



General Purposes Committee
19th March 2019

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

REPORT TITLE

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:	Two: Appendix A - Draft Revocation Byelaw Appendix B - Brent Parks and Open Spaces covered by byelaw 7 (ii)
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report informs Members of the steps necessary to revoke the byelaw that prohibits cycling in Brent's parks and open spaces and the benefits to cyclists and others. It also sets out a regulatory impact assessment of making a byelaw to revoke the no cycling byelaw.
- 1.2 Brent Cyclists, the Local Group of the London Cycling Campaign in Brent, have raised the issue of the byelaw prohibiting cycling in parks and open spaces at Brent Active Travel Forum meetings as being contradictory to transport policy objectives and a potential 'barrier' to encouraging cycling. Brent Cyclists are aware that the

Council is considering revoking this byelaw, which will enable cycling in our parks and open spaces.

- 1.3 There is a need to consider other park users in the community when revoking the byelaw, and to assess the suitability of some areas within our parks and open spaces for cycling. This report sets out the approach, considerations and the process to generally enable cycling in our parks and open spaces and therefore facilitate our transport policy objectives.
- 1.4 Subject to consultation, it proposes the revocation of the no cycling byelaw in park and open spaces.

2.0 Recommendation

- 2.1 That the General Purposes Committee considers the regulatory impact assessment of making a byelaw to revoke byelaw 7 (ii) as set out in this report.
- 2.2 That the General Purposes Committee proposes the making of a draft revocation byelaw.
- 2.3 That the General Purposes Committee authorises the Strategic Director of Regeneration and Environment to proceed with the process and to consult on revoking byelaw 7 (ii).
- 2.4 That the General Purposes Committee notes that a further report following consultation will be considered by Full Council in July 2019 (date to be confirmed) before a final decision is made.

3.0 Detail

- 3.1 The Mayors Transport Strategy 2017, the Councils Long Term Transport Strategy 2015-2035 and Brent Cycle Strategy 2016-2021 aim to increase the uptake of cycling within the borough.
- 3.2 Brent Cycle Strategy 2016-2021 sets out the vision for cycling in Brent and vision 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 7(ii) of the existing byelaws does not generally allow cycling except in Gladstone Park between the hours of 7:00am – 8:30am.

The Current Situation

- 3.4 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 byelaw regulation and transport policies that need to be addressed.

Revoking the Byelaw

- 3.5 Other London Boroughs have introduced changes to allow cycling in their parks and open spaces. Some have retained their general prohibition of cycling in parks but have granted permission for cycling in specific parks.
- 3.6 Officers do not consider that only permitting cycling in specific parks would satisfactorily meet policy objectives and therefore that a general prohibition is appropriate or proportionate. 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. The assessment set out in this report concludes that there are other more proportionate ways of ensuring a proper and fair balance is struck between different park users.

Health Impact of Revoking the Byelaw

- 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.

Impact on Park Users

- 3.8 Brent has approximately 90 parks and open spaces of which 55 are covered by byelaw 7 (ii) which prohibits cycling. Allowing cycling is not envisaged to have any detrimental impact upon other users in the majority of our parks and open spaces. Cyclists already use some of our parks, even where there are no defined cycle tracks, and we receive very few complaints.
- 3.9 Consideration has been given to the potential impact cycling may have on other park users in relation to areas such as:
- entrances
 - play areas
 - outdoor gyms
 - cafes and picnic areas
 - where paths may be too narrow to allow safe sharing of the space or
 - with a steep topography that may encourage higher cycling speeds.
- 3.10 It is envisaged that any potential issues could be mitigated through introducing a number of measures including; introducing signs and surface markings,

introducing an advisory 5mph speed limit and retaining some restrictions which can be enforced using other byelaws, or where necessary, using Public Spaces Protection Orders (PSPOs). This approach will ensure that specific areas found to be unsuitable for cycling or where there are reports of inconsiderate or dangerous cycling can be controlled.

- 3.11 Officers have commissioned a detailed survey of the parks and open spaces where the current byelaw applies. This will include providing information on key routes, path widths, materials, conditions for pedestrian and cycle usage and risk assessments. Where potential conflicts and risks are identified, they will provide designs for signs and surface markings together with locations.

Safe Cycling Awareness

- 3.12 Promoting considerate behaviour between cyclists and pedestrians is included in our Road Safety Education programme delivered to schools, cycle training programmes and changes will be publicised and officers will also consider methods to promote courteous behaviour between park users.

Enforcement

- 3.13 Even in the absence of byelaw 7 (ii), the Council can still restrict cycling in specific areas where it is considered unsuitable under the current set of byelaws. Byelaw 18 addresses general nuisance and antisocial behaviour and inconsiderate cycling in Brent's parks could be a breach of this byelaw. Byelaw 20 would enable Council officers to remove any person in breach of byelaw 18 and under byelaw 19 breach is an offence. Byelaws 18 to 20 therefore allow for enforcement of any restrictions to cycling in parks through the Council's Enviro Crime Officers.

Proposed Revocation Byelaw

- 3.14 In order to revoke byelaw 7 (ii) a revocation byelaw has to be agreed and introduced. The revocation of the byelaw requires the Council to follow a number of steps as set out below paragraphs 3.14 to 3.16 below.

Decision to Progress with Process to Revoke Byelaw 7 (ii)

- 3.15 Having considered the regulatory impact assessment set out in this report, it is recommended that the General Purposes Committee decide to propose and consult on the making of a draft revocation byelaw at Appendix A.

Public Consultation

- 3.16 Subject to approval, the Council will publish a notice of its proposal on the Council's website as well as in local newspapers circulating in the borough and place notices in parks. The notice will state that over a period of 28 days from the beginning of the publication of the notice, a draft of the byelaw may be inspected and written representations may be made.

Decision to Revoke Byelaw

- 3.17 Following the public consultation the responses and comments will be assessed and reported to Full Council in July 2019 for a decision whether to make the proposed revocation byelaw.

Key Milestones

Steps	Date
Surveys	December 2018 – February 2019
General Purposes Committee Decision	19 th March 2019
Public Consultation on Revocation Byelaw	25 th March to 21 st April 2019
Analysis and Report of Consultation Responses	30 th April 2019
Full Council Decision	July 2019
If approved, the Revocation Byelaw is made under the Common Seal of the Council	July 2019
Deposit a copy of the Revocation Byelaw at Brent Civic Centre for public inspection Install new Signage where necessary	July/August 2019
Publicise Revocation of Byelaw	August 2019
Revocation Byelaw Comes into Force	The earliest date that the Byelaw can come into force if the above timeline is followed is 30 days after it is made.

4.0 Financial Implications

- 4.1 The survey described in section 3.10 will be carried out by consultants who will support Officers who have gathered the information required to deliver the project. It is estimated that the overall cost of this project will be in the region of £75,000 and will be wholly funded by S106 developer funding.

5.0 Legal Implications

- 5.1 The Byelaws (Alternative Procedure) (England) Regulations 2016 set out how byelaws can be revoked and the process has been outlined in the report.
- 5.2 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 An equality analysis will be conducted after the public consultation on the proposal to allow cycling in parks and open spaces is carried out. This analysis will be reported to Full Council in July 2019.

7.0 Consultation with Ward Members and Stakeholders

7.1 Details of the statutory consultation process for the revocation byelaw are provided in paragraph 3.16 of this report.

7.2 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.

Report sign off:

AMAR DAVE
Strategic Director of Regeneration and Environment