



**Brighton & Hove  
City Council**

**ENVIRONMENT CABINET MEMBER  
MEETING  
ADDENDUM**

**4.00PM, MONDAY, 26 JULY 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**



# ADDENDUM

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# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 18

Brighton & Hove City Council

**Subject:** Petitions  
**Date of Meeting:** 26 July 2010  
**Report of:** Director of Strategy & Governance  
**Contact Officer:** Name: Tanya Massey Tel: 29-1227  
E-mail: tanya.massey@brighton-hove.gov.uk  
**Key Decision:** No  
**Wards Affected:** Various

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the following petitions presented at Council, any petitions presented directly to the Environment Cabinet Member Meeting or any e-Petition submitted via the council's website.

18. (i) To receive the following e-Petition submitted via the council's website by Councillor Rachel Fryer and accompanying paper petition both presented at Council on 15 July 2010 signed by 375 and 1526 people respectively:

*We the undersigned petition the council to review the operation of the dog control order in Queens Park, and to return all areas to the dog-free status which they enjoyed prior to January 2009. We are dismayed to learn that the council Dog Control Order which came into force in January 2009 has overturned historic arrangements which were arrived at through community negotiation and campaigning. Permitting dogs free access to the southern lawns threatens the health and enjoyment of users of this popular space and undermines the value of the lake as a habitat for birds. We believe that the historic 'dog friendly' area of the northern lawn is an adequate and convivial space for those wishing to exercise their dogs, and that the council consultation failed to take account of specific local issues and arrangements, or to adequately seek out local opinion and has created an imbalance between the needs of those affected by dogs and the needs of those seeking to exercise dogs in Queens Park, where none previously existed.*

18. (ii) To receive the following e-Petition submitted via the council's website by Paul Mendlesohn and accompanying paper petition both presented at Council on 15 July 2010 signed by 68 and 333 people respectively:

*We the undersigned petition the council to NOT ban dogs from the Southern Lawns, lake and Wild Park areas of Queens Park.*

18. (iii) To receive the following e-Petition submitted via the council's website by Alasdair Buchan and signed by 63 people:

*We the undersigned petition the council to include Springfield Road, Florence Road and the section of Southdown Avenue between them in the extension to the existing Controlled Parking Zone J (London Road Station area residents parking scheme). We find parking in our own streets very difficult already. We call upon the Council to address the fact that displacement from south of the railway line will make parking much worse for us if our streets are not included in this scheme.*

18. (iv) To receive the following e-Petition submitted via the council's website by Stephen Hodgkinson and signed by 26 people:

*We the undersigned petition the council to undertake a parking survey covering all of the streets included in the Area J Extension implemented in November 2009.*

18. (v) To receive the following petition presented directly to the Environment Cabinet Member Meeting by David Denyer and signed by 287 people:

*The council intends to introduce sheep, penned within electric fencing, on Ladies Mile Nature Reserve, depriving the people of Patcham of the right to use that area for recreation and dog-walking. We, the undersigned, oppose this action as we wish to retain the limited leisure facilities which we have and also because sheep carry ticks and other diseases and are inappropriate in a residential area.*

18. (vi) To receive the following two petitions presented directly to the Environment Cabinet Member Meeting by Councillor Bennett and signed by 50 and 49 people respectively:

*We, the undersigned residents of the upper section of The Droveaway (Shirley Drive to Dyke Rd) and Elrington Road respectfully request Brighton and Hove council to consider our proposals to ease Long term parking and safety issues in the above mentioned roads.*

*We request that the council consider treating this part of The Droveaway as a separate issue to that of the Stanford section (area B)*

*This Part of The Droveaway has unique issues unfelt in other areas.*

- 1 – Tesco Express
- 2 – Lancing School
- 3 – Tennis Club
- 4 – A Dairy

*There are no other roads with so many issues to take into consideration in such a small area and therefore we feel The Droveaway and Elrington Road needs to be considered again, separately, for parking restrictions on the grounds of the safety of the children coming and going into the school and our own families and harmony amongst the people using this area.*

*The issue of safety with speeding cars could easily be resolved with a number of speed bumps along The Droveaway.*

*Petition 1*

*The first proposal and preferential to the majority of residents is :*

**SINGLE YELLOW LINES WITH TIME RESTRICTIONS**

*As have been implemented in the surrounding Roads such as Hove Park Road, Rigden Road and a great number of Roads in the Hove area.*

*This scheme would work well in this road allowing parents to drop off and pick up either end of the day and shoppers to use the Tesco store easily without parking on pavements, in front of peoples driveways and sometimes in their driveways!*

*It would also dispel the long term parkers and campers in this road that are sometimes here for months at a time.*

*Petition 2*

*The second proposal and acceptable to the majority of residents is :*

**THE PROPOSED PARKING SCHEME AS LAID OUT BY THE COUNCIL PLANNERS-STANFORD AREA B:**

**WITH THE EXCEPTION OF THE 11 HOUR LIMITS IMPLIMENTED ON THE SHARED PERMIT HOLDERS AND LONG TERM PARKING (WE REQUEST IT BE REDUECED TO 4 HOUR)**

*If this section remained 11 hours we would still have the long term parking problem we already have and it would again prevent parents dropping off and picking up to and from the school.*

- 18. (vii)** To receive the following e-Petition submitted via the council's website by Bill Cowell and signed by 107 people:

*We the undersigned petition the council to to get together with the Police urgently to organise a way forward which will put a stop to the BBQ damage and desecration of Hove Lawns. The Council says the police should enforce the by-laws. The police say it is the Council's responsibility. Meanwhile 'Hove Lawns' along the seafront in Hove are damaged by large numbers of people having BBQs on The Lawns every summer.*

- 18. (viii)** To receive the following e-Petition submitted via the council's website by Jacqueline Storey and signed by 57 people:

*We the undersigned petition the council to Allocate some funding to refurbish and upgrade Victoria Park's play area to bring it up to date with other parks in the city.*

18. (ix) To receive the following petition presented directly to the Cabinet member Meeting by Councillor Allen:

### **PROPOSED AREA J CPZ EXTENSION ORDER**

**(1) We object to the petition from Florence Road/Springfield Road as it has been prepared without any communication with or reference to the residents of the other roads north of London Road Station. Many roads north of the railway have parking problems and will be affected by the CPZ.** The proposal to include Florence and Springfield Roads in the CPZ was voted on in February and we were informed by our councillors that the vote was decisively against the proposal and that Florence Road and Springfield Roads would not be included in the CPZ. We are therefore surprised to learn that the proposal to include Florence and Springfield Roads is to be considered at the cabinet meeting and that Councillor Kennedy will be presenting the petition. **The previous vote (organised by the Council) must surely takes precedent.**

**(2) The Traffic orders for the CPZ take no account of the significant displacement that will occur.** Currently approximately 1000 cars are parked in the area south of the railway so there is the potential for displacement of hundreds of vehicle to the area north of the railway. The imposition of parking restrictions for 7 days a week and 11 hours per day will deter many motorists from parking south of the railway, resulting in partially empty roads as has happened in Preston Park Avenue. This will result in excessive displacement of cars. The council's own consultants have reported that the roads north of the railway currently have severe parking problems so the council are fully aware of the potential problems of displacement within the area. **The council should therefore reconsider the level of planned parking restrictions to ensure that any scheme meets the needs of the whole area (north and south of the railway) and to ensure that any implemented scheme does not just move severe parking problems from one set of roads to another.**

**(3) The area north of London Road Station is part of the Preston Park Conservation Area. There is a requirement on Local Authorities to only introduce traffic schemes in conservation areas that will improve the environment of the area.**

**(4) The effects of the implementation of a CPZ in this area should be examined immediately following the start of any controlled parking scheme.** Mott MacDonald, the council's consultants, have predicted that the roads north of the railway will have severe parking problems if a CPZ south of the railway were implemented. **As the council are fully aware of the potential problems, they have a duty to examine and correct any problems caused by a decision to impose a CPZ.**



18. (x) To receive the following petition presented at Council on 15 July 2010 by Councillor Alford and signed by 30 people:

*We the residents of Carden Court, Chalky Rd, North Portslade, call on Brighton and Hove City Council to install either additional trees, OR bollards along the grass verge in front of Carden Court, to protect the grass verge from destruction by irresponsible drivers, who are turning the verge into a muddy quagmire across the 50 metre frontage.*

*Apart from the obvious visual appearance, this has major health and safety implications for the older residents of Carden Court, as throughout the winter, the pavement was covered in mud and they could not even cross the verge to visit the doctors surgery across the road.*

18. (xi) To receive the following petition presented at Council on 15 July 2010 by Councillor Mitchell and signed by 27 people:

*We the undersigned call on Brighton & Hove City Council to ensure that the remedial works to the pavements in Great College Street are undertaken without further delay.*

*Completion of these works had been promised in January 2010 but have not been done.*

*Since the pavement resurfacing carried out in November 2009, residents have been left with ridges in the pavement surface, uneven levels and bitumen smeared walls.*

18. (xii) To receive the following petition presented at Council on 15 July 2010 by Councillor Morgan and signed by 160 people:

*To BHCC*

*As a customer of the Co-op in Whitehawk, I strongly oppose the placing of metered parking bays directly outside this shop. The existing arrangement of free parking for a limited time has worked well for many years, so why change it?*

*As far as I know, there has been no survey, by the council, of Co-op customers' wishes in this matter.*

18. (xiii) To receive the following petition presented at Council on 15 July 2010 by Councillor Mrs Norman and signed by 34 people:

*Application to have Tivoli Crescent North (Withdean Road to Tivoli Crescent section) included within Brighton & Hove Council controlled parking Zone A.*

18. (xiv) To receive the following petition presented at Council on 15 July 2010 by Councillor Kemble and signed by 780 people:

*As regular users of Stoneham Park we are devastated by the arson attack on our climbing frame, we urge the council to replace it immediately, please!*

- 18. (xv)** To receive the following petition presented at Council on 15 July 2010 by Councillor Peltzer Dunn and signed by 516 people:

*As children who use and love this park we are adding our names to this petition to ask the council to immediately replace our much loved climbing frame that was destroyed by fire.*

### WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public who either lives or works in the area of the authority.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public.

#### (a) Roy Pennington

Given the need for transparency, well-being and true democracy and given that Hanover & Elm Grove Residents Parking Review confined the area in question to the streets specified by the accompanying map and no other streets either in adjoining zones or otherwise, thus preventing the creation of any smaller zone or zones or amalgamating any of those streets into one of the current zones, is not the consultation so seriously flawed that any subsequent TRO will be completely compromised?

#### (b) Sandra Magson

“Regarding Councillor Theobald’s response to our deputation at full Council on 15<sup>th</sup> July 2010 requesting strong evidence of a clear community view for change prior to embarking on the process of another consultation, would Councillor Theobald agree that:

- a) a petition signed by 1,900 park users and
- b) the support of:
  - 1)the constituency M.P.
  - 2)the Councillors for Queens Park ward
  - 3)local schools
  - 4)the two most influential local residents groups for Queens Park ( Friends of Queens Park and Local Action Team) constitute significant and substantial evidence of such community support.

If not, what further evidence is required to persuade Councillor Theobald to set in motion the process for reinstatement of the dog free zone in the park?”



**DEPUTATIONS FROM MEMBERS OF THE PUBLIC**

Three deputations have been submitted directly to the Environment Cabinet Member meeting. A period of not more than fifteen minutes shall be allowed at each ordinary meeting for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which the Cabinet Member may speak in response. The deputation will be thanked for attending and its subject matter noted.

- (a) Deputation concerning parking management for Brighton & Hove – Mr Robert Rosenthal (Spokesperson)**
- (b) Deputation concerning byelaws relating to pleasure grounds, public walks and open spaces – Mr M Murray (Spokesperson)**
- (c) Deputation concerning an application to have Tivoli Crescent North (Withdean Road to Tivoli Crescent section) included within Brighton & Hove Council controlled parking Zone A – Peter Meekings (Spokesperson)**

One deputation has been referred from Council on 15 July 2010. The Cabinet Member will note the response given at that meeting and provide an update where appropriate.

- (d) Deputation concerning byelaws relating to pleasure grounds, public walks and open spaces – Sandra Magson (Spokesperson)**

**(a) Deputation concerning parking management for Brighton & Hove – Mr Robert Rosenthal (Spokesperson)**

**THE PROBLEM**

1. Excessive car ownership and multiple car households.
2. Street space used for long term parking by garages, traveller and recreational vehicles as well as abandoned vehicles.
3. Piecemeal CPZs/Resident Parking Schemes which create local conflict and displace long term parking, multiple household vehicles and those unwilling to pay for permits to neighbouring areas.

**THE SOLUTION: A CITY-WIDE SOLUTION**

1. Every household to be issued with one FREE vehicle parking permit.
2. The existing system of a patchwork of separate zones would be phased out to be replaced by a simple 'inner' and 'outer' zone system to protect central residents and deter drive-ins to the centre.
3. Households without a car can return the permit for a rebate on Council Tax. This allows the Council to reward households without vehicles. The amount of the rebate to be significantly greater than the cost of an additional permit (see 3 below) to deter a black market in permits.
4. Any household can apply and pay for additional permits. This allows Councils to deter any household from multiple vehicle ownership. Each successive additional permit should cost incrementally more than the previous. The extent of the incentive /disincentive can be varied as the scheme progresses.
5. Trade vehicles have to pay for permits to park on the road as they do at present.
6. The entire city is included in this plan.
7. Vehicles park anywhere that is permitted.
8. No demarcation of parking spaces, white lines, signage and posts or parking permit machines are necessary. No associated costs are therefore involved. EXCEPT in key tourist locations eg seafront where visitor/resident shared bays continue to be used.
9. Wardens patrol streets as at present, issuing tickets to any vehicles without valid permits.
10. Visitor permits to be bought from newsagents as scratch cards, by mobile phone or bought online. No additional machines are necessary.
11. The cost of permits and parking wardens to be accrued from parking fines and purchase of additional permits.
12. Council to provide low cost, off road long term parking space away from residential areas in peripheral sites. Possible sites to be investigated.

**(b) Deputation concerning byelaws relating to pleasure grounds, public walks and open spaces – Mr M Murray (Spokesperson)**

1. It is now thirteen years since the Unitary Authority of Brighton & Hove City Council has been in being and it has become increasingly clear that the old, but extant, byelaws of the former Brighton Borough Council relating to Pleasure Grounds, Public Walks and Open Spaces have become increasingly unenforceable. As a result, the behaviour of a growing minority of the users of the excellent facilities the citizens enjoy has come to blight the pleasure of the majority.
2. This irresponsible behaviour has become especially noticeable in Stanmer Park and the Stanmer Park Stakeholders Group resolved to bring the matter to the attention of the Council by preparing a set of proposed byelaws to cover all the areas of most concern and repeated abuse.
3. The attached draft proposal (Item 20(b) Appendix 1) has been prepared by a legal executive member of the Friends of Stanmer Park in consultation with the Brighton & Hove Environmental Action Group and the Stanmer Park Stakeholders Group. It is based on the original Brighton Borough Council byelaws, a number of other Local Authority recent byelaws and the 2006 recommended example byelaws issued by the Office of the Deputy Prime Minister.
4. It is requested that these proposed byelaws be referred to officers for further refinement and public consultation before, hopefully, being adopted by Council. Furthermore, it is strongly recommended that they should then be published on the Council's excellent website.

**(c) Deputation concerning an application to have Tivoli Crescent North (Withdean Road to Tivoli Crescent section) included within Brighton & Hove Council controlled parking Zone A – Peter Meekings (Spokesperson)**

- Since the creation of Parking Zone A in Oct 2009, Tivoli Crescent North, which lies just outside the northern border of the Zone, has suffered extreme overcrowding of parked cars due to :
  - commuter car users not wanting to pay the charges in Zone A and therefore parking just outside the zone
  - residents in Zone A not wanting to pay for a Residents Permit and therefore parking just outside the zone
  - residents in Zone A with cars and vans they only use occasionally 'dumping' those vehicles for long periods of time just outside the zone.
- In October 2009 the residents of Tivoli Crescent North formed an 'action committee' which lobbied local Ward Councillors and in November 2009 submitted a petition to B&H Council asking for the introduction of controlled parking in Tivoli Crescent North. We were told no further controlled parking arrangements would be made in our area for at least 3 or 4 years.
- The congested parking in Tivoli Crescent and Tivoli Crescent North became so bad that it created a dangerous blind junction between these two roads which required the introduction of yellow lines at the junction in May this year. This, of course, meant cars and vans displaced from this stretch of road causing *further* parking congestion in the rest of Tivoli Crescent and Tivoli Crescent North.
- Upon learning recently that residents of Tivoli Crescent were continuing to campaign to be included in Zone A, we have canvassed all residents in Tivoli Crescent North and of the 26 households, 23\* (88%) have signed a petition requesting that Zone A be extended to Tivoli Crescent North between Withdean Road and Tivoli Crescent for the following reasons :
  - to stop *exactly the same* parking overcrowding currently experienced in Tivoli Crescent North as is being experienced in Tivoli Crescent
  - to prevent the *further* chronic over-spill parking in Tivoli Crescent North that would *certainly* take place if Tivoli Crescent *alone* were included in Zone A.
  - to give residents of Tivoli Crescent North access to street parking within a reasonable distance of their home
  - to maintain a unity between Tivoli Crescent and Tivoli Crescent North
  - to encourage commuters to use the extensive and under-utilised Zone A parking provided for them in Woodside Avenue and Hampstead Road

This request from the residents of Tivoli Crescent North is not a knee-jerk reaction to the application from our neighbours in Tivoli Crescent but a *re-statement* of the desire expressed in the petition we submitted to the Council in November 2009 for controlled parking in our road.



\* Of the three non-signatories, 79 Tivoli Crescent North is currently unoccupied and the occupants of 85 Tivoli Crescent North are on holiday.

**(d) Deputation concerning the reinstatement of dog-free zone in Queen's Park – Amanda Brace (Spokesperson)**

This deputation is presented jointly by The Friends of Queens Park and Queens Park Local Action Team on behalf of users of Queens Park and local residents.

The Council is being asked to re-establish the historic balance that existed prior to January 2009 between dog owners and other users of the park by restoring to the south lawns, cascade & pond areas, wild and quiet gardens and tennis courts, 'dog-free' status.

Since the mid-1970s and following a popular community campaign highlighting the problem of dog fouling in the park, the above areas were a 'dog-free' zone, leaving the whole of the northern lawns below West Drive as an area for exercising dogs. The arrangement operated very successfully for a period of 30 years. Both dog owners and other park users respected the arrangement which as a consequence was self-enforcing, achieving a balance of need for all park users.

In January 2009 new dog control orders came into force overturning this historic arrangement and making the whole of the park, with the exception of the children's play area, 'dog-friendly'.

As a result an imbalance has now arisen between the needs of those affected by dogs and those seeking to exercise dogs in Queens Park, where none previously existed. Most dog owners valued the previous arrangement which ensured for them an area where they could exercise their dogs freely and without criticism or conflict. The new arrangements have introduced a previously unfelt tension due to people engaging in incompatible activities in a heavily used and compact space.

The new dog control orders cannot compensate for the loss of the 'dog-free' area. The major concern relates to dog excrement raising serious health issues around *toxocariasis* and the unpleasantness of fouling generally. Putting dogs on leads would not resolve this issue.

The park and south lawns in particular, support a wide variety of activities over the year from organised events to individual usage.

For example schools and nurseries in the area use Queens Park for play, sports and educational projects. More than 1,800 children attend schools and nurseries within 5/10 minutes walk of the park. Staff and parents advise they place a high value on having access to the park for a range of learning activities. The Local Authority organises fun days for younger children during the summer months. A local 6-a-side football team set up portable goal posts every Sunday for a supervised game. Friends of Queens Park hold their annual summer picnic in the park. Brighton Festival have chosen the park's south lawn for outdoor installations and entertainments and a local language school regularly brings its students in the early evening for a game of organised rounders during the summer months.

More generally, families and their friends use the South Lawn as a gathering point for picnics; students study and revise; adults and children walk through this area on their way to work, school and nursery. Older people sit on the benches to enjoy the view and sunshine. Singles and groups just relax and/or sunbathe on the grass. Teenagers gather in groups to chat. Grandparents bring their grandchildren to the pond area to watch the squirrels, geese and other wildlife and adults and children engage in games of football, cricket, frisbee etc. These park users value the park as one of the few in Brighton & Hove where they can relax in a dog-free area. They are entitled to and expect an environment that is clean and healthy.

The changes brought about in January 2009 represent a loss of amenity to such park users. The peace, tranquillity and closeness to nature, being a reason they love the park, is placed in jeopardy.

Wildlife in the park has flourished as a consequence of a portion of the park being dog-free for the last 30 years. Biodiversity within the park has been nurtured, especially by the Park Rangers and local wildlife activists, and provides considerable pleasure to many park users. The recent introduction of dogs to sensitive wildlife areas risks reversing these achievements and appears to contravene both the council's own policy on biodiversity and the law. It is a rare privilege that the wild garden has an active badger sett. The Sussex Badger Trust advises that to give free access to dogs to an active sett is likely to be in breach of the 1992 Badger Protection Act. It is also arguably in breach of the council's duty of care to dog owners as illustrated by the severe injury to a Patterdale terrier in April when it went down the badger sett and was mauled. The RSPB advise that giving dogs access to the pond when water birds are nesting may be in breach of the Wildlife & Countryside Act 1981.

This petition in asking for re-instatement of the 'dog-free' area of the park is not an anti-dog proposal and there is no wish to ban dogs from the whole of the park. It is a sensible compromise allowing for a part dog-friendly and part dog-free park that has a history of proven workability. The majority of dog owners approached in respect of the petition have been supportive of re-instatement and recognise the need to strike a balance in respect of the needs of all park users.

Queens Park is a much loved, vibrant and appreciated community park retaining much of its historic elegance and style, and in a sense acting as a back garden for many local residents. What happens in their park matters to local people and the revocation of the 'dog-free' area has caused considerable consternation, dismay and disappointment. The names on the petition numbering over 1,500 reflect the concern and show the support that this issue has engendered in our community.

The park is heavily used with a wide range of demands being made upon a relatively small space. The large number of park users and dog owners in such a small park makes the concept of a 'shared space' impracticable as opposed to larger parks where it may be possible.

Re-instatement of the dog-free area would incur no additional cost to the Council and the area is already fenced. Indeed a cost saving would result as a dog-free

area would avoid the need for installation of additional bins for dog waste around the pond, south lawns, tennis courts and wild garden where none currently exist.

We urge the Council to support the reinstatement of the dog-free area and to instigate the appropriate action as soon as possible.

**Response from Councillor Theobald at the Council on 15 July 2010:**

“Thank you very much for the way in which you presented the Deputation and for the letter which I know you have sent to all my colleagues.

The council reviewed the bye-laws, as you said in your Deputation, throughout the city in 2007/2008 because the previous bye-laws in Brighton and Hove were inconsistent, confusing and often difficult to enforce. There were two extensive consultations with national publicity. The media took a very keen interest and I have to say that I remember that very well indeed, having been the subject of TV and radio, etc, and there were marches one way or the other.

The consultation complied with best practice guidelines with, as I have already said, very extensive media coverage. There were no formal representations against the change in Queen’s Park and no formal feedback either from residents or the elected Councillors for the area and indeed the council itself approved the new bye-laws at its council meeting on 17 July 2008 without any Councillor querying the change in Queen’s Park.

Actually, just one point, the children’s dog-free play area is a bit larger than it was before and there has been massive investment in the park facilities. I am obviously reluctant to become embroiled in another issue where there are differences of opinion and this subject attracts strong views.

For example, there were two petitions today concerning dog controls in Queen’s Park. One petition asking for a review of the dog control order presented by one of our colleagues and the other petition requesting that dogs are not banned from the southern lawns.

Any change to the current dog control orders will require another careful public consultation process and before embarking upon this I would need to be certain that this is the course of action that the vast majority of residents want. If the Ward Councillors, for instance, can come forward and show to me that there is consensus or that there is a very large majority in favour of change then I would consider the best course of action.”

## **Proposed Byelaws**

prepared by **The Friends of Stanmer Park in consultation with Brighton & Hove Environmental Action Group and the Stanmer Park Stakeholders**

# **BRIGHTON AND HOVE CITY COUNCIL BYELAWS**

## **Pleasure Grounds, Public Walks and Open Spaces**

Byelaws made by Brighton and Hove City Council under s164 of the Public Health Act 1875 and Sections 12 and 15 Open Spaces Act 1906.

### **Interpretation**

1. In these Byelaws:-

“the Council” means Brighton and Hove City Council.

“the ground” means each of the grounds referred to in the Schedule to these Byelaws.

### **Opening Times**

2. On any day on which the ground is open to the public, no person shall enter it before the time, or enter or remain in it after the time, indicated by a notice placed in a conspicuous position at the entrance to the ground.

### **Vehicles**

3. (1) No person shall, without reasonable cause, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle in the ground, or bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or other mechanically propelled vehicle (other than a cycle) except in any part of the ground where there is a right of way for that class of vehicle.

(2) No person shall, without reasonable excuse, ride a cycle, except in any part of the ground where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous position in the ground.

(3) If the Council has set apart a space in the ground for vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.

(4) This byelaw shall not extend to invalid carriages.

(5) In this byelaw:-

“cycle” means a bicycle, tricycle, or a cycle having four or more wheels not being in any case a motor cycle or motor vehicle;

“invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

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

## **Proposed Byelaws**

**prepared by The Friends of Stanmer Park in consultation with Brighton & Hove Environmental Action Group and the Stanmer Park Stakeholders**

“motor vehicle” means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

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

### **Overnight Parking and Speed**

4. (1) No person shall, without the consent of the Council, leave or cause or permit to be left, any vehicle in the ground between the hours of midnight and 6am.

(2) A person shall not, in the ground, drive any vehicle at a speed exceeding 15mph except in Stanmer Park & Waterhall Playing Fields where a person shall not drive a vehicle at a speed exceeding 20mph.

(3) No person shall in the ground drive a vehicle as a learner driver.

### **Horses**

5. No person shall in the ground intentionally or negligently ride a horse to the danger of any other person using the ground.

6. No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.

### **Climbing**

7. 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.

### **Structures**

8. (1) No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of and structure or ornament, or any implement provided for use in laying out or maintenance of the ground.

(2) No person shall wilfully, carelessly or negligently deface, injure, destroy, soil or defile any wall or fence in or enclosing the pleasure ground, or any building, barrier, railing, post, or seat or any erection or ornament.

(3) A person shall not affix any bill, placard or notice to or on any wall or fence in or enclosing the ground or to any tree or plant or to any building, barrier, railing, seat or any other erection or ornament.

9. No person shall, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

### **Camping**

10. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan or motor home, or any other structure for the purpose of camping, except in any area which may be set apart and indicated by notice as a place where camping is permitted.

## **Proposed Byelaws**

**prepared by The Friends of Stanmer Park in consultation with Brighton & Hove Environmental Action Group and the Stanmer Park Stakeholders**

### **Children's Play Areas**

11. (1) No person who has attained the age of 14 years shall enter or remain in the children's play area in any of the grounds listed in the schedule to these Byelaws.

(2) This byelaw shall not apply to any person who is bona fide in charge of a child under 14 years of age.

### **Children's Play Apparatus**

12. No person who has attained the age of 14 years shall use any apparatus in the ground which, by notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

### **Trading**

13. No person shall in the ground without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

### **Grazing**

14. No person shall without the consent of the Council, turn out or permit any animal to graze in the ground.

### **Protection of Flower Beds, Trees, Grass etc**

15. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon:

- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
- (b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits it being wheeled or parked.

16. No person shall in the ground enter upon:

- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of a tree, shrub or plant, or
- (b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep of such grass or turf is exhibited.

### **Removal of Substances**

17. No person shall remove from or displace in the ground any stone, soil or turf, or the whole of or any part of any plant, shrub or tree.

## **Proposed Byelaws**

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### **Games**

18. Where the Council has by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:
- (a) play in such an area any game other than the game for which it has been set apart;
  - (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
  - (c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part.
  - (d) When the area is already occupied by other players not begin to play thereon without their permission;
  - (e) Where the exclusive use of the area has been granted by the Council for the playing of a match, play on that area later than a quarter of an hour before the time fixed for the beginning of the match unless taking part therein, or
  - (f) Except where the exclusive use of the area has been granted by the Council for the playing of a match in which he is taking part, use the area for a longer time than two hours continuously, if any other player or players make known to him a wish to use the area.
19. No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.
20. (1) No person shall in the ground play any game:
- (a) so as to give reasonable grounds for annoyance to any other person in the ground, or
  - (b) which is likely to cause damage to any tree, shrub or plant in the ground.
- (2) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

### **Archery**

21. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of Archery.

### **Field Sports**

22. No person shall in the ground, except in connection with an event organised by or with the consent of the Council, engage in the sport of javelin or discus throwing or shot putting.

### **Golf**

23. No person shall in the ground drive, chip or pitch a hard golf ball.



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### **Cricket**

24. No person shall use any cricket ball, except in any part of the ground, which, by a notice placed in a conspicuous place in the ground, has been set aside as an area where a cricket ball may be used.

### **Skateboarding or roller skating**

25. No person shall in the ground skate on rollers, skateboards, wheels or other mechanical contrivances in a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons in the ground.

### **Missiles**

26. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile or rocket.

### **Waterways**

27. No person shall:
- (a) without reasonable excuse, bathe or swim in any waterway comprised in the ground.
  - (b) intentionally, carelessly or negligently foul or pollute any waterway comprised in the ground.
  - (c) No person shall knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

### **Boats**

28. No person shall, without the consent of the Council, launch operate or sail on any waterway comprised in the ground any boat, power craft, dinghy, canoe, sailboard, inflatable or any like craft.

### **Interference with life-saving equipment**

29. No person shall, except in the case of emergency, remove from or displace in the ground or otherwise tamper with any life-saving appliance provided by the Council.

### **Aircraft**

30. No person shall, except in the case of emergency or with the consent of the Council, take-off from or land in the ground an aircraft, helicopter, hang-glider or hot air balloon.

## **Proposed Byelaws**

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### **Power-driven model aircraft**

31. In Byelaw 32:

“model aircraft” means an aircraft, which either weighs not more than 7 kilograms with it’s fuel or is for the time being exempted (as a model aircraft) from the 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.

32. (1) no person shall without the consent of the Council, in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft.

(2) no person shall without the consent of the Council, cause any power-driven model aircraft to take off or land in the ground.

### **Kites**

33. No person in the ground shall fly or cause or permit to be flown any kite in such a manner as to cause a danger, nuisance or annoyance to any other person in the ground.

### **Metal Detectors**

34. No person shall on the land use any device designed or adapted for detecting or locating any metal or mineral in the ground.

### **Fires**

35. (1) No person shall in the ground intentionally light a fire.

(2) No person shall in the ground place, throw or let fall a lighted match or other thing likely to start a fire.

(3) No person shall in the ground light a barbeque except in a properly constructed barbeque in an area designated for barbeques.

(4) This byelaw shall not apply to any event held with the consent of the Council.

### **Fishing and Protection of Wildlife**

36. (1) No person in the ground shall intentionally kill, injure, take or disturb any animal or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.

(2) This byelaw shall not prohibit any fishing, which may be authorised by the Council.

(3) No person shall in the ground discharge or cause to be discharged an audible bird scarer.

## **Proposed Byelaws**

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### **Noise**

37. (1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:

(a) by singing or shouting

(b) by playing on a musical instrument, or

(c) by operating or by permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument 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 in the ground.

(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Performances**

38. No person shall without the consent of the Council, hold or take part in any public show, performance or exhibition in the ground.

### **Public shows, exhibitions and Structures**

39. No person shall in the ground, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.

### **Gates**

40. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate in the ground that leaving a gate open is prohibited, no person shall having opened that gate or caused it to be opened, shall leave it open.

### **Dogs**

41. (1) Every person in the ground in charge of a dog shall so far as is reasonably practicable keep the dog under close control and restrain the dog from behaviour giving reasonable grounds for annoyance.

(2) No person in charge of a dog shall enter the ground or allow a dog to remain in the ground which is not wearing a collar and identification tag clearly displaying the owners address and telephone number and the immediate contact details of the person in charge of the dog.

(3) No person shall in the ground in charge of a dog allow the dog to be left unattended in a motor vehicle.

(4) No person shall in the ground be in charge of more than 4 dogs without the consent of the Council.

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### **Obstruction**

42. No person shall in the ground:

- (a) Intentionally obstruct any officer of the Council in the proper execution of his duties
- (b) Intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council or,
- (c) Intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

### **Savings**

43. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

(2) Nothing in or done under any of the provisions of 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 legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

### **Removal of Offenders**

44. Any person offending against any of these byelaws may be removed from the ground by an Officer of the Council or a Police Officer or a Police Community Support Officer.

### **Penalty**

45. 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.