

BOURTON ON THE WATER PARISH COUNCIL
BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND
OPEN SPACES

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SCHEDULE 1 - Grounds to which byelaws apply generally

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Byelaws made under sections 12 and 15 of the Open Spaces Act 1906 by Bourton on the Water Parish Council with respect to the pleasure grounds, public walks and open spaces listed in the attached Schedule 1.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Bourton on the Water Parish Council;

“the ground” means any of the grounds listed in Schedule 1;

“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 of the grounds listed in Schedule 1 unless otherwise stated.

PART 2 PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

3. (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

4. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

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.

Grazing

6. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

7. 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

8. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
- (2) Byelaw 8(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

9. 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.

Fires

10. No person shall light a fire or place, throw or drop a lighted match 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

PART 3 HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

In this Part:

“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

13. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted 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

14. 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.

Motor vehicles

15. 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

16. 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;

“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

17. 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.

Children’s play apparatus

18. 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

19. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

20. 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.

Ball Games - Rules

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

Cricket

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

Archery

23. 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

24. No person shall throw or put any javelin, hammer, discus or shot in the ground except in connection with an event organised by or held with 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.

Model boats

25. No person shall operate a power-driven model boat on any waterway.

Boats

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

Fishing

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

Blocking of watercourses

28. 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.

PART 6 MODEL AIRCRAFT

Interpretation of Part 6

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.

General prohibition

29. 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

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

Excessive noise

31. (1) 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.
- (2) Byelaw 31(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

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

Kites

33. 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

34. 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.

PART 8 MISCELLANEOUS

Obstruction

35. No person shall obstruct:

- (a) any officer of the Council in the proper execution of their 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

36. (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 their 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

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

Penalty

38. 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

39. The byelaws made by Bourton on the Water Parish Council on 29th April 1966 and confirmed/approved by the Secretary of State on 1st June 1966 relating to the ground are hereby revoked.

SCHEDULE 1

GROUNDS TO WHICH BYELAWS APPLY GENERALLY

1. Footpath adjacent to River Windrush which runs along the length of Clock House southern boundary;
2. Footpath running west-east from No 1 Moore Rd to the junction with the footpath running north to Hackling Coach & Car Park;
3. Jubilee Orchard, with boundaries to Bourton Vale coach park at the north, the public footpaths to the east and south, and the rear of gardens in Moore Rd to the west;
4. Melville Playing Field and Play Area, off Station Road;
5. Naight Playing Field and Play Area, located to the rear of Lansdowne between Naight Rd and Mill House;
6. Periwinkle Bank, situated adjacent to the footpath which runs between Station Road and Cemetery Lane and along the southern side of Cemetery Lane up to a point opposite the entrance to the allotment gardens;
7. Public Open Space at Bourton Chase off Meadow Way, comprising open space surrounding the Balancing Pond and open space between Croome Gardens and Beddome Way;
8. River Windrush, between Mill Bridge and Birdland;
9. Rye Crescent Play Area, situated adjacent to Nos 4-7 Rye Crescent;
10. Village Green, adjacent to Alice's Cottage, Victoria Street; Village Green, Clapton Row;
11. Village Green, High Street, including the public footpaths bisecting the Green and the public footpath adjacent to the northern boundary along its entire length, and the paved area of the Village Green on the eastern side of Victoria Street;

SCHEDULE 2

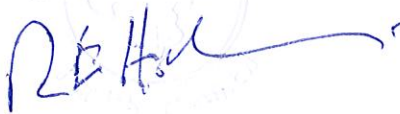
RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 21)

Any person using a designated area for playing ball games is required by byelaw 21 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.

MADE under the seal of Bourton on the Water Parish Council

This 12TH day of APRIL 2019.



Chairman of Bourton on the Water Parish Council

ROBERT E HADLEY

The Secretary of State gave leave for Bourton-on-the-Water Parish Council to make the above byelaws on 30th January 2019.

In accordance with the Byelaws (Alternative Procedures) Regulations 2016 these Byelaws are made on this date and come into force on Monday 13th May, 30 days after the Byelaws are made.