

## **BYELAWS AND THE MANAGEMENT OF BALL GAMES WITHIN CAR PARKS**

### **1 SUMMARY**

- 1.1 This report proposes the introduction of a Byelaw to regulate ball games in the Council's car parks.

### **2 INTRODUCTION**

- 2.1 The Council and Essex Police are receiving a number of reports from local residents about their concerns around the gathering and behaviour of large numbers of young people playing ball games in Southend Road Car Park, Hockley. Currently, legislation does not allow the Police to take action against the playing of ball games in Council owned car parks.
- 2.2 Southend Road car park is, on a regular basis, being used by large groups of people ranging in age from teens to adults, playing ball games and creating a disturbance and nuisance to the residents who live in the vicinity. The nuisance being reported is one of noisy, rowdy behaviour including the shouting of abusive and foul language, damage caused to local residents' property by stray balls and by individuals retrieving their balls from residents' property.
- 2.3 All agencies within the Rochford Crime and Disorder Reduction Partnership are working together to try and establish both short and long term remedies to this and other issues being reported. The Council has already made a number of improvements to the physical infrastructure of the car park. After discussion with residents the Council have erected no ball game signs and re-sited and adapted the recycling containers in an effort to discourage young people from gathering there. Fencing has been replaced and additional, stronger fencing erected. However, these initiatives have not fully resolved the problems being experienced by the residents.
- 2.4 The implementation of a Byelaw to prohibit all ball games being played in Southend Road car park would provide an enforcement tool which may help to further reduce inappropriate behaviour. The Council and Essex Police would work in partnership to enforce the Byelaw and the co-operation of local residents in providing evidence is also likely to be important.
- 2.5 Guidance from the Department for Communities and Local Government (DCLG) is clear that the introduction of such a Byelaw needs to be justified and that it should only be applicable to areas where evidence of a significant problem can be provided. Therefore, it would be inappropriate to seek to extend the Byelaw's application to other car parks at this time.

**3 CRIME AND DISORDER IMPLICATIONS**

- 3.1 The Byelaw will provide measures to regulate ball games and help address problems of associated nuisance.

**4 RESOURCE IMPLICATIONS**

- 4.1 There will be costs arising out of the creation of the Byelaw in terms of advertising and consultation and, if confirmed, a resource implication associated with enforcement, which will depend on assistance from the Police in identifying those contravening the Byelaw. Officer time will be required in considering the evidence and progressing any subsequent action.

**5 LEGAL IMPLICATIONS**

- 5.1 If introduced, the Byelaw will have statutory force and the Council will have a responsibility to exercise its powers in a responsible manner to ensure compliance.
- 5.2 The draft Byelaw will have to be submitted with evidence to the DCLG for consideration and formal approval will depend on the Secretary of State being satisfied that the Byelaw is necessary.
- 5.3 The proposed Byelaw is attached as Appendix 1.

**6 PARISH IMPLICATIONS**

- 6.1 The Byelaw as proposed regulates ball games in all the Council's car parks.

**7 RECOMMENDATION**

- 7.1 It is proposed that the Committee **RECOMMENDS** to Council that it **RESOLVES**
- (1) To proceed with the statutory process for the introduction of the proposed District of Rochford (Byelaws for Good Rule and Government) as attached to the report and that the Head of Legal Services be authorised to effect such amendments thereto as may be necessary, and any amendments to the model form of byelaws.
- (2) That, subject to no objections being received to the Notice of Intention to apply for confirmation of the proposed byelaws, confirmation of the proposed byelaws be sought from the Secretary of State.

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**Background Papers:-**

None

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If you would like this report in large print, braille or another language please contact 01702 546366.

**APPENDIX 1**

**ROCHFORD DISTRICT COUNCIL  
BYELAWS FOR GOOD RULE AND GOVERNMENT**

Byelaws made under section 235 of the Local Government Act 1972 by Rochford District Council for the good rule and government of the District of Rochford and for the prevention and suppression of nuisances.

**General interpretation**

1. In these byelaws:

“the Council” means Rochford District Council.

“car park” means those areas listed in the Schedule

**Application**

These byelaws apply to the car parking areas of Rochford District Council designated in the Schedule of car parking areas and delineated by black hatching on the plan attached to these byelaws.

**Playing of Games**

No person shall play or take part in any ball game in any of the car parks listed in the Schedule to these byelaws.

**Penalty**

Any person offending against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**SCHEDULE**

The car parking area referred to in these byelaws is:-

1. Southend Road, Hockley