



## GOVERNANCE COMMITTEE

14 November 2012

**Subject Heading:**

Ingrebourne Way Sustrans Connect2 Project  
– Proposed Amendment of Pleasure Ground  
Byelaw on Cycling

**CMT Lead:**

Cynthia Griffin, Group Director, Culture &  
Community

**Report Author and contact details:**

Benjamin Sanderson, Regeneration Officer –  
Environmental Programmes x2873

**Policy context:**

Harold Hill Ambitions, Rainham Compass,  
Hornchurch Urban Strategy, Community  
Strategy, Culture Strategy, Sustainable  
Transport Policies

**Financial summary:**

Connect2 is funded from BIG Lottery (£880K  
to be spent by April 2013) , Veolia Havering  
Riverside Trust (£120K not time limited),  
Heritage Lottery Fund (£35K), TfL LIP (£180k  
to be spent by April 2013), £150K from  
Rainham Trackway project replaced by LIP  
grant originally dedicated to Connect2 in  
2011/12.

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

The Ingrebourne Way Sustrans Connect2 project aims to form a continuous, fully accessible walking and cycling route from Noak Hill to the River Thames at Rainham. As far as possible the route will follow the River Ingrebourne and utilises a number of parks and open spaces, as well as highway space.

## **Governance Committee, 14 November 2012**

1. The project has been allocated a £880k BIG Lottery grant distributed by the sustainable transport charity, Sustrans. Additional funding from Veolia Havering Riverside Trust and Transport for London make the total funding for the project more than £1.5 million.
2. Current pleasure ground byelaws (copy extract attached to this report) provide for a qualified prohibition of cycling in many of the Council's parks. In order to permit cycling on signed, designated routes through Parks it is proposed to make a single minor amendment to the existing byelaws by the Council adopting the Department for Communities & Local Government model byelaw on cycling. This will be subject to approval of a further report to full Council in November 2012 followed by a statutory consultation period and approval by the Department for Communities & Local Government.
3. Approval of this amendment will be necessary for the successful delivery of the Ingrebourne Way Sustrans Connect2 Project. In the interim the Council has entered into a licence with Sustrans to permit and give lawful authority for use of existing pathways, on the Connect2 route through parks, for cycling.

### **RECOMMENDATIONS**

1. That the Committee recommend to the Council that the new model byelaw on cycling as approved by the Department for Communities & Local Government be adopted and
2. That the current byelaw 9(ii) of the 1990 Pleasure Ground Byelaws be repealed subject to adoption of the new model byelaw on cycling as approved by the Department for Communities & Local Government.

### **REPORT DETAIL**

#### **Background**

1. In 2009 London Borough of Havering embarked on the Ingrebourne Way Sustrans Connect2 project. The project aims to form a continuous, fully accessible walking and cycling route from Lower Noke Close in Noak Hill to the River Thames at Rainham. As far as possible the route follows the River Ingrebourne and utilises a number of parks and open spaces, as well as highway space.
2. The project has been allocated a total of £880k BIG Lottery grant distributed by the sustainable transport charity, Sustrans. Additional funding from

## **Governance Committee, 14 November 2012**

Veolia Havering Riverside Trust and Transport for London brings the total funding for the project more than £1.5 million.

3. Connect2 is a UK-wide project that aims to transform local travel in 79 communities by creating new sustainable transport routes, as a result it is hoped many more people will be able to walk and cycle for everyday journeys.
4. Connect2 won £50 million from the BIG Lottery Fund's "Living Landmarks: The People's Millions" as a result of a public vote televised on ITV1 in December 2007. Overall, Connect2 is a £142 million scheme - £50 million from the largest ever single lottery grant and the remaining millions in match funding for individual projects.
5. The project in Havering was agreed by Cabinet in 2009 and most recently, in August 2012, an executive decision approved delivery of the final two phases of the project. The deadline for completion is March 2013 and in order to receive the BIG lottery grant the route must be completed in its entirety. Moreover, as part of a Memorandum of Understanding between the Council and Sustrans public access for the purpose of walking and cycling needs to be secured for at least the next 40 years.

### **1. Pleasure Ground Byelaws**

6. The majority of the Council's parks are covered by a byelaw that prohibits cycling. The byelaws were made under Section 164 of the Public Health Act, 1875, and Sections 12 and 15 of the Open Spaces Act, 1906, by the Mayor and Burgesses of the London Borough of Havering acting by the Council with respect to the open spaces and pleasure grounds vested in or maintained by the Council. The byelaw on cycling in pleasure grounds as currently worded threatens successful completion of the Ingrebourne Way Connect 2 route.
7. The purpose of the byelaws is to help improve everyone's enjoyment of the Council's parks and open spaces. Sometimes parks and open spaces are used for activities that are unacceptable. For example, an activity might cause distress or even injury to other users, or damage council or personal property. The byelaws allow the Council to monitor such activity and, if necessary, prevent it altogether. Breaching a byelaw is an offence and an offender may be prosecuted in court or issued with a fixed penalty notice.
8. In addition to the byelaws, parks and open spaces managed by the Council can also be covered by national laws. The Council are responsible for enforcing byelaws and national laws when appropriate.

### **2. Proposed Change to the Byelaw on Cycling**

9. The current byelaws apply to all pleasure grounds listed in the first and second schedules of these byelaws and provide a qualified prohibition on cycling, as follows:

## Governance Committee, 14 November 2012

3. *“A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the pleasure ground.”*
10. Although at one time cycling may have been unacceptable in parks, today cycling is considered on its merits as healthy activity and as a sustainable form of transport and is actively promoted at a local, regional and national level.
11. In order to enable completion of the Ingrebourne Way Connect 2 route it is proposed to permit cycling on signed, designated routes through Parks. This will be achieved through a minor amendment to the existing byelaws by the Council adopting the DCLG model byelaw on cycling. This will be subject to a further report to full Council in November 2012 followed by a statutory consultation period and approval by DCLG. In the interim the Council has entered into a licence with Sustrans to permit and give lawful authority for the use existing pathways, on the Connect2 route through parks, for cycling.
12. A number of Havering’s parks through which the Ingrebourne Way route passes are currently covered by the current 1990 Pleasure Ground Byelaws which provides for a qualified prohibition on cycling. These parks are:
  - Dagnam Park
  - Central Park
  - Paines Brook Adventure Playground and Open Space
  - St Neots Adventure Playground
  - Upminster Park
  - Gaynes Parkway
  - Hacton Parkway
  - Suttons Parkway
13. In order to overcome this barrier to cycling through these and other parks in the Borough it is proposed that the Council repeals the current byelaw and replace it with the Model DCLG byelaw (Set 2 Byelaws for Pleasure Grounds, Public Walks and Open Spaces) which is more in line with the aspiration to promote cycling in the Borough.
14. The DCLG has already produced an approved set of model byelaws (a copy extract is attached to this report) which Local Authorities have some scope to adapt for their own requirements, providing the adaptations are approved by the Department for Communities & Local Government. Part 3 Paragraph 20 of these new model byelaws applies to cycling and the exact wording is as follows:

*“No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].”*

*“In this Part:*

*“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;”*

15. Under this new byelaw, the caveat states that cycling will be permitted on designated routes defined as those which are appropriately signed. This will be appropriate to satisfy requirements of the Connect2 route and any other future proposals for introducing new cycle routes into parks. It is considered that control of people who cycle dangerously can be enforced effectively by Parks Protection Team under other provisions about public order and safety.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

1. It is proposed to amend byelaws to permit cycling for all pleasure grounds. This amendment will facilitate completion of the Connect2 project. For information funding for the final two phases of this project was approved by a key Executive Decision by Individual Cabinet Member. In summary the approved route of the Ingrebourne Way project largely utilises existing paths in parks and open spaces, Public Rights of Way or Highway which are currently maintained at public expense. As a consequence the revenue costs associated with maintenance of the route will be met from existing budgets in Culture and Leisure Services and Streetcare. Paths crossing land currently maintained by the Forestry Commission will be maintained by the Forestry Commission.

2. Capital costs will be met by grant from BIG Lottery, TfL LIP in 2012/13 and the Veolia Havering Riverside Trust. BIG Lottery funding will only be paid once the funder is satisfied that phases 2 and 3 can be completed so the Council needs to ensure that it does not commit to expenditure contractually on these phases unless it has all funding and agreements in place to complete the necessary works. Otherwise the project would be scaled back to utilise remaining funding to implement key aspects.

Conway Mulcahy  
Finance Business Partner

### **Legal implications and risks:**

A number of Parks through which the Connect2 route passes are currently covered by byelaws that provide a qualified prohibition of cycling. That qualified prohibition would not apply should the model byelaw on cycling produced by the Department for Communities & Local Government be adopted by the Council subject to the route being a designated route indicated by notices placed in a conspicuous position. Council authority will be required in order to repeal the existing byelaw on cycling and adopt this model byelaw. Subject to Council approval the model

byelaw on cycling to replace the existing cycling byelaw will be sent to the Department for Communities & Local Government where it will be subject to a further statutory consultation after which the model byelaw may be adopted.

Vincent Healy, Legal Manager

**Human Resources implications and risks:**

There are no human resource implications associated with this report.

Geraldine Oakley, HR Business Partner

**Equalities implications and risks:**

As per the findings of the Equalities Impact Assessment work associated with the development of the Ingrebourne Way Sustrans Connect2 route will respect diversity and equalities issues and ensure that all members of the community, including disabled people, are able to contribute to and benefit from its development and implementation.

Martha Goodhill, Diversity Programme Manager

**BACKGROUND PAPERS**

1. Pleasure Ground Byelaws 1990
2. DCLG (May 2006) Model Byelaws Set 2 – Byelaws for Pleasure Grounds, Public Walks and Open Spaces.