



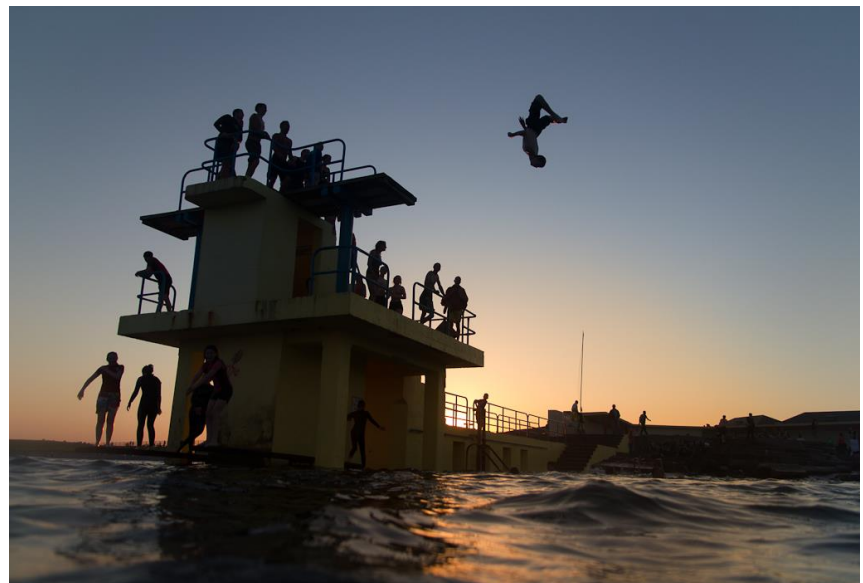
Galway City Community Network
Líonra Pobail Chathair Na Gaillimhe

Galway City Community Network
Westside Community Resource Centre
Seamus Quirke Road Galway
Phone: +353 (0) 87 9326467/087 4328489
Email: info@galwaycitycommunitynetwork.ie
Website: www.galwaycitycommunitynetwork.ie

Applying Common Sense

to the draft
Parks, Open Spaces &
Beaches Byelaws

Submission October 2016



Introduction

Galway City Community Network (GCCN) is the Public Participation Network in Galway, representing groups and organisations in the community, voluntary and environmental sectors. We welcome the opportunity to make a submission on the draft Parks, Open Spaces & Beaches Byelaws and hope that our observations make a useful contribution



Galway City Community Network is pleased to have the opportunity to make a submission on the draft Parks & Open Spaces Byelaws. The Byelaws were reviewed at a special thematic meeting called by GCCN on September 26th 2016. The following are the observations and recommendations arising from that review.

General

1. GCCN notes that these Byelaws cover parks, open spaces and beaches and wish to highlight the fact that these three areas are very different, fill very different recreational needs and should be treated accordingly. It is not possible to provide the same treatment to green spaces in housing estates, city parks, urban woodlands including Merlin Woods and Terryland Forest Park, cultivated flower beds and wild flowers. One size should not be expected to fit all.
2. GCCN notes that the Byelaws, when read as a standalone document, appear to be very negative. In that way, the current document may have the negative effect of restricting rather than the positive effect of enabling access. GCCN recommends the inclusion of a section on Guidelines for the use of Parks, Open Spaces and Beaches to precede the section on the Byelaws. These Guidelines should acknowledge the wonderful resources that Galway has in its parks, open spaces and beaches and encourage and promote their use. These Guidelines should be written in a positive manner encouraging all communities in Galway to make frequent use of the parks and open spaces available to them.
3. The Guidelines should clearly state that all users of parks and open spaces are required to do so in a manner that is respectful of the physical and natural environment and of other users. Specifically, the Guidelines should set out the conditions for use of park and open spaces in Galway.

4. These guidelines should be rooted in national and local policy aspirations such as those outlined in the following:
 - The national *Physical Education, Physical Activity and Sport for Children and Young People: A Guiding Framework*, which recognises that physical activity plays an important role in the lives of children and young people:
 - as a medium for education
 - as a basis for healthy living
 - as a vehicle for social inclusion
 - *Healthy Ireland: A Framework for improved Health and Wellbeing 2013-2025* – which envisages a deeper partnership with local government to improve the capacity of parents, carers and families to support healthier choices for their children and themselves
 - *Get Ireland Active: National Physical Activity Plan for Ireland 2016-2020* that includes 18 actions that specifically refer to the role of local authorities, including in promoting physically active play;
 - A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016-2025 - Local authorities are specifically identified as a sector with a leadership role in the prevention and management of obesity
 - The Guidelines should also be informed by other relevant policies such as the Galway Healthy Cities Project, the Galway Biodiversity Action Plan, Galway as a Child Friendly City Report, 2000, Galway City Recreation and Amenity Needs Study, 2008 and Galway Age Friendly Programme - Strategy 2014-2019
5. Bye-laws should deal with behaviour that threatens personal safety or causes damage to the environment or interferes with the rights of others to use and enjoy parks and open spaces safely and peacefully. Throughout the term ‘cause nuisance or **annoyance**’ used, GCCN strongly recommends this is replaced by ‘cause nuisance or **intimidation**’ to avoid an overly subjective negative approach to the enjoyment of others, including children and young people.
6. Clearly defined and signposted areas and/or specified times should be dedicated and authorised to allow cycling, skateboarding, rollerblading, horse riding and dogs to exercise off-leash etc.
7. Violation of the Byelaws must be proactively discouraged and the resources/infrastructure must be in place for this to happen. For example, if there is to be a sanction for litter, litter bins must be made available in all parks and open spaces, for example with reference to 8j.
8. Public information will be required to ensure that all members of the public are aware of the Byelaws and the sanctions imposed.

Specific points (suggested replacement/additional text in red)

- A. The term ‘Authorised Person’ needs to be fully clarified. For example, will these people be uniformed? If not, how are they to be identifiable? Those charged with implementing the Byelaws must be required to provide a reasonable explanation for enforcement.
5. Opening & Closing:
- 5c. **Where they exist**, a person shall not enter or exit a park otherwise than through gateways or other openings provided by the Council for that purpose.
 - 5e. Clarification is required in relation to the installation of security measures – these should not be installed without public consultation and a full debate by

Galway City Councillors. In the instances that they are installed, there should be a commitment from Galway City Council that they will remain the sole data holders.

6. Traffic

6a. Reword to read: **A person shall be permitted to cycle or use any skateboard, roller skate, roller blades or other such apparatus in a park or open space except in such manner as to cause nuisance intimidation to other users of the park or open space or cause damage to any public property.**

6 d. Remove 6d. as this is contradictory to 6a and confusing.

6e. Change to **under the age of 12 years**

6h. No person shall leave any vehicle, bicycle or tricycle unattended in a park or open space **for more than one hour** except in such places as may be set aside as standing or parking places.

7. Animals

7a. This byelaw goes beyond that national law and should be removed. There should be clearly defined and signposted areas and/or specified times dedicated and authorised to allow horse riding subject to the consent of the council.

7c. The Control of Dogs Act, 1986, regulates for dogs to be kept under 'effectual control' and 7d and 7e are sufficiently comprehensive and should be clearly publicised along with the relevant reporting procedure -

<http://www.irishstatutebook.ie/eli/1986/act/32/section/9/enacted/en/html#sec9>

7g. As above, this byelaw goes beyond the national law and should be removed.

8. General in Relation to Persons Using Parks and Open Spaces

8a. Walk upon any flower bed or through any shrubbery, enclosed plantation or other enclosed land in a park or open space **in a way that would cause material damage other than an employee of the Council in or about any work in connection with the laying, planting, improvement or maintenance of same.**

8b. Destroy or injure any tree, shrub or plant growing in a park or open space **or interfere with cultivated or display beds or pluck, cut or remove any flower or blossom or any fruit on any tree, shrub or plant growing therein, other than an employee of the Council in or about any work in connection with the laying, planting, improvement or maintenance of same.**

8c. Climb any ~~tree or~~ shrub in a park or open space or climb any fence, railing or wall in a park or open space. Traditional children's occupations such as making daisy-chains, picking dandelion 'clocks' should not be banned by bye-laws. There is a need to distinguish between play, exploration and learning about the natural environment and protection of wild flowers and 'formal' bedding displays.

8g. Molest, menace, threaten, **annoy-intimidate** or otherwise interfere with any person using or enjoying the park or open space.

8.l Organised community barbecues should be explicitly exempt.

8o. Operate in a park or open space any model aircraft, model sailing vessel or any model mechanically propelled vehicle **save in designated areas and/or specifically designated times and/or** with the permission in writing of the Council and subject to the terms and conditions of such permission.

8t. t. Attach any promotional material/signage/posters/~~bunting~~ etc. to any type of vegetation or trees.

9. Children's Playgrounds

9a. Reword as follows – **No persons shall abuse or misuse any of the equipment or playing appliances in any children's park or open space.** Galway City Council should consider the installation of exercise and other equipment for those over the age of 12.

b. No cycling, skateboarding or similar activity is permitted in a children's playground ~~in a park or open space.~~

Include the following in this section - No Person shall consume intoxicating liquor on recreational open space, parks and beaches, save with the permission in writing of the Council or for organised community activities in residential open spaces.

12. Powers of an Authorised Person

12a. An Authorised Person may request any person who appears to be contravening or to have contravened a bye-law in a park, open space or beach to leave or to refrain from any activity and may **remove** any person failing to comply with such request

Q. If the person is under 18 years of age and is not with an adult. What producers will be in place for the safety of the minor by the Authorised person when removing the minor from the park or open space?

12b. Where an Authorised Person ~~is of the opinion~~ **has evidence** that a person is committing or has committed an offence, the Authorised Person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person is guilty of an offence. **Please clarify the nature/status of this offence. Please also clarify if the person is under 18 years of age do they appear in court? Will there be a criminal record? What will the producers entail and on whose authority would this offence be prosecuted?**

12.c Where a member of the Garda Síochána ~~is of the opinion~~ **has evidence** that a person is committing or as committed an offence **of a Byelaw**, that member may arrest the person without warrant.

13. Management Arrangements, Event Licences

13a. Non-profit, education and community should be explicitly exempted.

13c. GCCN strongly suggests that parks, open spaces and beaches should remain in public ownership and management.

14. Fixed Payment Notices

Fines should be in line with the capacity/ability to pay and should only be issued if the offence is clearly intentional and the individual is aware of the Byelaws

Please clarify where in the case of a minor what are the procedures in relation to fixed payment notice?

16. Saver

This should be extended to other emergency services and civil defence.