



Department for
Communities and
Local Government

Proposal to enable Harrogate Borough Council to use the general power of competence to host a stage of the Tour de Yorkshire 2017

Consultation



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Scope of the consultation

Topic of this consultation:	This consultation seeks views on the proposal to enable Harrogate Borough Council to use the general power of competence to host a stage of the Tour de Yorkshire 2017, by making secondary legislation that temporarily disapplies and amends provisions of the Harrogate Stray Act 1985 from Sunday 23 April 2017 to Wednesday 3 May 2017 for particular areas of the Stray.
Scope of this consultation:	We are seeking views of all parties with an interest in the proposal, so that relevant views and evidence can be taken into account in deciding the way forward.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	An Impact Assessment has not been prepared for this because this is not a regulatory measure but simply the use of existing powers to temporarily disapply or amend sections of the Stray Act.

Basic Information

To:	This is a public consultation and anyone with an interest in the proposal may respond.
	This consultation is being run by the Department for Communities and Local Government
Duration:	This consultation will last for 8 weeks from 24 March and will end on 19 May
Enquiries:	For any enquiries about the consultation please contact Ruth Miller via TDY2017@communities.gsi.gov.uk or 030 3444 2547
How to respond:	<p>You may respond by email: TDY2017@communities.gsi.gov.uk</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> - your name, - your position (if applicable), - the name of organisation (if applicable), - an address (including post-code), - an email address, and - a contact telephone number

Chapter 1 – The consultation

Why we are consulting

1. Harrogate Borough Council intends to participate in the Tour de Yorkshire 2017 cycle race by hosting a stage of the race. This will utilise the Council's expertise from hosting the stage one finish of the 2014 Tour de France. As before the Council considers that certain provisions of the Harrogate Stray Act 1985 ("the 1985 Act") prevent or restrict areas of the Stray being enclosed and necessary infrastructure from being sited on the Stray. Consequently, and following the method used to host the Tour de France, they have submitted an application to the Secretary of State for Communities and Local Government to enable them to use the general power of competence to host this event by temporarily disapplying or amending the relevant sections and byelaws of the 1985 Act for particular areas of the Stray.
2. The general power of competence was provided to local authorities in the Localism Act 2011 ("the 2011 Act"). It gives a local authority the legal capacity to do anything that an individual can do, with some limitations. The statute also provides that the Secretary of State may, if he thinks that a statutory provision prevents or restricts local authorities from exercising the general power of competence, and if certain statutory conditions are met and if Parliament approves, make an Order to amend, repeal, revoke or disapply that provision. The statute includes the power to amend or disapply a statutory provision for a particular period. The proposed draft Order would disapply and amend parts of the 1985 Act from Sunday 23 April to Wednesday 3 May 2017 for defined areas of the Stray for the sole purpose of hosting the Tour de Yorkshire 2017. A draft Order is enclosed at Appendix A.
3. The statutory conditions that the Secretary of State has to consider, where relevant, to be satisfied before making such an Order are that –
 - The effect of the provision is proportionate to the policy objective intended to be secured by the provision;
 - The provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
 - The provision does not remove any necessary protection;
 - The provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise; and
 - The provision is not of constitutional significance.

Before making such an Order, the Secretary of State must consult:

- Such local authorities,
 - Such representatives of local government, and
 - Such other persons, if any, as the Secretary of State considers appropriate.
4. In making such an Order the Secretary of State must recommend to Parliament the procedure he thinks Parliament should apply. The level of scrutiny recommended

(negative, affirmative or super-affirmative) will depend on his view of the complexity and impact of the Order, and may be informed by representations on the proposals received during the consultation process.

5. Accordingly, the Secretary of State is now consulting on a proposal to enable Harrogate Borough Council to use the general power of competence to host a stage of the Tour de Yorkshire 2017.

Who we are consulting

6. The Secretary of State is consulting:

- Harrogate Borough Council;
- The Duchy of Lancaster; and
- The Stray Defence Association.

We also welcome comments from members of the public, local businesses and the local voluntary sector who are likely to be affected by the proposal.

How to respond

7. Your response must be received by 19 May. It can be sent by email to TDY2017@communities.gsi.gov.uk or in writing to:

Ruth Miller
Department for Communities and Local Government
2nd Floor, North East
Fry Building
2 Marsham Street
London SW1P 4DF

Confidentiality and data protection

8. Any responses to this consultation may be made public. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system will be taken to apply only to information in your response for which confidentiality has been specifically requested.
9. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

10. If, after the conclusion of the consultation required by the 2011 Act, the Secretary of State considers it appropriate to proceed with the making of an Order, the Secretary of State must lay before Parliament an explanatory document that includes details of any consultation undertaken, any representations received as a result of the consultation, and any changes (if any) made as a result of those representations.

11. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Chapter 2 – The proposal

The Tour de Yorkshire 2017

12. The Tour de Yorkshire is a multiple stage cycle race developed as a regular legacy race, following the successful hosting of the Tour De France in July 2014. The race is organised by Welcome to Yorkshire, the Amaury Sports Organisation and local authorities including Harrogate Borough Council. The Tour de Yorkshire had its inaugural race in 2015, which attracted 1.5 million spectators. A total of 242 riders represented 18 different teams from around the world.
13. The route of the stages of the event is yet to be announced but Harrogate Borough Council will host a stage in Harrogate at the same location as the 2014 Tour de France, which is on West Park Road/A61 Harrogate town centre and adjacent to the large open area in Harrogate known as the Stray. Further information can be found at <http://www.visitharrogate.co.uk/inspire-me/harrogate-loves-cycling/tour-de-yorkshire-2017>
14. Harrogate Borough Council anticipates that hosting the race will bring significant social, health and economic benefits to the area, arising from increased profile for tourism and investment, and encourage growth of enthusiasm for cycling. The Tour de France 2014 generated £19.2 million for the Harrogate District economy including £17.6 million from visitor spend and £0.6 million from team, organisational and media spend. Over half of the people who lined the streets and enjoyed the race from the Stray spectator hubs were visitors to the District. Harrogate Borough Council appreciate that the Tour de Yorkshire will not attract the same number of overnight guests or foreign visitors, but expect £5 to 7 million will be generated from visitor spend and between £0.3 to £0.5 million from team media and organisational spend. It is anticipated that the Tour de Yorkshire will attract between 100,000 and 150,000 visitors to the District.
15. To host the Tour de Yorkshire and provide the necessary extensive arrangements, Harrogate Borough Council proposes to use some of the area of land in Harrogate known as the Stray. The Stray is owned by the Duchy of Lancaster but managed by Harrogate Borough Council. Its use and management has been regulated since 1770 by a succession of private acts, the current being the 1985 Act, which is available here: <https://www.harrogate.gov.uk/pos/Documents/Harrogate%20Sites/HarrogateStrayAct1985.pdf>
The Order that disapplied and amended certain provisions of the 1985 Act to enable the Council to host the Tour de France in 2014 is available here: http://www.legislation.gov.uk/ukxi/2014/1190/pdfs/ukxi_20141190_en.pdf
16. Harrogate Borough Council anticipates that they will need to section off approximately 14.56 hectares of the 80 hectare Stray for a maximum of 11 days, which would be occupied by temporary infrastructure to support the Tour. The Council would ensure that the Stray is returned to its original state after the event. Both the Duchy of Lancaster and the local MP, Andrew Jones, support the proposals described in this consultation document.

17. It is likely that the temporary infrastructure would comprise:

- Facilities for the anticipated number of spectators, including a possible two grandstands accommodating 80 people per stand;
- Positioning of media vehicles, team buses and support vehicles;
- Large screen televisions;
- Additional temporary public conveniences - approximately 100 toilets;
- Temporary waste management facilities;
- First aid points;
- Parking facilities on area 2;
- An area for commercial merchandising kiosks and tents
- An area for a fan park with family and fun activities related to the race and cycling in general
- Catering facilities;
- An enclosed secure technical zone to park up to 100 trucks;
- Temporary surfaces/roads for support vehicles (support vehicles consisting of team cars, cars for officials and medical vehicles); and
- Additional temporary roads as a “peel off” to the side road to avoid a bottle neck

The general power of competence

18. To host a stage of the Tour de Yorkshire 2017, Harrogate Borough Council intends to use the general power of competence. The general power of competence was provided for in section 1 of the 2011 Act. It gives councils confidence in their legal capacity to act for communities and is designed to allow local authorities to innovate. Prior to the 2011 Act, local authorities could only do what Parliament had provided they could do. The general power of competence was provided on the basis that local authorities are able to do anything that an individual with full capacity might do, other than that which is specifically prohibited, with some limitations.

19. Harrogate Borough Council has presented to Government a compelling case for using the general power of competence to host a stage of the Tour de Yorkshire 2017 and the economic merits of hosting the Tour de Yorkshire 2017 are significant.

The issue

20. Harrogate Borough Council considers that several parts of the 1985 Act prevent or restrict them from exercising the general power of competence in hosting the Tour de Yorkshire 2017. It is likely that the 1985 Act:

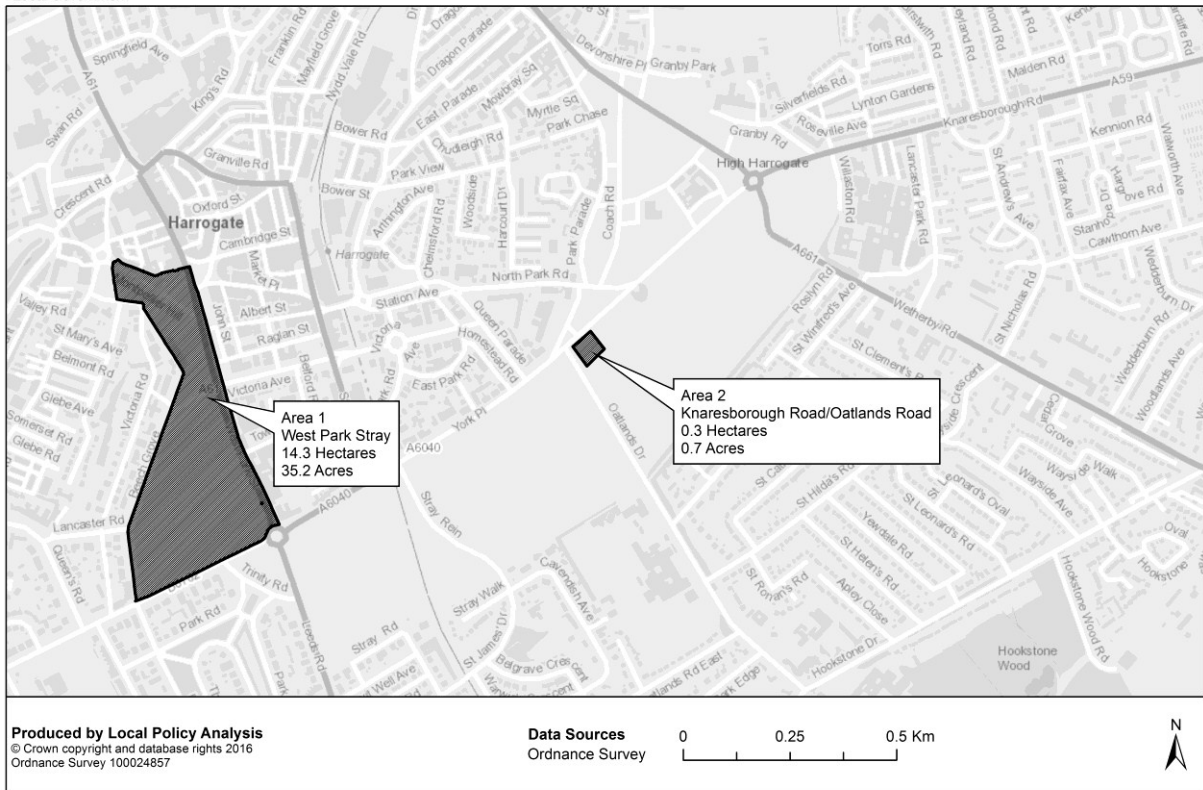
- Limits the use of the Stray for this type of event to 3.5 hectares. The necessary infrastructure for the Tour de Yorkshire requires significantly more land – 14.56 hectares;
- Vests the management of the Stray in the Council and imposes a duty upon the Council to maintain and preserve the “aspect” of the Stray and protect the trees, shrubs, plants, turf etc. growing on the Stray;

- Limits the period of use of the Stray for this type of event to five weeks in any year. Whilst the hosting of the Tour de Yorkshire 2017 only requires 11 days, there are other pre booked and pre-contracted events throughout 2017 that might then cause the Council to exceed the maximum time period;
- Limits the construction of even temporary roads and footpaths;
- Byelaws prevent motor vehicles being driven over the Stray even for special events for more than five weeks in any year or for an area greater than 3.5 hectares
- Provides that inhabitants of the borough are to have free access and privilege to be able to enjoy recreation at all times upon the Stray;
- Provides that the Stray is free from all encroachments including a restriction on the number of aircraft capable of descending or climbing vertically to be not more than 12 in any year;
- Bye laws prevent the use of instruments including public address systems and amplifiers that make any noise which is so loud, continuous or repeated as to give reasonable cause for annoyance on the Stray; and
- Prevents the removal of soil or plants.

The proposed solution

21. Harrogate Borough Council is seeking a short and temporary disapplication and amendment of parts of the 1985 Act for two sections of the Stray. The Secretary of State agrees with Harrogate Borough Council that several provisions of the 1985 Act prevent or restrict them from exercising the general power of competence in hosting the Tour de Yorkshire. The Secretary of State is therefore proposing to lay before Parliament an Order, using his powers in section 5(1) of the 2011 Act, to disapply or amend parts of the 1985 Act from 23 April to 3 May 2017 for defined areas of the Stray for the sole purpose of hosting the Tour de Yorkshire. The Government understands that all land will be reinstated and returned to its original state shortly after the event.
22. The two areas of the Stray for which the 1985 Act would be disapplied are shown on the next page:

The two areas of the Harrogate Stray



This map illustrates both areas of 14.26 hectares and 0.3 hectares, out of the total 80 hectares of the Stray. Detailed maps have been prepared for the draft Order and are available at the offices of the Department for Communities and Local Government (2 Marsham Street, Fry Building, London, SW1P 4DF) and Harrogate Borough Council (Council Offices, Crescent Gardens, Harrogate, HG1 2 SG).

Chapter 3 – Statutory conditions and Parliamentary procedure

Proportionality

23. The effect of a provision made by an order under section 5(1) of the 2011 Act must be proportionate to its policy objective. A policy objective might be achieved in a number of different ways, one of which may be more onerous than others and may be considered to be a disproportionate means of securing the desired outcome. Before using his powers from section 5(1) of the 2011 Act the Secretary of State must consider that this is not the case and there is an appropriate relationship between the policy aim and the means chosen to achieve it.
24. The Secretary of State has taken the initial view that making an Order by section 5(1) of the 2011 Act is proportionate to ensuring that Harrogate Borough Council can use the general power of competence to host the Tour de Yorkshire 2017. This is particularly the case given the likely significant economic, social and health benefits of hosting the stage.
25. Another way of securing the policy objective is to undertake a longer term review of modern uses of the Stray with a view to amending the 1985 Act permanently so as to potentially permit the Council to host this type of larger sporting and entertainment event on the Stray. A review offers the potential for a better long term and predictable solution and the right approach to the use of public resources. Given wider public funding constraints and a potential recurrent need for Parliamentary time, future requests to make an Order under the 2011 Act may not necessarily be granted, given that this longer term option to amend the Act itself could be available. However the Parliamentary process required to amend a private Act is likely to take approximately two years following extensive consultation and expenditure on fees for specialist drafting and advice. As such, while the review and potential primary legislation provides a potential long term solution, in the short term an order under the Localism Act 2011 seems the appropriate mechanism for dealing with the issue.

Fair Balance

26. Before using his powers in section 5(1) of the 2011 Act, the Secretary of State must be of the opinion that a fair balance is being struck between the public interest and the interests of any person adversely affected by the order. It is possible to make an order which will have an adverse effect on the interests of one or more persons only if the Secretary of State is satisfied that there will be beneficial effects that are in the public interest. Whenever an order imposes or increases a burden for a person, it adversely affects their interest, so the Secretary of State must take in to account any new or increased burdens when considering whether or not this condition is met.

27. The Government is aware that the interests of persons who use the Stray for recreational purposes could be affected by the proposal. However, this needs to be balanced against the public interest in ensuring the successful delivery of Tour de Yorkshire, particularly given the potential economic, social and health benefits that the Tour de Yorkshire brings to the Harrogate District. The Government considers that enabling this short and temporary inclosure and encroachment on the Stray will genuinely assist that delivery whilst minimising impact on local communities who will still be able to access and enjoy the majority of the Stray.
28. The Government is proposing to time-limit and purpose-limit the disapplication of the 1985 Act. This will ensure the impact on any interests affected is for the shortest time necessary, and the only purpose is for hosting a stage of the Tour de Yorkshire 2017 and ancillary activities such as parking, spectator hubs, a fan park and media facilities.

Necessary protection

29. The Secretary of State may not make an order using their powers in section 5(1) of the 2011 Act if he considers that the proposals would remove any necessary protection. The notion of necessary protection can extend to economic protection, health and safety protection, and the protection of civil liberties, the environment and national heritage.
30. The Government does not consider that the proposal will remove any necessary environmental or other protection. The 1985 Act already permits that the Stray may be used for events, and part of the land included in the proposal is used annually for the pleasure fairs and circuses and the Christmas market and annual Bonfire. Harrogate Borough Council will ensure that the land is returned to its original state.

Rights and freedoms

31. An order cannot be made using powers from section 5(1) of the 2011 Act unless the Secretary of State is satisfied that it will not prevent any person from continuing to exercise any right or freedom that they might reasonably expect to continue to exercise. This condition recognises that there are certain rights that it would not be fair to take away from people using an order. Any right conferred or protected by the European Convention on Human Rights is a right that a person might reasonably expect to keep.
32. The proposal will disapply for 11 days the provision in the 1985 Act that provides the inhabitants of the borough to have free access to the Stray and a privilege at all times of enjoying recreation upon the Stray without payment. This right is subject to the provisions of the Act. The Government considers that as events do take place on the Stray that require similar enclosure, and Harrogate Borough Council periodically restricts access in exercising its management powers to maintain the Stray, the public do not have a reasonable expectation that their rights and freedoms will always be exercisable to their fullest extent across the Stray, since this is already restricted by the Act itself.

33. The Government does not think that the proposed disapplication would affect rights or freedoms protected by the European Convention on Human Rights. The Government considers that any interference with the public's rights and freedoms is minimal and reasonable in achieving a proportionate proposal.

Constitutional significance

34. The Secretary of State may not make an order using their powers in section 5(1) of the 2011 Act if he considers that the provision made by the order is of constitutional significance.

35. The Government does not consider that this proposal to disapply relevant sections and byelaws of the 1985 Act from 23 April to 3 May 2017 for defined areas of the Stray for the sole purpose of hosting the Tour de Yorkshire has constitutional significance as with the previous Order for the Tour de France 2014.

Parliamentary process

36. In making such an order the Secretary of State must recommend to Parliament the procedure he thinks Parliament should apply. These options are:

- Negative resolution procedure: The order may be made unless Parliament either disagrees within 40 days of laying or (within 30 days) recommends upgrading either to the affirmative or super-affirmative procedures. The negative resolution procedure is most suitable for minor and technical instruments;
- Affirmative resolution procedure: Both Houses of Parliament must expressly approve the draft order before the order can be made. They have 40 days to consider it first. They can also (within 30 days) recommend upgrading the procedure to super-affirmative. The affirmative procedure is more appropriate for instruments that have more extensive impact, but which are still straightforward and about which consultation respondents did not raise any real concerns; or
- Super affirmative procedure: This requires the Minister to have regard to representations, House of Commons and House of Lords resolutions, and Committee recommendations that are made within 60 days of laying, in order to decide whether to proceed with the order and (if so) whether to do so as presented or in an amended form.

37. The Secretary of State has taken the initial view that the negative resolution procedure would be the appropriate to recommend to Parliament, as he considers the draft Order as a minor and technical instrument. This is because the impact of the Order will only be on one authority (Harrogate Borough Council) and it will not affect local authorities more generally. The Order would only provide for a short and temporary disapplication of part of a local Act, and the disapplication would only be applied to less than a quarter of the area of the Stray. Furthermore, the Order would not insert any new provisions into the 1985 Act as with the previous Order for the Tour de France 2014, which itself was considered under the negative resolution procedure.

Chapter 4 – Issues for consultation

38. Having regard to the application from Harrogate Borough Council, the Secretary of State is considering making an Order under the statute which, if Parliament approves, would disapply parts of the 1985 Act from 23 April to 3 May 2017 for defined areas of the Stray for the sole purpose of hosting the Tour de Yorkshire.

39. Under the statute, the Secretary of State can make the Order only if:

- The effect of the provision is proportionate to the policy objective intended to be secured by the provision;
- The provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
- The provision does not remove any necessary protection;
- The provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise; and
- The provision is not of constitutional significance.

The Secretary of State welcomes the views of consultees and others on these matters when responding to the consultation.

40. Under the statute, the Secretary of State, when making an Order, must recommend to Parliament the procedure he thinks Parliament should apply – negative, affirmative or super-affirmative. The Secretary of State welcomes the views of consultees and others on the appropriate level of Parliamentary scrutiny that he should recommend.

41. Comments are invited on the proposal to enable Harrogate Borough Council to use the general power of competence to host a stage of the Tour de Yorkshire 2017, and in particular:

- **Is the effect of the provision proportionate to the policy objective intended to be secured by the provision?**
- **Taken as a whole, does the provision strike a fair balance between the public interest and the interests of any person adversely affected by it?**
- **Is the provision removing any necessary protection?**
- **Is the provision preventing any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise?**
- **Is the provision of constitutional significance?**
- **Is the draft Order a minor and technical instrument and so suitable for consideration in Parliament under the negative resolution procedure?**

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact DCLG Consultation Co-ordinator.

Department for Communities and Local Government
2 Marsham Street
London
SW1P 4DF

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Draft Order laid before Parliament under section 7(2) of the Localism Act 2011 to which the Secretary of State has recommended that the negative resolution procedure under section 16 of the Legislative and Regulatory Reform Act 2006 should apply.

STATUTORY INSTRUMENTS

2016 No.

LOCAL GOVERNMENT, ENGLAND

**The Harrogate Stray Act 1985 (Tour de
Yorkshire) Order 2016**

Made - - - - *******

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by section 5(1), (4), (5)(b) and (6) of the Localism Act 2011⁽¹⁾, makes the following Order.

The Secretary of State considers that there are statutory provisions which prevent or restrict the general power conferred by section 1 of the Localism Act 2011, which Harrogate Borough Council seeks to exercise.

The Secretary of State considers the conditions contained within section 6(2) of the Localism Act 2011 are satisfied.

The Secretary of State has consulted in accordance with section 5(7) of the Localism Act 2011 and has, following this consultation and in accordance with section 7(2) of the Localism Act 2011, laid a draft Order and explanatory document before Parliament.

Pursuant to section 15 of the Legislative and Regulatory Reform Act 2006⁽²⁾, the negative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

Neither House of Parliament resolved within the 40-day period referred to in section 16(3) of that Act that the Secretary of State should not make the Order⁽³⁾.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Harrogate Stray Act 1985 (Tour de Yorkshire) Order 2016 and comes into force on the day after the day on which it is made.

(2) In this Order—

⁽¹⁾ 2011 c. 20.

⁽²⁾ 2006 c. 51.

⁽³⁾ The expression “40-day period” is defined in section 16(7)(b) of the Legislative and Regulatory Reform Act 2006.

“the Act” means the Harrogate Stray Act 1985⁽⁴⁾; and
“the Council” means Harrogate Borough Council.

Temporary disapplication and amendment of provisions of the Harrogate Stray Act 1985

2.—(1) To enable the Council to host the 2017 Tour de Yorkshire, the following provisions of the Act are disapplied for the period specified in paragraph (5) in relation to the areas specified in paragraph (6)—

- (a) section 4(2) to (4) (management of the Stray);
- (b) section 5 (access to the Stray);
- (c) section 6(4) (limitations on the ability of the Council to grant a licence to inclose the Stray for specified purposes).

(2) To enable the Council to host the 2017 Tour de Yorkshire, section 6(1)(d) of the Act is amended for the period specified in paragraph (5) in relation to the areas specified in paragraph (6) so that the words “not more than 12” and “in any year” are omitted.

(3) The following are to be disregarded for the purposes of section 6 of the Act as it applies to the year in which the period specified in paragraph (5) falls (other than to that period)—

- (a) any temporary encroachments of the kind mentioned in subsection (1)(d) of that section during that period;
- (b) any period during that period for which the Harrogate Stray is inclosed.

(4) To enable the Council to host the 2017 Tour de Yorkshire, the following provisions of the byelaws relating to the Harrogate Stray made by the Council on 8th February 2011⁽⁵⁾ are disapplied for the period specified in paragraph (5) in relation to the areas specified in paragraph (6)—

- (a) byelaw 3 (prohibition of removal of soil or plants);
- (b) byelaw 17 (prohibition of use of radios etc. causing annoyance).

(5) The period specified for the purposes of paragraphs (1), (2) and (4) begins at 07:00 on Sunday 23rd April 2017 and ends at 22:00 on Wednesday 3rd May 2017.

(6) The areas specified for the purpose of paragraphs (1), (2) and (4) are the areas identified as Areas 1 and 2 (shown by green shading in the case of Area 1 and by orange shading in the case of Area 2 and outlined, in both cases, with a thick black line) on the set of maps numbered 1 and 2 prepared by the Council marked “Maps referred to by the Harrogate Stray Act 1985 (Tour de Yorkshire) Order 2016” of which prints, signed by a member of the Senior Civil Service in the Department for Communities and Local Government and dated [XXXX], are deposited and available for inspection at the offices of the Secretary of State for Communities and Local Government and at the offices of the Council.

Signed by authority of the Secretary of State for Communities and Local Government

Date *Name*
Parliamentary Under Secretary of State
Department for Communities and Local Government

⁽⁴⁾ 1985 c. xxii.

⁽⁵⁾ A copy of the byelaws is available at the offices of Harrogate Borough Council, Council Offices, Crescent Gardens, Harrogate HG1 2SGare at <https://www.harrogate.gov.uk/pos/Documents/Harrogate%20Sites/StrayByelaws.pdf>.

EXPLANATORY NOTE

(This note is not part of the Order)

The Harrogate Stray Act 1985 is a local Act which confers powers, obligations and restrictions on Harrogate Borough Council in respect of the management of the area in Harrogate known as the Stray.

Section 5(1) of the Localism Act 2011 gives the Secretary of State power to amend, repeal, revoke or disapply a provision that prevents or restricts a local authority from exercising the general power of competence under section 1 of the Localism Act. This Order is made under this power.

This Order temporarily disapplies or amends the provisions of the Harrogate Stray Act 1985 set out in article 2(1), (2) and (4) for the period of time specified in article 2(5). The disapplications are made to enable Harrogate Borough Council to host the 2017 Tour de Yorkshire and for associated purposes including preparation.

Copies of the maps showing the areas to which the disapplications apply have been prepared by Harrogate Borough Council and have been deposited in the offices of the Secretary of State for Communities and Local Government (2, Marsham Street, London SW1P 4DF) and the offices of Harrogate Borough Council (Council offices, Crescent Gardens, Harrogate HG1 2SG). An indicative map prepared by the Department for Communities and Local Government is included below.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

