

THE COUNCIL OF THE BOROUGH OF BROXBOURNE

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

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Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by the Council of the Borough of Broxbourne 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 the Borough of Broxbourne;

“the ground” means any of the grounds listed in Schedule 1 or within the red edging on the attached plan;

“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 pleasure grounds, public walks and open space grounds in the Borough of Broxbourne edged red on the attached plan. A non-exhaustive list can be found 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 and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.
- (3) Byelaw 3(1) applies only to Cedars Park.

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

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 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 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.

Climbing

6. 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

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

Protection of wildlife

8. 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

9. (1) No person shall leave open any gate to which this byelaw applies and which that person has opened or caused to be opened.

(2) Byelaw 9(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 and unauthorised residence

10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan, trailer or any other structure for the purpose of camping and/or creating a place of residence either temporarily or permanently.

Fires

11. (1) No person shall:
 - (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; or
 - (d) light and let off any fireworks.
- (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 use of sky lanterns and fireworks at any event for which the Council has given permission that sky lanterns and/or fireworks may be released.

Missiles

12. 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

13. 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

14. (1) No person shall ride a horse except:
- (a) in any of the grounds listed in Part 1 of Schedule 2; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw 14(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

15. (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.
- (3) **Please note.** Discretion will be used when enforcing this byelaw in relation to children cycling, roller skating or similar activities, enforcement will only be sought if it is undertaken in a manner to cause danger or give reasonable grounds for annoyance to others.

Motor vehicles

16. (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 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 vehicle in the ground between the hours of 10 p.m. and 6 a.m.

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

18. 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.
19. No person shall be permitted to smoke in a designated area which is a children’s play area.

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. (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

22. No person shall play ball games in the Bishops College ground.

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.

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 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

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

Archery

24. 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

25. 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

26. No person shall drive, chip or pitch a hard golf ball except on the golf course.
- (1) No person shall play golf on the golf course unless that person 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 enter on to or remain on 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

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

27. No person shall without reasonable excuse bathe or swim in any waterway except in a designated area for bathing and swimming.

Ice skating

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

Model boats

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

Boats

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

Fishing

31. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.

Blocking of watercourses

32. 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.

Pollution of waterways

33. No person shall foul or pollute any waterway in the ground

PART 6

MODEL AIRCRAFT AND DRONES

Interpretation of Part 6

In this Part:

“drone” means an unmanned aircraft which may be flown autonomously through software-controlled flight plans using on-board sensors, GPS or by remote-control

“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

34. 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.

Drones

35. (1) No person shall operate a drone in such a manner as to:
- (a) cause danger or give reasonable grounds for annoyance to any other person.
 - (b) break the Drone Code as published by the Civil Aviation Authority (Schedule 4).

PART 7

OTHER REGULATED ACTIVITIES

Interpretation of Part 7

In this Part:

A place is “relevant place” if it

- (1) is open to the air, save where the public does not have access to it, with or with payment, and
- (2) a place shall be deemed to be “open to the air” notwithstanding that it is covered if it is open to the air on at least one side.

Spitting

No person shall spit in, into or from any relevant place without reasonable excuse.

No offence shall be committed where the spitting is done within a handkerchief, tissue, bin, or other similar receptacle for the purpose of proper disposal.

Provision of services

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

Excessive noise

37. (1) No person shall, after being requested to desist by any other person in the ground or officer of the Council, 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, speaker, wireless speaker, 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

38. 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

39. 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

40. 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

41. (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.
- (2) Byelaw 40(1) shall not apply to those grounds listed in Part 2 Schedule 2

PART 8

MISCELLANEOUS

Obstruction

42. No person shall obstruct:
- (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 ground.

Savings

43. (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.
- (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

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

Penalty

45. Any person offending against any of these byelaws shall be liable on summary conviction to a fine up to and not exceeding level 4 on the standard scale.

Revocation

46. The byelaws made by Broxbourne Borough Council on 1 March 2006 and confirmed by the Secretary of State on relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1

NON-EXHAUSTIVE LIST OF GROUNDS TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

Cheshunt Park and Golf Course, Cheshunt
Old Highway Open Space, Hoddesdon
Barclay Park, Hoddesdon
Grundy Park, Cheshunt
Cedars Park, Cheshunt
Whit Hern Park, Cheshunt
Spotlight, Hoddesdon
Bishops College Open Space, Cheshunt
Pitfield (Bridleway North) Open Space, Hoddesdon
Isobel Christie (Whitley Road), Hoddesdon
Castle Road Open Space, Hoddesdon
Pound Close (Stanstead Road), Hoddesdon
Tregelles Open Space, Hoddesdon
Cock Lane Open Space, Hoddesdon
Lucy Warren Open Space, Broxbourne
Jubilee Gardens, Hoddesdon
Deaconsfield Open Space, Hoddesdon
Station Road Open Space, Broxbourne
Baas Hill, Wormley
Wormley Playing Field
Nightleys Playing Field, Cheshunt
Penton Drive Open Space, Cheshunt
Moxom Avenue Open Space, Cheshunt
Dairyglen Avenue Open Space, Waltham Cross
Kings Road Open Space, Waltham Cross
Waltham Cross (Station Approach) Playing Fields
Fishers Close Open Space, Waltham Cross
Goodman Centre Open Space, Waltham Cross
Flamstead End (Mayo Close) Playing Fields, Cheshunt
Rosedale Way Open Space, Cheshunt
Dig Dag Hill, Cheshunt
Appleby Street 1 (adjoining Francis Farm), Cheshunt

Appleby Street 2 (adjoining Park Lane), Cheshunt
Claremont Open Space, Cheshunt
Goffs Lane Playing Fields, Cheshunt
Goffs Oak (Valley View) Playing Fields, Cheshunt
Hammonstreet Road Open Space, Cheshunt
Gladding Road Open Space, Cheshunt
Richardson Crescent Open Space, Cheshunt
Bloomfield Road Open Space, Cheshunt
Argent Way Open Space, Cheshunt
Jones Road Open Space, Cheshunt
Holmesdale Tunnel (Shared site), Waltham Cross
Dhalia Close Open Space, Cheshunt
Walters Close Open Space, Cheshunt
Nightingale Road Open Space, Cheshunt
Roselands Woods, Hoddesdon
Beechfield Open Space, Hoddesdon
Brookside Open Space, Hoddesdon
Trafalgar Avenue Open Space, Broxbourne
Broomfield Avenue Open Space, Turnford
Perrysfield Road, Cheshunt
Clyfton Close Open Space, Wormley
Cadmore Lane Open Space, Cheshunt
Oxford Close Open Space, Cheshunt
Clifton Close Open Space, Cheshunt
Cornwall Close Open Space, Waltham Cross
Gosse Close Open Space, Hoddesdon
Morice Road Open Space, Hoddesdon
Highwood Road Open Space, Hoddesdon
Bridleway South Open Space, Hoddesdon
Paddick Close Open Space, Hoddesdon
The Meadway Open Space, Broxbourne
Alamein Close Open Space, Broxbourne
Mulberry Close (Juniper Close) Open Space, Turnford
Holdbrook play area A, Waltham Cross
Holdbrook Old School site, Waltham Cross
Winnipeg Way Open Space, Broxbourne
Yukon Road Open Space, Broxbourne

Huron Road Open Space, Broxbourne
All allotments within the Borough
All cemeteries within the Borough

SCHEDULE 2

GROUNDNS REFERRED TO IN CERTAIN BYELAWS

PART 1

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO
BRIDLEWAY, ETC) (BYELAW 14(1))

Lucy Warren Open Space, Broxbourne

PART 2

METAL DETECTING PERMITTED IN CERTAIN GROUNDS (BYELAW 40)

Appleby Street Open Space adjoining Francis Farm, Cheshunt

Appleby Street Open Space adjoining Park Lane, Cheshunt

Beechfield Open Space, Hoddesdon

Bloomfield Road Open Space, Cheshunt

Brookside Open Space, Hoddesdon

Broomfield Avenue Open Space, Turnford

Bury Green Road Open Space, Cheshunt

Cadmore Lane Open Space, Cheshunt

Castle Road Open Space, Hoddesdon

Claremont Open Space, Cheshunt

Clifton Close Open Space, Cheshunt

Clyfton Close Open Space, Wormley

Cornwall Close Open Space, Waltham Cross

Dhalia Close Open Space, Cheshunt

Dairyglen Avenue Open Space, Waltham Cross

Deaconsfield Open Space, Hoddesdon

Dig Dag Hill, Cheshunt

Fishers Close Open Space, Waltham Cross

Flamstead End Playing Fields, Cheshunt

Gladding Road Open Space, Cheshunt

Hammonstreet Road Playing Fields, Cheshunt

Kings Road Open Space, Waltham Cross

Moxom Avenue Open Space, Cheshunt

Nightingale Road Open Space, Cheshunt
Oxford Close Open Space, Cheshunt
Penton Drive Open Space, Cheshunt
Perrysfield Road, Cheshunt
Pitfield Open Space, Hoddesdon
Pound Close Open Space, Hoddesdon
Richardson Crescent Open Space, Cheshunt
Rosedale Way Open Space, Cheshunt
Trafalgar Avenue Open Space, Broxbourne
Tregelles Open Space, Hoddesdon
Walters Close Open Space, Cheshunt

SCHEDULE 3

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS

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 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.

SCHEDULE 4

THE DRONE CODE – AS PUBLISHED BY THE CIVIL AVIATION AUTHORITY