

## EASTBOURNE BOROUGH COUNCIL

### BYELAWS RELATING TO PUBLIC WALKS AND PLEASURE GROUNDS

Made by Eastbourne Borough Council under Section 164 of the Public Health Act 1875, with respect to public walks and pleasure grounds in the Borough.

#### Interpretation

1. In these byelaws:

"consent of the Council" means prior consent of an authorised officer of the Council;

"the Council" means the Eastbourne Borough Council;

"the ground" means each of the pleasure grounds and public walks (together with all intersecting walks and ornamental gardens contained therein) listed in the Schedule to these byelaws.

#### Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle in the ground, 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 or in pursuance of a statutory provision or lawful agreement with the Council.
- (2) If the Council has set apart a space in the ground for use by vehicles of any class, this byelaw shall not prevent the riding or driving 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 land.

(3) This byelaw shall not extend to:

(a) invalid carriages; or

(b) the Dotto Train.

(4) In this byelaw:

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

"the Dotto Train" means a vehicle towing carriages carrying passengers on routes within the ground specified by the Council;

"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;

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"motor vehicles" means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

"trailer" means a vehicle drawn by a motor vehicle and includes a caravan.

### Climbing

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

### Children's Play Apparatus

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

### Removal of Structures

5. 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 or equipment provided for use in the laying out or maintenance of the ground.

### Erection of Structures

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

### Trading

7. 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.

### Touting

8. No person shall in the ground, to the annoyance or obstruction of any other person, for the purpose of selling or advertising any article or of obtaining custom, tout or importune, either verbally or by the distribution of handbills, circulars or advertisements.

### Livestock

9. No person shall, without the consent of the Council, bring or cause to be brought into the ground any beast of draught or burden, or any cattle, sheep, goats, pigs or other livestock.

### Horse-riding

10. No person shall, without the consent of the Council, ride a horse in the ground.

### Protection of Flower Beds, Trees, Grass, etc.

11. No person who brings or causes to be brought into the ground a vehicle shall ride, 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 ridden, wheeled or parked.

12. 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.

### Protection of Wildlife

13. No person shall in the ground intentionally kill, injure, take or disturb any animal or fish, or engage in hunting, shooting or fishing, or the setting of traps or nets, or the laying of snares.

### Skateboarding

14. No person shall in the ground skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons using the ground.

### Model Aircraft

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

(3) In this byelaw:

"model aircraft" means an aircraft which either weighs not more than 5 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;

"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.

### Boats

16. No person shall, without the consent of the Council, place any boat or sailboard in any part of the ground.

### Metal Detectors

17. No person shall in any part of the ground use any device designed or adapted for detecting or locating any metal or mineral in the ground.

### Removal of Substances

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

### Bathing and Pollution of Water

19. No person shall in the ground:

- (a) bathe, wade or wash in any ornamental lake, pond or other water, except in pursuance of a water sport, pastime or activity in accordance with the exception in (c) below;
- (b) intentionally, carelessly or negligently foul or pollute any such water; or
- (c) take part in any water sport, pastime or activity in any such water, except with the consent of the Council.

## Fires

20. (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) This byelaw shall not apply to any event held by or with the consent of the Council.
- (3) This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

## Games

21. 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.
22. (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) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

23. No person shall, in any area of the ground which may have been set apart by the Council for any game, play or take part in 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.

#### Golf

24. No person shall in any area of the ground drive, pitch or chip a hard golf ball, except on land set aside by the Council for use as a golf link, golf driving range, golf practice area or putting course.

#### Interference with Life-Saving Equipment

25. No person shall, except in case of emergency, remove, displace or otherwise tamper with any life-saving appliance placed in the ground by the Council.

#### Noise

26. (1) No person in the ground shall, 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 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 Performances

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

### Commercial Filming and Photography

28. No person shall in the ground, without the consent of the Council, make any film, telerecording or photograph for commercial gain.

### Obstruction

29. 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

30. (a) 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.
- (b) 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 land or any part thereof.

### Removal of Offenders

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

### Penalty

32. 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

33. The following byelaws with respect to pleasure grounds are hereby revoked in so far as they apply to the ground:

(a) the byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Eastbourne on 6th June, 1921 and allowed by the Minister of Health on 15th August, 1921;

(b) the byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Eastbourne on 3rd May, 1935 and confirmed by the Minister of Health on 13th June, 1935; and

(c) the byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Eastbourne on 3rd August, 1956 and confirmed by the Secretary of State for the Home Department on 13th September, 1956.

## SCHEDULE

The grounds referred to in byelaw 1 are:

<u>Name of Ground</u>	<u>Position</u>
Carpet Gardens, including the planted area at the junction of Grand Parade and Marine Parade	Grand Parade
Helen Gardens	Dukes Drive
Holywell Retreat, including the area also known as the Italian Gardens	King Edward's Parade
King Edward's Parade (two grassed areas adjoining the parade)	Between the junction of Bolsover Road and the access road to Holywell Cafe
Redoubt Gardens, including the Redoubt Bowling Greens and all footways and grassed areas	Royal Parade

Western Parade Gardens and Western  
Lawns, including all planted and grassed  
areas, pathways, ramps and steps

King Edward's Parade

Wish Tower Grounds

King Edward's Parade

Given under the Common Seal            )  
of EASTBOURNE BOROUGH COUNCIL        )  
this 19th day of April 1995                )

L.S.  
9343

R. A. Parsons  
Mayor

Martin H. Ray  
Assistant Chief Executive  
and Solicitor to the Council

**The foregoing byelaws are hereby confirmed by the  
Secretary of State and shall come into operation on the first  
day of August 1995.**

**Signed by authority of the Secretary of State**

**M. E. HEAD  
An Assistant Under-Secretary of State**

**20 JUL 1995  
Home Office  
London, SW1.**