

# **WHITLEY PARISH COUNCIL**

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

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SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Grounds referred to in certain byelaws

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 Whitley Parish Council with respect to its public walks and open spaces referred to in Schedule 1.

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

“the Council” means Whitley Parish Council, Cheshire

“the ground” means any of the grounds listed in Schedule 1 and each and every part of the same

“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;

“Consent” means the prior written consent of the Council under the hand of its Clerk or any Council Member from time to time the giving of which shall be in the absolute discretion of the Council

### **Application**

2. These byelaws apply to all of the grounds listed in Schedule 1 unless stated otherwise in Part 2 of Schedule 2

### **Opening times**

3.
  - (1) No person shall enter or remain in the ground except during Opening Hours.
  - (2) No person shall enter or remain in the ground or relevant part thereof during Opening Hours if the ground or some part of parts thereof shall have been closed by the Council for any reason and a notice to that effect has been placed in a conspicuous position at the entrance to the ground specifying the extent of the ground affected by and the duration of the closure.
  - (3) “Opening Hours” means the days and times during which the ground is from time to time ordinarily open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.
  - (4) Byelaw 3(1) applies only to the grounds listed in paragraph 1 of Schedule 1.

## **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, displace or damage within the ground:
  - (a) any sign, fence, 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 or ride any bicycle or drive any vehicle over, nor permit or suffer any animal for which that person is responsible to be in or upon any part or parts of the ground other than a designated area and then only for the specified purpose relating to that designated area

#### **Unauthorised erection of structures**

5. No person shall without Consent erect any sign, barrier, post, fence, building or any other structure whether temporary or permanent on in or under the ground

#### **Climbing**

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

#### **Grazing**

7. No person shall without Consent turn out or permit any animal for which that person is responsible to graze in the ground.

#### **Protection of wildlife**

- 8.1 No person shall without Consent kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps
- 8.2 No person shall lay any snares

#### **Camping**

9. No person shall without Consent erect a tent or shelter or use a vehicle, caravan, trailer or any other object or structure or shelter for the purpose of camping or shelter

#### **Fires**

10. No person shall light or set a fire or place, throw or drop a lighted match or cigarette or any other thing likely to cause a fire.

### **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.

### **Animals/Dog Fouling**

- 13.1 No person shall without Consent, introduce or take into the ground any animal which is likely to cause harm to the flora and fauna within the ground but this shall not apply to dogs kept on a lead by or otherwise under the effective control of the owner or person having responsibility for the dog in question at the relevant time
- 13.2 No person shall permit or suffer any faeces from any dog for which that person has responsibility at the relevant time to be or remain on the ground or any part thereof save in such receptacles (if any) as the Council shall provide specifically for that purpose

## **PART 3**

### **HORSES, CYCLES AND VEHICLES**

#### **Interpretation of Part 3**

14. 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, 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;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan or similar living accommodation

“car park” means an area (if any) within the grounds provided and designated by the Council for the parking of private motor vehicles or motorcycles of persons visiting the ground in question

#### **Horses**

15. (1) No person shall ride a horse in the grounds

#### **Cycling**

16. No person shall ride a cycle in the ground

#### **Motor vehicles**

17. (1) No person shall bring into or drive in the ground a motor cycle, motor vehicle or trailer except in relation to private motorcycles and motor vehicles only in any car park designated by the Council for the purpose within the relevant ground and then only for the purpose of parking that motorcycle or motor vehicle whilst that person is using the ground in question for his own quiet recreation and enjoyment and in conformity with these Byelaws.

#### **Overnight parking**

18. No person shall without Consent leave or cause or permit to be left any motor vehicle or motor cycle in the ground outside the relevant Opening Hours for the ground in question

**PART 4**  
**GAMES AND SPORTS**

**Interpretation of Part 4**

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting, hitting or running with any ball or other object designed for throwing hitting and catching, including cricket, golf and putting

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

**Skateboarding, etc**

20. No person shall within the ground, skate, slide or ride on rollers, skateboards, sledges or other self-propelled apparatus or vehicle

**Ball games/sports and activities**

21. No person shall (a) play ball games in the ground, (b) engage in any other sport (including field sports), (c) engage in any activity which may be a danger or cause injury, to or give reasonable grounds for annoyance to other persons using the grounds or land and property neighbouring the same

**PART 5**  
**‘WATERWAYS’**

## **Interpretation of Part 5**

22. In this Part:

“boat” means any dinghy, canoe, sailboard, inflatable, yacht, motor boat or similar craft or apparatus including a model or toy boat;

“waterway” means any lake, pool or other body of water in the ground and includes any brook stream drainpipe or culvert serving the same and each and every part of a waterway

“watercourse” means any brook stream drainpipe or culvert etc within the ground not falling under the above definition of waterway

### **Bathing**

23. No person shall bathe or swim in any waterway or otherwise without reasonable excuse enter in or upon any waterway

### **Ice skating**

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

### **Boats**

25. No person shall sail operate or use any boat, on any waterway without Consent

### **Fishing**

26. No person shall without Consent in any waterway cast a net or line for the purpose of catching fish or other animals nor introduce into any waterway any fish or other animal or any plant or other vegetation

### **Pollution**

27. No person shall foul or pollute any waterway or watercourse

### **Blocking of waterways/watercourses**

28. No person shall cause or permit the flow of any waterway or watercourse 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]**

29. 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) 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.

## **General prohibition**

30. 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.

## **PART 7**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

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

#### **Excessive noise**

32. 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.

#### **Public shows and performances**

33. No person shall without Consent hold or take part in any public show or performance.

#### **Aircraft, hang gliders and hot air balloons**

34. No person shall except in case of emergency or with Consent take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

#### **Kites**

35. No person shall fly any kite

#### **Metal detectors**

36. No person shall without Consent use any device designed or adapted for detecting or locating any metal or mineral in the ground.

## **PART 8**

### **MISCELLANEOUS**

#### **Obstruction**

37. No person shall obstruct:
- (a) any member or officer of the Council or any person or persons appointed by the Council to carry out duties on behalf of the Council in, on or in respect of the ground 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 ground.

#### **Savings**

38. (1) It shall not be an offence under these Byelaws for any person referred to in Byelaw 37(a) and (b) above to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these Byelaws shall in any respect prejudice or injuriously affect any 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**

39. Any person offending against any of these byelaws may be removed from the ground by a member or officer of the Council or any other person authorised by the Council in writing to remove offenders or a constable or other police officer including [                      ]

#### **Penalty**

40. 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.

# **SCHEDULES**

## **SCHEDULE 1**

### **GROUND TO WHICH BYELAWS APPLY**

The grounds referred to in Byelaw 2 are:

1. Former sand quarry adjacent to Tarporley Road/Raddel Lane, Higher Whitley, Whitley Civil Parish Cheshire ([Whitley Nature Reserve])
2. Copse adjacent to Tarporley Road/Street Lane, Lower Whitley, Whitley Civil Parish, Cheshire

## **SCHEDULE 2**

### **GROUND REFERRED TO IN CERTAIN BYELAWS**

#### **PART 1**

#### **OPENING TIMES (BYELAW 3.2)**

[specify]

#### **PART 2**

Byelaws not applicable to the ground referred to in paragraph 2 of  
Schedule 1 (Byelaw 2)

- |           |   |
|-----------|---|
| Byelaw 12 | Interference with life saving equipment |
| 23        | Bathing etc                             |
| 24        | Ice skating                             |
| 25        | Boats                                   |
| 26        | Fishing                                 |