

STRATFORD-ON-AVON DISTRICT COUNCIL

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1

GENERAL PROVISIONS

1. General interpretation
2. Application
3. Opening times

PART 2

PROTECTION OF THE GROUNDS, ITS WILDLIFE AND THE PUBLIC

4. Interpretation of Part 2
5. Protection of structures and plants
6. Unauthorised erection of structures
7. Climbing
8. Grazing
9. Protection of wildlife
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

PART 3

HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses
16. Cycling
17. Motor vehicles
18. Overnight Parking

PART 4
PLAY AREAS, GAMES AND SPORTS

- 19. Interpretation of Part 4
- 20. Skateboarding
- 21. Ball games
- 22. Ball games - Rules
- 23. Cricket
- 24. Archery
- 25. Field sports
- 26. Golf

PART 5
WATERWAYS

- 27. Interpretation of Part 5
- 28. Bathing
- 29. Ice skating
- 30. Model boats
- 31. Boats
- 32. Fishing

PART 6
MODEL AIRCRAFT AND DRONES

- 33. Interpretation of Part 6
- 34. General prohibition

PART 7
OTHER REGULATED ACTIVITIES

- 35. Provision of services
- 36. Excessive noise
- 37. Public shows and performances
- 38. Aircraft, hang-gliders and hot air balloons
- 39. Kites
- 40. Metal detectors

PART 8
MISCELLANEOUS PROVISIONS

- 41. Obstruction
- 42. Savings
- 43. Removal of offenders
- 44. Penalty
- 45. Revocation

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Rules for playing ball games in Designated Areas

APPENDIX – The Plan for the Grounds to which byelaws apply generally

Byelaws made under section 164 of the Public Health Act 1875, sections 12 and 15 of the Open Spaces Act 1906 and section 235 Local Government Act 1972 by Stratford-on-Avon District Council with respect to pleasure grounds, public walks and open spaces.

PART 1
GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Stratford-on-Avon District Council;

“the Grounds” means any of the grounds listed in **SCHEDULE 1**;

“Designated Area” means an area in the Grounds 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 the Grounds listed in **SCHEDULE 1** unless otherwise stated.

Opening times

3. The Grounds are open at all times (except in the case of an emergency) unless indicated by a notice placed in conspicuous positions to the Grounds.

PART 2

PROTECTION OF THE GROUNDS, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

4. 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

5. (1) No person shall without reasonable excuse remove from or deface injure, destroy or displace within the Grounds:
 - (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 Grounds; 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 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 Grounds set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.
- (3) No person shall foul or pollute any surface within the Grounds.

Unauthorised erection of structures

6. (1) No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure in the Grounds.
- (2) No person shall without the consent of the Council erect or place any placards, signs, stickers or any items associated with this subparagraph in the Grounds.

Climbing

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

Grazing

8. No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze in the Grounds.

Protection of wildlife

9. 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 in the Grounds without the consent of the Council.

Camping

10. 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 in the Grounds except in a Designated Area for camping.

Fires

11. (1) No person shall in the Grounds:
 - (a) light a fire; or
 - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
 - (c) release a lighted Sky Lantern into the atmosphere.
- (2) Byelaw 11(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

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

Interference with life-saving equipment

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

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

14. In this Part:

“Designated Route” means a route in or through the Grounds 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

15. (1) No person shall walk on or ride, drive or station a horse except in the exercise of a lawful right or privilege in the Grounds.
- (2) Where horse-riding is permitted in the Grounds 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

16. (1) No person shall without reasonable excuse ride a bicycle in the Grounds except in any part of the Grounds where there is a right of way for cycles or on a Designated Route for cycling.
- (2) A person shall not, except in the exercise of a lawful right or privilege, ride a bicycle or similar framed vehicle on the footpath known as the Tramway Bridge as shown on the Plan

Motor Vehicles / Motor Cycles / Trailers

17. (1) No person shall without reasonable excuse (or without the consent of the Council) bring into or drive in the Grounds a Motor Vehicle, Motor Cycle or Trailer PROVIDED that where the Council has set apart a space in the Grounds for the use of any types of these vehicles, this byelaw shall not be deemed to prohibit the driving or riding in or to that space by any route indicated by notices erected by the Council at the entrance to the Grounds of any vehicle of this class for which it is set apart.
- (2) A person shall not drive any vehicle in any part of the Grounds except as provided by the foregoing byelaw or except in the exercise of any lawful right or privilege.

Overnight parking

18. No person shall without the consent of the Council leave or cause or permit to be left any Motor Vehicle, Motor Cycle and Trailer in the Grounds between the hours indicated by notices erected by the Council at the entrance to or placed in conspicuous parts of the Grounds.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

19. 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, including cricket;

"Self-Propelled Vehicle" means a vehicle other than a bicycle, 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.

Skateboarding, etc

20. No person shall skate, slide or ride on rollers, skateboards or other Self-Propelled Vehicles in the Grounds in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

21. No person shall play ball games in the Grounds 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 Grounds; or

(c) which is likely to cause damage in the Grounds.

22. 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**.

Cricket

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

Archery

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

Field sports

25. No person shall throw or put any javelin, hammer, discus or shot in the Grounds 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 that purpose.

Golf

26. No person shall drive, chip or pitch a hard golf ball provided that this prohibition shall not apply to any space in the Grounds set apart by the Council for prescribed golfing activities and described as such in a notice board affixed to such space.

PART 5

WATERWAYS

Interpretation of Part 5

27. In this Part:

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

“Waterway” means any river, lake, pool or other body of water and includes any fountain in the Grounds.

Bathing

28. No person shall without reasonable excuse bathe or swim in any Waterway in the Grounds except without the consent of the Council.

Ice skating

29. No person shall step onto or otherwise place their weight upon any frozen Waterway in the Grounds except without the consent of the Council.

Model boats

30. No person shall operate a power-driven model boat on any Waterway except in a Designated Area for model boats.

Boats

31. (1) No person shall sail or operate any boat on any Waterway without the consent of the Council except in a Designated Area for the sailing or operation of Boats.
- (2) No person shall without the consent of the Council provide or offer to provide any goods or services for the operation of Boats for which a charge is made in the grounds.

Fishing

32. No person shall in any Waterway cast a net or line for the purpose of catching fish or other animals in the Grounds or having a frontage to any Waterway except without the consent of the Council.

PART 6

MODEL AIRCRAFT AND DRONES

33. Interpretation of Part 6

In this Part:

“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; or
- (b) jet propulsion; or
- (c) one or more electric motors or by compressed gas.

“Drone” means a remote-controlled pilotless aircraft or missile

General prohibition

34. No person without the consent of the Council (except in the case of an emergency) shall cause any Drone, Model Aircraft or Power-Driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the Grounds; or
 - (b) land in the Grounds without reasonable excuse.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

35. No person shall without the consent of the Council provide or offer to provide any goods or services for which a charge is made in the Grounds.

Excessive noise

36. (1) No person shall 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 Grounds by:
- (a) shouting or singing;
 - (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, music device or similar device.
- (2) Byelaw 37.1) 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 in the Grounds.

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 Grounds in an aircraft, helicopter, hang glider or hot air balloon.

Kites

39. No person shall fly any kite in the Grounds except that part known as the Recreation Ground (as shown on the Plan) in such a manner:
- (a) as to exclude persons not playing flying Kites from use of that part;

- b) as to cause danger or give reasonable grounds for annoyance to any other person in the Grounds; or
- (c) which is likely to cause damage in the Grounds.

Metal detectors

- 40. 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 Grounds.

PART 8 MISCELLANEOUS

Obstruction

- 41. No person shall obstruct in the Grounds:
 - (a) any officer of the Council in the proper execution of his 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 Grounds.

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 his duty in the Grounds.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the Grounds, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the Grounds or any part of the Grounds.

Removal of offenders

- 43. Any person offending against any of these byelaws may be removed from the Grounds by an officer of the Council or police officer.

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 referred to below relating to the Grounds are hereby revoked:
- (a) The byelaw relating to the Bancroft Gardens made by the Mayor Aldermen and Burgesses of the Borough of Stratford-upon-Avon (predecessors in title to Stratford-on-Avon District Council) on 8 October 1901 and confirmed by the Local Government Board on 17 October 1901; and
 - (b) The byelaw relating to the Recreation Ground (not including the Borough Sports Field) made by the Mayor Aldermen and Burgesses of the Borough of Stratford-upon-Avon (predecessors in title to Stratford-on-Avon District Council) on 14 February 1950 and confirmed by the Secretary of State on 6 May 1950; and
 - (c) The byelaw relating to the Bancroft Gardens and The Tramway made by Stratford-on-Avon District Council on 24 July 1980 and confirmed by the Secretary of State on 16 September 1980; and
 - (d) The byelaw relating to the Borough Sports Field (now included as part of the Recreation Ground) made by Stratford-on-Avon District Council on 16 June 1986 and confirmed by the Secretary of State on 5 August 1986.
 - (e) The byelaw relating to the Tramway Bridge (as part of the Tramway) made by Stratford-on-Avon District Council on 9 May 1988 and confirmed by the Secretary of State on 12 August 1988.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

PART 1

GROUND GOVERNED BY SECTION 164 OF THE PUBLIC HEALTH ACT 1875

The Recreation Ground (not including Borough Sports Field) – Stratford-upon-Avon

The Bancroft Gardens – Stratford-upon-Avon

The Tramway including The Tramway Bridge – Stratford-upon-Avon

PART 2

GROUND GOVERNED BY SECTIONS 12 and 15 OF THE OPEN SPACES ACT 1906

The Borough Sports Field together with the Recreation Ground (known in its entirety as the Recreation Ground) – Stratford-upon-Avon

Part 3

GROUND GOVERNED BY SECTION 235 LOCAL GOVERNMENT ACT 1972

The Tramway Bridge (in addition to Section 164 of the Public Health Act 1975) – Stratford-upon-Avon

SCHEDULE 2

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 22)

Any person using a Designated Area for playing Ball Games is required by byelaw 22 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.

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APPENDIX

The Plan

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