Communities in control: real people, real power

Government response to the making and enforcement of byelaws
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Contents

Section 1 Introduction 4
Section 2 The byelaw making process 5
Section 3 Enforcement of byelaws 15
Annex A Breakdown of consultation responses 19
Section 1
Introduction

1. The consultation paper *The making and enforcement of byelaws*, issued by the Government on 21 August 2008, invited responses on proposals to implement the byelaws provisions contained in the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) to make byelaws easier to make, understand and enforce. These provisions give effect to policy commitments contained in our 2009 white paper *Communities in control: real people, real power*.

2. The consultation sought views on two key areas:
   - **developing a transparent and locally accountable procedure** for enabling certain authorities to make certain byelaws without the need for scrutiny by central Government and confirmation by the Secretary of State
   - **developing a practical and efficient solution to enforcing byelaws** through the less resource intensive method of a fixed penalty notice

3. Responses to the consultation were requested by 20 November 2008 and 533 responses were received from a wide range of organisations and individuals. A table showing the breakdown of responses received by organisation type can be found at *Annex A*. This document provides, for each of the proposals set out in the consultation process, a summary of the responses received and sets out the Government’s response.
Section 2
The byelaw making process

4. The consultation sought views on changing the way in which byelaws are made – not what authorities can legislate for. The intention behind the new byelaw making framework is that authorities and their communities will find byelaws, and in particular the byelaw making process, more transparent, easier to understand and less bureaucratic.

5. The Government’s overall approach to the regulations relating to the making of byelaws is to create a more straightforward procedure for making byelaws and to provide for a robust consultation process, while empowering authorities with the flexibility to determine the length and extent of consultation as necessary and appropriate for their areas.

6. Government intends to publish procedural guidance alongside the regulations to assist authorities in their byelaw making role. Authorities will be further assisted in most cases by departmental good practice guidance and model byelaws issued by the Government department responsible for the policies underpinning the proposed byelaw.

Consultation question 1: Do you agree with the list of byelaws which we propose should no longer require Secretary of State confirmation?

7. Feedback received from the April 2006 discussion paper Local Authority Byelaws in England: Procedures for making, confirming and enforcing byelaws established a clear consensus that byelaws currently confirmed by Communities and Local Government should no longer require confirmation by central Government before they are enacted and enforced. It also established the view that there was no need for central Government to take a direct role in many of the other byelaws which are made by authorities and which are confirmed by other Government departments. The list of byelaw making powers included in the consultation reflected the Government’s view that the vast majority of byelaws deal with truly local matters.

8. The majority of the respondents to this question agreed with the list in principle, with a significant minority suggesting provision should be made in the regulations for the list of byelaws to be amended and/or periodically reviewed.

9. A significant minority of respondents, whilst agreeing to the proposed list, commented it would be helpful to see the full list of byelaws that will be retained, i.e. still require Secretary of State confirmation. Other respondents commented that there was scope for other byelaws to be included in the list.

A handful of authorities took the opportunity to ask for their byelaw making powers to be included in the list. A similar number of interest groups felt the inclusion of certain byelaws, notably local nature reserve or beach byelaws should be subject to detailed consultation with key groups affected.

In addition, a significant number of respondents, particularly small parish councils, while welcoming this proposal in general commented that they were unable to comment on the list as they did not have resources to make byelaws.

Responses received to this consultation confirmed the earlier feedback received from the April 2006 discussion paper that the majority of byelaws deal with truly local matters and it is right to devolve the making of these byelaws to authorities.

**Government response**

The Government acknowledges the views of a significant minority that the list of byelaws should be regularly reviewed with the opportunity to add further byelaws to the list. The Government recognises that there may be further byelaw making powers that could be added to the list in the future. The Government therefore proposes to keep open the option of further consultation exercises, on expanding the list of devolved byelaw making powers specified in the regulations, in the future but considers this is best done on an ad-hoc basis rather than to a fixed timetable.

The powers in the 2007 Act, under which the new regulations will be made, only enable the devolution of byelaw making powers to authorities where the byelaws concerned are currently subject to the procedure set out in section 236 of the Local Government Act 1972 (‘s236 procedures’). The consultation process revealed that some of the byelaws listed in the consultation paper, primarily concerning transport, are not made under s236 procedures. Government has decided to move ahead with putting in place alternative arrangements for the byelaws in the consultation document which are currently subject to s236 procedures, which will include some, but not all, of the transport byelaws listed in the consultation document. Specifically, these are the byelaws about: walkways, Hackney carriages and also horse drawn omnibuses.

The Government will not be publishing a list of those byelaws that will continue to require the Secretary of State’s confirmation. Instead, it is intended that procedural guidance will make it clear which byelaws can be made under the alternative arrangements.

**Consultation question 2: Do you agree that certain byelaws should continue to require confirmation by the Secretary of State?**

The consultation paper proposed that certain byelaws that were controversial or have impact beyond the immediate local environment would continue to require central confirmation before they can come into force – for instance
byelaws confirmed by the Department for Environment, Food and Rural Affairs (DEFRA) about local fisheries management or countryside recreation.

17. The majority of responses, including responses from both authorities and interest groups, agreed in principal with this proposal on the basis that certain byelaws can be controversial, of national significance, concerned cross authority boundaries or impacted on a larger area. Other respondents qualified their support by commenting that it would be helpful to see a full list of byelaws where central Government confirmation would be retained. And a significant minority of respondents, whilst agreeing to the proposed list, hoped that the list would be reviewed in the future so that the list of byelaws requiring central confirmation might be further reduced.

18. A significant minority also considered the consultation paper did not fully explain why certain byelaws would still require central Government confirmation. A number of responses queried whether byelaws relating to ‘countryside recreation’ being retained were in fact ‘controversial’. Local authorities in particular felt that there should be maximum flexibility and maximum delegation where applicable.

**Government response**

19. The 2006 discussion paper explained there was a need to retain central confirmation on certain byelaws so that, where there is disagreement and the byelaw was controversial, an informed decision could be made with all parties having the opportunity to present their arguments. Byelaws relating to countryside recreation can raise controversial issues and significant debate. For these reasons such byelaws will continue to require confirmation by DEFRA.

20. The Government agrees that as many byelaws as possible should be devolved to authorities; where the Secretary of State’s role in confirming local byelaws brings added value to the byelaw making process it should continue.

21. The Government’s 2006 discussion paper fully set out the basis for retaining confirmation on certain byelaws. The 2006 discussion paper also set out certain byelaws that can be made and enforced by private sector organisations such as transport operators (most of which are in the private sector) rather than by local authorities.

22. The Government considers that where the authority wishing to make the byelaw is not a local authority or under the direct control of a democratic body, confirmation by the Secretary of State should be retained in order to retain democratic accountability and ensure the public interest is protected.

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Consultation question 3: Do you agree with our proposed seven step outline to make a new byelaw?

23. The procedure outlined for making byelaws reflected the continued need for a robust form of scrutiny and accountability where byelaws are required, and moreover, where central Government’s scrutiny and confirmation role in making byelaws is removed, local authorities need to assume this role and responsibility. Central Government scrutiny is replaced by greater scrutiny and accountability at the local level and the core of the new procedure is the emphasis on thorough consultation with interested parties at an early stage of the process.

24. The proposed procedure seeks to achieve a balance between imposing a robust framework obliging the authority to engage and consult more closely with local people, whilst allowing authorities greater local determination powers in respect of that process.

25. This proposal generated the largest number of comments. Most of the respondents were in agreement with the proposed outline, with many acknowledging the robust procedure allowed the authority to engage and consult more closely with local people and allow greater local determination.

26. A number of parish councils and town councils, whilst agreeing to the proposal said they would like the definition of ‘interested parties’ to include town councils and parish councils as mandatory “consultees” where a local authority byelaw has an impact upon a town or parish council, ensuring that the town or parish council would always have the opportunity to comment on or even object to a proposed byelaw.

27. There were a significant minority who, while agreeing with the proposal, queried why Government departments should still be required as “consultees”, with a handful noting this inhibited a full transfer of responsibility. Others felt that the extent of Government departments’ involvement should be limited to cases where strategic considerations exist, consulting them on good practice and guidance. Other respondents felt that Government departments should be mandatory consultees to prevent badly thought out byelaws.

28. A number of parish councils disagreed with the proposed seven step process, commenting that it would be an involved, burdensome process that they did not have the resources to carry out. Particular reference was made to the requirement to provide the opportunity for a public forum to debate the byelaws. Accordingly a significant minority of small parishes asked if there would be extra resources to assist with carrying out the requirement in the proposed new procedures (consultation, publicity, etc.).

29. In addition, various technical points were raised, principally relating to the wording of the proposal, for example what constituted “public forums”, “interested groups”, “public notices” and “minor modifications”.
A few respondents also thought the procedural guidance and regulations should clarify and make clear these terms. Other respondents, mainly local authorities, urged the Government to not prescribe each step in the regulations and asked that some of the requirements be covered in the procedural guidance instead.

**Government response**

30. Where a Government department is consulted as part of the byelaw making process, it is recognised that this will, in most cases, involve no more than the department in question confirming that there are already no powers in primary legislation for dealing with an issue which is causing concern. The various model byelaws that already exist, produced by Government departments, will continue to assist local authorities in the development of byelaws and will ensure that byelaws follow a consistent format.

31. Taking account of the responses received, and in particular noting that the majority of the respondents agreed with the proposal, the Government intends to adopt the outline and procedure set out in the consultation paper. In the guidance on the new procedures that will be issued alongside the regulations, Government intends to clarify, as far as possible, undefined terms that are used in the regulations. Local authorities will be required to have regard to any guidance notes accompanying the model templates, including the consultation aspects.

32. Taking into account the responses on the public forum element of the process, and in particular, the practicalities of holding a public forum and the burden this would place on some smaller authorities, and town and parish councils, the Government has decided not to include this element in the consultation process.

**Consultation question 4: Is the proposed statutory 21-day consultation period the right length of time for consultation?**

33. The suggested 21 day minimum consultation period in the consultation paper recognises that at the stage at which authorities publish a byelaw they will have engaged at length with interested groups on the draft byelaws. The proposal for a 21 day consultation period also took account of the fact that this would be the minimum consultation period stipulated and that authorities will have the option of extending this period, for instance where the byelaws at issue raise complex issues.

34. The overwhelming majority of respondents, mostly comprising parish and town councils, felt 21 days as a minimum was too short. The most common reason given was that most parish and town councils meet on a monthly/six week cycle and would not have the opportunity to comment. Interest groups also said the consultation period was too short and felt that it would not allow authorities to consult widely.
35. A handful of those who commented that the consultation period was too short were of the opinion that it was inappropriate to base the consultation period for new byelaws on the consultation period for planning applications – noting there was a great deal of difference between the two. For example, with planning applications parish councils can request an extension and those affected were notified by letter at the beginning of the consultation period.

36. Other most common reasons cited by the majority for a longer minimum consultation period included:

- allowing more time to work through potentially complex issues raised by byelaws and for giving consideration to application and possible problems
- allowing time for debates and co-ordinating opposition
- allowing for objections raised to be considered
- positively engaging and consulting with local communities and consulting decision-making bodies
- consideration of annual leave/holidays
- allowing for public meetings to be facilitated
- allowing for parishes in rural areas to have the opportunity to comment
- allowing for district and county councils to get information to parish councils, collating information and notifying them.

37. The minority of respondents who did agree with the minimum consultation period in principle tended to be local authorities, who felt it was consistent with other public notice periods like planning applications. However they made it clear that this should only be the minimum and there should be flexibility to increase this period in certain circumstances, i.e. holiday period or where the byelaw affected a large section of the public.

38. Other local authorities who supported the proposal commented that the requirement to consult interested parties before advertising the draft byelaws for a minimum of 21 days should draw out any major concerns or objections to the proposed byelaws, therefore the proposed minimum consultation period was appropriate.

39. Nearly all the respondents who disagreed with the proposed minimum consultation period suggested alternative timeframes, ranging from 28 days to six months. The most preferred alternative dates were 28 days and one calendar month with respondents commenting this greater period enabled authorities to positively engage and consult with local communities. In suggesting 28 days some respondents mentioned that this was in line with other consultation periods, i.e. Tree Preservation Orders.
Government response

40. The Government has considered the responses received to this proposal and accepts that the overwhelming view is that 21 days is too short. Accordingly the Government has concluded that the minimum period should be increased to 28 days which reflects the majority of respondents’ preferred minimum consultation period.

41. The Government would, however, consider that extending to 28 days is sufficient, particularly given the first consultation stage with interested parties that will have taken place before the draft byelaws are advertised should draw out any major concerns or objections to the proposed byelaw. Furthermore, guidance will make it clear that this is very much a minimum consultation period and that, where appropriate, a longer period should be used.

Consultation question 5: Do you agree with our proposal that the Council will have to publicise the new byelaw once it comes into force?

42. It is proposed that the regulations will specify that once the byelaw has been made, public notice of the new byelaw would need to be given through public notices posted at the location to which it is intended that the byelaw will apply.

43. The overwhelming majority of respondents were strongly in agreement with this proposal in principle, commenting that it would help increase compliance and reduce the need for enforcement. Others who agreed felt this was an essential part of effective democracy and strong communications with the community.

44. Some parish and town councils in agreeing to the proposal said it should be a requirement for district and county councils to include town and parish councils in any notification of a new byelaw.

45. A minority, mainly local authorities, while agreeing with the proposal in principle, raised concerns about being able to meet the proposed requirement that notice of the new byelaw should be posted at the location where the byelaw applies. For example, quite a few local authorities said it would be difficult to quantify where byelaws applied to a large park.

46. Other local authorities queried whether placing an advert in the local newspaper would be effective and whether it was, in effect, notifying the public. They felt that it should be left to local authorities to determine the manner in which to publicise the byelaw. A significant minority said there needed to be more widespread notice including local authority/parish websites and newsletters. Some interest groups, such as naturists, felt that a much wider advertisement was also required, as non-locals, such as beach users, are affected and consideration should be given on how it should be communicated to visitors and hard to reach groups. Some parish councils noted this would be an additional expense.
47. Respondents also mentioned they would like guidance on how widely the byelaw should be published and what exactly constituted sufficient public notice. A handful suggested that there should be a statutory period of publicity before a byelaw comes into force. Some noted guidance needs to make clear how long a byelaw should be publicised.

**Government response**

48. The Government recognises and acknowledges the overwhelming majority of respondents were strongly in agreement with this proposal in principle. The Government intends to specify the minimum requirements for public notice of new byelaws in the regulations which will include: depositing a copy of the byelaw at the authority’s principal office; where practicable, placing signs summarising the byelaw in conspicuous positions on or near the land in respect of which they apply; publishing in a local newspaper a notice that the byelaw has been made and stating the place at which they may be inspected and copies obtained; and, where applicable, publishing the notice on the authority’s website. The Government intends to require district and county councils to notify parish and town councils of any new byelaws they make which apply to land within that parish or town. It is also intended that guidance will also be given on this aspect of the procedures in the procedural guidance which will be published alongside the regulations.

49. Government intends that authorities will be required to have regard to any guidance notes accompanying the model templates, including the consultation aspects.

**Consultation question 6: Do you agree with our proposals on resolving challenges?**

50. Under the new regime, authorities will have carried out thorough consultation with interested groups on the draft byelaw. Advertising the byelaw should not, then, result in any major concerns, objections or challenges to the proposed byelaw.

51. There were a variety of views on the proposal for resolving challenges: including that it should be left to authorities to decide how to proceed themselves. Around half of respondents agreed with the proposal and the other half disagreed or set out alternatives. Those who agreed with the proposal for resolving challenges were mostly local authorities. Those who disagreed were parish and town councils as well as interest groups and members of the public.

52. Local authorities in agreement with the proposal in the consultation document commented that the proposal was consistent with the principle that local decisions are best made locally. A significant majority who agreed with the proposal qualified their support by saying that the authority should set out or publish reasons for proceeding with a byelaw or reasons for ignoring or partially responding to objections.
53. Other respondents who supported the proposal qualified their support by saying there should be a defined procedure or robust mechanism for considering objections built into the byelaw making process. A significant minority, including some local authorities, said that if the objection was valid and proposed significant changes the authority should amend the byelaw and be required to consult again.

54. The main reason given for disagreeing with the proposals was that it would make authorities the sole arbiter of disputes. Another reason given for not agreeing was that it would allow councillors to push through byelaws without any regard for objections with many expressing concerns there were no proposals for arbitration. There was some concern, mostly from parishes, that the proposal did not allow for an independent review of objections. Members of the public and interest groups would also like central Government, or some other independent body, to retain powers where challenges existed.

55. A significant minority requested guidance on what constituted a “minor modification” to a byelaw; guidance was also requested on what counts as an “objection” or “challenge”. Some authorities would also like guidance on how to resolve challenges and some suggested “minor modification” should be defined widely enough to include any amendment which does not bring any new activity into the scope of the proposed new byelaw.

**Government response**

56. The intention behind the proposal is in keeping with the current byelaw regime which allows objections to be made, in respect of which the confirming department provides the authority concerned the opportunity to comment before making a decision on whether or not to confirm the byelaws.

57. The proposal is consistent with the aim set out in the 2009 white paper of “placing decision making on local matters in the hands of authorities and local people”. It is also consistent with the approach taken to confirming byelaws at present where the general principle is that it is for the authority to decide the necessary and appropriate byelaws for its area. Provided there is no legal problem and no conflict with general enactments Government does not oppose or query a byelaw simply because its judgement of what is necessary or appropriate may differ from the authority’s. Nor does Government oppose or query aspects of byelaws which relate to purely local concerns. If the authority has followed the assessment to determine whether a byelaw is required, consulted relevant interested groups and followed the guidance and criteria, the Government considers that the authority is well placed to determine how it wishes to proceed.

58. The Government also intends to specify a six month time period, beginning from the end of the public consultation period, during which an authority must take a decision on whether to proceed with making a byelaw or not. This proposal was not reflected in the consultation document. The current system does not specify a time period and this had resulted in some
applications taking a considerable length of time. The Government considers that specifying a time period in the Regulations therefore ensures byelaws are made efficiently and effectively to deal with local matters.

The Government believes a six month time period allows an adequate period for authority officials to consider any representations and objections received, for a council meeting to be arranged and a formal decision about making the byelaw to be taken. In addition it prevents an unacceptable length of time elapsing between consultation with the community about a new byelaw and a decision on that byelaw being made. This ensures that when the decision is made, the conditions requiring the byelaw still exist and the community has a clear recollection of the consultation on it.
Section 3
Enforcement of byelaws

60. The consultation sought views on the Government’s proposals for changing the way in which certain byelaws are enforced. The April 2006 discussion paper showed widespread support for the view that the enforcement of byelaws should be through the mechanism of fixed penalty notices (FPNs) as an alternative to enforcement through the Magistrates’ Courts.

61. The Government’s overall approach to the regulations relating to the enforcement of byelaws is to provide for a more practical and less resource-intensive process than the current method of enforcement through the Magistrates’ Courts. FPNs are seen as instrumental in helping to enforce byelaws efficiently. Under the new enforcement system authorities will continue to have the option of enforcing byelaws through Magistrates’ Courts.

62. The proposals set out in the paper are consistent with current Government policies on developing coordinated approaches to tackling low-level crimes and anti-social behaviour. Accordingly the procedural guidance that Government intends to publish alongside the fixed penalty regulations will follow the same approach as that in the Local environmental enforcement – Guidance on the use of fixed penalty notices booklet that accompanied the Clean Neighbourhoods and Environment Act 2005.

Consultation question 7: Do you agree that a Fixed Penalty Notice is the most effective form of enforcement for new transport byelaws?

63. The majority of those responding to this question agreed with this proposal in principle. Many qualified their support on the basis that the offender should be able to appeal the FPN and have the option of the matter being dealt with through the Magistrates’ Court.

64. Parishes responding to this proposal qualified their support by expressing concern that they would not have the resources and manpower to employ enforcement officers to issue FPNs. Others supported the proposal recognising the importance of byelaws being properly enforced, and provided there are sufficient staff and resources for enforcement to be effective. A number of authorities and parishes agreed that repeat offenders and serious offences should be prosecuted through a Magistrates Court.

65. A significant minority considered this proposal did not make it clear who would enforce the FPN regime and how it would be enforced. A handful of parishes asked whether police community support officers and police officers were able to ‘police’ byelaws. Other parishes and small town councils queried
whether additional funding would be available from central Government to administer FPNs.

66. The majority of those who did not agree with the proposal said there was a risk that authorities could abuse such powers for ‘revenue raising’, and some also expressed concern that enforcement through FPNs could provoke animosity. Others who disagreed with the proposal commented that it would not give the individual the right to defend themselves, and would give local authorities the right to act as quasi-courts. They considered that law enforcement should not be the task of local authorities.

67. Others who disagreed with this option commented that enforcement through the Magistrates’ Courts sent out a strong message that offences will not be tolerated. A handful felt that a Magistrates’ Court would be flexible in the penalties that it could impose. A handful who disagreed commented that other enforcement options should be considered before issuing FPNs.

68. A number of local authorities commented the FPN Regulations should include byelaws regulating the conduct of the drivers and proprietors of hackney carriages and omnibuses; some commented these did not warrant prosecution through Magistrates’ Court. Interest groups such as taxi services felt that the issuing of FPNs could be abused by local authorities and would have a detrimental effect on taxi drivers.

69. Some expressed concern over who the “authorised officers” handing out FPNs might be and remarked that the quality and level of training needed to be high to ensure FPNs were administered properly. Some also mentioned “authorised officers” should be identified and their role should be clarified. On training, a handful suggested that training should be similar to that required for enforcement under the Clean Neighbourhood Act 2005.

70. A handful also stated that the “particular circumstances” in which enforcement through the courts would be appropriate should be clarified in regulations or procedural guidance.

**Government response**

71. The Government recognises that the majority of local authorities, including parish and town councils are in favour of the proposal. The Government also acknowledges the views of many smaller parish and town councils that FPNs may be an enforcement method that they do not have the capacity to employ. The Government also believes that in some circumstances, e.g. for serious or repeat offences, it may be appropriate to enforce through the Magistrates’ Courts. The Government is of the view that swift enforcement of byelaws will help increase compliance and reduce the need for enforcement measures.

72. The Government intends that guidance issued alongside the regulations will cover who will be able to issue FPNs in more detail and give guidance on the type and extent of training that authorities may wish to provide for officers.
before they are authorised to issue fixed penalty notices under the new provisions.

73. It is also intended that procedural guidance will set out good practice on the desirability of using its FPN receipts for the purpose of combating any relevant nuisance.

74. It is intended that byelaws about local nature reserves, made under the enabling power of sections 20 (as amended by section 21) and 106 of the National Parks and Access to the Countryside Act 1949, will also be enforced through FPNs.

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<th>Consultation question 8: Do you agree that the default Fixed Penalty amount should be £75?</th>
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75. £75 is the default amount specified in section 130 of the 2007 Act (which inserts new sections 237A, 237B and 237C and 237F into the Local Government Act 1972). The default amount will apply where no other amount is specified (as the amount payable in pursuance of a FPN) by the authority. The new provisions give the Secretary of State the power to require the amount specified by the authority as payable by way of fixed penalty to fall within a range prescribed in regulations. At paragraph 3.11 of the consultation document we proposed that our regulations should enable authorities to set the level of fixed penalty notices at between £50 and £80.

76. The majority of the respondents agreed that the penalty under the FPN should be between £50 and £80. Others who supported the levels suggested a “prompt payment” discount.

77. A significant minority felt there should be provision for different authorities to apply different amounts for different byelaws penalties. Respondents felt the levels should be guided by comparable fines and penalties in local authorities.

**Government response**

78. The Government proposes to enable authorities to set the level of fixed penalty notices at between £50 and £80 as set out in the consultation paper. The Government also acknowledges the views of some respondents who wish to ensure the prescribed level of FPNs is reviewed regularly to ensure they continue to act as a deterrent. The Government proposes to review on an ad-hoc basis and, if necessary, change the range within which the level of a FPN can be set so that it remains in line with penalties for similar offences.
Consultation question 9: (for London borough councils in particular) Do you agree that the proposed national byelaws enforcement regime should exclude London borough councils?

79. The majority of the London boroughs who responded pointed out that the provisions in the London Local Authorities Act 2004 which would allow London boroughs to enforce their byelaws through FPNs have not yet been implemented. Furthermore, they strongly supported one national byelaws regime. London Councils, who represent all the London boroughs, “strongly supported” London boroughs’ inclusion in a single national enforcement regime.

80. The majority of respondents gave no comment to this proposal on the basis that it was not applicable to them. Of those non-London authorities who commented, the majority felt that it was important to have one consistent national byelaws enforcement regime in place. Other non-London authorities who commented felt that to operate on a different system would weaken the concept of a national byelaws regime.

Government response

81. Recognising the strong support from London authorities and London Councils, the Government intends to proceed on the basis of one national enforcement regime.

82. Therefore, where London borough councils and the City of London Corporation have made byelaws under any of the byelaw making powers specified in the FPN Regulations the Government intends that they will only be able to enforce these through the new regime. However, because the London Local Authorities Act 2004 allows London borough councils and the City of London Corporation to enforce any byelaw by way of FPN, it will remain possible that any byelaws not falling within the FPN regulations will be enforceable through existing powers in the 2004 Act.
Annex A
Breakdown of consultation responses

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