

<b>Item No.</b> 7.1A	<b>Classification:</b> Open	<b>Date:</b> September 12 2007	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Adoption of Model Byelaws – Addendum Report	
<b>Ward(s) or groups affected:</b>		All Wards	
<b>From:</b>		Strategic Director of Environment and Housing	

## **BACKGROUND INFORMATION**

1. The Department of Communities and Local Government (DCLG) have recently advised the council that their procedure for approving byelaws has changed and they now require authorities to submit draft byelaws for provisional approval before they are approved and sealed by the council. In the light of this, the report of the Strategic Director of Environment and Housing on the Adoption of Model Byelaws is to be withdrawn.
2. This issue became apparent on September 10, during the course of a general discussion. The DCLG advised that they had recently changed their guidance on applying for ratification of byelaws.
3. A copy of the proposed byelaws and those proposed to be repealed was sent immediately on September 10 2007. An interim response was received on September 11 2007 indicating that there were some queries. Officers received a detailed list of issues on September 12 2007. Three broad heads of concern were identified:
  - (i) Clarification on the grounds listed in byelaw set 2: Byelaws for Pleasure Grounds, Public Walks and Open Spaces. This matter is in the process of being resolved;
  - (ii) Whether DCLG had the powers, as parent department, to confirm all of the previous byelaws listed for repeal in set 8: Byelaws for Good Rule and Government. Clarification is being sought on this issue; and,
  - (iii) Whether the controls listed in set 5: Byelaws for Promenades should only apply to those promenades adjacent to the sea and were not applicable to footways around Southwark's waterways, which would be better dealt with by amendments to set 2.
4. DCLG recommended delaying the decision on making and sealing the byelaws until such time that the queries have been resolved to their satisfaction.
5. Officers now expect to bring a report to the next council assembly on November 21 2007. Until such time as a new report is considered the council's existing byelaw regulating Southwark's parks and open spaces will continue to apply. These will not be repealed until such time as revoked by new byelaws.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

**Strategic Director of Legal and Democratic Services**

6. The usual procedure for approving bylaws is for them to be submitted to DCLG for confirmation once they have been approved and sealed by the council. DCLG may at this point either approve the bylaw or return them to the council for further comment before a decision is taken.
7. In the light of the communication from DCLG dated 11 September 2007, the strategic director of legal and democratic services is of the view that approving these byelaws at this stage would not be in the best interest of the council as it is likely that council assembly would need to reconsider these same bylaws at a future date.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
e-mails of discussions with Safer Neighbourhood Chief Inspector	Chaplin Centre	Tim England
e-mail correspondence with DCLG	Chaplin Centre	Tim England

## AUDIT TRAIL

<b>Lead Officer</b>	Jonathon Toy	
<b>Report Author</b>	Tim England and Joanne Stowell	
<b>Version</b>	Final	
<b>Dated</b>	September 2007	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal and Democratic Services	Yes	Yes
Finance Director	No	No
<b>Executive Member</b>	Yes	Yes
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	12 September 2007	