

To: Council
Date: 15 July 2024
Report of: Scrutiny Committee
Title of Report: Update of Byelaws for Parks and Open Spaces

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations for Cabinet consideration and decision
Key decision:	Yes
Scrutiny Lead Member:	Councillor Katherine Miles, Scrutiny Committee Chair
Cabinet Member:	Councillor Chewe Munkonge, Cabinet Member for a Healthy Oxford
Corporate Priority:	Support Thriving Communities; Pursue a Zero Carbon Oxford; Deliver More, Affordable Housing
Policy Framework:	Thriving Communities Strategy
Recommendation(s): That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report	

Appendices	
Appendix A	Draft Cabinet response to Scrutiny recommendations

Introduction and overview

1. The Scrutiny Committee met on 02 July 2024 to consider a report on the draft proposed byelaws for Oxford City Council parks and open spaces. The report, which is due for Council consideration on 15 July 2024, recommends that Council approves the proposed byelaws for parks and open spaces following public consultation; recommends the submission of the application to the Secretary of State for approval of the proposed byelaws; notes that upon the Secretary of State granting leave for the Council to make the proposed byelaws there will be a further period of consultation of not less than 28 days; and notes that a further report will be presented to Council to allow for a final decision to make the proposed byelaws.
2. The Committee would like to thank Councillor Chewe Munkonge (Cabinet Member for a Healthy Oxford), Tom Bridgman (Executive Director (Development)) and Chris Bell (Green and Blue Spaces Development Manager) for attending the meeting to answer questions.

Summary and recommendations

3. Councillor Chewe Munkonge, Cabinet Member for a Healthy Oxford introduced the report. The Council's byelaws had not been updated for 25 years; an update was required as some of the byelaws were outdated and/or related to parks that no longer existed or had a different name. The report would seek Council approval for the proposed byelaws for submission to the Secretary of State for approval, after which there would be a further period of public consultation and then a final decision by Council to make the proposed byelaws. There had been a good response to public consultation to date, which had demonstrated very clear support for the byelaws overall.
4. The Committee asked a range of questions, including questions relating to the definition of a bicycle used in the byelaws; whether any conversations had taken place with the universities to influence them to change their policies in parks; concerns over the Council encouraging tree climbing, particularly during nesting season and in relation to public liability; whether there was a trial period for the byelaws once implemented, where revisions could be made if there were any negative repercussions; cycling; and whether the byelaws could include a requirement that boats at Council-owned river moorings must have the equivalent of a vehicle MOT.
5. In particular, the Committee queried the definition of a 'bicycle' within the byelaws, in recognition of the increasing use of e-bikes which could reach much higher speeds but were still technically a bicycle, for example. The Committee noted that e-bikes were much heavier and faster than traditional push-bikes, which could present a danger to the public if not ridden considerately. There was also mention of motorised bikes such as mopeds – and whether these were included in the definition of a bicycle, citing similar public safety concerns. There was recognition from the Committee that bicycles now came in various forms, therefore it would be difficult to include an all-encompassing and futureproof definition of a bicycle within the byelaws.
6. It was clarified that the Council needed to look carefully at this, as it did not want to discriminate against people who used e-bikes, for example, in a considerate way; e-bikes had reintroduced cycling to some groups, such as those with reduced strength or mobility, and the Council wanted to support them to continue cycling considerately. It was confirmed that consideration could be given to including a speed restriction related to cycling within the byelaws, which would help futureproof the byelaws while ensuring that cyclists could continue using bicycles considerately, in accordance with the byelaws. The Committee was of the view that a speed restriction would be the most pragmatic option to help ensure public safety within parks and open spaces.

Recommendation 1: That the Council includes a speed restriction within the byelaws related to cycling.

7. In discussion, the Committee noted the proposed byelaw prohibiting endangerment and annoyance – and the general role of the byelaws in preventing and suppressing

nuisance. The Committee agreed that this largely amounted to reducing and preventing anti-social behaviour and agreed that it would be helpful for the public if information was displayed in parks (e.g. on notice boards) about how to report anti-social behaviour. The Committee was of the view that promoting how to report anti-social behaviour could assist with enforcement, which the Committee recognised was challenging for the Council.

Recommendation 2: That the Council displays information in parks (e.g. on notice boards) for the public on how to report anti-social behaviour.

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