

TABLE OF RESPONSES FOLLOWING THE CONSULTATION ON THE SCHEME & DRAFT REVOCATION BYELAWS

<b>CONSULTATION ON SCHEME 11 JULY 2017- 22 SEPTEMBER 2017</b>			
<b>BYELAW REFERRED TO IN THE CONSULTATION</b>	<b>CONSULTATION RESPONSE</b>	<b>NHDC COMMENT</b>	<b>PROPOSED ACTION</b>
<p><b>Number 6</b> Byelaws with respect to Carters Pond and The Recreation Grounds and Open Space at Ashwell Parish Council</p>	<p>This is not an NHDC byelaw.</p>	<p>This byelaw was added in error and therefore has been removed from the scheme.</p> <p>Responsibility with Parish Council</p>	<p>This will not be considered for revocation as part of the NHDC review.</p>
<p><b>Number 4</b> - Use of public swimming baths, <b>Number 5</b> - Spitting in Public Places <b>Number 7</b> - New Streets and Buildings, <b>Number 9</b> - Regulation of Butts Close and Oughton Head and Walsworth Commons, <b>Number 44</b> - The NHDC Good Rule and Government Byelaw No.2 1978 <b>Number 45</b> - Pleasure Grounds and Open Spaces, <b>Number 47</b>- Fouling of Footways, grassed</p>	<p>The frequency of infringements covered by these byelaws and, in some cases, the level of nuisance resulting from their infringements mean that all possible means of punishing offenders should please be retained and perhaps more use made of these byelaw provisions. The frequency of related offences lead to the conclusion that alternative routes to punishment are not by themselves adequate. We believe the byelaws should be kept for as long as these offenders remain such a significant nuisance. The power under these byelaws should be used more often. Perhaps could be added to duties of traffic wardens if that is possible, or another warden please introduced and shared with various N Herts and/ or E Herts towns.</p>	<p>No evidence that these issues have been creating a problem and therefore there is no evidence that these byelaws have been used as a method of enforcement.</p> <p>Fouling of Footways - NHDC is a designated area for the Dogs (Fouling of Land) Act 1996</p>	<p>Use of ASB, Crime and Policing Act 2014 powers to deal with people who act anti-socially and local anti-social issues.</p> <p>Authorised officers consider the issue of a fixed penalty notice or consider prosecution.</p>

verges and vehicular crossovers and <b>Number 51</b> – Regulation of dogs.			
General	Please make clear the bylaws to be cancelled. It is not enough to say somewhere on our website you can find the information!!	The list of byelaws was included within the consultation and a link was attached to website. The reader needed to scroll down the page in order to view the link.	Arranged for the page to be minimised in order that the whole page including the links could be viewed.
<b>Number 5</b> Spitting in a Public Place	The spitting in a public place byelaw. It is disgusting, anti social and potentially disease spreading.	This byelaw came into force in 1905 via the enabling act which was dated 1882.  Anti-social issues can be notified to the Council who will then refer to the appropriate team to manage if necessary.	Revoke byelaw as it is archaic and consider the use of ASB powers in order to resolve.
<b>Number 5</b> Spitting in a Public Place	Spitting in public places should be fineable. Constantly see this around the town. Unhygienic. Fine should be more than £5.	This byelaw came into force in 1905 via the enabling act which was dated 1882.  Anti-social issues can be notified to the Council who will then refer to the appropriate team to manage if necessary.	Revoke byelaw as it is archaic and consider the use of ASB powers in order to resolve.

<p><b>Number 8</b> Regulation of Butts Close and Oughton Head and Walsworth Commons in the Urban District of Hitchin</p>	<p>Regulation of Butts Close and Oughton Head and Walsworth Commons in the Urban District of Hitchin. This provides for the protection and improvement of Commons, prevention of nuisances and whilst the Anti-Social Behaviour, Crime and Policing Act 2014 may deal with the prevention of nuisance's aspect of this By Law I am not convinced that the Protection and Improvement of these commons is addressed.</p>	<p>Anti-social issues can be notified to the Council who will then refer to the appropriate team to manage if necessary.</p>	<p>Use of ASB, Crime and Policing Act 2014 powers to deal with people who act anti-socially together with local anti-social issues.</p>
<p>General</p>	<p>Hadn't realised that the council no longer acted on the byelaw with regards to driving on/across/parking on grass verges in the town.</p>	<p>Covered by Hertfordshire County Council as this is a highways issue.</p>	<p>Continue to liaise with Hertfordshire County Council to ascertain whether they are able to deal with the issue under their powers or whether they now wish to pass the delegation to NHDC to deal with.</p>
<p>General</p>	<p>This consultation looks like a tick box exercise since you are not registering who has responded - as such I feel a little aggrieved to have spent time looking through the schedule of byelaws to amend.</p>	<p>Question 1 provided an opportunity to note under the heading of Other who was responding to the consultation.</p>	<p>No action required.</p>
<p>General</p>	<p>There is a need to ensure by laws that will remain or are to be created are known to the public and relevant business. It is hard to enforce a rule if few know it exists. Sensible by laws will get the backing of residents and in turn help enforce them through public awareness. Many of the by laws you showed in the list would not have been known by Councillors, District or Parish let alone by the public, which proves why they may not have been effective. Though many where related to historic periods of time and thinking. To enable a by law to become know there should also be greater ability for Parish Councils to place signs</p>	<p>Parish Councils can consider making their own byelaws in accordance with current legislation.</p>	<p>Use of ASB, Crime and Policing Act 2014 powers to deal with local anti-social issues</p> <p>Flytipping – NHDC will attempt prosecute any person/s who fly-tip via the Environmental Protection Act 1990. .</p>

	within their boundaries that cover such rules if they relate to paths, dog fouling, litter, fly tipping, ball games etc. NHDC needs to trust Parish Councils more in determining what is needed given their knowledge of the local situations.		
General	We eventually found an Attachment to Byelaws Consultation on the NHDC website Home/ Customer Services/ Publications and Comments/ Byelaws Consultation, and the above byelaw numbering in our responses refers to this specific document, though we are not sure whether it is the right one. It was very difficult to find this document, it did not come up during several searches of your website, we happened across it through persistence and a large element of luck. It is not in anyway adequately referenced in the brief Byelaws Consultation notice. Many residents will not be able to find it, or will give up after multiple attempts as we nearly did, and when residents cannot find it then this difficulty invalidates the entire survey. Searching on your own website using the above path or parts of it similarly results in Not Found. Also, we had no idea such a survey had been sent out previously, the earlier publicity seems to have been badly performed. This reflects badly on NHDC and does bring into serious question whether the survey has been properly managed or that the results can be relied on. Starting again is not an attractive option, but the existing efforts have just not been adequate.	The list of byelaws was included within the consultation and a link was attached to website. The reader needed to scroll down in order to view the link.  A dedicated email address was provided on all of the publicity and a separate webpage was also on the website with the associated links attached.	Arranged for the page to be minimised in order that the whole page including the links could be viewed without the need to scroll down.
General	We are happy that the out of date legislation is covered by current laws as defined in the consultation document.	Confirms that documents were accessible to the public.	Proceed with the proposal to revoke the byelaws.

General	This is a badly thought out survey, please try again.	The consultation followed the statutory procedure, and there were two opportunities to make comments on the proposals.	No further action required.
General	More needs to be done to tackle anti-social behaviour in Hitchin, particularly graffiti on private buildings such as the Riverain Bowls Club, and building sites.	The Council can arrange for graffiti to be removed from Council owned and managed properties.	If graffiti is on private property the Council can attempt to make contact with the owners to offer assistance with the removal and cleaning. This can be undertaken by the Council at a charge. A report form can be found on the council's website.
General	Yes. 1. I strongly support the Council's retention of at least one of the existing Byelaws, therefore helping demonstrate in future its 'competence' to create Byelaws. 2. What does concern me is the creeping privatisation of common spaces, publicly-accessible but privately-owned, with their own contractual rules, usually dreadful direction signage and provisions, enforcement and rights of ejection. Photography is commonly prohibited in such spaces. Surely, the overall town realm is a matter for Councils so that as was once suggested "...the freedom to make and remake our cities and ourselves is ... one of the most precious yet most neglected of our human rights". What I would welcome was some means of ensure public spaces remain LIVE spaces. Therefore, I would seek a new NHDC Byelaw somehow framed to require "privatised public spaces" to be regulated no more onerously than the regulation of truly public, publicly-owned spaces. 3. Verge parking in Letchworth is a	<p>Consideration can be given to the making of new byelaws.</p> <p>Must only be to address a local issue provided there is no other legislation available to deal with the local issue.</p> <p>The issue surrounding vehicular parking on grass verges was covered in the report to Full Council on 11 April 2017 at Paragraph 8.1 to 8.4.</p>	<p>The making of new byelaws must be within the powers of the local authority which makes it; it must not be unacceptable to the law of England; it must be certain and positive in its terms and it must be reasonable.</p> <p>Continue to liaise with Hertfordshire County Council and ascertain whether they are able to deal with the issue under their powers or whether they now wish to pass the delegation to NHDC to deal with.</p>

	significant issue, but I understand that reference to a Hertfordshire County byelaw cannot be confidently enforced. There is a need for a NEW byelaw relating to "verge parking" which may be aggravated in addition by "causing or permitting damage to grassed verges". Moreover the issue is not I understand covered by any other existing legislation, unless enormous amounts of mud are brought onto the highway.		
<b>General</b>	Therfield Parish Council resolved at their meeting held on the 5th September 2017 that the bye-law affecting Therfield Heath may be revoked. However they are not a liberty to revoke other byelaws which may affect other people.	Parish Council response noted. Therfield Heath and Greens Byelaws dated 19th October 1964 was originally placed on our schedule but was removed and the Parish were advised via email on the 14 August 2017	No further action required
Hertfordshire County Council Byelaw 1955	I think a relevant by law for today would be to stop parking on pavements. As more cars emerge, more people think it is perfectly acceptable to park on the pavement blocking pedestrian routes, yet there seems no law that prevents them.	This byelaw was added in error and therefore has been removed from the scheme. It should be noted that the responsibility lies with Hertfordshire County Council (HCC). The issue surrounding vehicular parking on grass verges was covered in the report to Full Council on 11 April 2017 at Paragraph 8.1 to 8.4.	Contact has been made with HCC.  NHDC to continue to liaise with HCC to ascertain whether they are able to deal with the issue under their powers or whether they now wish to pass the delegation to NHDC to deal with.

Hertfordshire County Council Byelaw 1955	The byelaw relating to parking on grass verges. I am aware the verges are the control of the County Council but they don't seem to see a problem if a car is parked on a grass verge. The problem is parking restrictions have moved people away from the town which causes big problems for local residents and now they have started to park on the grass verge through lack of planning. Can the Council take back some control making it an offence to park on or damage grass verges??	This byelaw was added in error and therefore has been removed from the scheme. It should be noted that the responsibility lies with Hertfordshire County Council (HCC).  The issue surrounding vehicular parking on grass verges was covered in the report to Full Council on 11 April 2017 at Paragraph 8.1 to 8.4.	Contact has been made with HCC.  NHDC to continue to liaise with HCC to ascertain whether they are able to deal with the issue under their powers or whether they now wish to pass the delegation to NHDC to deal with
<b>CONSULTATION ON DRAFT BYELAWS 20 NOVEMBER 2017 – 22 DECEMBER 2017</b>			
<b>APPENDICES A, B, C and D</b>	2 Responses – 1 yes, 1 no (no further comments).	No comments to respond to.	No further action proposed other than making the Revocation Byelaws.