

BYE LAWS TO REGULATE SKATEBOARDING

1 SUMMARY

- 1.1 This report provides an update on the consideration of byelaws to regulate skateboarding.

2 INTRODUCTION

- 2.1 The Community Services Committee at its meeting on 1st December 2004 requested an update on the introduction of byelaws to control skateboarding. This follows the Council's decision in July 2002 (min 332/02 refers) to defer introducing such measures pending the provision of Skateboard facilities at the King George's playing field
- 2.2 Skateboarding in public places has been a source of nuisance and concern in the past and at the time the matter was last considered the Council concluded that the problem might be best addressed by the introduction of byelaws but deferred a decision to introduce regulations whilst facilities were being planned at Rayleigh. A draft of the byelaws approved for submission to the Home Office in 2002 is appended for Members' information.
- 2.3 A Skateboarding facility is now in place at the King George's Playing Field and is well used and popular with youngsters.
- 2.4 Since the Council gave consideration to introducing byelaws there have also been significant changes to legislation and new powers have been introduced to provide the Police and Local Authorities with more effective measures of dealing with nuisance and antisocial behaviour.

3 PRESENT POSITION

- 3.1 Essex Police have been consulted and advise that they cannot support the introduction of byelaws. The Chief Inspector is of the view that the facility in King George's field has helped to address the earlier problems. The police have not received any complaints from the public concerning skateboarding activity in the High Street. They are aware that some local residents are concerned by noise arising from the use of the skate ramps in the park but there have been no problems in connection with skateboarding in public areas so far as the police are concerned.
- 3.2 If nuisance were to arise the Police consider that they have effective powers under Part 4 of the Anti-Social Behaviour Act 2003 to curb the activity and in practice it has been demonstrated to be more effective and appropriate to rely on these provisions. Enforcement of local byelaws would not be a priority for the Police.

4 DISCUSSION

- 4.1 A general principle in the creation of any local byelaw is that no other legislation exists to adequately address the problem. Whilst a case might be made for a specific restriction having regard to the characteristics of a particular designated area it would appear that the new powers now available to the Police materially alter the situation and it would be difficult to justify the need for additional controls.
- 4.2 Given the changes in legislation; in the absence of Police support and clear evidence of need for specific controls there does not appear to be grounds for pursuing this matter further.

5 CRIME AND DISORDER IMPLICATIONS

- 5.1 The introduction of byelaws would not appear to provide any measurable benefit, which cannot be addressed through the Antisocial behaviour legislation, which is now in force.

6 RESOURCE IMPLICATIONS

- 6.1 There would be costs arising out of the creation of the byelaws in terms of advertising and consultation. The Police have advised that policing priorities would not include the enforcement of skateboarding byelaws and this would therefore be a matter for the Council to accommodate within its own resources.

7 LEGAL IMPLICATIONS

- 7.1 Byelaws have statutory force and the Council would have a responsibility to exercise its powers in a reasonable manner to ensure compliance with any regulations that are introduced.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES**

that no further action be taken at the present time to introduce byelaws to regulate skateboarding.

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Background Papers:-

Letter from Chief Inspector Essex Police dated 14th December 2004

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