

Appendix 4- Draft Regulatory Assessment

Draft Regulatory Statement of Assessment

The Council has consulted such persons as it considers may be affected by the proposed revocation of the 1935 Byelaws. Relevant local groups have been contacted directly asking for their views on the proposed Byelaws as well as through the Council's website. The consultation was advertised throughout the parks and open spaces and the Council's social media channels to make sure all members of the public had an opportunity to have their say. By doing so the Council has been able to gauge the level of support for or opposition to the proposed revocation of Byelaws.

As part of the regulatory assessment, the Council has considered the requirements of the Equality Act 2010. The Council considers that there are no direct equality implications, however the associated actions of the implementation of a Public Path Creation Order may require an Equality Impact Assessment and this will be conducted at the appropriate time.

Wirral Borough Council believes the proposed revocation of Byelaws impose a proportionate regulatory burden.

The current Byelaws are out of date and are no longer fit for purpose. A number of the relevant by laws are obsolete or have been superseded by national legislation. The objective of the proposed revocation of the Byelaws and subsequent making of a Public Path Creation Order to formalise the entire route from the end of Bennets Lane, Meols, to King's Parade, Wallasey as a Public Bridleway is to provide a contemporary set of rules which can consistently be relied upon in all the relevant locations as a basis for the effective and equitable management of the North Sea Defence Access Road.

Byelaw no.	Byelaw title	Reason no longer required
3	Begging	An offence under s3 Vagrancy Act 1824
4	Noisy Instruments	Public Nuisance
5	Selling and Hawking	<p>Per Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Local Authorities may regulate street selling by designating certain streets as a Prohibited Street, a Licence Street, or a Consent Street.</p> <p>All 6 promenades are licenced streets (where street trading is prohibited without a licence granted by the district council) <u>except</u> Sandon Promenade (which will be deemed a consent street whereby street trading is prohibited without the consent of the district council)</p> <p>Trading without the required licence / consent will amount to an offence under s.10(1) of Schedule 4 of the Local</p>

		Government (Miscellaneous Provisions) Act 1982. Under s.2(1) of the Environmental Protection Act 1990, the Secretary of State may make regulations to prescribe certain processes. Once prescribed, it will be an offence to carry out said Acts per s.6(1)
6	Beating Carpets	Obsolete
7	Disorderly behaviour	Covered by Public Order offences including sections 4 and 5 of the Public Order Act 1986
8	Deposit of materials	Covered by S87 Environmental Protection Act 1990
9	Dogs barking	In appropriate cases covered by statutory nuisance laws
10	Throwing missiles	The Firearms Act 1968 covers the firearms aspect. The aspect relating to stones or other missiles is covered by Public Order legislation including section 4 and 5 of the Public order Act 1986
11	Bonfires	Law only prevents this if a statutory nuisance is caused. s.28 Town Police Clauses Act 1847 covers those who wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework Criminal Damage Act 1971 s1(3) states that criminal damage caused by fire shall be charges as arson.
12	Use of conveniences	Obsolete as there are no public toilets within the area covered by the byelaws
13	Damage to flowerbeds, etc	Covered by s.1(1) Criminal Damage Act 1971
14	Damage to property	Covered by the Criminal Damage Act 1971
15	Litter	S87 Environmental Protection Act 1990 covers this
16	Bill-posting	Covered by s.224 and 225 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007/783)

		May also fall under section 43(1), Anti-social Behaviour Act 2003).
17	Performances, etc	<p>Covered under the Council's temporary events permit regime for outdoor events.</p> <p>Public meetings and gatherings may be covered under s14 Public Order Act 1986 if intimidating / noisy or preventing / hindering day-to-day activities (including making a journey)</p>
18	Games	Highways Act 1980 c. 66 s. 161 imposes penalties for causing certain kinds of danger or annoyance.
19	Booths, Tents, etc	<p>Highways Act 1980 c. 66 - s.148 imposes penalties for depositing things or pitching booths etc. on highway.</p> <p>s.77 of the Criminal Justice and Public Order Act 1994 covers unauthorised camping</p>
20	Vehicles, etc	<p><u>Road Traffic Act 1998</u> <u>Section 34(1)(b) of the Road Traffic Act 1988</u> (prohibition of driving mechanically propelled vehicles elsewhere than on roads) prohibits driving a mechanically propelled vehicle on a bridleway without lawful authority.</p> <p>However, it is not an offence under section 34 to drive a mechanically propelled vehicle on any land within 15 yards of a road upon which motor vehicles may lawfully be driven for the purposes of parking on that land.</p> <p>Model bylaws can be adopted if it is intended to permit use of vehicles or certain classes of vehicles on some parts of the promenade.</p> <p>Restrictions on riding horses and cycling will not be needed.</p> <p><u>Mobility Scooters</u> Per s.20 of the Chronically Sick and Disabled Persons Act 1970 (Use of invalid carriages on highway) Mobility</p>

	<p>Scooters are not classed as a vehicle for the purposes of the 1988 Act.</p> <p>However, they must be in Class 2 (typically those with a maximum speed of 4mph) or Class 3 (typically those with a maximum speed of 8mph) in order to ride on pedestrian areas such as bridleways. If they are not in a class, they are only permitted on the road.</p> <p>If they are to drive on the bridleway, they must not exceed 4mph and must be fitted with a speed limiter set at 4mph (Regulation 4 of The Use of Invalid Carriages on Highways Regulations 1988)</p> <p><u>Criminal Justice and Public Order Act 1994</u></p> <p>Under s.60C it is also an offence to reside on land with or in a vehicle without consent of the occupier.</p>
21 Wilfully obstructing Constables etc in execution of duty	This would be an offence under the Police Act 1996 s89