicise Revocation of Byelaw	January/February 2020
Revocation Byelaw Comes into Force	The Byelaw comes into force on the 30 th day after which it is made.

4.0 Financial Implications

- 4.1 The cost of the mitigating measures identified in the surveys will be approximately £20,000, which will be fully funded from S106 developer funding.

5.0 Legal Implications

- 5.1 In accordance with the Council's Constitution Part 4, Table 6 only Full Council has the "power to make, amend, revoke or re-enact byelaws.
- 5.2 S236A of the Local Government Act 1972 provides an alternative, simplified, procedure for the revocation of byelaws that that fall within the responsibility of the Department of Housing, Communities and Local Government (DCLG), as specified under Regulation 3 and Schedule 1 to the Byelaws (Alternative Procedure) (England) Regulations 2016.
- 5.3 In accordance with the process set out in Regulation 2016/165, there is a statutory requirement to consult for a minimum of 28 days. Once the consultation period has expired, the Council has six months to decide:
- a) to make the proposed byelaw without modification;
 - b) to make the proposed byelaw with minor modifications; or
 - c) not to make the proposed byelaw.

- 5.4 If Full Council decides to make the Revocation Byelaw, it must then have the common seal of the Council applied and comes into force on the 30th day after it has been made by Full Council (25th December).
- 5.5 Council should note that following the making of the Byelaw, and not less than seven days before it comes into force, the Council must:
- a) deposit a copy of the Revocation Byelaw at its principal office, for inspection and copies (the latter on subject of a reasonable charge);
 - b) where practicable, remove all signs which summarise the effect of the byelaw that has been revoked;
 - c) publish on its website a notice, stating that the Byelaw has been made and the date it comes into force;
 - d) specify the place at which it may be inspected and copies obtained;
 - e) publicise the Byelaw in such a manner as it considers fit.
- 5.6 The Revocation of Byelaw 7 (ii) will leave the remaining set of byelaws intact. The revocation will only remove the prohibition of riding any bicycle, tricycle or similar machine in any part of the Council's parks and open spaces covered by the 1977 Byelaws.

6.0 Equality Implications

- 6.1 S149 of the Equality Act 2010 provides that the Council must have *due regard* to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who share a protected characteristic, and those who do not. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- 6.2 The proposals in this report have been subject to equality screening and as it identified diversity implications a full Equality Impact Assessment has been completed, a copy is attached as Appendix E
- 6.3 The Equality Assessment indicates that the proposal could potentially have a negative impact upon blind and partially sighted people, some older people and young children, who could be deterred from using parks by the presence of cyclists due to speed and the fear of conflict. This can be mitigated by the actions included in the Equality Impact Assessment (Appendix E). However, the Equality Impact Assessment also identified positive benefits for protected including people with disabilities, younger people learning to ride and women who are less likely to ride on roads with traffic. It concludes that the publicity campaign, reporting system, speed limitations and regular reviewing positively addressed the potential impacts highlighted in the assessment.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The General Purposes Committee approved the regulatory impact assessment for making a byelaw to revoke byelaw 7 (ii) and the proposal for the making of a draft revocation byelaw on 19 March 2019.
- 7.2 Details of the statutory consultation process for the revocation byelaw are provided in paragraph 3.14 of this report.
- 7.3 Members that attend the Brent Active Travel Forum are aware of the proposal to allow cycling in Brent parks and open spaces.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Not applicable.

Related Documents:

General Purposes Committee (GPC) Report 19/03/2019

Report sign off:

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Strategic Director of Regeneration and Environment