



Ministry of Housing,
Communities &
Local Government

Temporarily removing restrictions on the use of the Stray, Harrogate, imposed by the Harrogate Stray Act 1985, to facilitate Harrogate Borough Council hosting the 2019 UCI Road World Championships

The Harrogate Stray Act 1985 (UCI Road World Championships) Order 2019

Explanatory Document by the Ministry of Housing, Communities and Local Government



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Contents

| | |
|--|----|
| Introduction | 4 |
| Background to the consultation | 5 |
| The UCI Road World Championships | 5 |
| The application from Harrogate Borough Council | 6 |
| The General Power of Competence | 7 |
| Legal issues: Restrictive provisions in the Stray Act 1985 | 8 |
| The Localism Act 2011 – “Barrier Busting” Power | 9 |
| Summary of the responses to the consultation | 10 |
| Methodology | 10 |
| Who responded to the consultation | 11 |
| The views put forward in the representations received | 12 |
| Government response to the consultation | 17 |
| Additional information | 25 |
| Annex A – Harrogate Stray Act 1985 | 27 |
| Annex B – Harrogate Stray byelaws | 41 |

Chapter 1

Introduction

- 1.1 This Explanatory Document has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament in accordance with section 7(2) of the Localism Act 2011 together with the Harrogate Stray Act 1985 (UCI Road World Championships) Order 2019 that the Secretary of State proposes to make under section 5(1) of the 2011 Act.
- 1.2 The Order concerns, specifically, the Council's use of their general power of competence in making the necessary arrangements for hosting aspects of the 2019 UCI Road World Championships on the Harrogate Stray.
- 1.3 This Explanatory Document provides the background to the statutory consultation that has been undertaken, a summary of the responses that were received, the Government's response, an explanation of the Secretary of State's consideration of the statutory conditions that must be met for him to use his powers under section 5 of the 2011 Act, and an explanation of what will happen next.

Chapter 2

Background to the consultation

The UCI Road World Championships

- 2.1 The UCI Road World Championships (the Championships) are an annual multiple-day event, described as the pinnacle event in the international road cycling calendar.
- 2.2 The 2019 edition of the Championships will include a range of men's and women's races, across age groups from junior to elite, starting in different towns and cities throughout Yorkshire. For the first time, the Championships will also feature a paracycling event.
- 2.3 In the 2015 Spending Review and Autumn Statement¹ it was announced that the UK Government would support the ambition to host the 2019 UCI Road World Championships and the 2021 Rugby League World Cup in the Northern Powerhouse.
- 2.4 Following further discussions between the UK Government, UK Sport and British Cycling it was agreed that, subject to the bid for the 2019 UCI Road World Championships being successful, the UK Government would provide £9 million to support the delivery of the Championships and underwrite the event, in addition to providing £15 million towards developing cycling facilities in England, as a lasting legacy for the event. UK Sport would also contribute £3 million of lottery funding.
- 2.5 Given the commitment from UK Government for the Championships to be held in the Northern Powerhouse, and Yorkshire's recent success hosting world class road races, such as 2014's Tour de France Grand Depart and the annual Tour de Yorkshire, this investment was conditional on Yorkshire being British Cycling's preferred host region for the bid.
- 2.6 A formal bid to host the Championships was submitted to the Union Cycliste Internationale (UCI) in August 2016, through collaboration between Welcome to Yorkshire, UK Sport, the UK Government and British Cycling. The UCI formally awarded the Championships to Yorkshire in October 2016.
- 2.7 In November 2016, Yorkshire 2019 Ltd was incorporated as the organisation responsible for the delivery of the event. Yorkshire 2019 Ltd works with key local partners including North Yorkshire Police and the local authorities selected to host the event.
- 2.8 With Yorkshire the nominated host, various towns and cities were considered regarding the sporting, technical and geographical requirements, the available infrastructure and space, the capacity to maintain business as usual in the face of road closures and the potential to maximise the opportunities from staging the event. Harrogate was chosen based on its location in central Yorkshire, accessibility by road and rail and the ability to maintain access to the train station and city centre during

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/479749/5229_Blue_Book_PU1865_Web_Accessible.pdf

the event as well as the iconic backdrop, including the Stray. The full routes and race schedule were officially announced on 26 September 2018².

The application from Harrogate Borough Council

- 2.9 It was at the time of this broader announcement that Harrogate Borough Council made their application to the Secretary of State for Housing, Communities and Local Government in relation to the plans for the Stray. This application concerns, specifically, the Council's use of their general power of competence in making the necessary arrangements for hosting aspects of the event on the Stray.
- 2.10 In order to host this part of the Championships, Harrogate Borough Council intends to use some of the area of the 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 have been regulated since 1770 by a succession of private acts, the current being the 1985 Act. The 1985 Act and the related byelaws are appended to this document.
- 2.11 The Council will host the finish line for the 12 races that form the Championships, which will take place over 9 days. The race routes cover 10 local authorities in Yorkshire. The finish line will be located on West Park Road/A61 Harrogate town centre and adjacent to the Stray, the same location as the Tour de Yorkshire 2017. The Council anticipates that they will need to section off up to 17.05 hectares of the 80-hectare Stray for a period of 26 days including time for installation of the temporary infrastructure required to support the Championships. The Council would ensure that the Stray is returned to its original state after the event.
- 2.12 It is likely that the temporary infrastructure would include but not be limited to:
- a) facilities for the anticipated number of spectators, including a VIP tent for 1000 people with catering points;
 - b) a secure technical zone and parking for media and team vehicles;
 - c) positioning of broadcast platforms;
 - d) large screen televisions;
 - e) temporary waste management facilities;
 - f) first aid points and hygiene facilities;
 - g) additional parking facilities for UCI vehicles only adjacent to Oatlands Drive (see Map 1, Area 2 on page 10);
 - h) an area for commercial merchandising kiosks and tents;
 - i) an area for an entertainment stage, and a fan park with family and fun activities related to the race and cycling in general;
 - j) catering facilities;
 - k) security barriers as advised by the Police;
 - l) temporary surfaces/roads for support vehicles (consisting of team cars, cars for officials and medical vehicles); and

² <https://worlds.yorkshire.com/the-latest/news/full-routes-and-race-schedule-for-yorkshire-2019-uci-road-world-championships-announced/>

m) protective ground cover

2.13 The Council expects that the Championships will bring significant and lasting economic, cultural, tourism, sporting and health benefits to Harrogate and the wider region. This includes a significant legacy:

- a) Enhance national and international awareness of Harrogate town and district to the benefit of growth in tourism and business;
- b) Encourage the continuing growth of enthusiasm for cycling in the area for leisure and to work which delivers benefits to the transport network and public health;
- c) Supporting legacy opportunities around sustainable transport;
- d) Sporting, entertainment and recreational benefit for locals and visitors;
- e) The opportunity to build the profile of the Harrogate Convention Centre as a desirable venue on an international platform;
- f) Support local communities in developing skills and accessing opportunities through the volunteer programme;
- g) Strengthen partnership working between the Council and public and voluntary sector organisations to the benefit of public services; and
- h) Creating lasting benefits to the town and the economy

The General Power of Competence

2.14 To host the Championships, the Council proposes to use their general power of competence. The general power of competence is 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 – local authorities were given discrete, often narrowly defined powers. The general power of competence was provided on the basis that local authorities would be able to do anything that an individual with full capacity might do, other than that which is specifically prohibited, with some limitations.

2.15 The general power of competence applies in these circumstances because any individual with full capacity would have the power to host an event on someone else's land, subject to obtaining the landowner's consent. The reasoning for this is set out below:

- a) the Stray comprises land;
- b) any individual can own land (in this case the Stray is owned by the Duchy of Lancaster);
- c) a landowner can grant someone the right to manage the land (the Stray is managed by the Council); and
- d) the right to manage land can include the right to enter into contracts to license the land for certain purposes to any individual (in this case, there is an arrangement between the Council and Yorkshire 2019 Ltd to deliver aspects of the Championships).

2.16 The Council will be closely involved in many aspects of the hosting, alongside the responsibilities that are set out in a contractual arrangement with Yorkshire 2019 Ltd, the event organiser. The Council will support the event with their expertise and by providing information, alongside North Yorkshire Police, North Yorkshire County

Council and other local organisers The Council will be responsible for all ‘business-as-usual’ cleaning and waste management in the town centre and along the race routes within their area. The Council will work closely with Yorkshire 2019 Ltd and North Yorkshire County Council to co-ordinate local transport and parking for public and spectator vehicles. The Council will manage the preparation and reinstatement of the Stray including tree foliage. The Council will also provide spectator enhancement facilities.

- 2.17 As it is established that any individual host an event such as the UCI Road World Championships on someone else’s land, the next question is whether, in the particular circumstances, there are any restrictive provisions in legislation which would prevent the Council from using its general power of competence for hosting the event on the Harrogate Stray, and if so, whether there is any provision for such obstacles to be removed.

Legal issues: Restrictive provisions in the Stray Act 1985

- 2.18 The 1985 Act governs the management of the area within Harrogate known as the Harrogate Stray. The Stray comprises 200 acres of contiguous open grasslands and verges. It exists for the people of the town and is a much loved and valued feature of the district.
- 2.19 The Council is identified as the body holding the management functions on behalf of the landowner, the Duchy of Lancaster. The 1985 Act and related byelaws include various obligations and restrictions. The Council considered that they would be restricted from exercising their general power of competence to host the Championships in the way that they wished to due to provisions in the Harrogate Stray Act 1985 (“the 1985 Act”) and its related byelaws.
- 2.20 The Council’s application to the Secretary of State asked him to use his powers under section 5 of the 2011 Act to make an Order from 07:00 on 9 September to 22:00 on 4 October 2019, to temporarily disapply the following restrictive provisions of the 1985 Act and related byelaws for the sole purpose of hosting the Championships in 2019:
- a) section 4(2), which requires the Council to maintain and preserve the aspect of the Stray (this could be problematic given the siting of the temporary infrastructure on the Stray);
 - b) section 4(3), which requires the Council to protect trees, shrubs, plants, turf and herbage growing on the Stray (this could be problematic given the siting of temporary infrastructure on the Stray);
 - c) section 4(4), which imposes a requirement that where the Council ‘inclose’³ part of the Stray they are to provide an area, at least the size of that ‘inclosed’ area, within 100 metres of the Stray (this is impossible as there is no appropriate substitute area and in addition the arrangements are for a limited time period and limited to a specific purpose);
 - d) section 5, which gives inhabitants of the Borough of Harrogate free access to the Stray (the necessary temporary infrastructure will require parts of the Stray to be ‘inclosed’);
 - e) section 6(1)(d), which imposes limits on the number of aircraft landings allowed (this could be problematic given media, VIP visits and judging requirements and

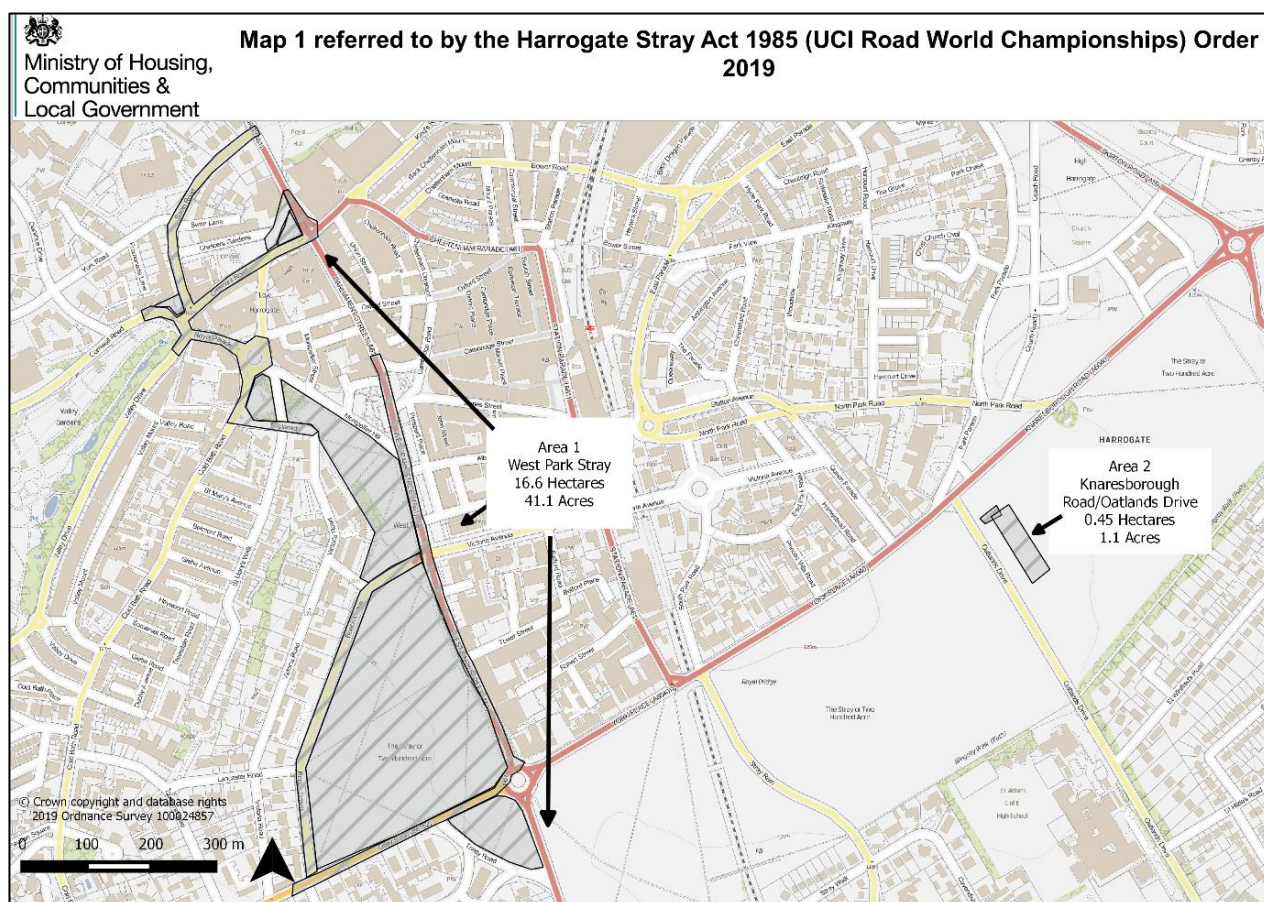
³ ‘Inclose’ is the language used in the 1985 Act.

the need to ensure there is easy access for emergency medical responders if required);

- f) section 6(4), which sets out restrictions regarding area (3.5 hectares) attached to a licence to 'inclose' the Stray (the necessary temporary infrastructure for the Championships requires 17.05 hectares of the Stray);
- g) byelaw 3, made under section 7 of the 1985 Act, which prohibits the removal of soil or plants (this could be problematic given the siting of temporary infrastructure on the Stray); and
- h) byelaw 17, made under section 7 of the 1985 Act, which prohibits the use of radios etc. causing annoyance (this could be problematic given media, public address systems and judging requirements and entertainment features).

2.21 The marked areas of the Stray (totalling 17.05 hectares) for which the 1985 Act provisions and related byelaws would be disapplied or amended are shown on the map referred to in the Order. An indicative map is shown below for information. The exception is the disapplication of provision 6(1)(d) which would apply to the whole of the Stray.

2.22 A detailed map has been prepared for the Order and is available at the offices of the Ministry of Housing, Communities and Local Government (2 Marsham Street, London SW1P 4DF) and Harrogate Borough Council (Civic Centre, St Luke's Avenue, Harrogate HG1 2AE). The map is marked "Map 1 referred to by the Harrogate Stray Act 1985 (UCI Road World Championships) Order 2019" and is dated 8 March 2019.



The Localism Act 2011 – “Barrier Busting” Power

2.23 The 2011 Act 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 subject to the appropriate Parliamentary procedure, make an Order to amend, repeal, revoke or disapply that provision (see section 5). The 2011 Act includes the power to amend or disapply a statutory provision for a particular period (section 5(6)).

- 2.24 The statutory conditions that the Secretary of State has to consider (section 6(2)), where relevant, to be satisfied before making such an Order are that –
- a) the effect of the provision being made by the Order is proportionate to the policy objective intended to be secured by the provision;
 - b) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
 - c) the provision does not remove any necessary protection;
 - d) 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
 - e) the provision is not of constitutional significance.
- 2.25 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 (section 5(7)).

Chapter 3

Summary of the responses to the consultation

Methodology

- 3.1 The Secretary of State consulted over an eight-week period (22 November 2018 to 17 January 2019) on the 'Proposal to enable Harrogate Borough Council to use the general power of competence to host the race finish line for the 2019 UCI Road World Championships on the Stray'. The consultation document is available here: <https://www.gov.uk/government/consultations/uci-road-world-championships-2019-in-harrogate-general-power-of-competence>
- 3.2 The consultation invited comments from any interested parties and the Department identified the statutory consultees to be Harrogate Borough Council (the applicant), the Duchy of Lancaster (the landowner), the Stray Defence Association (a non-political organisation which represents the views of those who seek to protect the Harrogate Stray), the Harrogate Civic Society (a voluntary independent organisation that exists to enhance the character and amenities of the Town while protecting and preserving all the best of the past) and Chamber of Trade and Commerce (representing and supporting the interests of businesses across the Harrogate District), and the nine local authorities who have been chosen to host parts of the Championships. The Department wrote to each of the statutory consultees at the launch of the consultation to invite them to put forward their views on the proposals.
- 3.3 Representations were also invited to an online survey hosted by Survey Monkey, to a dedicated email address and by post. The questions asked in the survey related to each of the statutory conditions and invited participants to rate their response from 'Strongly Agree' to 'Strongly Disagree'. For each question there was also an opportunity to provide comments in a free-text box and a concluding opportunity to

provide further comments on any other aspect of the proposal. No questions were mandatory, and respondents were self-selecting. Representations received by post and direct email provided comments on any aspect of the proposal.

- 3.4 The Council supported the consultation locally by contacting key stakeholders and engaging local residents online, in person and through letters, to increase participation. This activity included the following actions:
- a) Face to face discussions with local stakeholders including the Stray Defence Association, the Harrogate Civic Society and Harrogate Chamber of Commerce and trade, as well as direct information provided to other local groups;
 - b) Hand delivery of a letter to 1336 addresses in the roads closest to the impacted area of the Stray;
 - c) Article in the Council Residents' News (digital);
 - d) Digital communications to local interest groups and residents and other Council held contact lists;
 - e) Social media messaging to publicise the online link to the consultation;
 - f) A notice on the Council's website; and
 - g) Local media promotion.

Who responded to the consultation

- 3.5 We received a total of 1259 representations. This total includes two written responses received by post after the close of the consultation period.
- 3.6 This is a significantly larger number of representations than those received in consultations on the previous Orders (21 were received in relation to the Tour de Yorkshire and 14 in relation to the Tour de France) and is an indicator of the strength of local feeling in relation to the Championships and the Harrogate Stray.
- 3.7 1209 representations were received from the online survey, and 6 letters were received by post. Two letters were signed by groups of people, and where a separate address is provided alongside a signature, each signatory has been counted as an individual representation. 24 emails were received at the dedicated email address.
- 3.8 1010 respondents identified themselves as residents of Harrogate. Groups of people who live adjacent to West Park on the Stray and in neighbouring streets are expected to be most immediately affected by the Championships. and of those who provided their address, 579 gave a HG1 and HG2 postcode which are the addresses closest to the Stray and the centre of Harrogate.
- 3.9 125 respondents identified themselves as business representatives. 38 representations are attributable directly to Harrogate businesses and these are from across a range of sectors, including retail, hospitality, legal services, hair and beauty, care services and a taxi firm. In addition, the Harrogate Chamber of Trade and Commerce responded on behalf of Harrogate district businesses.
- 3.10 The Stray Defence Association provided a written response to the proposal. No formal response was received from the Harrogate Civic Society. Of the eight local authorities consulted, responses were received from six, and also from Harrogate Borough Council.

- 3.11 No formal response was received from the Duchy of Lancaster during the consultation period. The Duchy had previously advised that their position would accord with the views of the people of Harrogate and having considered the outcome of this consultation formal consent has been provided for this proposal from Harrogate Borough Council regarding the use of the Stray.
- 3.12 The Department is satisfied that the high number of representations that have been received, and the broad range of participation from residents, business representatives, community representatives and local groups has informed a clear and transparent understanding of the views of the Harrogate community on this matter.

The views put forward in the representations received

- 3.13 Overall, the majority of representations support the proposal. 74% of all representations strongly agree or agree that Harrogate should be enabled to host the Championships (25% were against), and of the responses to the online survey, 74% strongly agree or agree that the Stray is the best location for the Championships.
- 3.14 The charts labelled Q1 to Q5 show the breakdown for each of the questions asked in the online survey. Overall, the majority of responses to each question are supportive of the proposal. Across all questions, the most frequent concern raised related to honouring the purpose and 'sanctity' of the Stray.
- 3.15 Of the written representations received by email and by post, 18 were in support of the proposals and 34 were in opposition to the proposals. 29 of these representations were from Harrogate residents and 2 were from business representatives. The most frequent concern raised in these written responses by those in opposition was about an increase in traffic in Harrogate.
- 3.16 The following main themes were identified in the comments provided alongside the responses to our survey questions and in the written representations (notably, these themes surfaced across the representations received from those in support and from those against the proposal);
- a) Concerns about damage to the Stray;
 - b) Comments about honouring the purpose and 'sanctity' of the Stray;
 - c) Concerns about limitations to access to the Stray;
 - d) Concerns about an increase in traffic in Harrogate;
 - e) Concerns about access to personal property (this issue was raised by residents of the streets adjacent to the West Park area);
 - f) Concerns about disruption to local business;
 - g) Concerns about noise from the event; and
 - h) Concerns about criminal damage.
- 3.17 We considered in closer detail the views of different types of respondents as follows:

Local residents

- 3.18 Of the 1010 online survey respondents who described themselves to be Harrogate residents, 717 were supportive and 248 were not supportive of the proposal. Of the written and email responses, 4 were supportive and 22 were not supportive. The most common concerns about the proposals related to honouring the purpose and

‘sanctity’ of the Stray and concerns about limitations to access to the Stray for personal use and recreation.

- 3.19 Of those respondents to the online survey who gave their address as within the HG1 and HG2 postcodes, 467 were supportive and 80 were not supportive. Of the written and email response, 3 were supportive and 20 were not supportive. There were very strong views expressed about the disruption and inconvenience that would be caused to local residents, and there was also some confusion as to why the Department was carrying out a consultation when many announcements about the races and routes had already been made public. Some representations questioned the decision taken to hold the event in Harrogate, asking why it couldn’t be held at other suitable venues outside the town centre.
- 3.20 Those who made supportive comments echoed the views of the Council that the race would bring significant benefits to Harrogate. Some said that part of the community wanted to see more of these types of these events taking place on the Stray.

Businesses

- 3.21 124 online survey respondents described themselves to be business representatives. Of these representations, 77 were supportive and 46 were not supportive of the proposal. One respondent via email described themselves as being a business representative and was not supportive of the proposal. The most common concern put forward by those describing themselves as business representatives related to honouring and protecting the Stray.
- 3.22 38 responses were received from named Harrogate businesses, and 35 of these were supportive and 3 were not supportive. Comments made by those in support included describing the Stray as a good location to accommodate thousands of spectators safely and that the local economy would benefit. The representations strongly against the proposal cited concerns about the precedent that would be set for the future of the Stray and the disruption that would result to Harrogate during the Championships.
- 3.23 The Harrogate Chamber of Trade and Commerce responded favourably stating they are “generally in favour of events on the Stray which can help to encourage visitors to the town. In these economically difficult times for town centres it is felt that the use of the Stray in a measured and careful way can bring a benefit which would out way the worries of damage to this precious green space.”

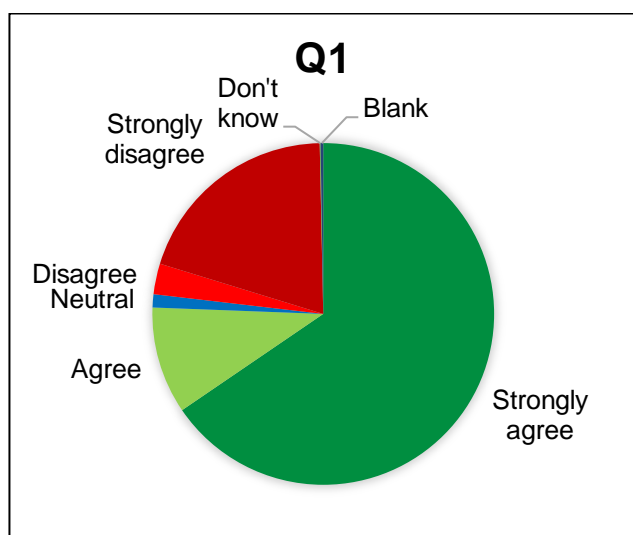
Other community representatives and groups

- 3.24 Responses were received from 3 cycling clubs, the Harrogate Baptist Church, Yorkshire Cancer Research and a representative of North Yorkshire Police all of which support the proposal.
- 3.25 One respondent stated they were from the Ambulance Service and did not support the proposal raising a concern about maintaining emergency access for helicopters to the Stray.
- 3.26 The Stray Defence Association does not agree with the proposal and stated that for the consultation to have any validity it should have been part of the Council’s bidding process for the Championships, and that for a considerable number of the people of Harrogate these events are not wanted in the town or on the Stray. They also asked that should the Order be made the Council should give unqualified assurances regarding the temporary application of the Order and the reinstatement of the Stray.

Local authorities in Yorkshire

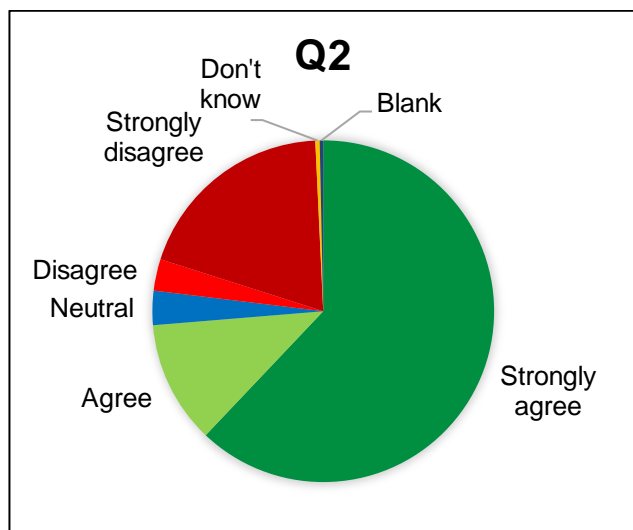
- 3.27 Harrogate Borough Council responded to describe the actions they were taking to promote the consultation locally to ensure residents were provided with the opportunity to respond. The Council also subsequently provided additional detail on the proposals to give assurance on the concerns that were raised in representations.
- 3.28 Responses were also received from East Riding of Yorkshire Council, Doncaster Council, Hambleton District Council, Leeds City Council, North Yorkshire County Council, and Selby District Council. All were in support of the proposals, and Hambleton District Council stated: “this event will bring unimaginable benefits to both Harrogate and Yorkshire as a whole”.

Question 1 – Harrogate should be able to host the race finishes on the Stray.



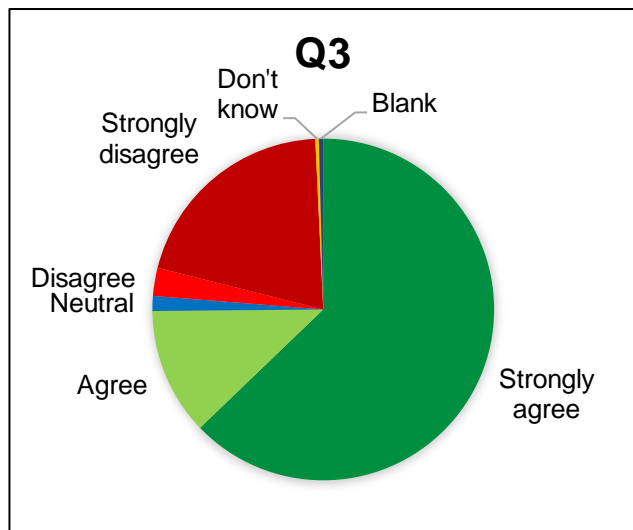
| | | |
|-------------------|-----|-------|
| Strongly agree | 789 | 65.5% |
| Agree | 122 | 10.1% |
| Neutral | 15 | 1.2% |
| Disagree | 35 | 2.9% |
| Strongly disagree | 240 | 19.9% |
| Don't know | 1 | 0.1% |
| Blank | 3 | 0.2% |

Question 2 – The Stray is the best location for the races to finish.



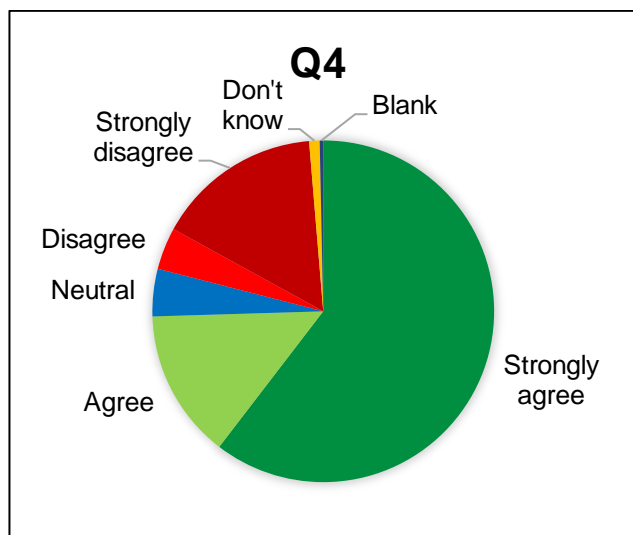
| | | |
|-------------------|-----|-------|
| Strongly agree | 748 | 62.1% |
| Agree | 140 | 11.6% |
| Neutral | 39 | 3.2% |
| Disagree | 36 | 3.0% |
| Strongly disagree | 233 | 19.3% |
| Don't know | 5 | 0.4% |
| Blank | 4 | 0.3% |

Question 3 – It is fair to temporarily remove the restrictions on the use of the Stray so that the race finishes can take place there.



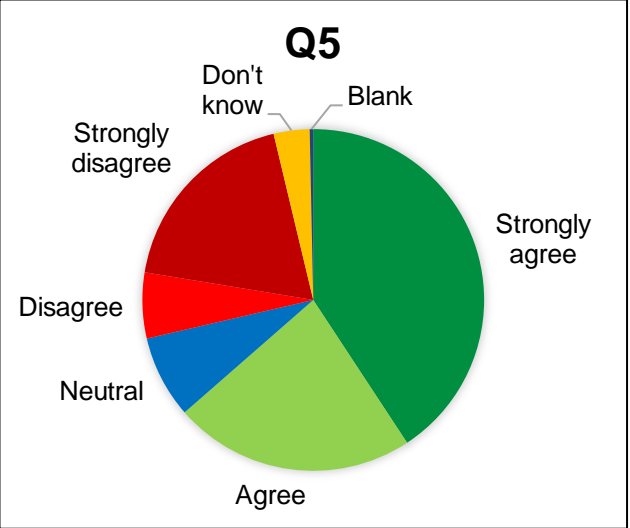
| | | |
|-------------------|-----|-------|
| Strongly agree | 757 | 62.8% |
| Agree | 145 | 12.0% |
| Neutral | 17 | 1.4% |
| Disagree | 32 | 2.7% |
| Strongly disagree | 245 | 20.3% |
| Don't know | 4 | 0.3% |
| Blank | 5 | 0.4% |

Question 4 – I am confident in Harrogate Borough Council's ability to return the Stray to its original condition after the event.



| | | |
|-------------------|-----|-------|
| Strongly agree | 728 | 60.4% |
| Agree | 170 | 14.1% |
| Neutral | 54 | 4.5% |
| Disagree | 48 | 4.0% |
| Strongly disagree | 189 | 15.7% |
| Don't know | 12 | 1.0% |
| Blank | 4 | 0.3% |

Question 5 – I will still be able to freely access the Stray during the event.



| | | |
|-------------------|-----|-------|
| Strongly agree | 491 | 40.7% |
| Agree | 275 | 22.8% |
| Neutral | 94 | 7.8% |
| Disagree | 75 | 6.2% |
| Strongly disagree | 225 | 18.7% |
| Don't know | 41 | 3.4% |
| Blank | 4 | 0.3% |

Chapter 4

Government response to the consultation

- 4.1 The Secretary of State provisionally agreed with the Council that for the reasons which it had identified and which are set out in Chapter 2, several provisions of the 1985 Act would prevent or restrict the Council from exercising its general power of competence in hosting aspects of the 2019 UCI Road World Championships, and that it would be appropriate to temporarily disapply these restrictive provisions.
- 4.2 This preliminary decision was then subject to a consultation, the summary of which is presented in Chapter 3.
- 4.3 When making a Localism Order, the Secretary of State must decide if certain statutory conditions are met. The Secretary of State has considered afresh, having regard to the outcome of the consultation, whether each of the statutory conditions are met. His consideration and conclusions are set out below.

“The effect of the provision is proportionate to the policy objective intended to be secured by the provision”

- 4.4 The Council considers that, following the precedent set by the Tour de France 2014⁴ and Tour de Yorkshire 2017⁵ Orders, there is an appropriate relationship between the proposal to enable the Council to host aspects of the 2019 Championships on the Stray and the means of using the general power of competence that has been chosen to achieve it, and that there are no other less onerous ways to achieve this objective.
- 4.5 In 2016, the Council conducted an extensive consultation exercise to explore views on a permanent modernisation of the 1985 Act with a view to enabling the Council, as manager of the Stray, to host larger events without repeated requests to the Secretary of State. The Council concluded from that exercise that there was not sufficient support for a permanent change to the 1985 Act, but there would be support for a limited number of larger scale high profile events.
- 4.6 The Council and the organisers are of the view that the only location suitable for staging the finish line of the 2019 Championship races is the Stray. They maintain that this location will build on the success of the previous racing events that have been held on the Stray and provide an iconic location of suitable reputation and with suitable infrastructure for such a prestigious international event. The Council has explained that while other locations were considered during the planning process, including the Yorkshire Showground, and the Hydro site on Jennyfields Drive, they were found to be unsuitable. The Council is of the view that holding the event outside of the centre of Harrogate would negate many of the significant economic, social and health benefits that are expected from hosting the event.
- 4.7 This consultation provided a fresh opportunity to seek local views on whether there would be support for the proposal to utilise the Harrogate Stray to host a significant event. As set out in Chapter 3, the consultation shows that across all types of

⁴ <https://www.legislation.gov.uk/ukdsi/2014/9780111110515>

⁵ <http://www.legislation.gov.uk/ukdsi/2017/34/made>

respondents, there is strong support for bringing this event to the Harrogate Stray. However, there are also a minority of very strong views in opposition and the most frequently stated concern related to honouring the purpose and 'sanctity' of the Stray with evidence of opposition to permanent amendments to the 1985 Act.

- 4.8 Furthermore, while a precedent for this Order has been set by previous events, and the majority of representations are in support of the proposals, the Government recognises that this event is larger, and the local impact will be for a longer period than previous events (the Tour de France Order was for 16 days and the Tour de Yorkshire Order was for 11 days whereas the Championships will require an Order for 26 days with events held over 9 days).
- 4.9 The Council have provided appropriate assurances to these concerns by accommodating the number of days the Championships will impact on the Stray as far as possible within the existing provisions of the 1985 Act which limits the number of days on which events can be held on the Stray to 35 days. The Council has not sought a disapplication of this provision and therefore all events held on the Stray in 2019, including the Championships, will be accommodated within the 35-day limit.
- 4.10 Looking to the future, the Council has resolved unanimously not to request any further temporary Orders to disapply provisions in the 1985 Act. The Council intends to manage future events within the existing provisions in the 1985 Act. The Council recognises that this will restrict the types of events that can be held on the Stray making it very unlikely that such a large event could be held again.
- 4.11 As described in Chapter 2, in order to use their general power of competence to use the Stray to host this event, the Council requires consent from the Duchy of Lancaster who are the landowner. This consent has been provided and the Duchy has made it clear that this will be the last time the Duchy would support an application for the temporary suspension of the Stray Act 1985.
- 4.12 Considering the significant benefits that are expected to accrue to Harrogate and the support for this event from a wide range of interested parties, the Secretary of State considers that making an Order to enable the Council to use their general power of competence to host aspects of the Championships on the Stray is proportionate to the policy objective. Furthermore, the impact of this Order will be temporary, having effect for a limited period of time, and for a specific purpose. For these reasons the Secretary of State considers that this condition is satisfied.

“The provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it”

- 4.13 The Council considers that the Championships will bring significant economic, cultural and sporting benefits to the Harrogate district, both during the event and as part of its legacy and the majority of representations received in the consultation support this proposal.
- 4.14 The consultation identified that there will be a temporary impact on the interests of individuals whose activities will be interrupted by the installation on the Stray or by road closures during the races. This will include but not be limited to individuals whose regular routes to school and work and whose access to parts of the Stray for leisure activities will be disrupted.

- 4.15 Representations were received from residents who are concerned they will be unable to enjoy regular recreation such as dog walking in West Park. A weekly Parkrun group were concerned their regular route would be disrupted by the enclosure of Area 2 on the map and a local scouts group expressed concern that they would be unable to use the Stray for planned activities during the event.
- 4.16 The consultation has also identified that the interests of some persons living near the Stray and particularly those adjacent to West Park will be affected. In response to the online survey question which asked if the Stray was the best location for the event the most frequently raised concerns relating to personal interests were the disturbance from noise (36 representations), an increase in traffic (34 representations) and an increase in crime and public disorder (14 representations). Of those representations received from residents closest to the Stray (addresses within the HG1 and HG2 postcodes) in answer to the same question, 9 were concerned about noise and traffic.
- 4.17 Other concerns raised by those representations strongly in opposition included that the views from their property will be spoiled by the installation on the Stray, that they would be unable to leave their home or access their property for the duration of the Championships, that they have no interest in the expected benefits and due to the location of their home they will have limited options to avoid the impact of the event.
- 4.18 The Council has provided appropriate assurances in response to these concerns. While some security fencing will be required around the areas used for the event on West Park and Montpellier Hill, there will not be a widespread 'lock-down' of the Stray. The infrastructure on the Stray will be installed in phases to minimise the period areas are enclosed. In addition, whilst there is provision for some helicopter landings, these will take place in specific areas well away from the Fan Zone and main infrastructure. The designated landing zone for VIP and media helicopters will be a small area in the centre of the Stray just south of York Place, and the designated landing zone for air ambulances will be directly outside the boundary of the Harrogate District Hospital. To ensure there is sufficient emergency access for all scenarios, the Council intend to have the option of air ambulance landings on any part of the Stray. In practice, any landings will be restricted to small specific areas which will allow the majority of the Stray to remain accessible to the public for usual activities.
- 4.19 The Council has stated that they are working closely with the event organisers Yorkshire 2019 Ltd, North Yorkshire County Council (as highways authority), and the Emergency Services to support the development of Traffic Management Plans. These plans incorporate learning from previous events and concerns raised by local residents, businesses and schools and will ensure that road closures are minimised as far as possible. No roads will be closed for the entire period of the Championships and access will be maintained whenever possible with managed pedestrian crossing points in place across the race routes and periods for access for business delivery vehicles. Restrictions will be kept as short as safely possible each day.
- 4.20 Access to Christ Church, St Aidan's and St John Fisher schools for children journeying to and from school will be maintained and Yorkshire 2019 Ltd are working closely with leaders of local schools to develop plans that will minimise any disruption to school activities.
- 4.21 The Council will engage with the organisers of the weekly Parkrun to discuss whether there will need to be temporary changes to their planned route during the hosting of the Championships.

- 4.22 The Council has also confirmed details of the Stray pathways which will remain open throughout the Championships to ensure those who live in the West Park area will be able pass across the Stray to reach the town centre. Additionally, for residents walking towards the town centre on this route, there will be access to some of the grass verges throughout the Championships.
- 4.23 In response to concerns raised about access for emergency services, the Council and Yorkshire 2019 Ltd have explained that North Yorkshire Police are providing representation for the Emergency Services on a multi-agency group which has been established to inform the planning for road closures during the whole event. North Yorkshire Police have confirmed that these ongoing discussions are involving Highways and Emergency Services to ensure that appropriate safeguards are put in place to deliver services across Harrogate throughout the event. An emergency access route has been defined to gain access onto the Stray and access into the Fan Zone proposed for West Park Stray. In relation to the wider impact on emergency services during the event, access points have been defined to gain access onto or across the race routes when required and plans for 'business as usual' are also being developed by each emergency service. The Order will provide for any number of emergency aircraft to be able to land on an appropriate place on the Stray should this be required to respond to an incident.
- 4.24 The Council is working with Yorkshire 2019 Ltd and North Yorkshire County Council to develop a communications plan to ensure that the details of the event are clearly understood by the people, groups and businesses most likely to be affected to minimise the inconvenience. This information will be communicated to residents and businesses via leaflets, online, in local media and through existing local authority and stakeholder channels. The Council expects that further details will be made available when plans are sufficiently progressed in May.
- 4.25 The Council has explained that there are always strict conditions imposed on event organisers relating to keeping noise to an agreed level and the Championships will not be any different. The Council's environmental protection team will work closely with the organiser to make sure the event does not breach any licence conditions and the team will be available to investigate any specific complaints received. These can be reported on the Council's website⁶ or by calling 0142 350 0600.
- 4.26 In relation to concerns about local security, the Council has stated that they are confident that Yorkshire 2019 Ltd are working closely with North Yorkshire Police to ensure the Championships can take place safely. Specific plans are being drawn up in relation to the management of large crowds in response to current threat levels. North Yorkshire Police has issued a statement on its website in relation to its planning which states:

"Our operational planning teams and partners have already begun working on the extensive preparations required to ensure the safety of thousands of spectators, as well as the complex logistics to host such an event on public roads and in public spaces while minimising disruption as far as possible.

"With any such large-scale gatherings, public safety and security is of paramount importance. We are doing everything within our power to detect and deter all forms of criminality in the run-up to and during the Yorkshire 2019 UCI.

⁶ https://www.harrogate.gov.uk/info/20141/nuisances/656/noise_nuisance

“We also urge members of the public to be our eyes and ears and to report any suspicious behaviour or activity near the race locations and routes.”

Information should be reported to the police on 101 or call the confidential Anti-Terrorist Hotline on 0800 789 321. Always dial 999 if an emergency response is required.’⁷

- 4.27 The Championships will be staged across nine days placing the Harrogate district in the global spotlight for a sustained period. The Council expects that local businesses will be able to plan for and take advantage of thousands of people coming to the district for the Championships; in the region of 1,400 competitors and their support teams, an estimated 800 journalists and thousands of spectators. The hotel and hospitality trade will be a major beneficiary and the Council also expects benefits to the wider economy including independent retailers and larger businesses. The Council has set out an inward investment campaign using funding from the Leeds City Region Business Rates Pool with expected outputs of 154 jobs, 2,800 indirect jobs and a potential uplift in gross value added of between £60 and £100 million. The event will secure full use of the Harrogate Convention Centre which will accommodate the administrative headquarters for Yorkshire 2019 Ltd and a number of other parallel events, bringing income directly to Harrogate.
- 4.28 Given the significant benefits that are expected to accrue from the event, and given that the proposal is limited so as to ensure that the impact will be for the shortest time necessary, for the smallest area necessary and only for the purpose of the 2019 Championships; and given the close working of the Council with local partners to minimise the inconvenience and communicate plans to local people as early as possible, the Secretary of State has concluded that the impact of the Order will achieve a fair balance of all interests and this condition is satisfied.

“The provision does not remove any necessary protection”

- 4.29 The 1985 Act provides protection to the land and to public access to the land as part of the heritage of Harrogate. The proposal will not remove this protection as the Order will be in force for a limited period, impact on a specific part of the Stray and only for the specific purpose of the Championships.
- 4.30 The 1985 Act already permits that the Stray may be used for events, and part of the land included in the proposal has been used for many years for a range of community events including pleasure fairs and circuses, the Christmas market, and the annual bonfire.
- 4.31 The majority of representations (75%) expressed support for the Council’s ability to restore the Stray after the event but 20% did not agree, stating concerns about the length of time the grass would be covered over and commenting on the cost of the restoration work to the local council-tax payer. The Stray Defence Association also requested that assurances are provided that the proposal is limited, prescribed and that the land will be wholly reinstated as soon as possible after the event has taken place.
- 4.32 The Council has provided further assurances on these concerns. There is an enforceable contract in place between the Council and Yorkshire 2019 Ltd through which the event organiser is responsible for providing specialist ground protection

⁷ <https://northyorkshire.police.uk/news/safety-and-security-preparations-underway-for-the-yorkshire-2019-uci-road-world-championships/>

and waste management at the event sites. The ground protection (possibly matting or mesh) will ensure that grassed areas are not irreversibly damaged and do not turn to mud baths. High-traffic areas (where vehicles are moving) will have greater protection and the site plan designs are based on keeping the heaviest pieces of equipment and infrastructure off the grass and on the highway network. The costs for the protective measures will be borne by Yorkshire 2019 Ltd and are not the burden of the local council tax payer.

- 4.33 The Council has stated they will ensure that the land is returned to its original state following the event and are very confident in their ability to ensure appropriate measures are in place, as for previous events, to limit the environmental impact, and to restore the land. The Council will be responsible for managing the preparation and reinstatement of the Stray including any tree foliage. The Council will arrange for the removal and safe storage of the decorative lights from the trees around the perimeter of the Stray to avoid any damage while the event takes place. The Council plans to complete the clean-up and restoration work within the period for which the Order will apply. The Council expects the grass to quickly recover as has been their experience following previous events, and the seasonal timing of the event is considered to lend itself to successful reseedling or replanting grass if required.
- 4.34 On balance, the Secretary of State is confident in the Council's ability to ensure appropriate measures are in place to protect the Stray, that any disruption will be for a limited period and temporary and for a specific purpose and accordingly that this condition is satisfied.

“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”

- 4.35 The proposal will disapply for 26 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 1985 Act. This disapplication will only apply to the area that is identified in the map with the majority of the Stray remaining accessible to all.
- 4.36 As events do take place on the Stray that require similar enclosure, and the 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 entirety of the Stray, since this is already restricted by the Act itself. Some enclosures will be necessary for security reasons and to provide a safe and enjoyable event, it is reasonable for the Council to request that the necessary flexibility is provided for in the Order so that the advice of the Police can be followed in the preparations for the Championships.
- 4.37 The Council has explained that the installation of infrastructure on the West Park area of the Stray will be carried out in phases to limit the period of time that this area is enclosed to the shortest period possible.
- 4.38 On balance, any interference with the public's rights and freedoms is time limited and reasonable in achieving the proposal, and alternatives are available to work around the concerns that were raised in the consultation. Therefore, the Secretary of State considers that this condition is satisfied.

“The provision made is not of constitutional significance.”

- 4.39 As this proposal is a local matter with local impact and of a temporary nature and for the sole purpose of one event, the Secretary of State considers that the provisions in the Order do not have constitutional significance and that this statutory condition is satisfied.

Other requirements under the 2011 Act

- 4.40 The Secretary of State conducted an 8-week consultation exercise on the proposal between November 2018 and January 2019 and is satisfied that the consultation met the requirements of section 5(7) of the 2011 Act. More details of the consultation and the responses received are set out in chapter three of this Explanatory Document, in accordance with section 7(2) of the 2011 Act.
- 4.41 In accordance with section 7(2) of the 2011 Act, the Secretary of State can confirm that no changes have been made to the Order as a result of the representations.

Compatibility with the legal obligations arising from membership of the European Union

- 4.42 The Secretary of State is satisfied that the provisions of the Harrogate Stray Act 1985 (UCI Road World Championships) Order 2019 are compatible with the legal obligations arising from membership of the European Union.

Consideration of the Parliamentary procedure

- 4.43 In making a Localism Order under section 5 of the Localism Act 2011, the Secretary of State must recommend to Parliament the procedure which should apply. Having given careful consideration to the views provided in the consultation, and satisfied himself as to the statutory conditions, the Secretary of State is recommending the negative procedure.
- 4.44 This is because it is clear from the statutory consultation that there is strong support for the event to take place in Harrogate and for the Stray to be part of the event. There is a minority but strongly held view that the event should not take place in Harrogate or on the Stray and the reasons that have been put forward to explain this view are being accommodated by the Council through careful management of the total number of event days during the course of the year, a communications plan on the impact of the event to minimise the inconvenience, and a firm commitment to ensure that all restrictions are for the shortest time possible.
- 4.45 In addition, the Order will provide for only a short and temporary disapplication of part of the 1985 Act, and the spirit of that Act's protective provisions are honoured in the arrangements that have been put in place between the Council and Yorkshire 2019 Ltd to protect and restore the Stray. For this reason, and for the reasons set out in the preceding paragraphs, the Secretary of State's view is that the affirmative or super affirmative procedure would not be appropriate.
- 4.46 As with the two previous Orders, this Order would not insert any new provisions in the 1985 Act.

Conclusion

- 4.47 The Secretary of State is satisfied that the requirements under the relevant sections of the 2011 Act have been met. This includes that the Order serves a purpose under section 5(1), that the conditions under section 6(2) have been

satisfied, and that the appropriate consultation has been carried out in accordance with section 5(7).

Chapter 5

Additional information

Matters of special interest to Parliament

- 5.1 On the basis that the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

Extent and Territorial Application

- 5.2 The territorial extent of this instrument is England and Wales.
- 5.3 The territorial application of this instrument is England as the relevant powers being exercised relate to local authorities in England. Part 1 of the Localism Act 2011 (the 2011 Act) provides that local authorities in England may exercise a general power of competence and that the Secretary of State has the power to make an order enabling local authorities to exercise that power. The provisions in this instrument are entirely concerned with Harrogate Borough Council, a local government area in England.
- 5.4 The primary purpose of the provisions in this instrument relate to local government, which is within the devolved legislative competence of the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales.

European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 5.5 This instrument does not relate to withdrawal from the European Union.

Consolidation

- 5.6 There are no plans for consolidation.

Guidance

- 5.7 No guidance is necessary to accompany this Order.

Impact

- 5.8 The impacts of this Order are described in Chapter 4 of this Explanatory Document.

Regulating small business

- 5.9 This instrument is outside the scope of the better regulation framework as the provisions will have effect for a period of less than 12 months. The business impacts of this Order are considered in Chapter 4 of this Explanatory Document.

Monitoring and review

- 5.10 This instrument is temporary in effect and there is no statutory review clause.

- 5.11 The provisions will enable Harrogate Borough Council to use its general power of competence in relation to the Championships and the use of the Stray. The Council will be democratically accountable for its performance to the local electorate.

European Convention on Human Rights

- 5.12 Rishi Sunak, Parliamentary Under Secretary of State at the Ministry of Housing, Communities and Local Government, has made the following statement regarding Human rights:

“In my view the provisions of the Harrogate Stray Act 1985 (UCI Road World Championships) Order 2019 are compatible with the Convention rights”.

Contact

- 5.13 Siobhan Smyth (siobhan.smyth@communities.gov.uk) at the Ministry of Housing, Communities and Local Government can be contacted with any queries regarding the instrument.
- 5.14 Paul Rowsell, Deputy Director and Head of Governance Reform and Democracy Unit at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Document meets the required standard.
- 5.15 Rishi Sunak MP, Minister for Local Government at the Ministry of Housing, Communities and Local Government, can confirm that this Explanatory Document meets the required standard.

Annex A – Harrogate Stray Act 1985



Harrogate Stray Act 1985

CHAPTER xxii

ARRANGEMENT OF SECTIONS

1. Citation
2. Commencement
3. Interpretation
4. Management of Stray
5. Access to Stray
6. Stray to be free from encroachments
7. Byelaws
8. Removal of unlawfully parked vehicles
9. Use of parts of Stray for certain purposes
10. Council may charge for changing-rooms
11. Pump rooms and Wells
12. Protection of Wells mineral waters.

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| ii | c. xxii | Harrogate Stray Act 1985 |
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Section

| | |
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| 13. | Restriction on right to prosecute |
| 14. | Liability of directors, etc |
| 15. | Penalty for obstruction |
| 16. | Correction of errors in deposited plan and book of reference |
| 17. | Application of general provisions of Public Health Act 1936 |
| 18. | Saving for Duchy of Lancaster |
| 19. | Repeals |
| 20. | Transitional provisions |

SCHEDULE – Enactments repealed -

| | |
|---------|-------------------|
| Part I | Local Acts |
| Part II | Confirmation Acts |

ELIZABETH II



1985 CHAPTER xxii

An Act to re-enact with amendments certain local enactments in force within the borough of Harrogate; to confer further powers on the Council of the Borough of Harrogate with respect to the management of the Stray; and for other purposes.

[16th July 1985]

WHEREAS -

(1) The borough of Harrogate (hereinafter referred to as "the borough") is under the management and local government of the Council of the Borough of Harrogate (hereinafter referred to as "the Council"):

(2) By virtue of the Local Government Act 1972 (hereinafter referred to as "the Act of 1972") the borough was constituted on 1 April 1974 and comprises the former boroughs of Harrogate and Ripon, the former urban district of Knaresborough, the former rural districts of Masham, Nidderdale, Ripon and Pateley Bridge, Wath, Wetherby (except the parishes of Bardsey cum Rigton, Boston Spa, Bramham cum Oglethorpe, Clifford, Collingham, East Keswick, Harewood, Scarcroft, Thorne, Thorp Arch, Walton, Wetherby and Wothersome) and Wharfedale (except the parishes of Arthington, Bramhope, Carlton and Pool) and in the former rural district of Thirsk, the parishes of Ellen Thorpe, Humberton, Kirby Hill, Langthorpe, Milby, Norton-le-Clay and Thornton Bridge:

1972 c.70.

- (3) Certain local enactments were in force in the said former

Borough of Harrogate and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

- (4) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984; but the Non-metropolitan and Welsh Counties (Local Statutory Provisions) Order 1983 has subsequently provided that such local statutory provisions shall cease to have effect at the end of 1986:

S.I. 1983/919

- (5) The management of the Stray and Wells in the borough is by statute vested in the Council and it is expedient that it should remain so:

- (6) It is expedient that certain of the said local statutory provisions should be re-enacted with amendments:

- (7) It is expedient to confer further powers on the Council and that the other provisions contained in this Act should be enacted:

- (8) The purpose of this Act cannot be effected without the authority of Parliament:

- (9) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

- (10) The plan showing the land which may be used for the purposes of this Act and a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees and the occupiers of those lands and describing the same have been duly deposited in the office of the Clerk of the Parliaments, House of Lords and in the Private Bill Office, House of Commons and with the proper officer of the North Yorkshire County Council which plan is referred to in this Act as the deposited plan:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

- | | |
|--|------------------------|
| 1. This Act may be cited as the Harrogate Stray Act 1985 | Citation |
| 2. This Act shall come into operation on the expiry of a period of three months beginning with the date on which it is passed. | Commence- ment |
| 3. In this Act unless the context otherwise requires - "the borough" means the borough of Harrogate; "contravention" includes a failure to comply and "contravene" shall be construed accordingly; "the Council" means the Council of the Borough of Harrogate; "pump rooms" means the pump rooms associated with the Wells; "Stray" means the area in Harrogate known as the Stray and more particularly delineated and shown edged green on the Stray Plan; "Stray Plan" means the plan showing the land to which this Act applies marked "Stray Plan" and prepared in triplicate one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office, House of Commons and one in the office of the chief executive of the Council; "Wells" means those wells and associated springs situate on the Stray. | Interpretation |
| 4-(1) The management of the Stray and of the wells shall remain vested in the Council. | Management of Stray |
| (2) The Council shall maintain and preserve the aspect of the Stray. | |
| (3) The Council shall protect the trees, shrubs, plants, turf and herbage growing on the Stray and shall prevent all persons, other than the Council in the course of management, from felling, cutting, lopping or removing such vegetation and from digging clay, loam and soil therefrom. | |

(4) The Council may improve the Stray or a part thereof so far as may be necessary or desirable for the purposes of health, recreation and enjoyment and may thereon -

- (a) make and maintain roads and footpaths;
- (b) plant trees, shrubs and plants for the purposes of ornament and shelter;
- (c) let the pasturage of the Stray other than for feeding swine or geese;
- (d) provide pounds for impounding stray cattle:

Provide that the Council shall not exercise their powers under paragraph (a) above in such a way as to inclose any part of the Stray unless they have, in exchange for the land comprised in such inclosed part, dedicated as public open space other land within the borough not being -

- (i) less in area than the inclosed part and being equally advantageous to the inhabitants of the borough as public open space; and
- (ii) as measured from its nearest point to any part of the Stray more than 100 metres therefrom.

5. The inhabitants of the borough shall have free access to and a privilege at all times of enjoying recreation upon the Stray without payment but subject to the provisions of this Act.

Access to Stray

6. – (1) Subject to the provision of this section the Council shall maintain the Stray free from all encroachments save for -

Stray to be free from encroachments

- (a) temporary encroachments for the preservation of trees and shrubs;
- (b) such lawful permanent inclosures as exist at the commencement of this Act;
- (c) such repairs, rebuilding or improvements as are necessary to maintain the public conveniences at Devonshire Place in working order; and
- (d) not more than 12 temporary encroachments in any year for the setting aside of part of the Stray for the landing and take-off of aircraft capable of descending or climbing vertically provided that such aircraft shall not be engaged in the public transport of passengers for hire or reward.

(2) It shall not be lawful for any persons other than the Council without the consent of the Council in writing to make any temporary or other inclosure of any part of the Stray or to put any tents, kiosks, fences, posts, rails or other matters or things thereon or to make any road or footpath.

(3) Without prejudice to the generality of subsection (2) above, the Council may grant a licence to any person, at such reasonable fee and subject to such conditions as they may determine, to inclose any part of the Stray for the purpose of holding -

- (a) circuses, pleasure fairs, shows or other public entertainments; or
- (b) displays; or
- (c) events for the raising of funds for charitable purposes.

(4) The Council shall not exercise their powers under subsection (3) above so as to permit -

- (a) more than 3.5 hectares of the Stray to be inclosed at any time; and
- (b) the stray to be inclosed for more than five weeks in any year.

(5) It shall be lawful for any person inclosing part of the Stray in pursuance of a licence so to do granted to him under subsection (3) above to charge for admission to the inclosure.

(6) Nothing in this section shall affect the rights of the British Gas Corporation under paragraphs 1 and 2 of Schedule 4 to the Gas Act 1972.

1972 c.60.

7. – (1) The Council may make byelaws in respect of the Stray for all or any of the following purposes:-

Byelaws

- (a) for the improvement and management of the Stray and the preservation of good order and conduct among persons frequenting it;
- (b) for the prevention of nuisances and annoyances;
- (c) for the prevention of the cutting or digging, firing, or otherwise removing or displacing turf, sods, gravels, clays, sand, gorse, heather, ferns, brackens, bushes, trees and the like;
- (d) for the regulation of sports and games;

- (e) for the prevention of vehicles being parked or driven, or horses being exercised, on any part of the Stray not set apart by the Council for the purpose;
- (f) for the prevention of the posting of bills or placards on any wall, railing, fence, tree, lamp-post, walk, path or seat or elsewhere and the prevention of any other injury to or the removal of any such wall, railing fence, tree, lamp-post, walk, path or seat;
- (g) for the prevention of all acts and things tending to the injury or disfigurement of the Stray or the interference with the use thereof by the public for purposes of exercise and recreation;
- (h) for regulating the hiring or riding of horses and other animals;
- (i) for preventing horse-racing or the racing of other animals.

(2) Byelaws made under this section may provide that persons contravening the byelaws shall be liable on summary conviction to a maximum fine of an amount not exceeding level 2 on the standard scale.

8. – (1) If any vehicle is left without authority on the Stray the Council may remove the vehicle for safe custody, and may recover from the person responsible the expenses reasonably incurred in such removal and safe custody.

Removal of unlawfully parked vehicles

(2) In this section “person responsible” has the same meaning as in section 102 (8) of the Road Traffic Regulation Act 1984.

1984 c.27

9. – (1) Notwithstanding anything contained in section 6 (Stray to be free from encroachments) of this Act or any other enactment the Council may use -

Use of parts of Stray for certain purposes

- (a) the part of the Stray delineated on the deposited plan and thereon numbered 1 for the construction of a public conveniences; and
- (b) the part of the stray delineated on the deposited plan and thereon numbered 2 for the construction of changing-rooms.

(2) The Council shall not exercise the powers contained in subsection (1) above except with the agreement of the Chancellor of the Duchy of Lancaster as freeholder of the Stray.

(3) In their application to development authorised by this Act, Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

S.I. 1977/289.

10. The Council may charge for admission to and use of the changing-rooms on the Stray.

Council may charge for changing-rooms

11. – (1) The Council shall maintain and protect -

Pump rooms and Wells.

- (a) the Wells;
- (b) the pump rooms; and
- (c) the supply of water without charge from the public drinking fountain situate outside the Royal Pump Room.

(2) The Council may -

- (a) improve the pump rooms; and
- (b) make byelaws for the regulation and use of the pump rooms; and
- (c) demand charges for admission to the pump rooms; and
- (d) subject to paragraph (c) of subsection (1) above, levy charges for the supply of water for consumption from the Wells.

(3) Byelaws made under this section may provide that persons contravening the byelaws shall be liable on summary conviction to a maximum fine of an amount not exceeding level 2 on the standard scale.

12. Any person who, without the authority of the Council or without reasonable excuse -

Protection of Wells' mineral waters.

- (a) pollutes or contaminates the waters of the Wells; or
- (b) diverts the supply of water to the Wells; or
- (c) carries out works which interfere with, or which cause interference with, the supply of water to the Wells; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

13. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, the council or a constable.

Restriction on right to prosecute.

14. – (1) Where an offence under this Act, or against any byelaw made under this Act, committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

Liability of directors, etc.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

15. Any person who intentionally obstructs any officer of the Council acting in execution of this Act or of any byelaws made under this act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Penalty for obstruction

16. – (1) If either the deposited plan or the deposited book of reference is inaccurate in its description of any land, or in its statement or description of the ownership or occupation of any land, the Council after giving 10 days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof.

Correction of errors in deposited plan and book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, House of Lords and a copy thereof in the Private Bill Office, House of Commons and with the proper officer of the North Yorkshire County Council, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to exercise the powers of this act in accordance with the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

17. Section 304 (Judges and justices not to be disqualified by liability to rates) and section 328 (Powers of Act to be cumulative) of the Public Health Act 1936 shall have effect as if references therein to that Act included references to this Act.

Application of general provisions of Public Health Act 1936. 1936 c. 49.

18. Nothing in this Act except as expressly provided therein shall -

Saving for Duchy of Lancaster.

- (1) extend or operate to authorise the Council to take, use, enter upon or in any manner interfere with the lands and premises comprising of the Stray or any manorial rights or other rights of whatsoever description of Her Majesty in Right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the Duchy of Lancaster (which consent may be given either unconditionally or subject to such conditions and upon such terms as the Chancellor shall deem necessary or appropriate);
- (2) take away, prejudice or diminish any estate, right, privilege, power of authority vested in or exercisable by Her Majesty, Her Heirs, successors in the right of her said Duchy.

19. The enactments specified in column (2) of the Schedule to this Act are repealed to the extent specified in column (3) of that Schedule.

Repeals.

20. - (1) (a) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

Transitional provisions.

(b) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

(2) Nothing in this section shall affect the operation of the Interpretation Act 1978 or of section 254 of the Local Government Act 1972.

1978 c. 30.
1972 c. 70.

Section 19

SCHEDULE

ENACTMENTS REPEALED

PART I

LOCAL ACTS

| Session and chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-------------------------------|---|--|
| 10 Geo. 3. c.94 (1770) | The Act for dividing and enclosing such of the Open Parts of the District called the Forest of Knaresborough, in the County of York, as lie within the Eleven Constaberies thereof; and for other purpose therein mentioned. | The whole Act. |
| 4 Geo. 4 c.xxxv. (1823) | An Act for paving, lighting, watching, cleansing, and improving the Town of Knaresborough in the West Riding of the County of York, and that Part of the Township of Scriven-with-Tentergate which adjoins the said Town, and is called Tentergate. | The whole Act except sections XVIII to XXVIII. |
| 4 & 5 Vict. c. xvi. | Harrogate Improvement Act 1841 | The whole Act. |
| 9 & 10 Vict. c. cxiii. | Harrogate Waterworks Act 1846 | The whole Act. |
| 32 & 33 Vict. c. xvii. | Harrogate Waterworks Act 1869 | The whole Act |
| 49 & 50 Vict. c. lxvii. | Ripon Corporation Act 1886 | The whole Act except sections 6, 7, 10, 11, 21 to 23, 25 and 40 to 42. |

Schedule continued

| Session and chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-------------------------------|--|--|
| 56 & 57 Vict. c. ccix. | Harrogate Corporation Act 1893. | The whole Act except section 23 and the remainder of Part II so far as it relates to the area shown on the deposited plan thereto as Bogs Field. |
| 57 & 58 Vict. c.xx. | Local Government Board's Provisional Orders Confirmation (No 2) Act 1984 | The references to Knaresborough in Schedule C. |
| 60 & 61 Vict. c. ccxxxii. | Harrogate Waterworks Act 1897. | The whole Act except sections 4, 9, 10 and 11. |
| 60 & 61 Vict. c. ccxxxvii. | Harrogate Corporation (Waterworks Transfer) Act 1897 | The whole Act |
| 1 Edw. 7 c. ccxvi. | Ripon Corporation Act 1901 | The whole Act |
| 1 Edw. 7 c. ccxv. | Harrogate Water Act 1901. | The whole Act except sections 4, 8, 14, 32 and 35. |
| 1 Edw. 7 c. cclxviii. | Harrogate Corporation Act 1901 | The whole Act. |
| 2 Edw. 7 c. cxxii. | Knaresborough Improvement Act 1902. | The whole Act except Parts II and IV. |
| 3 Edw. 7 c. xxxvii. | Harrogate Water Act 1903. | The whole Act. |
| 1 & 2 Geo. 5 c. lii. | Harrogate Corporation Water Act 1911. | The whole Act. |
| 14 & 15 Geo. 5 c. xxxiii. | Harrogate Corporation Act 1924. | The whole Act |

Schedule continued

PART II
CONFIRMATION ACTS

| Session and chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-------------------------------|---|--|
| 29 & 30 Vict. c. 106 | Local Government Supple- mental Act 1866 (No 3) | The Order relating to Harrogate dated 6 June 1866. |
| 30 & 31 Vict. c. 67 | Local Government Supple- mental Act 1867 (No 4) | The Order relating to Harrogate dated 3 June 1867. |
| 31 & 32 Vict. c. cliii. | Local Government Act 1868 (No 6) | The Order relating to Harrogate dated 9 June 1868. |
| 32 & 33 Vict. c. cxxiv. | Local Government Supple- mental Act 1869. | The Order relating to Harrogate dated 23 January 1869. |
| 34 & 35 Vict. c.i. | Local Government Supple- mental Act 1871 | The two Orders relating to Harrogate dated 6 June 1870 and 9 July 1870. |
| 34 & 35 Vict. c. clxxxvii. | Local Government Supple- mental Act 1871 (No 4) | The two Orders relating to Harrogate dated 31 May 1871 |
| 40 & 41 Vict. c.ccxlii. | Local Government Board's Provisional Orders Confirmation (Atherton, & c.) Acts 1877. | The Order relating to Harrogate dated 30 May 1877. |
| 49 & 50 Vict. c. xviii. | Local Government Board's Provisional Orders Confirmation (No 2) Act 1886. | The Order relating to Harrogate dated 5 April 1886. |
| 54 & 55 Vict. c. lxxvii. | Local Government Board's Provisional Orders Confirmation (No 4) Act 1891. | The Order relating to Knaresborough and Tentergate. |

Schedule continued

**PART II
CONFIRMATION ACTS**

| Session and chapter (1) | Title or short title (2) | Extent of repeal (3) |
|-------------------------------|--|---|
| 57 & 58 Vict. c. xlvi. | Local Government Board's Provisional Orders Confirmation (No 5) Act 1894. | The Wharfedale Union Order 1894. |
| 60 & 61 Vict. c. cxxxvii. | Local Government Board's Provisional Orders Confirmation (No 3) Act 1897. | The Harrogate Order 1897. |
| 60 & 61 Vict. c. cxli. | Local Government Board's Provisional Orders Confirmation (No 14) Act 1897. | The Harrogate Order (No 2) 1897. |
| 61 & 62 Vict. c. xxxv. | Local Government Board's Provisional Orders Confirmation (No 3) Act 1898. | The Wetherby Rural Order 1898. |
| 63 & 64 Vict. c. clxxix. | Local Government Board's Provisional Orders Confirmation (No 10) Act 1900. | The Harrogate (Extension) Order 1900. |

J:\CLERICAL\DISTRICT ACTS\Harrogate Stray Act 1985.doc

THE COUNCIL OF THE BOROUGH OF HARROGATE

BYELAWS

Made under Section 7 of the Harrogate Stray Act 1985 by the Council of the Borough of Harrogate, with respect to the Stray.

1. Throughout these Byelaws the expression "the Council" means the Council of the Borough of Harrogate, the expression "The Act" means the Harrogate Stray Act 1985 and the expression "the Stray" has the meaning assigned to it by Section 3 of that Act.
2. An act necessary to the proper execution of duty on the Stray by an officer of the Council or by any person employed by the Council shall not be deemed an offence against these Byelaws.
3. A person shall not on the Stray remove or displace any soil or plant.
4. A person shall not on the Stray light any fire or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
5. A person shall not on the Stray walk run stand sit or lie upon any grass, turf or other place where adequate notice to keep off such grass, turf or other place is exhibited always provided that such notice shall not apply to more than one-sixth of the area of the Stray.
6. A person shall not on the Stray:
 - (i) bathe wade or wash in any ornamental lake pond well stream or other water

- (ii) without reasonable excuse foul or pollute any such water
- 7. A person shall not except in pursuance of lawful agreement with the Council turn out or permit any horse, ass, donkey, cattle or sheep to graze upon the Stray.
- 8. A person shall not exercise or ride any horse on the Stray except on any area which has, by notices conspicuously displayed, been designated by the Council as an area where horse riding is permitted, or on a bridleway.
- 9. A person shall not use any part of the Stray for racing of horses or dogs.
- 10. (a) No persons shall drive or ride any motor vehicle over or across any part of the Stray other than a part laid out as carriageway always provided that in connection with any special event or occasion taking place upon the Stray the Council may upon not more than five weeks in any year set apart a portion or portions of the Stray for the use of any class or classes of motor vehicle or permit more than 3.5 hectares of the Stray to be set apart at any time. As regards any portion or portions so set apart this Byelaw shall not be deemed to prohibit the driving in or on such portion or portions by the route designated by the Council.
- (b) No persons shall ride any bicycle or tricycle over or across any part of the Stray except:-
 - (i) on a part of the Stray laid out as carriageway;
 - (ii) on a path identified as for use by cyclists and pedestrians on the annexed plan;
 - (iii) where in connection with any special event or occasion taking place upon the Stray, the Council may upon not more than five weeks in any year set apart a portion or portions of the Stray for the use of any class or classes of bicycle or tricycle or permit more than 3.5 hectares of the Stray to be set apart at any time. As regards any portion or portions so set apart this Byelaw shall not be deemed to prohibit the cycling in or on such portion or portions by the route designated by the Council.
- (c) Any officer of the Council may remove any vehicle or bicycle which is on the Stray in contravention of these Byelaws for safe custody.
- 11. A person shall not on the Stray:
 - (i) except as hereinafter provided erect or place any post, pole, rail, fence, tent, booth, stand, building or other structure provided that this prohibition shall not apply whereupon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand,

building or other structure, upon such occasion and for such purposes as are specified in the application.

- (ii) affix any bill, placard or notice to or upon any tree, plant, wall, fence, barrier, building, seat or other erection or ornament.
 - (iii) without reasonable excuse remove or displace any barrier, fence, post, seat or any part of any erection, ornament or any implement provided for use in laying out and maintenance of the Stray.
 - (iv) climb any wall, fence, tree, barrier, post or other erection.
12. A person shall not on the Stray sell or offer or expose for sale or let to hire or offer or expose for letting to hire any commodity or article unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege by virtue of which he is authorised to sell or let to hire on the Stray such commodity or article.
13. Where the Council set apart any part of the Stray as may be designated by the Council and described in a noticeboard affixed or set up in some conspicuous position on the Stray for:-
- (i) the delivery of lectures sermons or speeches.
 - (ii) the holding of athletic sports meetings, and
 - (iii) the playing of ball games
- and specified in the notice, no person shall use any other part of the Stray for these purposes.
14. A person shall not on the Stray drive, pitch or chip a hard golf ball.
15. A person resorting to the Stray and playing or taking part in any game for which the exclusive use of any space on the Stray has been set apart shall:-
- (i) not play on the space any game other than the game for which it is set apart.
 - (ii) in preparing for playing and in playing use reasonable care to prevent undue interference with the proper use of the Stray by other persons.
 - (iii) when the space is already occupied by other players not to begin to play thereon without their permission.

- (iv) where the exclusive use of the space has been granted by the Council for the playing of a match not to play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein.
- (v) except where the exclusive use of space has been granted by the Council for the playing of a match in which is taking part not use the space for a longer time than two hours continuously if any other player or players make known to him a wish to use the space

16.

- (i) In these Byelaws, unless the context otherwise requires:

"model aircraft" means an aircraft which either weighs not more than 5 kilogrammes without its fuel or is for the time being exempted (as a model aircraft) from provisions of the Air Navigation Order.

"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors or by compressed gas

"radio-controlled" means controlled by a radio signal from a wireless transmitter or similar device

"jet-propelled or rocket-propelled" means driven by jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding one inch in length

(ii)

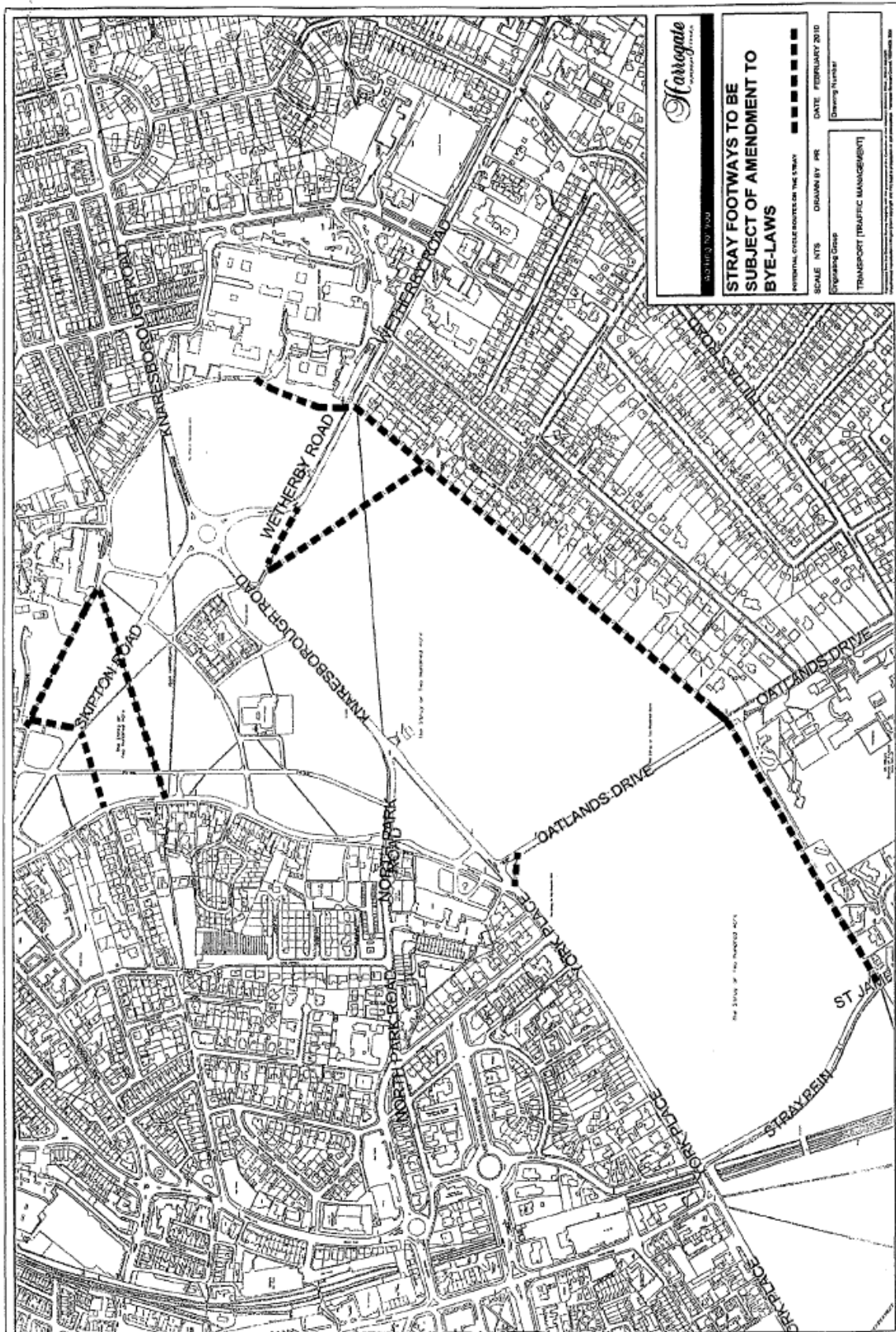
- (a) No person on the Stray shall release any jet-propelled model aircraft for flight or control the flight of such an aircraft
- (b) No person shall cause any jet-propelled model aircraft to take off or land on the Stray.

(iii)

- (a) Where any part of the Stray has, by a notice conspicuously exhibited on the Stray, been set apart by the Council for the flying of power-drive model aircraft, no person in any other part of the Stray shall release any such aircraft for flight, or control the flight of such an aircraft, and no person shall,
 - i) cause such an aircraft to take off; or
 - ii) without reasonable excuse, cause such an aircraft to land, in such other part of the Stray
- (b) Where an area within a part of the Stray so set apart for the flying of power-driven model aircraft is designated by the Council

as an area from which aircraft may be launched and is described in a notice affixed or set up in some conspicuous position on the Stray, a person shall not release such an aircraft for flight, or cause such an aircraft to take off, in any part of the Stray other than that area.

- (iv) No person shall –
 - (a) in the Stray release any power-drive model aircraft for flight or control the flight of such an aircraft; or
 - (b) cause any such aircraft to take off or land on the Stray, unless it is attached to a control line or radio-controlled and is kept under effective control
 - (v) A. No person shall –
 - i) on the Stray release any power-driven model aircraft for flight or control the flight of such an aircraft; or
 - ii) cause any such aircraft to take off or land on the Stray, unless –
 - a) the noise emitted by the aircraft gives a noise measurement of not more than 82dB(A) at a distance of 7 metres from the aircraft when measured by means of the equipment described, and by the method set out, in the code of practice issued in pursuance of the approval given by the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
 - b) subject to paragraph A.(b) above shall not have effect in relation to an aircraft to which the fitting of a silencer or similar device is not reasonably practicable
 - B. Paragraph A.(b) above shall not have effect in relation to an aircraft to which the fitting of a silencer or similar device is not reasonably practicable.
17. A person shall not on the Stray operate or cause or permit to be operated any wireless set, gramophone, amplifier, tape recorder, or similar instrument so as to make or cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons using the Stray
18. Every person who shall offend against these Byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds.



19. The byelaws made by the Council of the Borough of Harrogate on 1 August 1986 and confirmed by the Home Office on 29 July 1986 relating to the Stray are hereby revoked

GIVEN under the Common Seal of the Council of the Borough of Harrogate this

.....^{8th}..... day of February..... 2011

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH OF)
HARROGATE is hereunto affixed)
under the authentication of)


.....
Head of Legal and Democratic Services



The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation one calendar month after the date of confirmation

Signed by authority of the Secretary of State



P Rowsell
Senior Civil Servant
in the Department for Communities and Local Government
LONDON, SW1E 5DU

Date: 6 May 2011