

Stoney Stanton Parish Council

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

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SCHEDULE - Grounds to which byelaws apply generally

Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by Stoney Stanton Parish Council with respect to pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means *insert name of Council*;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the grounds listed in Schedule 2 unless otherwise stated.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

- 3.
- (1) No person shall without reasonable excuse, and the consent of the Council, remove from or displace within the ground:
 - (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
 - (2) No person shall walk on or ride, drive or station a horse or any vehicle over:

- (a) any flower bed, shrub or plant;
- (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
- (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

- 4. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

- 5. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

- 6. No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze in the ground.

Protection of wildlife

- 7. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

- 8. (1) No person shall leave open any gate to which this byelaw applies and which that person has opened or caused to be opened.
- (2) Byelaw 10(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

- 9. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

Fires

- 10. (1) No person shall, without the Council's permission:
 - (a) light a fire; or
 - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
- (2) Byelaw (1) shall not apply to the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly

constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.

Missiles

11. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

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- (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

13

- (1) No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.
- (2) Outside the designated areas, no person shall cycle on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriageway.

Motor vehicles

14

- (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

In this Part:

“games” means cricket, archery, golf, field sports and ball games.

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching.

Children’s play areas

15 This byelaw applies to grounds 2, 3 and 7 only.

No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Children’s play apparatus

16 No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Adult Gym Equipment

17 This byelaw applies only to ground 2 only.

No person shall use any apparatus stated to be for the exclusive use of persons over 4ft or 1.2 metres high by a notice conspicuously displayed on or near the apparatus.

Games

18

- (1) No person shall play games outside a designated area for playing games in such a manner:

- (a) as to exclude persons not playing games from use of that part;
 - (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (c) which is likely to cause damage to any tree, shrub or plant in the ground or any building, vehicle or apparatus.
- (2) No persons shall play ball games where this is prohibited by a notice conspicuously displayed.

PART 5

WATERWAYS

Fishing

- 19 No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing.

Blocking of watercourses

- 20 No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

In this Part:

“model aircraft” means an unmanned aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) 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 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

General prohibition

- 21 No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

- 22 No person shall without the consent of the Council provide or offer to provide any service, commodity or article for which a charge is made.

Excessive noise

23

- (1) No person shall, after being requested to desist by any other person in the ground, make 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 in the ground or in the surrounding areas by:
 - (a) shouting or singing;
 - (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 48(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

- 24 No person shall without the consent of the Council hold or take part in any public show or performance.

PART 8

MISCELLANEOUS

Obstruction

- 25 No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

26

- (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

- 27 Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

- 28 Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

- 29 The byelaws made by Stoney Stanton Parish Council on 4th August 1998 and confirmed by the Secretary of State, RG Evans, on 28th September 1998 relating to the ground are hereby revoked.

SCHEDULE

GROUND TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaws 1 to 29 are as follows:

Name and Address (or Identifying Landmark)

1. Allotments (site at Nock Verges)
2. Carey Hill Park and Meadow
3. Small parcel of land and play area at Brindley Close
4. Small Parcel of land at Disney Close
5. Small Parcel of land at Smithy Farm Drive
6. The Green (centre of the village)
7. The Persimmon Estate and Play area
8. Village Hall Garden
9. Village Hall Recreational Land (South of New Road)

SCHEDULE 2

GROUND REFERRED TO IN CERTAIN BYELAWS

Byelaw 15 applies to grounds 2, 3 and 7 only.

Byelaw 17 applies to ground 2 only.