

Great Waltham Parish Council

Byelaw Review - Regulatory Assessment including consideration of proportionality, economic impact, administrative weight, and enforceability

Byelaw Wording	Existing Amended New	RG, VO or Both	Objective	Achievable by other means?	Impact on those affected?	Increased regulatory burden on those affected?	Can inc/dec regulatory burden be quantified (a) financially or (b) as a benefit on those affected?	How does making the proposed byelaw compare with taking no further action	Other Comments
Made Under section 164 of the Public Health Act 1875 and section 15 of the Open Spaces Act 1906, by the Parish Council of Great Waltham with respect to Recreation Grounds and Village Greens.	E	Both	Confirms legislation relevant to the byelaws being created.	No	Provides confirmation of legality.	Yes, in the sense that these are the sources which give legal authority for the regulations which follow.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaws are greater assurance of undisturbed access to and use of the grounds. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	If the byelaws did not exist both the Council's and users' rights of access and full enjoyment may be prejudiced.	Replicates the preamble in the existing byelaws and follow Flowchart 1 (Enabling powers for pleasure ground and open spaces byelaws) and Flowchart 2 (Enabling powers for common and town or village greens). Corrects the date of the 1875 Act (shown as 1975 in the current version).
1. In these byelaws: (a) 'the Council' means the Parish Council of Great Waltham and; (b) 'the grounds' means each of the recreation grounds at South Street, Great Waltham; at Pleshey Road, Ford End; and at Parsonage Lane, Howe Street; and the village greens at Banbury Square, Great Waltham (VG148); at Broad's Green, Great Waltham (VG149); and at Ford End, Great Waltham (VG150). These byelaws apply to the grounds at all times.	A	Both	States the areas of land where the byelaws will apply.	No	Provides clarity on where the byelaws apply. Each will have a notice containing the byelaws.	Yes, but only in the sense that the regulations (byelaws) being applied will restrict certain activities from taking place in these specific areas.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaws are greater assurance of undisturbed access to and use of the grounds. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	Currently only one village green (VG149) is included in byelaws. The issues associated with VG150 indicate that including the other two has benefits for both the council and the community.	Amended version based on MHCLG 1 (General Interpretation) and 2 (Application) model wordings. The phrase 'the grounds' has been retained even though in applies also to village greens – an alternative would have been to use 'the open spaces', but this would move away from the model wordings and offer potential confusion given the title of the Open Spaces Act 1906. The final sentence has been added to cover off the requirement in 2 (Application).
2. Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the grounds, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the grounds or any part thereof.	N	Both	To show that Council acknowledges that other rights, laws etc. can supersede the byelaws.	No	Not applicable.	Not applicable.	Not applicable.	Ensures users are aware that other superseding rights, laws etc. may exist.	New byelaw using MHCLG 54(2) (Savings) model wording to confirm that other rights are not impinged by the byelaws. E.g. ensures that any VG legislation takes precedence.
3. The activities prohibited in these byelaws may only otherwise take place with the prior knowledge, consent and written permission of the Council.	N	Both	Avoids using the phrase 'without the consent of the Council' multiple times under individual rules.	Yes, but means duplication throughout.	Makes it easier for a reader to identify the proscribed activity, while still being made aware that Council can sanction exceptions.	No. The same proscriptions and exemptions with the Council's permission would apply.	Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	Without this byelaw the other byelaw wordings would be longer and potentially more difficult to understand, especially for the casual reader.	A new wording introduced to reduce the length of those other wordings where 'without the consent of the Council' would otherwise be repeated every time.
4. No person shall bring or cause to be brought on to the grounds: (a) any beast of draught or burden; (b) any cattle, sheep, goats or pigs; (c) any barrow, truck, machine or vehicle (including any powered or motorised vehicle) except a wheeled bicycle or a vehicle used for the conveyance of a child or children or a disabled person.	A	Both	Ensures there is no contact between users and animals (apart from dogs) and vehicles.	No (See Other Comments. The MHCLG wording references 'grazing' and 'motor vehicles'. The Defra model wording is silent on both).	(a) Dog owners are not proscribed - their use of the grounds is covered more specifically in other byelaws (4 & 7 below). (b) Following the principle that a byelaw cannot conflict with the general law, existing byelaws of any local Act, or common law, the byelaw could not be applicable to any instances where animals/vehicles are allowed under village green legislation.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place in the specific areas.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is greater assurance of undisturbed access to and use of the grounds. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	Without the byelaw unregulated use of the grounds for grazing etc. animals and using vehicles would be permitted.	Existing byelaw. It seems to be a bespoke wording or one from another source as nothing similar appears in the MHCLG & Defra model wordings. (MHCLG has a wording for 'grazing', a section for horses, and a 'motor vehicles' section which is longer and less relevant than the existing wording). The word 'invalid' has been replaced with 'a disabled person'. The proposal is to retain the current wording, apart from the amendment mentioned above and the text 'not except in pursuance of a lawful agreement with the Council or otherwise in the exercise of any lawful right or privilege' which is removed given the legal principle that any byelaw must not "duplicate or conflict with the general law, existing byelaws of any local Act, or common law", and so there being no reason to say so for this particular byelaw. An argument could be made for making this clear by adding a general caveat in #3 above, particularly given the rights under VG legislation.

Great Waltham Parish Council

Byelaw Review - Regulatory Assessment including consideration of proportionality, economic impact, administrative weight, and enforceability

Byelaw Wording	Existing Amended New	RG, VO or Both	Objective	Achievable by other means?	Impact on those affected?	Increased regulatory burden on those affected?	Can inc/dec regulatory burden be quantified (a) financially or (b) as a benefit on those affected?	How does making the proposed byelaw compare with taking no further action	Other Comments
5. Where the Council has, by a notice placed in a conspicuous position on the grounds, set apart on the grounds any swing or other playground apparatus as indicated for the use of children under the age of 13 years, no person who has attained the age of 13 years shall make use of such swings or apparatus. In addition, no person shall, in any area of the grounds set apart for any swing or other playground apparatus for the use of children, cause or suffer any dog (other than assistance dogs for the visually impaired) belonging to them or in their charge to enter or remain in designated area.	A	RG	(a) Ensures age restricted play equipment is used correctly. (b) Ensures dog owners do not allow their animals to enter or remain in the fenced off play areas.	No, although as the byelaw states, it is complemented by a notice on the grounds.	(a) Provides a safer play environment for young children and their parents/guardians. (b) Ensures equipment items are only used by the children for whom they have been designed. (c) Imposes a not unreasonable requirement on dog owners to ensure their animals do not enter/remain in the area.	Yes, but only in the sense that the byelaw will restrict use of play equipment to those for whom they are designed, and require dog owners to control their animals to avoid entering or remaining in the play area.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is correct use of play equipment and greater assurance of undisturbed access to and use of the play areas.	Without the byelaw play equipment could be used by overaged children/adults and dogs could enter/remain in the play area without sanction.	Existing byelaw, but the age has been changed (from 16 years) to reflect actual requirements. Currently only Great Waltham Recreation Ground has a fenced off play area. The second part introduces a more onerous requirement of dog handlers beyond that in byelaw 7 below, but has been updated to reference the exemption for assistance dogs.
6. Where the Council has, by a notice placed in a conspicuous position on the grounds, set apart an area on the grounds for the playing of such games as may be specified in the notice, no person shall: (a) play in such an area any game other than the game for which it has been set apart; (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; (c) any game so specified in any other part of the grounds in such a manner as to exclude any person not playing the game from the use of that part. No person shall, in any area of the grounds which may have been set apart by the Council for any game, play any game when the state of the grounds or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the grounds. No person shall on the grounds play any game either (this byelaw shall not extend to any area set apart by the Council for the playing of any game): (a) as to give reasonable grounds for annoyance to any other person on the grounds; (b) which is likely to cause damage to any tree, shrub or plant on the grounds.	N	Both	To provide clarity on how ball games may be conducted on the grounds.	No. (See Other Comments. We could adopt the shorter MHCLG wording, but this may cause Defra to reject what is proposed for its authorisation. It is less likely MHCLG would reject the Defra wording simply because it is longer. A more fundamental decision could be to not include the wording at all given current arrangements and the effects of other byelaws).	Designed to give certainty for users of areas set aside for organised games.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place in the specific areas.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is greater assurance of undisturbed use of those areas set aside for organised ball games, and more generally. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	We would remain silent on an activity (playing ball games) which we actively encourage at the recreation grounds.	New byelaw to address ball games. It uses the Defra (Games) model wording.. For current purposes much of the wording is academic as no areas set apart for organised games. The observation from OSS was that trying to prohibit ball games in potentially dangerous situations would be difficult and liabilities arising from such activities (e.g. on the VGs next to highways) would fall into the category of belonging to the person/responsible adult ensuring non-negligent behaviours. Nevertheless, the wording does offer futureproofing should organised games be reintroduced. However, the final section goes beyond organised ball games and sets the expectations for playing any ball game. The question is whether the activities described would be proscribed anyway in other byelaws.
7. No person shall on the grounds wilfully obstruct, interrupt or annoy any other person in the proper use of the grounds or wilfully obstruct, disturb or interrupt any officer of the Council in the proper execution of their duty or any person or servant of any person employed by the Council in the proper execution of their duty.	E	Both	To explain that obstructive or annoying activities or behaviours are proscribed.	No. (See Other Comments. The MHCLG and Defra model wordings say the same things).	Provides guidance to demonstrate that obstructive or annoying activities or behaviours are proscribed.	Yes, but only in the sense that the byelaw will proscribe certain activities from taking place in the grounds.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing assurance to law abiding users that obstructive and annoying activities or behaviours by others are proscribed. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	The Council may find it difficult in sanctioning obstructive or annoying users from the grounds	Existing wording. MHCLG 53 (Obstruction) and Defra (Obstruction or annoyance) model wordings essentially proscribe the same activities or behaviours. Our existing wording could be the common source of these model wordings. Given that the existing wording covers the same ground as the model wordings, there seems no reason to change it by choosing either the MHCLG or Defra wordings.
8. No person shall cause or suffer any dog belonging to them or in their charge to enter or remain in the grounds, unless such dog be and continues to be under proper control, and be effectually restrained from causing annoyance to any person and from worrying or disturbing any animal.	E	Both	To confirm that dogs are allowed on the grounds, but only under proper control etc.	No	In effect, an exemption of the 'no animals' byelaw in 3. above.	Yes, but only in the sense that the byelaw requires dog owners to control their animals as would be reasonably expected.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the contexts within which dog owners can bring their animals onto the grounds. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	The Council may find it difficult in sanctioning uncontrolled or annoying dogs.	Neither MHCLG nor Defra have model wordings. Seems our existing wording has a source which MHCLG/Defra have chosen not to adopt as model wordings.

Great Waltham Parish Council

Byelaw Review - Regulatory Assessment including consideration of proportionality, economic impact, administrative weight, and enforceability

Byelaw Wording	Existing Amended New	RG, VO or Both	Objective	Achievable by other means?	Impact on those affected?	Increased regulatory burden on those affected?	Can inc/dec regulatory burden be quantified (a) financially or (b) as a benefit on those affected?	How does making the proposed byelaw compare with taking no further action	Other Comments
9. No person shall on the grounds erect any barrier, post, rail, fence, pole, tent, booth, stand, ride or swing, building or other structure.	N	Both	To avoid unauthorised erection of structures.	No	Proscribes unauthorised erection of structure.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It makes it easier for the Council to require the removal of unauthorised structures.	New byelaw. Based on MHCLG 6 (Unauthorised erection of structures), with adaptation to take account of new byelaw 3.). Given the issues experienced with the unauthorised erection of a fence & hedge on VG150, this is seemingly a necessary addition to provide immediate relief for any future similar recurrences.
10. No person shall on the grounds erect a tent or use any vehicle, caravan, or any other structure for the purpose of camping.	N	Both	To ensure the grounds are not used for an unintended purpose. Because there are currently no designated camping areas, all camping is prohibited.	No	Proscribes unauthorised camping.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It may make it easier for the Council to secure the removal of unauthorised encampments on the grounds.	Uses the shorter MHCLG 11 (Camping) model wording with adaptation to take account of byelaw 3 and without option wording at the end: "... except in a designated area for camping". Because there are no areas so designated, this extra wording has been omitted. Such use could be authorised by the Council for exceptional cases under #3 above. The Defra (Camping) model wording is longer, but has no material additional exclusions - the only risk is that Defra insists on its longer form of words.
11. No person shall on the grounds sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any service, commodity or article.	N	Both	To proscribe commercial activities.	No	The grounds cannot be used to conduct commercial activities.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. Also traders would not be able to generate income. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: Potentially to traders. Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	The byelaw gives the Council the power to prohibit commercial trading on the grounds (unless otherwise permitted by exception, see byelaw 3).	New byelaw using the Defra (Trading) model wording. MHCLG does not have an equivalent (closest is 47 (Provision of services)).
12. No person shall on the grounds intentionally light a fire, or place, throw or drop a lighted match or any other thing likely to cause a fire, or release a lighted sky lantern into the atmosphere.	N	Both	To ensure the safety of users and neighbouring properties, and to minimises the loss/damage from wildfire events.	No	Proscribes unauthorised setting of fires.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It may make it easier for the Council to enforce the non-setting or extinguishing of fires on the grounds.	New byelaw using the MHCLG 13 (Fires) model wording with adaptation to take account of byelaw 3. The Defra model wording (Fires) model wording excludes reference to sky lanterns. Ensures the risk of fire-setting has been recognised and proscribed, and happens to conveniently address the current issue of wildfires. Omits the option to make an exception for camping, but see comments in #9 where camping is excluded.
13. No person shall, except in case of emergency, take off from or land upon the grounds in an aircraft, helicopter, hang-glider or hot-air balloon.	N	Both	To ensure the safety of users of the grounds.	No	Proscribes unauthorised taking off or landing of aircraft.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It may make it easier for the Council to enforce the prohibition of taking off or landing of aircraft.	Based on MHCLG 50 (Aircraft, hang gliders and hot air balloons) and Defra (Aircraft) model wordings, with adaptation to take account of byelaw 3.

Great Waltham Parish Council

Byelaw Review - Regulatory Assessment including consideration of proportionality, economic impact, administrative weight, and enforceability

Byelaw Wording	Existing Amended New	RG, VO or Both	Objective	Achievable by other means?	Impact on those affected?	Increased regulatory burden on those affected?	Can inc/dec regulatory burden be quantified (a) financially or (b) as a benefit on those affected?	How does making the proposed byelaw compare with taking no further action	Other Comments
14. No person shall cause any power-driven model aircraft or drone to take-off or otherwise be released for flight or control the flight of such an aircraft or drone on the grounds, or to cause any power-driven model aircraft or drone to land on the grounds without reasonable excuse.	N	Both	To ensure the safety of users of the grounds.	No	Proscribes unauthorised taking off or landing of model aircraft or drones.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It may make it easier for the Council to enforce the prohibition of taking off or landing of model aircraft or drones.	New byelaw based on MHCLG 43 (Model Aircraft - General prohibition) model wording, with adaptation to take account of both byelaw 3 and no reference to drones. The Defra (General prohibition) model wording for model aircraft is similar. However, Defra guidance also states: "Before making and advertising the byelaws the council should bring their proposals to the notice of the British Model Flying Association and of any local model aircraft clubs and consider their views.". Given that we would be proscribing all such use, this may need to be a no more than a courtesy notification.
15. No person shall on the grounds fly or cause or permit to be flown any kite in such a manner as to cause a danger or annoyance to any other person.	N	Both	To ensure the parameters for safe and peaceful use of the grounds are understood.	No	Proscribes dangerous or annoying use of kites.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It may make it easier for the Council to enforce the safe and respectful use of kites.	A new byelaw which doesn't fully proscribe the activity, but does make clear care has to be exercised. Based on MHCLG (51 (Kites) and Defra (Kites) model wordings, with adaptation to take account of byelaw 3.
16. No person shall on the grounds drive, chip or pitch a hard golf ball.	N	Both	To ensure the safety and peaceful enjoyment of the grounds by its users.	No	Proscribes practising or playing golf. The activity is already proscribed on a notice at Great Waltham Recreation Ground, but without an underpinning byelaw it's not clear whether this is enforceable.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It may make it easier for the Council to enforce the proscription of practicing and playing golf.	Based on MHCLG (33) and Defra (Golf) model wordings. See Impact on those affected? - the intention to proscribe is already in place (at GWRG at least).
17. No person shall on the grounds use any device designed or adapted for detecting or locating any metal or mineral in the ground.	N	Both	To avoid any disturbance of (a) use of the grounds for intended purposes, and (b) the soil by digging for detected items.	No	The grounds are not available to metal detectorists for metal detecting activities.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	This byelaw complements byelaw 21.	New Byelaw based on MHCLG 53 (Metal detectors) and Defra (Metal detectors) model wordings, with adaptation to take account of byelaw 3.
18. No person, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or any person acting on their behalf, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons on the grounds by: (a) shouting or singing; (b) playing on a musical instrument; or (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device capable of emitting sound.	N	Both	To proscribe activities which may cause a noise nuisance.	No	The grounds are not available to metal detectorists for metal detecting activities.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It gives the Council or those affected the means and justification to intervene in the event of a noise nuisance, which would otherwise not exist.	New byelaw based on MHCLG 48 (Excessive noise) and Defra (Noise) model wordings, with an adaptation to take account of byelaw 3.

Great Waltham Parish Council

Byelaw Review - Regulatory Assessment including consideration of proportionality, economic impact, administrative weight, and enforceability

Byelaw Wording	Existing Amended New	RG, VO or Both	Objective	Achievable by other means?	Impact on those affected?	Increased regulatory burden on those affected?	Can inc/dec regulatory burden be quantified (a) financially or (b) as a benefit on those affected?	How does making the proposed byelaw compare with taking no further action	Other Comments
19. No person shall on the grounds place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.	N	Both	To proscribe the setting up of unauthorised activities, and provide the Council with the mechanism to ensure only those authorised by exception are allowed.	No	Those wishing to set up the proscribed activities would need to obtain authorisation from the Council beforehand.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It allows the Council to enforce the prohibition of activities without its prior authorisation.	New byelaw based on Defra (Public shows, exhibitions and structures) and MHCLG 49 (Public shows and performances) model wordings, with an adaptation to take account of byelaw 3. Prohibits the setting up of play equipment without the Council's knowledge or consent.
20. No person shall, without reasonable excuse, remove from or displace on the grounds any barrier, railing, sign, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the grounds.	N	Both	To protect the integrity of the grounds from unauthorised removals or displacements.	No	Users would not have the discretion to alter assets within the grounds without the Council's knowledge and consent.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It allows the Council to enforce the prohibition of activities of removal and displacement.	New byelaw based on Defra (Removal of structures) and MHCLG 5(1)(a) (Protection of structures and plants) model wordings, with an adaptation to take account of byelaw 3.
21. No person shall remove from or displace on the grounds any stone, soil or turf, or the whole or any part of any plant, shrub or tree. No person shall plant on the grounds any plant, shrub or tree.	N	Both	To protect the integrity of the grounds from unauthorised removals or displacements, and to protect flora.	No	Users would be prohibited from disturbing the grounds and their flora without the Council's knowledge and consent.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It allows the Council to enforce the prohibition of activities of removal and displacement, and planting.	New byelaw based on Defra (Removal of substances) and MHCLG 5(1)(b) (Protection of structures and plants) model wordings, with an adaptation to take account of byelaw 3. Provides additional protection for the renatured areas at the recreation grounds. However, the final sentence has been added to combat any authorised planting (which has occurred previously).
22. No person shall on the grounds intentionally kill, injure, take or disturb any animal or fish, or engage in hunting, shooting or fishing, or the setting of traps or nets, or the lay of snares.	N	Both	To protect wildlife on the grounds.	No	Users would be prohibited from disturbing wildlife without the Council's knowledge and consent.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It allows the Council to enforce the prohibition of activities of impacting wildlife and reinforces the Council's strategic goal of renaturing parts of its lands.	New byelaw based on Defra (Protection of wildlife) and MHCLG 9 (Protection of wildlife) model wordings, with an adaptation to take account of byelaw 3. Provides additional protection for the renatured areas at the recreation grounds.
23. No person shall on the grounds intentionally obstruct any officer of the Council in the proper execution of their duties, or intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council, or of the grounds.	A	Both	To proscribe activities which cause obstruction to authorised bodies/users.	No	Users would be required to cease and desist the obstructing activity.	Yes, but only in the sense that the byelaw will restrict certain activities from taking place.	(a) There are potentially financial burdens for breaking byelaws. (b) The benefit of the byelaw is providing the details of proscribed activities. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	It allows the Council to enforce the requirement to not obstruct itself, its contractors and proper users in authorised activities on the grounds.	Existing byelaw with amendments based on MHCLG 53 (Obstruction) model wording, with an adaptation to take account of byelaw 3. The principal intention is to ensure authorised maintenance contractors have unimpeded access (e.g. when cutting hedges, trees, or cutting grass).
24. Any person offending against any of these byelaws may be removed from the grounds by an officer of the Council or a constable.	E/N	Both	To describe who can remove offenders from the grounds.	No	Offenders can be removed from the grounds, and potentially not readmitted if the Council choses to ban them in future.	No	Not applicable.	Without the byelaw users of the grounds would be unaware of the powers of removal.	The existing has been replaced with the MHCLG 55 (Removal of offenders) model wording The Defra model wording is silent on this.. The existing wording is as much a description of the process which can followed as the actual requirement (and runs to 176 words compared to the 24 proposed).
25. An act necessary to the proper execution of their duty on the grounds by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.	N	Both	To show that Council authorised staff or operatives can break byelaws if necessary.	No	Not applicable.	Not applicable.	Not applicable.	Ensures that there is a differentiation for individual acting as a Council authorised entity and when acting in a personal capacity.	New byelaw based on MHCLG 54(1) (Savings) model wording which essentially gives authorised persons the permission (when executing their duties) to contravene a byelaw. E.g. maintenance works, flying a drone when making an authorised survey of a site.

Great Waltham Parish Council

Byelaw Review - Regulatory Assessment including consideration of proportionality, economic impact, administrative weight, and enforceability

Byelaw Wording	Existing Amended New	RG, VO or Both	Objective	Achievable by other means?	Impact on those affected?	Increased regulatory burden on those affected?	Can inc/dec regulatory burden be quantified (a) financially or (b) as a benefit on those affected?	How does making the proposed byelaw compare with taking no further action	Other Comments
26. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.	A	Both	To describe the legal penalty for a conviction for breaking the byelaws.	No	A conviction may need a fine, and potentially further action by the Council in banning an individual from the grounds.	Yes	A fine may be payable. Proportionate: Yes Economic Impact: None Administrative Weight: Introducing new byelaws. Enforceability: Does not outweigh benefit.	Without the byelaw users of the grounds would be unaware of the penalty for offending.	Used the wording of MHCLG 56 (Penalty) and Defra (Penalty) model wordings. The existing byelaw was "Every person who shall infringe against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds".
27. Repeal of byelaws The byelaws relating to the ground which were made by the Parish Council of Great Waltham on the [xx st/nd/rd/th] day of [Month] [Year] and were confirmed by the Secretary of State on the Sixteenth day of August 1976 are hereby repealed. Given under our hands and seals this [xoth] day of [Month] [202x] [xxxxxxxxxxxx], Chair [xxxxxxxxxxxx] Members of Great Waltham Parish Council The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the first day of [Month] [202x]. Signed by authority of [xxxxxxxxxx] the Secretary of State An Assistant Under Secretary of State Home Office, WHITEHALL, [xxth] [Month] [202x]	E	Both	To demonstrate the authority under which the byelaws have been made.	No	Not applicable.	Not applicable.	Not applicable.	Authorising wording will be mandatory. Ensures users are aware of legal authority underpinning the byelaws.	The proposed wording shown is taken from existing notice and may need to be altered according to the application authorisation process by the new authorising department(s).