

HASTINGS BOROUGH COUNCIL

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC
WALKS AND OPEN SPACES**

CONSULTATION (INSERT DATE)



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SCHEDULE 1 - Grounds to which byelaws apply generally

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

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Hastings Borough Council;

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

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

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

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

Application

2. These byelaws apply to all of the grounds listed in Schedule 1.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

In this Part:

“Sky lantern” means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere.

Protection of structures and plants

3. (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 turf or the whole or any part of any plant, shrub or tree.

- (2) No person shall walk on or ride, drive or station a horse any vehicle over:
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

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

Climbing

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

Grazing

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

Protection of wildlife

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

Gates

8. (1) No person shall leave open any gate to which this byelaw applies and which they have 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.

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 or release a lighted sky lantern into the atmosphere.
 - (2) Byelaw (1) shall not apply to:

- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
- (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.

Missiles

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

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

In this Part:

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

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

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

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

Horses

13. (1) No person shall ride a horse except:
- (a) On a designated route for riding; or
 - (b) In the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted by virtue of Byelaw 13(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

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

Motor vehicles

15. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cyclists, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.
- (3) No person with written permission from the Council to enter a ground with a vehicle is to exceed 10mph.

Overnight parking

16. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10pm and 6am.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

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

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

Children’s play apparatus

18. 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

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

(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

20. 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.

Rules for ball games in designated areas

21. 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 these rules.

Cricket

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

Archery

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

Field sports

24. 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.

Golf

25. No person shall drive, chip or pitch a hard or soft golf ball.

PART 5

WATERWAYS

Interpretation of Part 5

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

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

Ice skating

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

Model boats

28. No person shall operate a power-driven model boat on any waterway except in a designated area for model boats.

Boats

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

Fishing

30. No person without the prior written permission of the Council shall in any waterway cast a net or line for the purpose of catching fish or other animals (except in a designated area for fishing).

Blocking of watercourses

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

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

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

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

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

Model Aircraft permitted in designated areas

32. 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; or
- (b) land in the ground without reasonable excuse;

other than in a designated area for flying model aircraft.

Model aircraft subject to certain control

33. Byelaw 32 does not apply to any model aircraft which is attached to a control line/kept under effective radio control.

Quieter types of model aircraft permitted

34. Bylaw 32 does not apply to any model aircraft which;

- (a) Gives a noise measurement of 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, fitted with an effectual silencer or similar device.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

- 36. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
 - (a) Shouting or singing;
 - (b) Playing on a musical instrument; or
 - (c) By operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 36(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

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

Aircraft, hang gliders and hot air balloons

- 38. 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, hang glider, or hot air balloon.

Kites

- 39. 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

40. (1) 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

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

Savings

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

Removal of offenders

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

Penalty

44. 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

45. The byelaws relating to skating on pieces of water in Alexandra Park which were made by the Hastings Borough Council on 7th March 1902 and confirmed by the Local Government Board on 30 April 1902 are revoked.

The byelaws relating to East and West Hills which were made by the Hastings Borough Council on 6 April 1923 and confirmed by the Minister of Health on 30 May 1923 are revoked.

The byelaws relating to Pleasure Grounds which were made by the Hastings Borough Council on 18 November 1965 and confirmed by the Secretary of State on 28 January 1966 are revoked.

The byelaws relating to Warrior Square Gardens (Restriction on Ball Games) made by the Hastings Borough Council on 17 April 2003 and confirmed by the Secretary of State on 30 May 2003 are revoked.

SCHEDULES

SCHEDULE 1

GROUNDS TO WHICH BYELAWS APPLY

The grounds referred to in byelaws 1 - 45 are as follows:

Alexandra Park

Amherst Gardens

Arborvale area of land north of Lilac Court

Archery Field

Beauharrow Pond

Beckley Close kick about area

Bembrook Road public open space and play areas

Bexhill Road recreation ground

BOS Field (public open space)

Butlers Gap

Carnoustie Close play area

Celandine Drive playground

Cooden Ledge open space and woodland

Cookson Gardens play area and open space

Cornwallis Gardens

Darwell Close play area and open space

Dog Kennel Wood

Duke Green open space

Etchingam Drive play area

Fernside Avenue/Albourn Close open space

Fleetwood Close play area

Gensing Gardens

Halton Churchyard

Harrow Lane recreation ground

Harvest Way play area

Helmsman's Rise play area and open space

Heron Close play area

Hastings Cemetery open space

Highwater View play area and open space

Hollington Recreation Ground

Hollington Valley Local Wildlife Site (areas in private ownership)

Kensington Close play area

Knowsley Close play area
Linton Crescent open space
Linton Gardens
Little Ridge Avenue open spaces
Mare Bay Close play area
Old London Road open space, Ore
Ore Place open space
Ore Valley Road play area
Redgeland wood
Redmayne Drive play area
Robertson Terrace open space
Robsack Avenue open space
St Johns Road play area
St Leonards Gardens
St Marys Chapel, Bexleigh Avenue
Sandhurst Recreation Ground
Sandrock open space (areas in private ownership)
Seafront (front line open spaces and play areas)
Seaside Road play area
Springside Walk open space (Fern Road)
Streamside Walk open space (Ashford Road)
Stonebeach Rise play area and open space
Swan Gardens
The Oval open space
Tilekiln Recreation Ground
Torfield Open Space
Torfield School (multi use games area) (private ownership)
Warrior Square Gardens
Waterside Close play area and open space
Wellington Square
Welton Rise upper and lower play areas and open space
West Hill public open space
West Marina Gardens
Whatlington Way open space
White Rock Gardens
Wishing Tree Road North open space (areas in private ownership)

SCHEDULE 2

BYELAW 21 – BALL GAMES

Any person using a designated area for playing ball games is required by byelaw 21 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated 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 of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.