

## **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;

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“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.

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### **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.

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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.

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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.

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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.