

Appendix 5 - Byelaws Draft Project Timeline

[Authority for a change to the Byelaws is a decision for Full Council not the Executive however authority from the Executive (Cabinet) will be required to commence the statutory process / consultation / submission of an application to the Secretary of State – Democratic Services will need to advise on process / timeframe]

Stage	Detailed Task	Date and Timescale
Assessment and Consultation Preparation	<ul style="list-style-type: none"> • Prepare a draft of the Byelaws – Done • Carry out an Assessment of whether the regulatory burden imposed by the Byelaws is proportionate • Prepare a Statement if the Assessment • In carrying out Assessment consult with such persons considered potentially affected by the Byelaw • Preparation of Equality and Health Impact Assessments. • Publicise statement on website and in manner considered likely to bring the statement to the attention of persons who may otherwise be affected 	6 Weeks (indicative time frame – will be determined by Client department)
Determination of Enabling Powers	<ul style="list-style-type: none"> • Establish the enabling power for making Byelaw for each site <ul style="list-style-type: none"> a) Review registered title / deeds for each site to establish statutory authority from which Councils interest in land is derived b) Establish Byelaw making power for each site c) Where joint interest in land seek 	6 Weeks

	permission for making Byelaw	
Public Consultation	<ul style="list-style-type: none"> • Issue public notice – local press • On site consultation • Letter drop to local residents and businesses • Site poster • Monitor website • Receipt of paper questionnaires • Receive electronic questionnaires 	8 Weeks (timescale to take account of number of sites – Site Notices)
Analysis of consultation feedback	<ul style="list-style-type: none"> • Consolidate manual feedback into electronic form • Summarise feedback • Review proposed Byelaw in light of feedback 	2 Weeks
<i>Executive Briefing</i>	<ul style="list-style-type: none"> • <i>Executive briefing to approve to approve Byelaw changes and authority to make application to Secretary of State</i> 	<i>(To be determined by Democratic Services)</i>
<i>Executive Approval (Decision of Cabinet)</i>	<ul style="list-style-type: none"> • <i>Executive report to approve Byelaw changes and authority to make application to Secretary of State</i> 	<i>(To be determined by Democratic Services)</i>

Application for Approval	<ul style="list-style-type: none"> • Apply to Secretary of State for approval, providing:- <ol style="list-style-type: none"> a) Draft Byelaw b) Statement c) Report 	
Application Approval	<ul style="list-style-type: none"> • The SoS must respond in writing to an application made within 30 days of submission date • The SoS can either:- <ol style="list-style-type: none"> a) Give leave to make Byelaw b) Send an acknowledgement stating it will issue a substantive response as soon as practicable c) Refuse to give leave to make Byelaw 	<p>30 Days</p> <p>(SoS notice that response will be sent as soon as practicable – no specified timeframe)</p>
Publication of Proposals	<ul style="list-style-type: none"> • If SoS grants leave to make Byelaw, publication of notice on Councils website and in one or more of the local papers circulating in the area in which land is situated in respect of which Byelaw will apply • Requirement to publicise notice in manner Council thinks fit (site notices) 	<p>8 Weeks</p> <p>(timescale to take account of number of sites – Site Notices)</p>
Consideration of Representations	<ul style="list-style-type: none"> • Consider any written representations before making decision 	

Decision (Full Council)	No later than six months after the expiration of the period specified in the notice: <ul style="list-style-type: none"> • Make the Byelaw without modification • Make the Byelaw with minor modification • Not make the proposed Byelaw 	(To be determined by Democratic Services)
Making the Byelaw	Under the Common Seal of the Council	1 day
Publicity	(Not less than seven days before the day on which the Byelaw comes into force) <ul style="list-style-type: none"> • Deposit a copy of the Byelaw at PASC • Public notice of making on website • Publicise Byelaw in such other manner the Council thinks fit (site notices) 	8 weeks (timescale to take account of number of sites – Site Notices)
		12 – 18 months (approximately)