

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

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

CORPORATE PRIORITIES

2. The report does not relate directly to corporate priorities.

RISK ISSUES

3. 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	

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

BACKGROUND

5. The latest sets of byelaws were adopted in the early 1980's and are in need of revision.
6. 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".
7. 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

8. 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



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ARRANGEMENT OF BYELAWS

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2. Application
3. Opening times

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5. Unauthorised erection of structures
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
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11. Missiles
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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.