

EXECUTIVE CABINET

THURSDAY, 22ND OCTOBER 2015, 6.00 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES FOR ABSENCE

1 **MINUTES OF MEETING THURSDAY, 27 AUGUST 2015 OF EXECUTIVE CABINET**

(Pages 5 - 10)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask a question(s) on an item(s) on the agenda will have three minutes to put their question(s) to the respective Executive Member(s). Each member of the public will be allowed to ask one short supplementary question.

ITEM OF EXECUTIVE MEMBER (COMMUNITY SERVICES) (INTRODUCED BY COUNCILLOR BEV MURRAY)

4 **NEIGHBOURHOOD PREFERRED PROJECTS - UPDATE**

(Pages 11 - 18)

Report of the Director of Public Protection, Streetscene and Community.

5 **WYMOTT BOWLING CLUB - PROPOSAL**

(Pages 19 - 22)

Report of the Director of Public Protection, Streetscene and Community.

ITEM OF EXECUTIVE MEMBER (PUBLIC PROTECTION) (INTRODUCED BY COUNCILLOR PAUL WALMSLEY)

6 REVIEW OF OPEN SPACE BYELAWS

(Pages 23 - 50)

Report of the Director of Public Protection, Streetscene and Community.

7 EXCLUSION OF THE PUBLIC AND PRESS

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Condition:

Information is not exempt if it is required to be registered under-
The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

ITEM OF DEPUTY EXECUTIVE LEADER AND EXECUTIVE MEMBER (RESOURCES) (INTRODUCED BY COUNCILLOR PETER WILSON)

8 BUSINESS RATES RETENTION (ALSO KNOWN AS NATIONAL NON-DOMESTIC RATES NNDR) - PROPOSED POOLING ARRANGEMENTS FOR 2016/17

(Pages 51 - 56)

Report of the Chief Executive.

ITEM OF EXECUTIVE MEMBER (STREETSCENE SERVICES) (INTRODUCED BY COUNCILLOR ADRIAN LOWE)

9 WASTE COLLECTION CONTRACT UPDATE

(Pages 57 - 60)

Report of the Director of Public Protection, Streetscene and Community.

10 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Executive Cabinet Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Graham Dunn, Adrian Lowe and Paul Walmsley.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

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<https://democracy.chorley.gov.uk/ieListMeetings.aspx?CId=117&Year=0>

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**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 27 August 2015****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Graham Dunn, Adrian Lowe and Paul Walmsley

MEMBER RESPONSIBLE:

Councillors Hasina Khan and Matthew Lynch

COUNCIL CHAMPIONS:

Councillors Julia Berry, Jean Cronshaw and Gordon France

OFFICERS:

Lesley-Ann Fenton (Director of Customer and Advice Services), Jamie Carson (Director of Public Protection, Streetscene and Community), Alex Jackson (Legal Services Team Leader), Carol Russell (Democratic Services Manager), Susan Guinness (Head of Shared Financial Services), Simon Clark (Head of Health, Environment and Neighbourhoods), Asim Khan (Head of Customer, ICT and Transactional Services) and Ruth Rimmington (Democratic and Member Services Officer)

APOLOGIES:

Councillor Beverley Murray

OTHER MEMBERS:

Councillors Charlie Bromilow, Henry Counce, Margaret France, Greg Morgan, Mick Muncaster and John Walker

15.EC.137 Minutes of meeting Thursday, 25 June 2015 of Executive Cabinet

Decision: The minutes of the meeting of the Executive Cabinet held on 25 June 2015 be confirmed as a correct record and signed by the Executive Leader.

15.EC.138 Declarations of Any Interests

There were no declarations of any interests.

15.EC.139 Public Questions

The Executive Leader reported that there had been no requests from members of the public to speak on any of the meeting's agenda items.

15.EC.140 Report of Overview and Scrutiny Task Group - Public Transport Issues

The Chair of the Overview and Scrutiny Committee, Councillor John Walker, presented the report.

Councillor Walker thanked the Chair, members of the Task Group and officers involved with the inquiry.

Members noted that Lancashire County Council had made a plea to the Government regarding funding for rural transport.

Decision: Approval granted that the report of the Overview and Scrutiny Task Group be received and accepted for consideration. The Executive Cabinet's response to the recommendations would be reported to a future meeting.

15.EC.141 Revenue and Capital Budget Monitoring 2015/16 Report 1 (End of June 2015)

The report of the Chief Executive was presented by the Executive Member (Resources), Councillor Peter Wilson. The report set out the provisional revenue and capital outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2015/16.

The projected revenue outturn currently showed a forecast underspend of £444,000 against budget (including savings made in Market Walk financing costs). The report proposed that Council should approve the use of most of the forecast overspend for the funding of service improvements, £106,000 would be added to General Balances if all proposals were approved.

The Council's Medium Term Financial Strategy proposed that working balances should reach £3.0m over the 3 year lifespan of the MTFS to 2017/18 due to the financial risks facing the Council. This was an increase from previous years' strategies and had been set to match the total budget deficit currently forecast for 2017/18. A budgeted contribution into General Balances of £350k was contained within the new investment package for 2015/16. The current forecast to the end of June showed that the General Fund balance could be around £2.744m by the end of the financial year, after adding the £106,000 underspend.

Decision:

- 1. Approval granted that the full year forecast position for the 2015/16 revenue budget and capital investment programme be noted.**
- 2. Approval granted that the forecast position on the Council's reserves be noted.**
- 3. Request Council approve the set aside of £100,000 from in-year revenue underspends to fund one-off capital payments to secure recurrent revenue savings on ICT contracts.**
- 4. Request Council approve the use of £39,000 held in reserves for the former NEETs programme to invest in the Town Centre Grants Programme and a further sum of £61,000 be funded from in-year savings.**
- 5. Request Council approve the use of £36,000 from in-year revenue underspends for capital investment in Christmas lighting for the town centre and Market Walk.**

6. Request Council approve the Single Front Office Apprenticeships at an estimated cost of £56,000 for two years, and that the unspent budget at 2015/16 year-end be carried forward in an earmarked reserve.
7. Request Council approve the proposed additions and re-profiling of the Capital Programme to better reflect delivery in 2015/16. This requires £166,000 revenue financing of the CCTV Programme to be brought forward from 2016/17 and 2017/18, which would be financed from a reserve earmarked for capital financing. In addition it is recommended that the budget for revenue financing of CCTV should be increased by £85,000, to be met from the forecast underspend.

Reasons for recommendation(s)

To ensure the Council's budgetary targets are achieved.

Alternative option(s) considered and rejected

None.

15.EC.142 Chorley Council Performance Monitoring - First Quarter 2015/2016

The report of the Chief Executive was presented by the Executive Member (Resources), Councillor Peter Wilson. The report set out the performance against the delivery of the Corporate Strategy, and key performance indicators during the first quarter of 2015/16.

Overall performance of 2014/15 key projects was good, with 83% of the projects on track or complete. Three projects were rated amber; deliver improvements to Market Street, progress key employment sites, and develop and agree plans for delivery of the Friday Street Health Centre. These rating were due to issues relating to timescales, however, work was now underway to bring these projects back on track.

Councillor Bradley explained that businesses relocating to Chorley had 18 months to create jobs which means there could be a time lag in realising the associated employment opportunities. When working with inward investors it could take a significant amount of time to reach the application stage and although work was ongoing to progress cases to this stage, by the end of quarter one 2015/16 there were no new Choose Chorley grant applications approved. There were currently two Choose Chorley grant applications ongoing and it was anticipated that these would create a significant number of employment opportunities during 2015/16.

Decision: Approval granted that the report be noted.

Reasons for recommendation(s)

To facilitate the on-going analysis and management of the Council's performance in delivering the Corporate Strategy.

Alternative option(s) considered and rejected

None.

15.EC.143 Houses in Multiple Occupation - Adoption of Standards

The report of the Director of Public Protection, Streetscene and Community was presented by the Executive Member (Public Protection), Councillor Paul Walmsley.

The report sought adoption of standards for the provision of accommodation in Houses in Multiple Occupation (HMO's).

Houses in Multiple Occupation (HMO) were defined as premises where there were at least three tenants being accommodated who formed more than one household and there was sharing of facilities such as toilet, bathroom or kitchen. A household was defined as either a single person or members of the same family living together.

There were certain requirements over and above the general housing standards in the private rented sector that must be met for HMOs, and in some cases, HMOs of a particular size could only be operated if licensed by the Council. Currently there were estimated to be around 15 HMO's in Chorley, two of which were of a size requiring a licence to operate.

Historically, standards in HMO's had been maintained through periodic inspection by Council officers and liaison with landlords to ensure satisfactory standards in relation to property repair, provision of shared facilities and fire protection measures. However, this sector of the housing market was becoming increasingly popular and property developers were increasingly seeking to procure large premises for conversion to HMO type accommodation, as it filled a market gap between hostel/lodging type accommodation and fully self-contained housing accommodation.

In order to promote consistency of provision in this type of accommodation it was proposed that the Council should adopt a set of standards against which HMO landlords could be advised to provide and where the HMO was licensable the standards could be conditional on the HMO licence being granted.

Decision: Approval granted to adopt the standards for accommodation in HMO's as set out in Appendix A of the report.

Reasons for recommendation(s)

1. To ensure the Council has appropriate and consistent standards against which providers of houses in multiple occupation can be assessed.
2. The adoption of these standards will provide useful guidance to landlords who provide HMO accommodation that does not require a licence to operate and clear licence conditions applicable to HMO's that do require a licence.

Alternative option(s) considered and rejected

Having no adopted standards is rejected on the basis that these standards provide a useful benchmark against which this HMO type of accommodation can be measured.

15.EC.144 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the ground that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

15.EC.145 Civics Review

The confidential report of the Chief Executive was presented by the Executive Member (Resources), Councillor Peter Wilson.

The report updated on proposals for restructuring Civic Services and sought authority to implement the changes.

Decision:

- 1. Approval granted to the changes proposed to the structure of Civic Services (to include the Cleaners), outlined at paragraphs 20-26 for consultation.**
- 2. Approval granted for delegated authority to the Executive Member (Resources) to receive the consultation responses and subject to there being no opposition to agree to the implementation of the changes.**

Reasons for recommendation(s)

The proposed structure will ensure improved service delivery, address issues with work life /balance raised with staff, provide savings in the future and ensure continuity in delivery.

Alternative option(s) considered and rejected

Not doing the restructure will lead to a continuation of the issues highlighted in this report.

15.EC.146 Information Security Framework

The confidential report of the Director of Customer and Advice Services was presented by the Executive Member (Customer and Advice Services), Councillor Graham Dunn.

The report presented the updated Information Security Framework (ISF) following consultation with all affected stakeholders, highlighted changes made to the ISF and the consolidation of a number of existing policies taking into account changes and advancements in technology. The report set out the roll-out of the updated ISF for both staff and members.

Decision:

- 1. Approval granted to the updated Information Security Framework for staff and councillors.**
- 2. Approval granted that any subsequent changes that may be necessary be approved by the Executive Member (Customer and Advice Services) under delegated powers following consultation with interested parties.**

Reasons for recommendation(s)

The existing Information Security Framework is out of date and does not cover all of the security risks that are faced by the Council. A number of previously separate policies have been combined into one cohesive framework suitable for all technology users and the structure has been changed in order to simplify the document.

Alternative option(s) considered and rejected

1. Retaining, updating and ensuring consistency between separate existing documents.
2. Dividing the Information Security Framework into a large number of distinct policies.

15.EC.147 Single Front Office midterm report

The confidential report of the Director of Customer and Advice Services was presented by the Executive Member (Customer and Advice Services), Councillor Graham Dunn.

The report provided an update on progress made in the implementation of the Single Front Office (SFO) and proposed changes based on experience from the first year of operational delivery.

Decision:

- 1. Approval granted that the following changes report be noted:**
 - a. To continue with supporting and developing staff in generic skills, enable them to retain and/or develop one area of specialism plus one other service in line with service needs outlined in Appendix A.**
 - b. Calls to be routed to staff within the SFO with appropriate skills to complete the service request at the first point of contact.**
- 2. Approval granted to develop three further opportunities for staff to train in Council Tax and Housing Benefits.**
- 3. Approval granted to create three apprenticeship posts in support roles for a fixed term period of two years.**

Reasons for recommendation(s)

To re-align the SFO implementation programme based on operational experience and knowledge gained in the first year.

Alternative option(s) considered and rejected

Following the original plan to train all staff to be fully generic in every service area. Operational experience, feedback from staff and knowledge gained during the first year of the SFO project has shown that this option is not the most effective.

Chair

Date



Report of	Meeting	Date
Director of Public Protection Streetscene and Community (Introduced by the Executive Member for Community Services)	Executive Cabinet	22 October 2015

NEIGHBOURHOOD PREFERRED PROJECTS - UPDATE

PURPOSE OF REPORT

- To update Executive Cabinet on the delivery of the 24 neighbourhood preferred projects and the associated budget.

RECOMMENDATION

- To accept the report and note the Executive Member for Communities approval for budget spend as outlined in this report

EXECUTIVE SUMMARY OF REPORT

- The 2015/16 programme of neighbourhood preferred projects was approved by Executive Cabinet on 26 March 2015 and delegated decision making was given to the Executive Member for Community to approve budget spend on the projects.
- This report provides an update on the progress of delivery of the projects and the approved spend to date.
- The table at Appendix 1 provides the detail of each preferred project and its status in terms of budget spend and delivery.
- Overall 6 projects have been completed and a total spend of £24,500 Has been approved by the Executive Member for Communities.
- Of the 24 preferred projects there are 4 still to commence and 14 are making progress.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To ensure Executive Cabinet are updated with the delivery of the Councils neighbourhood preferred projects.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- None

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	√	A strong local economy	
Clean, safe and healthy communities	√	An ambitious council that does more to meet the needs of residents and the local area	√

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	√	Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

12. The costs of the proposals outlined in Appendix 1 will be contained with existing budget allocations, made up of £50k new investment for 2015/16 and £53k carried forward as slippage from 2014/15. All the funds for Neighbourhood projects is now committed.

COMMENTS OF THE MONITORING OFFICER

13. No comments.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	29 September 2015	NhoodPPUpdate2015

<u>Neighbourhood Area</u>	<u>Priority</u>	<u>Detail</u>	<u>Lead Officer</u>	<u>Actual Spend</u>	<u>Anticipated Spend</u>	<u>Comment</u>	<u>Completion date of project</u>
Southern Parishes	Charnock Richard MUGA	Continuation of work to date and deliver a viable scheme to point that PC can make a planning application	Simon Forster		£0	Awaiting completion of consultation being undertaken by the Parish Council	tbc
Southern Parishes	Byron Crescent Play Area	Repair or relocate play area	Sean Blake	£2,500	£0	Joint with CCH - CBC paid for membrane installation	Completed May 2015
Southern Parishes	The Meadows Heskin	Develop a scheme to address drainage issues and provide a set of funding options to be pursued	Simon Forster	£325	£0	Completed	Completed Sept 2015
Chorley Town West	Develop an Eaves Green Tree Management Plan	Develop an Eaves Green Tree Management Plan	Lindsey Blackstock	Quotes to be obtained	£5,000	seasonal staff over winter months to execute works	Complete March 2016
Chorley Town West	Alleygate Scheme to Walleys Rd and Lawrence Rd	Provision of Alley Gates at Walleys Road and Lawrence Road subject to the current protocol and process for consultation and local resident agreement. It was noted that Lawrence Road back street is an adopted highway which may present issues in terms of the need for a Public Spaces Protection Order to allow gating to take place.	Irene Elwell		£3,500	awaiting consultation process to commence on Walleys Road Ongoing discussions with LCC in relation to Lawrence Road regarding adoption status	
Chorley Town West	Buttermere Community Centre	To raise the profile and encourage a diverse community use of the centre	Natalie Holt	£3,700	£5,000	Note - separate £20K budget to equip CC plus pump prime activity and use	
Western Parishes	Moor Road Croston - Road Safety	Traffic calming measures for Moor Rd Croston	Irene Elwell			Officers in consultation with road safety officers at LCC to establish a tailored programme	tbc
Western Parishes	Croston Bretherton Footpath	Creation of a footpath along the missing stretch of path between Croston and Bretherton	Sean Blake	£0		LCC commitment to design and provide	tbc

Western Parishes	Croston PRoW 6 and 7	Improve the condition of the PRoW no.6 and No.7 to ensure proper access	Sean Blake		tbc	Not started	tbc
Clayton and Whittle	Phone Box Defib	Provide electrical earthing work to enable installation of defibrillator units into two red phone boxes	Simon Clark	£0	£0	Work undertaken to install power supply earthing points	Completed 20 April 2015
Clayton and Whittle	Carr Brook Footpath - old canal path	initial maintenance be undertaken and to investigate if the path could be extended.	Sean Blake	£1,400		Path repair completed	Completed June 2015
Clayton and Whittle	Carrfield/Heathers Bus Shelter	Supply and fit a bus shelter at the existing stop	Steve Hart	£3,000		2 bus stops identified	Completed June 2015
Chorley Town East	Alleygate Phase 3	Corporation Street Stump Lane/Aniline St alley gate scheme	Irene Elwell		£10,000	Resident consultation completed for Stump Lane/Aniline St	Jan-16
Chorley Town East	Northgate and Coltsfoot Planting	Screen planting to protect from Motorway and Ind Estate	Sean Blake		£0	Rockery and beds structure complete -planting will commence in spring 2016	Mar-16
Chorley Town East	Rangletts Friends Group	Establish and support a community group to utilise the recreation ground	Natalie Holt		£1,000	Commence Sept/Oct 2015	
Eastern Parishes	Wheelton cobbles	Repair the cobbled walkway leading to the the village hall	Steve Hart	£3,100	£0	This includes the work from a previous priority to open access to the play area	Completed Sept 2015
Eastern Parishes	Hoghton War Memorial	Repair and enhance the war memorial with additional seating/community area.	Bernie Heggarty	£6,500	£0	quotations being obtained	tbc
Eastern Parishes	Goit Footpath	Undertake repair and improvements to the footpath to provide a resilient walking surface	Sean Blake		£1,500	Quotes for work being sought	tbc
Euxton Astley B'shaw	Chancery Road Improvements	Chancery Road improvements to planting and gateway yo Astley Park	Sean Blake		£2,000	Scheme agreed and prices being obtained	tbc
Euxton Astley B'shaw	Balshaw Lane Ponds	Balshaw Lane ponds - improvement works to create community space	Louisa Mor		£1,500	Work on hold	n/k

Euxton Astley B'shaw	Primrose Hill School	Work with Primrose Hill school to develop a woodland space for school and community use	Natalie Holt / Louisa Mor	£1,945	£3,000	Scheme and project plan agreed and work commenced	Mar-16
Southeast Parishes	Park Road Alleygate Scheme	Implement an alleygate sceme for backs to 99 - 109A	Irene Elwell		£3,000	Residents consultation completed	Jan-16
Southeast Parishes	Anderton Gateway	Design and construct flowerbed and planting to the Anderton southern gateway to the borough	Simon Forster		£1,500	Group consultation and intial design complete	Jan-16
Southeast Parishes	Park Road Bridge	Repaint/repair to railings	Steve Hart	£2,400	£0	completed	Completed Sept 2015
		TOTALS		£24,870	£37,000		

<u>RAG rating</u>	<u>Exec Member Spend Agreed</u>
Amber	
Green	04-Jun-15
Green	01-Oct-15
Green	23-Jul-15
Green	
Green	04-Jun-15
Green	

Amber	
	n/a
	04-Jun-15
	04-Jun-15
Green	
Green	
Green	
Green	04-Jun-15
Green	22-Jun-15
Green	
Green	
Amber	

Green	04-Jun-15
Green	
Green	
Green	04-Jun-15



Report of	Meeting	Date
Director of Public Protection, Streetscene and Community (Introduced by the Executive Member for Community Services)	Executive Cabinet	22 October 2015

WYMOTT BOWLING CLUB - PROPOSAL

PURPOSE OF REPORT

1. To inform members of and seek approval for a proposal to purchase the site of the Wymott Bowling Club from Her Majesties Prison Service and to lease the site to the Bowling Club.

RECOMMENDATION(S)

2. That Members approve the use of £55,000.00 to support the Wymott Bowling Club, the funds to be used to purchase the Wymott Bowling Club site and the remainder to be used as a grant to support improvement works.
3. That Chorley Council enter into negotiation with HMP for the purchase of the Wymott Bowling Club site for a price of up to £50,000.00
4. That Members give delegated authority to the Executive Member for Community Services to agree to the purchase of the Bowling Club site for the price of up to £50,000.00 on terms to be agreed and recommended by the Head of Governance and Property.
5. That Members agree to the granting of a lease to the Wymott Bowling Club of the site for a period of 25 years, at a rent to be agreed and that there be delegated authority to the Head of Governance and Property to agree those terms and sign the lease.

EXECUTIVE SUMMARY OF REPORT

6. Wymott Bowling Club have successfully run a bowling club at the site for a number of years. The site is owned by Her Majesties Prison Service and consists of an unused building (which requires demolition), bowling greens and car parking area. In addition the club have invested their own monies providing seating, planting and landscaping and tea and coffee making facilities.
7. HMP have indicated a desire to sell the site.
8. The Bowling Club successfully applied to have the site listed as a community asset. This application was approved on the basis it is a valuable community resource in that area, providing not only club facilities for members but also a focal point for the local area. The facility is used by residents who simply come to watch the bowls and use the tea and coffee facilities. There is no similar provision in this area.
9. The Bowling Club have approached the Council with a proposal whereby the Council will buy the site and lease it to the Club. In turn the Club will take on responsibility for the site as is, including the requirement to demolish the existing building. The Club are also seeking a grant from the Council to support their improvement works. The combined amount the proposal from the Club seeks from the Council is £55,000.00.
10. The Club will be seeking grants from other organisations to undertake works to improve the site but their aim is for this facility to be self sustaining.
11. The proposal does have a cost to the Council but does meet the Council's Strategic aims of:-
 - a. Involving residents in improving their local area and equality of access for all;
 - b. Clean safe and healthy communities; and

- c. An ambitious council that does more to meet the needs of the residents and the local area.
- 12. In addition it should be noted that this is a rural community with limited access to similar community provision.
- 13. The proposed purchase cost can be met from the Council's Play and Pitch Strategy Projects budget.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)
(If the recommendations are accepted)

- 14. This proposal supports 3 of the Council's corporate priorities and retains a community asset in a location where there are no other similar facilities.
- 15. It supports the Council's preferred delivery model of local community assets being administered by community groups.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 16. Not pursuing this proposal will lose a valuable community asset in an area that is not served by any alternatives. Further, this will be another bowling club lost to the Borough which may have an impact on other clubs who participate in the league competition.

CORPORATE PRIORITIES

- 17. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

- 18. Wymott Bowling Club came into operation in 1984. The bowling green was built and funded by the members.
- 19. The Club have invested in both the green and the surrounds, erecting 2 shelters, a large cabin used for storage and refreshments and another cabin to store the machinery needed to maintain the green. There is also a metal cabin that houses the bowls used for tuition. The Club have also landscaped the area and placed a number of benches around the green.
- 20. Originally the Club were able to use a club house on the site, however this has fallen into disrepair due to its age and the fact it would be uneconomic to improve it. As a result there has been continued investment by the Club including the purchase of a generator.
- 21. The Club have 44 members and are involved in a number of bowling leagues as well as providing a venue for social bowling activities for members and non-members. The Club have a history of working with Chorley Council and support our get up and go initiatives including regular tuition sessions on Fridays.
- 22. The Prison Service have now indicated an intention to sell the site to raise funds. Part of the Condition of the sale will be the new owners are to arrange for the demolition of the club house building. Upon being made aware of this proposal the Club successfully applied for

the site to be listed as a Community Asset and commenced negotiations with the Prison Service for the purchase of the site.

23. The site has a reserve price of £50,000.00 although to support the Club they believe that the Prison Service will accept less. The low valuation of the site is for 2 reasons, firstly the land has little redevelopment value as it is allocated for leisure use and secondly there is the cost of demolishing and removing the old club house.
24. The Council have valued the site at £35,000.00, but this is on the basis of the obligation to demolish the club house building being discharged by the Council. The value of the cleared site is closer to the reserve price.

WYMOTT BOWLING CLUB - PROPOSAL

25. The Club have raised some funds however, they are not in a position to both purchase the site and pay for the demolition and removal of the club house. They have therefore proposed the following:-
 - a. That Chorley make available the sum of £55,000.00.
 - b. Chorley Council use part of the £55,000.00 to purchase the site from Her Majesties Prison Service;
 - c. Chorley Council grant a long lease (25 years) to the Wymott Bowling Club;
 - d. The Wymott Bowling Club will undertake the demolition of the former club house building as a requirement of the lease; and
 - e. The rent be nominal for the first 7 years with a rent review at the end of that period.
 - f. The balance of the sum of £55,000.00 be used as a grant to the Club to assist in the improvement of the site including the demolition of the derelict club house.
26. The proposal has the following benefits:-
 - a. The Club will retain the use of an asset into which they have invested significant time and money;
 - b. The area will retain a community asset that is used not only by members of the Club but also other clubs in league matches and local residents who can play as non-members;
 - c. Residents of Ulnes Walton community also attend to watch the bowls and for the social interaction;
 - d. It supports three Council Priorities;
 - e. It protects an area of green space in a rural location from development for housing.
27. The Club also have plans for future community development on the site. They are investigating obtaining grants which would assist them in providing a replacement club house which could serve as a café location but could also be hired out for other local community uses. They would also look to work with HMP Wymott to provide work placements for prisoners in the café and also working on the greens and landscaping.

COUNCIL SPECIFIC CONSIDERATIONS

28. The Council recognises that this is the only community based centre in Ulnes Walton and the provision of this facility contributes to addressing issues of social isolation in rural areas. It will provide a focal point for community based activities and will be community run which again is an aim of the council for this type of asset.
29. The Council's investment in the site is protected by the reversionary interest at the end of the lease and it will be a condition that the site is to be used as a Bowling Club and community venue. In the event the use ceases the lease will end and the Council will have the site passed back.

IMPLICATIONS OF REPORT

30. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	x	Customer Services	
Human Resources		Equality and Diversity	
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

31. The purchase can be funded from the Council budget for Recreational Pitch/Open Space Strategy. Every effort will be made to limit the initial expenditure on the purchase price through negotiation with HMP and the Ministry of Justice.
32. Following on from the purchase the additional grant funding from CBC to the Wymott Bowling Club to assist in the demolition of the unused building will also be funded from the Recreational Pitch/Open Space Strategy budget.
33. Schemes originally identified in the Recreational Pitch/Open Space budget may still go ahead in the future. Some schemes may require additional requests for capital funding.

COMMENTS OF THE MONITORING OFFICER

34. There are no legal restrictions on the proposed property deals. Best value can be demonstrated by the continued delivery of a valuable local community club.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160		



Report of	Meeting	Date
Director of Public Protection, Streetscene and Community (Introduced by the Executive Member for Public Protection)	Executive Cabinet	22 October 2015

REVIEW OF OPEN SPACE BYELAWS

PURPOSE OF REPORT

1. To seek approval to update the Council’s open space byelaws following the consultation to seek views regarding any changes.

RECOMMENDATION(S)

2. That approval is given to incorporate the changes to the Council’s open space byelaws as detailed in the report.

EXECUTIVE SUMMARY OF REPORT

3. The byelaws relating to use of Council owned open spaces have not been reviewed since 2004 (see Appendix 1). On 23rd October 2014 an Executive Cabinet Report granted approval to review the open space byelaws and to under- take consultation to seek views regarding any changes.
4. The consultation was undertaken from 20th November 2014 until 14th February 2015.
5. The report details the consultation responses together with a response regarding the proposed changes to the open space byelaws.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

Key Decision? Please bold as appropriate	Yes	No
--	-----	----

Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

6. It is over 10 years since the byelaws were reviewed and given the changes in open space during this period it is now appropriate to update them.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 7. Not to update the open space byelaws

CORPORATE PRIORITIES

- 8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	✓	A strong local economy	
Clean, safe and healthy communities	✓	An ambitious council that does more to meet the needs of residents and the local area	✓

BACKGROUND

- 9. The byelaws relating to use of Council owned open spaces have not been reviewed since 2004 (see Appendix 1). In October 2014 an exec cabinet report granted approval to review the open space byelaws and to undertake consultation to seek views regarding any changes.
- 10. The consultation was undertaken from 20th November 2014 until 14th February 2015. It was advertised in the following places -

- In The Borough,
- In The know,
- Council website
- Press release,
- Parish Councils,
- Community centres
- Sports clubs
- Astley Advisory Group
- Yarrow Valley Advisory Group
- Chorley Allotments Society
- Time Credits
- LCC
- EA,
- LWT
- Cuerden Valley Trust

CONSULTATION RESPONSE

- 11. There was a total of 29 consultation responses
- 12. 38% of respondents were happy with the existing by-laws and 62% thought that they should be updated.
- 13. 45% of respondents thought that new by-laws should be added.
- 14. The table below highlights the areas proposed to be changed, updated or removed by respondents together with the Council's response.

Issue highlighted to be changed, updated or removed.	Council Response
<p>Part 2. - 4. 7. Protection of Wildlife. Add into this section that Dogs should be in leads in wildlife areas.</p> <p>Part 5. Dogs should be kept out of waterways.</p>	<p>This is already covered under separate legislation.</p> <p>This will be considered further.</p>
<p>Regarding dog fouling, dogs barking and intimidating members of the public, disturbing wildlife. Owners should be prosecuted.</p>	<p>This is covered under the Chorley Council Dog Control Orders and a new byelaw would not be appropriate - see Appendix 2.</p>
<p>Dogs should be kept on leads in small public open spaces and parks</p>	<p>This is covered under the Chorley Council Dog Control Orders and a new byelaw would not be appropriate - see Appendix 2.</p>
<p>Clause 25 – Archery. Chorley Council are in the process of formally leasing out Wigan Lane Playing Fields to Chorley Bowmen. This will be by licence agreement. Should the clause be updated to expand on current archery use in the Borough?</p>	<p>Clause to be changed to include ‘except with prior consent of the Council on land set aside for the purpose’</p>
<p>Clause 46 Metal Detectors– Chorley Bowmen use a metal detector at Wigan Lane Playing Fields for safety purposes to find lost arrows.</p>	<p>The lease agreement will reflect this consent.</p>
<p>Clause 21 – Skateboarding etc. Rollerblading, scooting, staking is a popular sport and a valuable means of exercise. It should not be restricted in public areas, however users should be minded to behave responsibly.</p>	<p>This will be considered further.</p>
<p>Clause 16 - Motor vehicles. Call for an exception to be made to the current ban of motorcycle use on Chorley Council land to include motorcycle trials and quad bikes. All forms of motorcycling are currently treated in the same way i.e. by prohibition. I would like Chorley Council to make allowances and seek recognition for responsible and managed motorcycle sport in new bye-laws and also set aside a designated area where this sport can take place. Trails motorcycling to be seen as an acceptable sport. Allow organised motorcycle sporting events on Council land with prior consent.</p>	<p>Bye-laws to be changed to include permission for motorcycles on Council land subject to prior approval from Chorley Council.</p>
<p>Clause 14 Horses, 15 Cycling, 16 Motor vehicles, 17 Overnight parking, 21 Skateboarding, 30 Bathing, 13 Ice Skating, 32 Model Boats. Update to allow for organised and approved sporting activities under lease agreement of a club organisation to carry out these activities where agreeable. Add “unless with the consent of the Council”</p>	<p>Clause to be changed to include ‘except with prior consent of the Council’</p>
<p>Clause 14 –Horses. Horses are currently forbidden to use open spaces. Often there are no bridleways locally and riders are</p>	<p>This will be considered further.</p>

forced to use busy roads when safe routes through open spaces would be more appropriate.	
Part 6 Model Aircraft – to allow for UAV/Drone use without express consent from the Council but within CAA guidelines, possibly with time limits added. See Appendix 3 for CAA guidelines.	There is a call from the House of Lords to make it compulsory to register all commercial and civilian drones amid growing concern over the use of drones by private individuals with limited knowledge of aviation rules. Use of drones to record images of other people without their consent could be considered as a breach of the Data Protection Act. Anyone using a drone for commercial use needs permission from the Civil Aviation Authority (CAA). Drones will only be allowed on Council owned land with prior consent.
At leased sporting venues there should be the option to sell / consume alcohol with a license.	Will be considered on a case by case basis.
Clause 10 – Fires. Could the Council’s stance on BBQ in POS be made clearer?	The byelaws will be updated to all fires in POS including BBQs.
Clause 19 – Children’s Play Areas. Should the age limit be changed to 16?	Age limit to be changed to 16 (unless accompanying children)
Schedule 3 – Byelaw 39 needs to be updated to reflect the new days and times.	Byelaws will be updated accordingly.
Schedule 1 – Lists of Grounds needs to be updated using data from Play, Open Space and Playing Pitch Strategy	List to be updated and further categories given to Nature Reserves, Allotments, Cemeteries, Open Spaces. See Appendix 4.

IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

16. There are no direct financial implications arising from the review of the Council’s open space byelaws.

COMMENTS OF THE MONITORING OFFICER

17. The procedure for revoking or making bye-laws is contained within the Local Government Act 1972 as amended and consideration should be given to ensure this is correctly followed.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jamie Dixon	5250	29-09-2015	EC Byelaws review 22-10-2015

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Report



Report of	Meeting	Date	Item No
Head of Parks, Cemeteries and Greenspace	General Purposes Committee	21/07/2004	3

ADOPTION OF NEW PARK BYELAWS

PURPOSE OF REPORT

- To approve and adopt a new set of byelaws for the Council's parks and green spaces.

CORPORATE PRIORITIES

- The report does not relate directly to corporate priorities.

RISK ISSUES

- The issues raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	✓
Financial		Operational	
People		Other	

- Failure to update the byelaws could risk good order and public safety in our parks and green spaces.

BACKGROUND

- The latest sets of byelaws were adopted in the early 1980's and are in need of revision.
- The Home Office now produce a model set of byelaws which can be amended to suit local conditions but, by keeping to the original as much as possible, their confirmation can be "fast tracked".
- The proposed set of byelaws (attached) have been prepared in consultation with the Director of Legal Services and are much more comprehensive than the previous ones.

CHANGES

- New byelaws not previously covered include:
 - The protection of wildlife
 - Horse riding
 - Ball games
 - Model aircraft
 - Metal detectors
 - Cycle tracks
 - Skateboarding

- 9. There is a new power to prevent trading within the parks. This has been a particular nuisance at the golf course.
- 10. The Home Office “notes” comment about the desirability of carrying out consultations in respect of horse riding, metal detectors and power-driven model aircraft in general and in respect of skateboarding, roller skating and cycling where these activities may be confined to specific areas.
- 11. Consultations have not been carried out with the various interest groups because the parks and open spaces simply do not permit these activities to be pursued without detriment to the safety of the general public.

COMMENTS OF THE DIRECTOR OF LEGAL SERVICES

- 12. Any comments will be reported verbally at the meeting.

COMMENTS OF THE DIRECTOR OF FINANCE

- 13. There are no direct financial implications arising from adopting the proposed Byelaws. However, any increases in enforcement activity might have such an implication.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 14. There are no HR implications to this report.

RECOMMENDATION

- 15. That the Byelaws for Pleasure Grounds, Public Walks and Open Spaces are approved and adopted.

DAVID JONES
 HEAD OF PARKS, CEMETERIES AND GREENSPACE

Background Papers			
Document	Date	File	Place of Inspection
Model Set of Byelaws	-	-	Parks Offices Duxbury Park
Report Author	Ext	Date	Doc ID
David Jones	235801	29/06/2004	LSM162

Chorley

Borough Council



Byelaws for Pleasure Grounds, Public Walks and Open Spaces



ARRANGEMENT OF BYELAWS

PART 1 GENERAL

1. General Interpretation
2. Application
3. Opening times

PART 2 PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

PART 3 HORSES, CYCLES AND VEHICLES

13. Interpretation of Part 3
14. Horses
15. Cycling
16. Motor vehicles
17. Overnight parking

PART 4 PLAY AREAS, GAMES AND SPORTS

18. Interpretation of Part 4
19. Children's play areas
20. Children's play apparatus
21. Skateboarding etc.
22. Ball games
24. Cricket
25. Archery
26. Field Sports
27. Golf

**PART 5
WATERWAYS**

- 29. Interpretation of Part 5
- 30. Bathing
- 31. Ice Skating
- 32. Model Boats
- 33. Boats
- 34. Fishing
- 35. Pollution of waterways
- 36. Blocking of watercourses

**PART 6
MODEL AIRCRAFT**

- 37. Interpretation of Part 6
- 38. General prohibition
- 39. Use permitted in certain grounds
- 40. Exemptions for certain types of model aircraft

**PART 7
OTHER REGULATED ACTIVITIES**

- 41. Trading
- 42. Excessive noise
- 43. Public shows and performances
- 44. Aircraft, hand-gliders and hot-air balloons
- 45. Kites
- 46. Metal detectors

**PART 8
MISCELLANEOUS**

- 47. Obstruction
- 48. Savings
- 50. Removal of offenders
- 51. Penalty
- 52. Revocation

SCHEDULE 1

List of Grounds

SCHEDULE 2

Rules for Playing Ball Games in Designated Areas

SCHEDULE 3

Grounds in which use of Model Aircraft is Permitted

Byelaws made under (Section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906) by the Council of Chorley with respect to pleasure grounds, public walks and open spaces.

PART 1

GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the Council of Chorley;

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

“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 areas listed in Schedule 1.

Opening times

3. 1. No person shall enter or remain in the ground except during opening hours.
2. “Opening hours” means the days and times during which the ground is open to the public indicated by a notice placed in a conspicuous position at the entrance to the ground.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. 1. No person shall without reasonable excuse 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 turn 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

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

Grazing

6. No person shall without the consent of the Council turn out or permit any animal for which he is 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 nets or the laying of snares.

Gates

8.
 1. No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
 2. Byelaw 8(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 light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
 2. Byelaw 10(1) shall not apply to:
 - (a) any event at which the Council has given permission that fires may be lit;
 - (b) the use in a designated area for camping of a properly constructed camping stove or barbecue in such a manner as to safeguard against damage to the ground or danger to any person.

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.

Interference with life-saving equipment

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

PART 3**HORSES, CYCLES AND VEHICLES****Interpretation of Part 3**

13. In this Part:

“designated route” means a route in or through the grounds which is set aside for a specified purpose, that route and its purpose of 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 a mechanically propelled vehicle other than a motor cycle or invalid carriage;

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

Horses

14.
 1. No persons shall rise a horse in the ground except in the exercise of a lawful right or privilege.
 2. In any part of the ground 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

15. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is right of way for cycles or on a designated route for cycling.

Motor vehicles

16. 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 for that class of vehicle.

Overnight parking

17. No person shall without the consent of the Council leave or cause or permit to be left any motor cycle, motor vehicle or trailer in the ground between the hours of 6pm and 6am.

PART 4**PLAY AREAS, GAMES AND SPORTS****Interpretation of Part 4**

18. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas

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

Children’s play apparatus

20. 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.

Skateboarding Etc

21. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.

Ball games

22. No person shall play ball games outside a designated area for playing ball games in such a manner:

(a) as to exclude persons not playing ball 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.

23. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 2 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

24. No person shall throw or strike with a bat a cricket ball except in a designated area for playing cricket.

Archery

25. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field Sports

26. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council (or on land set aside by the Council for the purpose).
27. No person shall drive, chip or pitch a hard golf ball except on the golf course.
28. 1. No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council;
2. No person shall walk or run on or across the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged; or
- (b) doing so in the exercise of a lawful right or privilege.
3. No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART 5**WATERWAYS****Interpretation of Part 5**

29. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool, or other body of water, and includes any fountain.

Bathing

30. No person shall without reasonable excuse bathe or swim in any waterway.

Ice Skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model Boats

32. No person shall operate a power-driven model boat on any waterway.

Boats

33. No person shall sail or operate any boat, dinghy, canoe, sailboard, or inflatable on any waterway without the consent of the Council.

Fishing

34. 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.
35. No person shall foul or pollute any waterway.

Blocking of watercourses

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

PART 6**MODEL AIRCRAFT****Interpretation of Part 6**

37. In this Part:

“model aircraft” means an 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) 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 2.54 centimetres in length; or
- (c) by one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

38. 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.

Use permitted in certain grounds

39. Byelaw 38 does not apply to the grounds listed in Part 3 of Schedule 1/Column 1 of the table in Schedule 3 on the days and at the times indicated for each ground in Column 2 of that table.

Exemptions for certain types of model aircraft

40. Byelaw 38/39 does not apply to any model aircraft which:
- (a) gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
 - (b) where it is reasonably practicable to fit, is fitted with an effectual silencer or similar device.

PART 7**OTHER REGULATED ACTIVITIES****Trading**

41. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

42. 1. No person shall, after being requested to desist by any other person in the grounds:
- (a) by shouting or singing;
 - (b) by playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device;
- 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.
2. Byelaw 42(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

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

Aircraft, hand-gliders and hot-air balloons

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

Kites

45. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

46. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8**MISCELLANEOUS****Obstruction**

47. No person shall:

- (a) obstruct, disturb or annoy any officer of the Council in the proper execution of his duties;
- (b) obstruct or disturb any person carrying out an act which is necessarily to the proper execution of any contract with the Council; or
- (c) obstruct, disturb or annoy any other person in the proper use of the ground.

Savings

48. 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.
49. Nothing done in or 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

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

Penalty

51. 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

52. (a) The byelaws made by Chorley Borough Council on 11 February 1980 and confirmed by the Secretary of State on 1 May 1980 relating to Coronation Recreation Ground, Astley Park, Tatton Recreation Ground, Jubilee Playing Fields, Duxbury Jubilee Park and King George V Playing Fields are hereby revoked.
- (b) The byelaws made by Chorley Borough Council on 19 March 1982 and confirmed by the Secretary of State on 26 May 1982 relating to Harper's Lane Recreation Ground, Ranglett's Recreation Ground and Gillett Playing Fields, Limbrick, are hereby revoked.
- (c) The byelaws made by Chorley Borough Council on 11 April 1984 and confirmed by the Secretary of State on 20 June 1984 relating to Chisnall Hall Playing Fields, Coppull are hereby revoked.

SCHEDULE 1**LIST OF GROUNDS**

The Grounds referred to in byelaw 2 are:

PARKS, PLAYING FIELDS AND RECREATION GROUNDS

Astley Park, Chorley
 Buckshaw Playing Fields, Astley Village, Chorley
 Canal Basin, Chorley Old Road, Whittle-le-Woods
 Chisnall Hall Playing Fields, Coppull
 Coronation Recreation Ground, Devonshire Road, Chorley
 Denham Hill Quarry, Holt Lane, Brindle
 Duxbury Jubilee Park
 Duxbury Jubilee Park Golf Course
 Gillett Playing Fields, Limbrick
 Gillett Ravine, Stansted Road, Chorley
 Harper's Lane Recreation Ground, Erskine Road, Chorley
 Jubilee Playing Fields, Park Road, Adlington
 King George's Field, Chorley Road, Adlington
 Ranglett's Recreation Ground, Brindle Street, Chorley
 School Lane Playing Field, Brinscall
 Tatton Recreation Ground, Silverdale Road, Chorley
 Wigan Lane Playing Field, Chorley
 Withnell Linear Park, Railway Road, Brinscall
 Yarrow Valley County Park, Birkacre Road, Coppull

EQUIPPED PLAY AREAS

Abbey Village Play Area, Bolton Road, Abbey Village
 Astley Park, Chorley
 Blackcroft Play Area, Clayton-le-Woods
 Briarswood Play Area, Eccleston, Chorley
 Brookside Play Area, Coppull
 Broom Close Play Area, Clayton-le-Woods
 Canal Basin, Chorley Old Road, Whittle-le-Woods
 Carr Brook Trim Trail, Clayton-le-Woods
 Congress Street Play Area, Chorley
 Coronation Recreation Ground, Devonshire Road, Chorley
 Cotswold House Play Area, Cotswold Road, Chorley
 Crosslands Play Area, Chorley

Dahlia Close Play Area, Clayton-le-Woods
Draperfield Play Area, Eaves Green, Chorley
Dunham Drive Play Area, Whittle-le-Woods
Epping Place Play Area, Chorley
Foxcote Play Area, Astley Village, Chorley
George Street Play Area, Chorley
Gillibrand Ravine Play Area, Stansted Road, Chorley
Gough Lane Play Area, Clayton-le-Woods
Grafton Street Play Area, Adlington
Grey Heights View Play Area, Chorley
Harper's Lane Recreation Ground, Erskine Road, Chorley
Harvest Drive Play Area, Whittle-le-Woods
Hurstbrook Play Area, Coppull
Jubilee Playing Fields, Park Road, Adlington
King George's Field, Chorley Road, Adlington
Knowley Brow Play Area, Heapey Road, Chorley
Lodge Bank Play Area, Brinscall
Manor Road Play Area, Clayton-le-Woods
Orchard Drive Play Area and Trim Trail, Whittle-le-Woods
Railway Road Play Area, Chorley
Ranglett's Recreation Ground, Brindle Street, Chorley
Tarnbeck Drive Play Area, Mawdesley, Ormskirk
Tatton Recreation Ground, Silverdale Road, Chorley
The Cedars Play Area, Eaves Green, Chorley
The Oaks Play Area, Eaves Green, Chorley
The Rydings Play Area, Whittle-le-Woods
Ullswater Road Play Area, Chorley

SCHEDULE 2

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS

Byelaw 23

Any person using a designated area for playing ball games must comply with the following rules:

1. No person shall play any game other than those ball games for which the area has been set aside.
2. No person shall obstruct any other person who is playing in accordance with these rules.
3. Where exclusive use has been granted to a person or group of persons by the Council for a specified period, no other person shall play during that period.
4. Subject to paragraph (5), where the area is already in use by any person their permission to play must be sought by any other person wishing to play.
5. Except where they have been granted exclusive use by the Council for more than two hours, any person using the area shall vacate it if they have played continuously for two hours or more and know that any other person wishes to use the area.
6. No person shall play when a notice has been placed in a conspicuous position by the Council prohibiting play in that area of the ground.

SCHEDULE 3

GROUNDS IN WHICH USE OF MODEL AIRCRAFT IS PERMITTED

Byelaw 39

Days and times of use

Name or Description of ground	Days and times at which use of model aircraft is permitted
Lower Burgh Meadows, Eaves Green, Chorley	Tuesdays 2.00pm - 7.30pm (during British summertime) Tuesdays 12.00pm - 5.30pm (outside British summertime) Fridays 2.00pm - 7.30pm (during British summertime) Fridays 12.00pm - 5.30pm (outside British summertime) Sundays 11.00am - 4.00pm (all year) Bank Holidays 12.00pm - 4.00pm on Easter Monday, May Day Bank Holiday, Spring Bank Holiday and August Bank Holiday. There shall be no flying on Good Friday, Easter Sunday, Remembrance Sunday or Christmas Day.

Appendix 2

DOG CONTROL ORDERS AND NEW ASB POWERS

Legislation (Dangerous Dogs Act 1991, Dogs Act 1971 and Animal Welfare Act 2006)

Where dogs should be kept on a lead on public open space?

The Council's current powers in relation to dogs on leads can be found in two Control Orders which were made by the Council in 2012:

The DOGS ON LEADS (CHORLEY COUNCIL) ORDER 2012 and the DOGS ON LEADS BY DIRECTION (CHORLEY COUNCIL) ORDER 2012.

The primary principle of dog control is clearly that dog owners are responsible for ensuring that their dogs are under control at all times, and this can be done by owners having well trained dogs that 'walk to heel' and obey command without hesitation.

If the owner (or person in control of dog at the time) is not confident that they can control the dog in this way then the default position should be that they keep the dog on a lead when in public. This is not a legal requirement but is good evidence of responsible dog ownership.

However there are places and occasions when a dog must be on a lead irrespective of its level of training and obedience, not only as an added control measure for the owner but also as reassurance to others in the area that the dog is under control –in particular this is the case on pavements, roads, around residential areas and public space where other activities may be taking place Hence the Dogs on Leads (Chorley Council) Order 2012 has a schedule of places where it is an offence to have a dog off a lead. These places are:

1. Any road or carriageway with a speed limit of 40 mph or less and adjoining footpaths and verges.
2. Adopted, publicly maintained footways, footway links and adjoining verges.
3. Footpaths, walkways and paths linked or associated with play areas owned by Chorley Council.
4. Land provided or used for public enjoyment, recreation and sporting or educational purposes during an organised activity on that land.
5. Land, which is used as a market or fair or for the sale of goods.
6. Land used for the consumption of food or drink in connection with any trade, business or undertaking supplying food or drink.
7. Land which is any forecourt, terrace, yard or walkway providing access to or adjoining any building to which the public resort or have access to.
8. Land, which is any platform, forecourt, waiting area, walkway or shelter at any bus, or rail station, hackney carriage rank or designated hackney carriage waiting place.
9. Land, which is used as memorial, burial ground, cemetery, garden or remembrance and adjoining footpaths and verges.

It should be noted that (2) relates to 'made up' (flagged, tarmac) pavements and footpaths and that unmade public footpaths are not included e.g. of the type of path in a country park or in the countryside in general.

Failure to have a dog on a lead in these places in the first instance could result in a fixed penalty notice (£75) being issued to the owner (or person in control of dog at the time)

The Dogs on Leads By Direction (Chorley Council) Order 2012 gives authorised officers (Neighbourhood Officers and PCSO's) the power to direct the dog owner (or person in control of dog at the time) to put the dog on a lead where the officer believes the dog is causing a nuisance or out of control. This Order specifies certain places where officers can use this power:

1. Open to the air (which includes land that is covered but open to the air on at least one side):
and
2. to which the public are entitled or permitted to have access with or without payment.

The purpose of this power is generally for use at events on public open space such as Picnic in the Park. Failure to abide by a direction from an officer is an offence which is dealt with by fixed penalty notice (£75)

In addition the Council has a dog control Order which excludes dogs from certain places, the DOGS EXCLUSION (CHORLEY COUNCIL) ORDER 2012.

This Order prohibits dogs from certain Council owned areas as follows:

1. Play area
2. Multi use games area and ball court
3. Bowling green (except the Order shall not apply to the perimeter footpath around the said bowling green)
4. Skate park, BMX track or youth shelter
5. Sports pitch at such times as when an organised sporting activity is taking place
6. Fountain, water feature, pond or ornamental lake
7. Cemetery or crematorium grounds (except that the Order shall not apply to highways or footpaths within the said cemetery or crematorium grounds).

In terms of (6) it should be noted that the intention of the Order is not to prevent dogs accessing large bodies of water. Failure to abide by this Order is also dealt with by fixed penalty notice (£75)

Finally the recent introduction of new anti-social behaviour powers under the Anti- Social Behaviour Crime and Policing Act 2014 was reported to Executive Cabinet last year and includes a replacement power for the above Control Orders. This is the Public Space Protection Order (PSPO) and the Council will need to have PSPO's in place before the above Orders expire in mid-2017. PSPO's are intended to restrict activities/behaviour on public land that could give rise to or are causing anti-social behaviour. For information there are a number of tests that have to be passed for a PSPO to be made.

Current Home Office guidance suggests that the activity/behaviour being restricted has to: behaving, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable.

Therefore in translating the above tests into a PSPO that restricts behaviour/activity such as having a dog off a lead in a public space will no doubt generate some interesting debate.

Appendix 3

Summary of UK legal requirements

This is a summary of the legal situation in plain English. Please refer to the air navigation order on the CAA site for specific details.

The operation of the aircraft must not endanger anyone or anything.

The aircraft must be kept within the visual line of sight (normally taken to be within 500 m horizontally and 400 ft vertically) of its remote pilot (i.e. the 'person in charge' of it). Operations beyond these distances must be approved by the CAA (the basic premise being for the operator to prove that he/she can do this safely).

Small unmanned aircraft (irrespective of their mass) that are being used for surveillance purposes are subject to tighter restrictions with regard to the minimum distances that you can fly near people or properties that are not under your control. If you wish to fly within these minima, permission is required from the CAA before operations are commenced.

CAA permission is also required for all flights that are being conducted for aerial work (i.e. in very simple terms, you are getting paid for doing it).

The 'remote pilot' has the responsibility for satisfying him/herself that the flight can be conducted safely.

The aircraft must not be flown:

- over or within 150 metres of any congested area
- over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft
- within 50 metres of any person except during take-off or landing, the aircraft must not be flown within 30 metres of any person except for the person in charge of the aircraft.

Details of UK restricted airspace can be found at www.skydemonlight.com

Careful note should be taken that the collection of images of identifiable individuals, even inadvertently, when using surveillance cameras mounted on a small unmanned surveillance aircraft, will be subject to the Data Protection Act. As this Act contains requirements concerning the collection, storage and use of such images, Small Unmanned Aircraft operators should ensure that they are complying with any such applicable requirements or exemptions. Further information about the Data Protection Act and the circumstances in which it applies can be obtained from the Information Commissioner's Office and website: www.ico.org.uk

Civil Aviation Authority . Small Unmanned Aircraft (20kg or less) Specific regulations

For aircraft of 20 kg or less, these are referred to as a 'small unmanned aircraft', for which the requirements are a little less stringent and are covered within Articles 166 and 167.

Article 166

1. A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

2. The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.
3. The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.
4. The person in charge of a small unmanned aircraft which has a mass of more than 7 kg excluding its fuel but including any articles installed in or attached to the aircraft at the commencement of its flight, must not fly such an aircraft:
 - a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
 - b) within an aerodrome traffic zone during the notified hours of watch of the air traffic unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
 - c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) above and in accordance with the requirements for that airspace.
5. The person in charge of a small unmanned aircraft must not fly such an aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Small Unmanned Surveillance Aircraft

Article 167

1. The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.
2. The circumstances referred to in paragraph (1) are:
 - a) over or within 150 metres of any congested area;
 - b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
 - d) subject to paragraphs (3) and (4), within 50 metres of any person.
3. Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.
4. Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.
5. In this article 'a small unmanned surveillance aircraft' means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Appendix 4

SCHEDULE 1 - LIST OF GROUNDS

The Grounds referred to in byelaw 2 are:

PARKS, PLAYING FIELDS AND RECREATION GROUNDS

- Astley Park, Chorley
- Westway Playing Fields, Astley Village, Chorley
- Buttermere Green, Chorley
- Canal Basin, Chorley Old Road, Whittle-le-Woods
- Carr Brook Linear Park
- Chancery Road Pony Field (Derian House)
- Chisnall Hall Playing Fields, Coppull
- Cottage Fields, Eaves Green, Chorley
- Coronation Recreation Ground, Devonshire Road, Chorley
- Denham Hill Quarry, Holt Lane, Brindle
- Duxbury Park
- Duxbury Park Golf Course
- Fairview Community Centre Playing Pitches
- Gillett Playing Fields, Limbrick
- Gillibrand Playing Fields
- Harper's Lane Recreation Ground, Erskine Road, Chorley
- Jubilee Playing Fields, Park Road, Adlington
- King George's Field, Chorley Road, Adlington
- Ranglett's Recreation Ground, Brindle Street, Chorley
- School Lane Playing Field, Brinscall
- Tatton Recreation Ground, Silverdale Road, Chorley
- Wigan Lane Playing Field, Chorley
- Withnell Linear Park, Railway Road, Brinscall
- Yarrow Valley County Park, Birkacre Road, Coppull

EQUIPPED PLAY AREAS

- Abbey Village Play Area, Bolton Road, Abbey Village
- Amber Drive Play Area, off Yarrow Road, Chorley
- Astley Park, Chorley
- Briarswood Play Area, Eccleston, Chorley
- Broom Close Play Area, Clayton-le-Woods
- Buttermere Green Play Area, Chorley
- Canal Basin, Chorley Old Road, Whittle-le-Woods
- Carr Brook Trim Trail, Clayton-le-Woods
- Clematis Close Play Area, Chorley
- Coronation Recreation Ground, Devonshire Road, Chorley
- Dahlia Close Play Area, Clayton-le-Woods
- Eaves Green Play Area, Community Centre, Chorley
- Fairview Community Centre Play Area, Adlington
- Foxcote Play Area, Astley Village, Chorley
- Gough Lane Play Area, Clayton-le-Woods
- Grafton Street Play Area, Adlington
- Grey Heights View Play Area, Chorley
- Harper's Lane Recreation Ground, Erskine Road, Chorley
- Harvest Drive Play Area, Whittle-le-Woods
- Hawshead Avenue Play Area, Euxton

- Hurstbrook Play Area, Coppull
- Jubilee Recreation Ground, Park Road, Adlington
- Jubilee Way Play Area, Croston
- King George's V Play Area, Chorley Road, Adlington
- Knowley Brow Play Area, Heapey Road, Chorley
- Lodge Bank Play Area, Brinscall
- this is a parish council site
- Middlewood Close Play Area, Eccleston
- Milestone Meadow Play Area, Euxton
- Orchard Drive Play Area Whittle-le-Woods
- Osbourne Drive
- Railway Park Ballcourt, Brinscall
- Ranglett's Recreation Ground, Brindle Street, Chorley
- Redwing Drive, Chorley
- Stanstead Road Play Area, Stansted Road, Chorley
- Tarnbeck Drive Play Area, Mawdesley, Ormskirk
- Tatton Recreation Ground, Silverdale Road, Chorley
- The Bowers Play Area, Chorley
- The Willows Play Area, Chorley
- The Rydings Play Area, Whittle-le-Woods
- Union Street, Whittle-le-Woods, Chorley
- Wymott Park Play Area, Ulnes Walton
- Yarrow Valley Play Area, Coppull

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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