

THE COUNCIL OF THE BOROUGH OF BROXBOURNE

BYELAWS FOR GOOD RULE AND GOVERNMENT

ARRANGEMENT OF BYELAWS

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Byelaws made under section 235 of the Local Government Act 1972 by the Council of the Borough of Broxbourne for the good rule and government of the Borough of Broxbourne and for the prevention and suppression of nuisances.

GENERAL INTERPRETATION

1. In these byelaws:

“carriageway” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“the Council” means the Council of the Borough of Broxbourne;

“designated place” means any place to which the public have access to shown outlined in red on the plan annexed to these byelaws;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“highway” means the whole or a part of a highway other than a ferry or waterway;

“intoxicating liquor” means spirits, wine, beer, cider and any other fermented, distilled or spirituous liquor with an alcohol content exceeding 0.5% by volume

“relevant place” is a place open to the air, save where the public does not have access to it, with or without payment and, a place shall be deemed to be open to the air notwithstanding that it is open to the air on at least one side.

“road margin or verge” means land which is—

- (a) adjacent to the carriageway of a highway or between two carriageways of a highway, other than the carriageway of a trunk road vested in the Secretary of State;
- (b) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in an ornamental condition by the Council; and

“self-propelled vehicle” means a vehicle other than a cycle, wheelchair 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 other persons pulling or pushing the vehicle;

“trunk road” means a highway, or a proposed highway, which is a trunk road by virtue of section 10(1) or section 19 of the Highways Act 1980 or by virtue of an order or direction under section 10 of that Act.

APPLICATION

2. These byelaws apply throughout the Borough of Broxbourne please see Schedule 1 for a plan showing the area the byelaws apply

RIDING ON ROAD MARGINS AND VERGES

3. No person shall without lawful authority ride or lead any horse, or cause any horse to be ridden or led upon any road margin or verge to which this byelaw applies.

VEHICLES ON ROAD MARGINS VERGES AND FOOTWAYS

4. (1) No person shall without lawful authority drive, park or leave a vehicle or cause such a vehicle to be driven or placed upon any road margin verge or footway to which this byelaw applies.
- (2) No person shall:
 - (a) drive across the footway to park on a residential driveway where no dropped kerb has been installed by the Council
 - (b) Use any other type of crossing that is not a viable vehicle crossing, including but not limited to a pram crossing, flat top plateau, tactile paving, Zebra, Pelican, Puffin, Toucan and Pegasus crossing, to park on a residential driveway.
- (3) No person shall without lawful authority, in any street within the Borough, park or leave a vehicle which is solely or chiefly for the purpose of exhibiting advertisements so as to cause obstructions or danger to the traffic in such street
- (4) This byelaw does not apply to a heavy commercial vehicle as defined by section 20 of the Road Traffic Act 1988.

CAMPING AND UNAUTHORISED RESIDENCE

5. 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.

SKATEBOARDING AND CYCLING ETC

6. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles 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.
- (2) 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

FAIRGROUND ATTRACTIONS CAUSING OBSTRUCTION TO TRAFFIC

7. (1) "Fairground attraction" means a shooting gallery, swing-board, roundabout, or other structure which is installed, erected or operated for the entertainment of the public.
- (2) No person shall operate a fairground attraction—
 - (a) in any public place; or

- (b) on any land adjoining a street or public place,
so as to cause obstruction or danger to the traffic in that street or public place.

DANGEROUS GAMES NEAR HIGHWAYS

- 8. No person shall play football or any other game on land adjacent to a highway in a manner likely:
 - (a) to cause obstruction to traffic; or
 - (b) to cause danger or give reasonable grounds for annoyance to any person on the highway.

INTOXICATING LIQUOR

- 9. (1) Subject to paragraph (2) anyone who consumes intoxicating liquor in a public place and fails to desist upon being warned by a constable to do so shall be guilty of an offence.
- (2) It shall not be an offence to consume intoxicating liquor in any place, premises or public space licensed under the Licensing Act 2003

EXCESSIVE NOISE

- 10. (1) No person shall, after being requested to desist by any other person or officer of the Council in any street or public place, 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 11(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

TOUTING

- 11. No person shall in any street or public place—
 - (a) advertise or solicit custom for any service; or
 - (b) seek to gather information for use in the supply of goods or services,

in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place.

URINATING ETC

12. No person shall urinate or defecate in any street or public place.

SPITTING

13. 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.

INTERFERENCE WITH LIFE SAVING EQUIPMENT

14. Except in case of emergency, no person shall remove, displace or otherwise interfere with any life saving equipment placed by the Council or any other competent authority in any street or public place.

CLIMBING UPON AND HANGING FROM BRIDGES

15. (1) No person shall without reasonable excuse—
- (a) climb upon or hang from any bridge to which this byelaw applies; or
 - (b) aid, abet, counsel or procure such an act by another.
- (2) "Bridge" includes any abutment, embankment, retaining wall or other work supporting or protecting the bridge.

MISCELLANEOUS

Obstruction

16. 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

- 17. (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

- 18. Any person offending against any of these byelaws may be removed from the designated place by an officer of the Council or a constable.

Penalty

- 19. Any person offending against any of these byelaws shall be liable on summary conviction to a fine up to and not exceeding level 2 on the standard scale.

Sealed with the Common Seal of the
COUNCIL OF THE BOROUGH OF BROXBOURNE
in the presence of



M Beating
Authorised Signatory

Dated 29 September 2022



S. Bates
AUTHORISED SIGNATORY



