

Edenbridge Town Council

PLEASURE GROUNDS, PUBLIC WALKS, AND OPEN SPACES

BYELAWS MADE BY THE TOWN COUNCIL OF EDENBRIDGE UNDER SECTION 164 OF THE PUBLIC HEALTH ACT 1875 AND SECTIONS 12 AND 15 OF THE OPEN SPACES ACT 1906 WITH RESPECT TO PLEASURE GROUNDS, PUBLIC WALKS, AND OPEN SPACES.

Interpretation

1. In these byelaws:
"the Council" means the Town Council of Edenbridge
"the ground" means any of the grounds listed in schedule A

Vehicles

2. (1) No person shall, without reasonable excuse, ride a cycle or bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle) except in any part of the ground where there is a right of way for that class of vehicle.
- (2) If the Council has set apart a space in the ground for use by vehicles of any class, byelaw 2(1) shall not prevent the riding, bringing or causing to be brought on of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.
- (3) These byelaws shall not extend to invalid carriages.
- (4) In these byelaws:

A cycle means a unicycle, bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

An invalid carriage means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

A motor cycle means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

A motor vehicle means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage.

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

Overnight parking

3. No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle in the ground between the hours of 12 midnight and 6am.

Horses

4. a) No person shall except in the exercise of any lawful right or privilege, ride or drive a horse in the ground
- b) In any part of the ground where by any lawful right or privilege horse riding is permitted, no person shall intentionally or negligently ride or drive a horse to the danger of any other person using the ground.

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.

Removal of Structures

6. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

Erection of Structures

7. No person shall in the ground, without consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

Camping

8. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping.

Fires

9. (1) No person shall in the ground intentionally light a fire, or place, throw, or let fall a lighted match or any other thing so as to be likely to cause a fire
- (2) Byelaw 9 (1) shall not apply to any event held with the consent of the Council
- (3) Byelaw 9 (1) shall not prevent the lighting or use of a properly constructed camping stove or cooker or barbecue in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

Children's play areas

10. (1) No person who has attained the age of 14 years shall enter or remain in the children's play area in any of the grounds listed in Schedule B to these byelaws
- (2) This byelaw shall not apply to anyone who is bona fide in charge of a child under the age of 14 years.

Children's play apparatus

11. No person who has attained the age of 14 years shall use any apparatus in the grounds listed in Schedule B which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

Games

12. Where the council has, by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:
- (a) play in such an area any game other than the game for which it has been set apart;
 - (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
 - (c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part.
 - (d) when the area is already occupied by other players begin to play thereon without their permission;
 - (e) where the exclusive use of the area has been granted by the Council for the playing of a match, play on that area later than a quarter of an hour before the time fixed for the beginning of the match unless taking part therein; or
 - (f) except where the exclusive use of the area has been granted by the Council for the playing of a match in which he is taking part, use the area for a longer time than two hours continuously, if any other player or players make known to him a wish to use the area.
13. No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.
14. (1) No person shall in the ground play any game:
- (a) so as to give reasonable grounds for annoyance to any other person in the ground; or
 - (b) which is likely to cause damage to any tree, shrub, or plant in the ground.
- (2) Byelaw 14 (1) shall not extend to any area set apart by the Council for the playing of any game.

Trading

15. No person shall in the ground, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, or provide or offer to provide any service for which a charge is made.

Grazing

16. No person shall, without consent of the Council, turn out or permit any animal to graze in the ground.

Protection of flower beds, trees, grass etc.

17. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower

bed, or for the growth of any tree, shrub or plant; or

- (b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked.

18. No person shall in the ground enter upon:

- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant: or
- (b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

Removal of substances

19. No person shall remove from or displace in the ground any stone, soil, or turf, or the whole or any part of any plant, shrub, or tree.

Archery

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

Golf

21. No person shall in the ground drive, chip or pitch a hard golf ball.

Cricket

22. No person shall use any cricket ball, except in any part of the ground which, by a notice placed in a conspicuous position in the ground, has been set aside as an area where a cricket ball may be used.

Skateboarding and roller skating

23. No person shall in the ground skate, slide or ride on rollers, skateboards, wheels, mechanical contrivances, or other equipment except on any part of the ground which has been set apart by the Council for that purpose and indicated by a notice conspicuously displayed.

Missiles

24. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

Waterways

25. No person shall:

Bathing

- a) without reasonable excuse, bathe or swim in any waterway or body of water comprised in the ground

Pollution of waterways

- b) intentionally, carelessly or negligently foul or pollute any waterway or body of water comprised in the ground;

Watercourses

- c) knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

Aircraft

26. 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.

Power-driven model aircraft

27. In byelaw 28:

A model aircraft means an aircraft which weighs not more than 7 kilograms without its fuel.

A power-driven means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors, or by compressed gas.

28. (1) (a) No person shall in the ground, without the consent of the Council, release any power-driven model aircraft for flight, or control the flight of such an aircraft
- (b) No person shall without the consent of the Council, cause any power-driven model aircraft to take off or land in the ground.
- (c)

Fishing and protection of wildlife

- 29 (1) No person shall in the ground intentionally kill, injure, take or disturb any animal, fish, or amphibian or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.
- (2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

Noise

30. (1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:
- (a) by shouting or singing;
- (b) by playing on a musical instrument; or
- (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;
- cause 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 or neighbouring the ground.
- (2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

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

Exhibitions and structures

32. No person shall in the ground, without the consent of the Council, place or take part in any exhibition, or set up any swing, roundabout or other like thing.

Obstruction

33. No person shall in the ground:
- a) intentionally obstruct any officer of the Council in the proper execution of his duties;
 - b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

Savings

34. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.
- (2) Nothing in or done under any of the provisions of 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 legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

Removal of offenders

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

Penalty

36. 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

37. The byelaws made by Edenbridge Town Council on 10th June 1991 and confirmed by the Secretary of State for the Home Department on 1st May 1992 relating to the ground are hereby revoked.

Schedules

Schedule A

The grounds referred to in byelaw 1 are as follows:

Blossoms Park
Church Street play area
Forge Green
Lingfield Road Recreation Ground and adjacent riverside land managed under licence
Marsh Green

Mowshurst
Pound Green
Spitals Cross
Stangrove Park
Wellingtonia Way

Schedule B

The grounds referred to in byelaws 10 and 11 are as follows:

Church Street play area
Lingfield Road Recreation Ground
Marsh Green
Spitals Cross
Stangrove Park

THE COMMON SEAL OF
TOWN COUNCIL
was hereunto affixed in the presence of:-

Council Member R. Davison

Council Member W. Plant

27 January 2003