

Appendix C

Revocation of Byelaw against cycling in parks

Regulatory Assessment

Objective of revoking the byelaw

By revoking the byelaw to allow cycling in parks we can meet the needs of:

- The Mayors Transport Strategy 2017
- The Councils Long Term Transport Strategy 2015-2035
- Brent Cycle Strategy 2016-2021

Brent Cycle Strategy 2016-2021 aims to increase the uptake of cycling within the borough and sets out the vision for cycling in Brent and vision to:

- make Brent a borough where everyone can cycle safely, in comfort and with confidence;
- enable people of all ages and abilities from every section of Brent's diverse society so see cycling as a good option for everyday travel;
- develop a coherent network of direct, comfortable and attractive cycle routes;
- explore opportunities to improve permeability for cyclists through opening existing paths through Brent's parks and open spaces for shared use by pedestrians and cyclists.

The Current Situation

The current byelaws for pleasure grounds, public walks and open spaces were made in 1977 under the 1906 Open Spaces Act and the Public Health Act 1875. Byelaw 7(ii) of the existing byelaws does not generally allow cycling except in Gladstone Park between the hours of 7:00am – 8:30am.

The Council already has some dedicated cycle routes / shared use paths in some parks and, although prohibited, cycling does take place in other parks for a number of different reasons. Transport for London (TfL) support the use of cycle routes through parks to help develop a coherent network of direct, comfortable and attractive cycle routes. There are therefore some inconsistencies in byelaw regulation and transport policies that need to be addressed.

Other London Boroughs have introduced changes to allow cycling in their parks and open spaces. Some have retained their general prohibition of cycling in parks but have granted permission for cycling in specific parks.

Officers do not consider that only permitting cycling in specific parks would satisfactorily meet policy objectives and therefore that a general prohibition is appropriate or proportionate. It is for this reason that it is proposed that byelaw 7 (ii) be revoked so that cycling is generally permitted in our parks and open spaces. The assessment set out in this report concludes that there are other more proportionate ways of ensuring a proper and fair balance is struck between different park users.

Impact of revoking the Byelaw

The health benefits of cycling, to both physical as well as mental health, are now well documented. In addition to delivering our Cycling Strategy, enabling residents to cycle in parks is fully aligned with the Council's policies on promoting physical activity and improving air quality.

Brent has approximately 90 parks and open spaces of which 55 are covered by byelaw 7 (ii) which prohibits cycling. Allowing cycling is not envisaged to have any detrimental impact upon other users in the majority of our parks and open spaces. Cyclists already use some of our parks, even where there are no defined cycle tracks, and we receive very few complaints.

Consideration has been given to the potential impact cycling may have on other park users in relation to areas such as:

- entrances
- play areas
- outdoor gyms
- cafes and picnic areas
- where paths may be too narrow to allow safe sharing of the space or
- with a steep topography that may encourage higher cycling speeds.

Mitigating measures

It is envisaged that any potential issues could be mitigated through introducing a number of measures including; introducing signs and surface markings, introducing an advisory 5mph speed limit and retaining some restrictions which can be enforced using other byelaws, or where necessary, using Public Spaces Protection Orders (PSPOs). This approach will ensure that specific areas found to be unsuitable for cycling or where there are reports of inconsiderate or dangerous cycling can be controlled.

Officers have commissioned a detailed survey of the parks and open spaces where the current byelaw applies. This will include providing information on key routes, path widths, materials, conditions for pedestrian and cycle