

<b>Committee:</b> Full Council	<b>Date:</b> 29 <sup>th</sup> November 2011	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director: Stephen Halsey		<b>Title:</b> New Byelaws for Parks and Open Spaces		
<b>Originating officer:</b> Heather Bonfield Head of Culture, Learning and Leisure Communities Localities and Culture		<b>Wards Affected:</b> All		

## 1 SUMMARY

- 1.1 Byelaws are local laws designed to address potential problem behaviours in a way that complements rather than duplicates existing legislation. The Existing Byelaws relating to Parks and Open Spaces date back to the early 20<sup>th</sup> century and now require updating in order to cover modern activities and offences, and clear up any inconsistencies arising from wording.
- 1.2 Officers have developed a set of proposed New Byelaws for the borough, based on Model Byelaws published by the Department for Communities and Local Government (DCLG). It is felt that these New Byelaws will improve understanding of their aims and help communication regarding acceptable behaviour in our parks, ensuring that residents and visitors are able to fully enjoy our parks and open spaces.
- 1.3 The proposed New Byelaws were presented to the General Purposes Committee (GPC) on 13<sup>th</sup> October 2011. The Council's constitution requires that GPC recommends to Full Council any proposed changes to the Byelaws. Since the report went to GPC, additional changes have been made to the Byelaws following discussions with DCLG who will ultimately need to approve the New Byelaws.

## 2. RECOMMENDATIONS

- 2.1. Full Council is recommended to:
- 2.1.1. Approve the making of the New Byelaws for the borough's Parks and Open Spaces as shown in Appendix 1 ('New Byelaws'), and the revocation of the Existing Byelaws once the New Byelaws are confirmed.

- 2.1.2. Authorise the Director of Communities, Localities and Culture (CLC) (following consultation with Assistant Chief Executive Legal) to effect further amendments to the proposed New Byelaws in the event that subsequent to the meeting of Full Council and prior to submission to the Secretary of State, DCLG require such amendments to be made.
- 2.1.3. Note that the New Byelaws will apply to the parks and open space areas listed within Schedule 1 & 2 contained within Appendix 1 of this report.
- 2.1.4. Note that there are a range of issues and offences already covered by primary legislation which are therefore excluded from the New Byelaws (as outlined in Appendix 3).
- 2.1.5. Note that the New Byelaws will need to be approved by the Secretary of State prior to formal adoption. Some amendments have been made to the DCLG's Model Byelaws, as set out in paragraphs 4.2.6 to 4.2.9 of the report. Officers have engaged in discussions with DCLG to ensure these amendments have their approval.

### **3 BACKGROUND**

- 3.1 This paper makes reference to three different sets of Byelaws. These are:
  - Existing Byelaws – Byelaws currently applying to LBTH parks and open spaces
  - Model Byelaws – a standard set of Byelaws, developed by DCLG
  - New Byelaws – proposed new Byelaws for LBTH, based on the Model Byelaws
- 3.2 The Council's Existing Byelaws date back to the 1930s, and relate to proper conduct in the borough's parks and open spaces. They allow the Council to deal with unacceptable behaviour which is not addressed through existing legislation, such as that which may cause distress or injury to other users of the parks or that might damage the park and detract from general enjoyment of it by others. As the Existing Byelaws were established on a London-wide basis they cannot be revoked, nor new ones created locally, without recourse to Parliament. However, DCLG are introducing new regulations in the New Year to make this process easier for local authorities. The new byelaws outlined in this report will be adopted through these new regulations.
- 3.3 In order to ensure that the new byelaws capture all relevant offences that may take place in our parks and open spaces, a gap analysis has been carried out (see Appendix 3). This analysis has identified whether the offences are addressed by the new byelaws or through primary legislation.

- 3.4 With the projected increase in visitor numbers and activities taking place in parks and open spaces, it is vital that the new byelaws are adopted prior to this Olympic and Paralympic Games period. Section 6 outlines the potential timetables for adoption of the New Byelaws. If DCLG reject the new byelaws, the Council will not be able to adopt them prior to the Games period. Therefore, officers have been in ongoing consultation with DCLG, and have made amendments to individual Byelaws on DCLG guidance.

**Summary of additional changes made to Byelaws since the last GPC meeting:**

- 3.5 Since the 13<sup>th</sup> October 2011 GPC meeting, further changes have been made to the proposed new byelaws based on DCLG guidance. These include:
- 3.5.1 Byelaw 15 – Horses: the additional wording proposed “*on or in a carriage drawn by a horse*” has now been removed. Following discussions with DCLG, it was felt that there is not a high level of incidence of this occurring to justify inclusion into the byelaw.
- 3.5.2 Byelaws 20 and 21- age restriction on children’s play areas and play apparatus has been amended from 14 years to 11 years of age. This byelaw applies to play areas in Tower Hamlets designed for children under 11 years of age. The change in age restrictions also restricts parents of young children from letting their children use play equipment designed for children over the age of 11. Following discussions with DCLG, this addition is acceptable for inclusion into the byelaw.
- 3.5.3 Byelaw 21 – Children’s play apparatus: the following additional wording “*or entrance of parks and open spaces*” in reference to allowing signage to be put both near entrances of parks and open spaces has been added. Following discussions with DCLG, this addition is acceptable for inclusion into the byelaw.
- 3.5.4 Byelaw 39 – Excessive noise: the removal of the following wording “*in the ground*”.
- 3.6 Following consultation with DCLG, they have indicated there is sufficient justification for the proposed changes made to the New Byelaws.

## **4 BODY OF REPORT**

### **4.1 Reasons new byelaws are required**

- 4.1.1 The existing byelaws are not easily understandable and have not been subject to community consultation for many years. The new byelaws use a

style of language that is simpler, clearer and easier to comprehend. They are also more relevant to a modern society and the modern use of parks and open spaces and no longer duplicate offences for which there are now powers granted by legislation.

## 4.2 **Summary of Changes: New Byelaws Compared to Existing Byelaws**

4.2.1 Appendix 4 provides a detailed comparison between the new and existing byelaws. The major differences are summarised below:

### Exclusions

- 4.2.2 Activities or offences not reported to date or only occurring at a very infrequent level. This includes reference to activities such as drying and bleaching of clothes, mending chairs, and shaking or beating carpet.
- 4.2.3 Specific reference to dog related issues are not included in the proposed model byelaws as they are covered by other primary legislation such as the Clean Neighbourhoods, Dangerous Dogs Act and the Environment Act 2005. For similar reasons drinking and drug related issues are not included.

### Inclusions (taken from Model Byelaws)

- 4.2.4 The New Byelaws consist of a number of provisions which were not included in the Existing Byelaws, and aim to offer further protection to park users.
- (a) Preventing interference with life saving equipment (Byelaw 13)
  - (b) Prohibition on overnight parking (Byelaw 18)
  - (c) Permitting skateboarding (Byelaw 22) and ball games (Byelaws 23-24)
  - (d) Restriction of cricket to designated areas (Byelaw 25)
  - (e) Restriction on archery and field sports (Byelaws 26, 27),
  - (f) Prohibition of golf (Byelaw 28)
  - (g) Restriction on bathing (Byelaw 30)
  - (h) Stricter requirements on model boats (Byelaw 32), boats (Byelaw 33) and fishing (Byelaw 34)
  - (i) General prohibition of power-driven model aircraft (Byelaws 36-37)
  - (j) Restriction on excessive noise (Byelaw 39)
  - (k) Restriction on public shows and performances (Byelaw 40)
  - (l) Restrictions on the use of aircraft, helicopters, hang gliders or hot air balloons (Byelaw 41)
  - (m) Restriction on kites (Byelaw 42)
  - (n) Restriction on metal detectors (Byelaw 43)
  - (o) Restriction of barbeques (amended Byelaw 11)

By restriction it is meant that the Council is able to limit the relevant activities to certain circumstances or locations.

4.2.5 The New Byelaws include an updated list of sites, parks and open spaces to which the New Byelaws apply (schedule 1), and also an updated list of sites, parks and open spaces to which Byelaw 3 applies, in respect of opening times (schedule 2). There are also updated rules for playing ball games in designated areas (schedule 3).

*Inclusions (not taken from Model Byelaws)*

4.2.6 The New Byelaws contain some provisions that were not covered in the Model Byelaws. It should be noted that officers have been engaged in ongoing discussions with DCLG on these provisions.

4.2.7 These provisions cover:

- Protection of wildlife (Byelaw 8)
- Fundraising, and soliciting or gathering money (Byelaw 44)

4.2.8 The New Byelaws also contain a number of provisions where the wording has been slightly amended from the Model Byelaws. This is so that the Byelaws are as relevant as possible to local circumstances within Tower Hamlets, and in order to make enforcement clearer and offer greater protection and enjoyment for park users. DCLG have indicated there is sufficient justification for the proposed changes to be included into the New Byelaws.

4.2.9 The changes cover:

- Cycling (Byelaw 16)
- Fishing (Byelaw 34)
- Public shows and performances (Byelaw 40)

## **5. BYELAW ENFORCEMENT**

5.1 The Council has recently reviewed and improved the effectiveness of its enforcement capability. Any enforcement by the Council of the Byelaws will be in accordance with the Council's enforcement policy, adopted by Cabinet on 8 September 2010. The policy sets out the following clear principles for the Council's enforcement action:

- **raising awareness** of the law and its requirements;
- **proportionality** in applying the law and securing compliance;
- **consistency** of approach;
- **transparency** about the actions of the Council and its officers; and
- **targeting** of enforcement action.

- 5.2 Currently the pattern of ASB occurrence in parks and open spaces is both inconsistent and intermittent. The frequency of offences in problem areas tends to increase at certain times of the year (such as school holidays) and in warm, dry weather conditions. Equally the problem is mobile and typically short term in nature.
- 5.3 Byelaws give the Council the power to issue fines of up to £500 against offenders who cause damage to Council property or breach the Byelaws. Additional legislation (under the Clean Neighbourhood and Environmental Act 2005) which allows the Council to issue Fixed Penalty Notices (FPNs) for breaches under litter control and dog fouling is also applicable to parks and open spaces.
- 5.4 Agencies deployed in enforcing and applying Byelaws include the Police, Safer Neighbourhood Teams, Joint Enforcement Teams, Tower Hamlets Enforcement Officers and Streetcare Teams.

## 6. PROCESS AND TIMETABLE FOR ADOPTING NEW BYELAWS

- 6.1 If, as in our case, the New Byelaws adhere closely to the Model Byelaws then following formal adoption by full Council, they can be passed through the confirmation process. This is as follows:
- Once formally adopted by Full Council the new Byelaws will be sent to DCLG for provisional approval.
  - The Council will publicly advertise the New Byelaws and a one month community consultation period would take place for any representations or objections by the public. Such representations would be sent directly to the Secretary of State, rather than to the Council. The New Byelaws will be held on deposit at the Council offices for inspection by the public at all reasonable hours.
  - These byelaws will then be submitted to the Secretary of the State for confirmation, provided that no objections have been received.
  - Once confirmed, the existing Byelaws will be revoked and the new Byelaws will come into force.
- 6.2 *Proposed timeline if no objections received during consultation process*

<i>Activity</i>	<i>Date</i>
Approval of Full Council	30 <sup>th</sup> Nov 2011
New Byelaws submitted to DCLG for provisional approval	Jan 2012
Once provisional approval has been given by DCLG, Council publicly advertise new Byelaws ( 1 month	Feb 2012

public consultation)	
Submission to Secretary of State for confirmation of new Byelaws	March 2012
New Byelaws are confirmed, provided that no objections have been received. Formal adoption of new Byelaw comes into force.	By early Summer 2012

### 6.3 *Proposed timelines if objections are received*

6.3.1 If objections are received, the confirmation process is likely to be extended. Where objections have been received by the Secretary of State, copies will be forwarded to the Council for comments before a decision is taken. If minor amendments to the New Byelaws are required, then the Director of Communities, Localities and Culture will be able to use delegated powers to effect the amendments. Any major amendments will need to be brought before Full Council again via the General Purposes Committee.

6.3.2 In contentious cases, particularly those where the arguments are finely balanced, it is open to the Secretary of State to order a public inquiry to be held. Such inquiries are rare and, in the normal course, the Secretary of State would hope that the issues - and any scope for compromise - might be determined locally between the council and objectors.

#### *Proposed timeline for amendments received through consultation process:*

<i>Activity</i>	<i>Date</i>
Council comments on the objections received by Secretary of State	March 2012
Minor amendments made are approved by Director of CLC through delegated powers	March/ April 2012
Submission to Secretary of State for confirmation of New Byelaws	May 2012
New Byelaws confirmed. Formal adoption of New Byelaw comes into force.	July 2012

#### *Proposed timeline if Byelaws are rejected by DCLG:*

<i>Activity</i>	<i>Date</i>
Council comments on the objections received by Secretary of State	March 2012
Major amendments made are taken before GPC.	21 <sup>st</sup> March 2012
Approval of Full Council	18 <sup>th</sup> April/ 16 <sup>th</sup> May 2012
New Byelaws submitted to DCLG for provisional approval/sealing	May 2012
Once provisional approval has given by DCLG, Council publicly advertise New Byelaws (1 month public consultation)	June/July 2012
Submission to Secretary of	Aug 2012

State for confirmation of New Byelaws	
New Byelaws confirmed. Formal adoption of New Byelaw comes into force.	Oct 2012

## **7. CONSULTATION**

- 7.1 Prior to the making of the New Byelaws the Council is required to consult with bodies and organisations where there is a joint interest in any park or open space. Consultation with stakeholders is still ongoing. A list of groups so far consulted is included in Appendix 2. Following approval of the draft changes by the DCLG and by Full Council a full public consultation will be conducted in Feb 2011.

## **8. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 8.1 There are no financial implications emanating within these proposals. The proposed New Byelaws seek to make the process more efficient by removing ambiguity and uncertainty about which activities are permitted within parks & open spaces. The adoption of the New Byelaws will be included in the normal duties of the parks and open spaces existing budgets.

## **9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 9.1 The Council has power under section 235 of the Local Government Act 1972 to make byelaws for –
- The good rule and government of the whole or part of the borough.
  - The prevention and suppression of nuisances in the borough.
- 9.2 The Council has additional powers to make byelaws –
- For the regulation of public walks or pleasure grounds under section 164 of the Public Health Act 1875.
  - For the regulation of open spaces for which it has acquired control under the Open Spaces Act 1906 and for the days and times of admission to such spaces and for the preservation of order and prevention of nuisances in those spaces.

- 9.3 Section 236 of the Local Government Act 1972 sets out the current procedure for making byelaws. Byelaws must be made under the Council's seal, but do not take effect until they are confirmed by the Secretary of State. Before applying for confirmation, the Council must: give notice of its intention to apply for confirmation in a newspaper circulating in the borough; and must make a copy of the proposed byelaws available for public inspection at the Council's offices. If a person requests a copy of the byelaws, the Council must make one available (for which the Council may charge a fee not exceeding 10p per hundred words).
- 9.4 In order to obtain confirmation, the Council must submit an application to the Department of Communities and Local Government ("DCLG"). The Secretary of State may either confirm or refuse to confirm any byelaw submitted for confirmation under section 236 of the 1972 Act. The Secretary of State may fix a date on which the byelaws come into effect, but if he does not specify a date the byelaws come into effect one month from the date of its confirmation.
- 9.5 The DCLG has indicated that in considering an application for confirmation, the points on which it will concentrate are as follows –
- that the byelaws are *intra vires* the relevant legislation and that any action required by the legislation, such as consultation with a named public body, has been taken;
  - that they do not duplicate or conflict with the general law, existing byelaws or any local Act, or common law;
  - that the nuisance they address merits criminal sanctions and that, to a reasonable person, the penalty available is proportionate;
  - that they directly address a genuine and specific local problem and do not attempt to deal in general terms with essentially national issues; and
  - that they do not conflict with Government policy.
- 9.6 The DCLG has published model byelaws which set out what the Government considers to be appropriate wording. Byelaws which exactly follow a model will in most cases satisfy the considerations set out in paragraph 9.5. As the Council is proposing to make changes to the wording of the model byelaws for parks and open spaces (including the imposition of new Byelaws), it will need to satisfy the DCLG as to the matters in paragraph 9.5.
- 9.7 Ultimately, it is considered that the greatest risk to confirmation by the Secretary of State is whether they will be seen to be addressing genuine local problems in a proportionate way. Proportionality is about balancing the size and scope of the proposed activity which is to be addressed against the gravity and extent of the perceived mischief and considering whether alternative means of dealing with the matter are more appropriate rather than to criminalise the activity. It is understood that there has been ongoing

discussion with the DCLG to obtain preliminary views about whether the proposed byelaws are likely to be confirmed. Ultimately, however, this is only an indication and the Council should not put forward proposed byelaws unless satisfied that they genuinely address local problems in a proportionate way. It is considered that they may be so viewed.

- 9.8 The making and revoking of byelaws is a matter for full Council. This is confirmed in Article 4.02(j) of the Council's constitution. If the Secretary of State were to refuse to confirm the proposed byelaws (and this may happen if the Secretary of State is dissatisfied with just one of the byelaws), then any modified version of the byelaws should be brought back to full Council for further consideration. The process of confirmation would essentially begin again with any modified set of byelaws.
- 9.9 A delegation to officers is proposed to enable amendments to be made prior to submission to the DCLG. This is permissible pursuant to section 101 of the Local Government Act 1972.
- 9.10 Before making the byelaws, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. An equality analysis has been conducted, which is appended to this report and Council should consider this before determining to make the proposed byelaws.

## **10. ONE TOWER HAMLETS CONSIDERATIONS**

- 10.1. Recent studies by the Commission for Architecture and the Built Environment (CABE) suggested that providing good quality local green space is a very effective way to tackle inequality. People living in deprived urban areas view green space as a key service and one of the essentials in making a neighbourhood liveable.
- 10.2. When people were asked if they experienced any barriers to using their local green spaces, the biggest single barrier to accessing urban green space was safety. This was expressed both in terms of the physical environment and the perceived threat of others. Around a third of people reported they would use urban green space more if safety were improved.
- 10.3. Therefore, effective enforcement of Byelaws and other supporting legislation within the borough's parks and open spaces has the potential to improve the experience of park users and increase use by the community.
- 10.4. An equalities impact assessment has been prepared in relation to the proposed byelaws and is set out in Appendix 6 to this report.

- 10.5. The new byelaws will be enforced in accordance with the Council's enforcement policy which has already been subject to an equalities impact assessment.

## **11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 11.1 Byelaws are designed to protect parks and open spaces and the plants and wildlife within them. Effective implementation of the Byelaws will help to ensure access to nature for everyone in the borough.

## **12. RISK MANAGEMENT IMPLICATIONS**

- 12.1 The principal risk would be ensuring that the New Byelaws are publicised and enforced effectively from date of implementation. This risk will be minimised by the effective use of the joint tasking approach and processes currently in place. ASB tracking and monitoring of frequency through data capture and analysis systems will provide evidence based decision making.
- 12.2 Risks specific to the DCLG failing to agree the new Byelaws are being addressed through close working and dialogue with Ministry officials during development and as we progress to approval.

## **13. CRIME AND DISORDER REDUCTION IMPLICATIONS/ EFFICIENCY STATEMENT**

- 13.1 The New Byelaws will support improved enforcement and community engagement specific to behaviour in our parks and open spaces. For this reason they will play their part in helping to drive down crime, littering and vandalism which in turn will help to reduce the costs of maintaining the public realm and dealing with crime. They will also help to increase the use of parks by reducing fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. Again this will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

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**Local Government Act, 1972 Section 100D (As amended)**  
**List of “Background Papers” used in the preparation of this report**

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
None	<u>N/A</u>

**14. APPENDICES**

- Appendix 1 – Copy of the New Byelaws
  - Appendix 2 – Consultation
  - Appendix 3 – Gap analysis of New Byelaws and Primary Legislation
  - Appendix 4 – Table showing comparison of New Byelaws with the Existing Byelaws, included details of suggested alterations
  - Appendix 5 – Existing Byelaws
  - Appendix 6 – Equality impact assessment
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## **Appendix 1 – New Byelaws**

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### MODEL BYELAWS – SET 2

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## **THE LONDON BOROUGH OF TOWER HAMLETS COUNCIL**

### **BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

#### ARRANGEMENT OF BYELAWS

##### PART [1]

##### GENERAL

1. General interpretation
2. Application
3. Opening times

##### PART [2]

##### PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

##### PART [3]

##### HORSES, CYCLES AND VEHICLES

14. Interpretation of Part [3]

15. Horses
16. Cycling
17. Motor vehicles
18. Overnight parking

#### PART [4]

#### PLAY AREAS, GAMES AND SPORTS

19. Interpretation of Part [4]
20. Children's play areas
21. Children's play apparatus
22. Skateboarding, etc
23. Ball games
24. Ball games
25. Cricket
26. Archery
27. Field sports
28. Golf - Prohibited

#### PART [5]

#### WATERWAYS

29. Interpretation of Part [5]
30. Bathing
31. Ice skating
32. Model boats
33. Boats
34. Fishing
35. Blocking of watercourses

#### PART [6]

#### MODEL AIRCRAFT

36. Interpretation of Part [6]
37. Model aircraft - General prohibition

## PART [7]

### OTHER REGULATED ACTIVITIES

38. Provision of services

39. Excessive noise

40. Public shows, performances, or gatherings of such nature or size that the gathering is likely to have an adverse impact on the park or open space or on the other users of the park or open space.

41. Aircraft, hang-gliders and hot air balloons

42. Kites

43. Metal detectors

44. Fundraising, and soliciting or gathering money

## PART [8]

### MISCELLANEOUS

45. Obstruction

46. Savings

47. Removal of offenders

48. Penalty

49. Revocation - General

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Grounds referred to in certain byelaws

SCHEDULE 3 - Rules for playing ball games in designated areas

Byelaws made under section 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906 by the London Borough of Tower Hamlets with respect to pleasure grounds, public walks and open spaces.

## **PART 1**

### **GENERAL**

#### **General Interpretation**

1. In these byelaws:

“the Council” means the London Borough of Tower Hamlets;

“the ground” means any of the grounds listed in the Schedule /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.

#### **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 the grounds listed in Schedule 2.

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **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 he is 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.  
  
(a) Feeding of wild life (e.g. pigeons, squirrels, rats) is prohibited unless with the expressed permission of the local authority, at which permission is given for feeding of ducks.

#### **Gates**

9. (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 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**

10. 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 [except in a designated area for camping].

### **Fires**

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (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.
  - (b) The lighting or use, in such a manner as to safeguard against damage, danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues

### **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**

14. 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**

15. (1) No person shall ride 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**

16. 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, nor in such a way which may endanger the public.

### **Motor vehicles**

17. (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 or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.

### **Overnight parking**

18. 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]**

19. 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**

20. No person aged 11 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 11 years.

### **Children’s play apparatus**

21. No person aged 11 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 11 years by a notice conspicuously displayed on or near the apparatus or entrance of parks and open spaces.

### **Skateboarding, etc**

22. 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**

23. 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.

24. 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**

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

### **Archery**

26. 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**

27. 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 or on land set aside by the Council for that purpose.

### **Golf**

28. No person shall drive, chip or pitch a hard golf ball.

## **PART 5**

### **WATERWAYS**

#### **Interpretation of Part [5]**

29. 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**

30. No person shall without reasonable excuse bathe or swim in any waterway.

#### **Ice skating**

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

#### **Model boats**

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

#### **Boats**

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

#### **Fishing**

34. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing and with prior consent of the Council and in accordance with the rules governing such consent.

## **Blocking of watercourses**

35. 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**

36. 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.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

#### **General prohibition**

37. 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**

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

### **Excessive noise**

39. (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 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 39 does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Public shows, performances or gatherings of such nature or size that the gathering is likely to have an adverse impact on the park or open space or on the other users of the park or open space.**

40. No person shall without the consent of the Council hold or take part in any public show, performance or gatherings of such nature or size that the gathering is likely to have an adverse impact on the park or open space or on the other users of the park or open space

### **Aircraft, hang gliders and hot air balloons**

41. 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**

42. 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**

43. (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.

### **Fundraising, and soliciting or gathering money**

44. No person shall without the consent of the Council solicit or gather money for any cause whether or not such cause is charitable.

## **PART [8]**

### **MISCELLANEOUS**

## **Obstruction**

45. 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**

46. (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**

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

## **Penalty**

48. 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**

49. The byelaws made by the London Borough of Tower Hamlets on **insert date** and confirmed by the Secretary of State for the Home Office **insert date of confirmation** relating to the ground are hereby revoked.

# SCHEDULES

## SCHEDULE 1

### GROUNDS TO WHICH BYELAWS APPLY

The grounds referred to in byelaw 2 are:

Aberfeldy Millennium Green	Cotton Street/Bazely Street
Ackroyd Drive Open Space	Devons Road Ambulance Station - Grass Verge
Albert Gardens	Dockers Tanner Road
All Saints Church Yard	Fern Street Open Space
Allen Gardens	Ford Square
Allen Gardens Play Area	Furze Green Open Space
Altab Ali Park	Glamis Adventure Playground
Alton Street Open Space	Globe Road Open Space
Approach Road/Old Ford Road Open Space	Gosling Gardens
Arbour Square Gardens	Great Eastern Slipway
Archibald Open Space	Grove Hall Park
Bartlett Park	Hellings Street
Baxendale Street Gardens	Hermitage Basin
Beaumont Square Gardens	Ion Square Gardens
Belgrave Open Space	Island Gardens
Bethnal Green Gardens	Jesus Green
Bonner Hall Gate	Johnson's Drawdock
Boundary Gardens	Jolly's Green
Bow Churchyard	King Edward Memorial Park
Braithwaite	Kings Wharf
Bromley Recreation Ground	Langdon Park
Brussels Wharf and Slipway	Lenanton Steps
Burdett Road Bus Terminus	Leven Road Open Space
Canrobert Street Open Space	London Yard
Caledonian Wharf	Maconochies Wharf
Cantrell Road Open Space	Mallon Gardens
Carlton Square and Gardens	Marsh Wall/East Ferry Road
Carron/Continental Wharf	Mast House Terrace Playarea
Castle Wharf	Mast House Terrace Walkway
Castor Lane/ Poplar High Street Link	Meath Gardens
Cavell Street Gardens	Mercers Burial Ground
Chicksand Ghat	Middleton Green
Christchurch Gardens	Mile End Park
Compass Point	Millwall Outer Dock

Millwall Park	St Matthews Church Gardens
Ming Street Open Space	St Matthias Church Gardens
Mudchute Farm	Stepney City Farm
Museum Gardens	Stepney Clock Tower Gardens
Paradise Gardens	Stepney Green Gardens
Pennyfields Open Space	Stepney Green Park
Pollard Square	Stonebridge Wharf
Poplar High Street/Preston's Road	Stoneyard Lane Open Space
Poplar Parkway	Swedenborg Gardens
Poplar Recreation Ground	The Greenway
Prospect Park	The Oval
Raines Mansions	Three Colt Street/Mitre Site
Ravenscroft Park	Three Mill Lane Walkway
Rectory Gardens	Tobacco Dock Walkway
Rhoda Street Open Space	Tower Hamlets Cemetery
Rope Walk Gardens	Trafalgar Gardens
Ropemakers Fields	Tredegar Square
Rounton Road Open Space	Trinity Gardens
Royal Mint Square	Trinity Square Gardens
Schoolhouse Kickabout Area	Twelve Trees Crescent
Selwyn Green	Vallance Road Gardens
Shacklewell Street 1 O'Clock Club	Vaughan Way Open Space
Shacklewell Street Ball Games Area	Victoria Park
Shadwell Basin Walkway and Podium	Virginia Gardens
Shadwell Upper Lock Walkway	Wapping Gardens
Shandy Park	Wapping Green
Sidney Square Gardens	Wapping Rose Gardens
Silvocea Wharf	Wapping Woods
Sir John McDougal Gardens	Wapping Wood Canal Walkway
Spitalfields Farm	Warner Green Open Space
St Annes Churchyard	Waterside Gardens
St Bartholomew's Gardens	Weavers Fields
St Dunstan's Churchyard	Western Dock Walkway
St George's in the East	West India Dock Road
St James Gardens	White Horse Lane Open Space
St Johns Car Park	Whitehorse Road Park
St Johns Churchyard	Wyvis Street Open Space
St Johns Park	York Square Gardens

## **SCHEDULE 2**

### **GROUNDS REFERRED TO IN CERTAIN BYELAWS**

#### **OPENING TIMES (BYELAW 3(1))**

The grounds referred to in byelaw 3(1) are:

Albert Gardens
Arbour Square Gardens
Beaumont Square Gardens
Bethnal Green Gardens
Carlton Square Garden
Cavell Street Gardens
Ford Square
Grove Hall Park
King Edward Memorial Park
Museum Gardens
Paradise Gardens
Poplar Recreation Ground
Prospect Park
Selwyn Green
Sidney Square Gardens
St Annes Churchyard
St Bartholomew's Gardens
St George's in the East
Stepney Green Gardens
Tower Hamlets Cemetery
Tredegar Square
Trinity Gardens
Victoria Park
Wapping Gardens
Wapping Rose Gardens
York Square Gardens

Opening times are dawn until dusk.

### **SCHEDULE 3**

#### **RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 24)**

Any person using a designated area for playing ball games is required by byelaw 24 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.

## **Appendix 2 – Consultation**

Cabinet Members were consulted through Council procedures.

An email consisting of a copy of the New Byelaws and an explanation of the Council's intention to update its Parks Byelaws was sent to the following organisations:

- The Crown Estates
- The Diocese of London
- Friends of Mile End Park
- Friends of Victoria Park
- The Friends of Arnold Circus
- The Friends of Tower Hamlets Cemetery Park
- The Friends of Weavers Fields
- Mudchute Park and Farm
- Spitalfields City Farm
- Stepney City Farm
- British Model Flying Association
- National Council for Metal Detecting
- The Department for Culture, Media and Sport
- Tower Hamlets Wheelers
- Tower Hamlets Transport Sub Group

Acknowledgments of receipt of the document but no comments were received from the Department of Media, Culture and Sport. Friends of Mile End Park, Spitalfield's City Farm, Stepney City Farm and the Diocese of London suggested comments to the New Byelaws. Friends of Weavers Field and the National Council for Metal Detecting confirmed that they did not have any comments. There were no responses received from the other organisations.

As stated in section 6, once formally adopted by the Council the New Byelaws must be sealed then advertised. For at least one month after the date of the publication of the advertisement, a copy of the New Byelaws must be held on deposit at the Council offices for inspection by the public. During this one month period objections or representations can be made directly to the DCLG. After the consultation period has expired the New Byelaws may be confirmed by the DCLG. Where objections have been received confirmation of the New Byelaws will take longer, because the Council may need to respond to these to the DCLG before the decision to confirm the New Byelaws is made by them.

### **Appendix 3 – Gap analysis of proposed New Byelaws**

<b>Offence / Issue</b>	<b>Is it covered in Existing Byelaws?</b>	<b>Is it covered in New Byelaws?</b>	<b>Is it covered in relevant primary legislation?</b>
Assault on public or staff	No	No	Offences Against the Persons Act 1861
Ball games in non ball games area	Yes (41)	Yes (23-24)	
Barbeques (other than designated areas)	No	Yes (11)	
Causing a disturbance/ annoyance	Yes (34, 32, 44)	Yes (40, 45)	
Commercial activity	Yes (36,37,40)	Yes (39)	
Cycling	Yes (13,14)	Yes (16)	
Damage to plants, benches etc	Yes (3, 5)	No	Criminal Damage Act 1971: Section 1
Dangerous Dogs	Yes (23)	No	Dangerous Dogs Act 1991
Defecating/ urinating in public	No	No	Decency offences – Police Powers – ASBO's section 235 of the Local Government Act 1972
Digging holes	Yes (3)	Yes (4.1b)	
Dog control	Yes (21-24)	No	Clean Neighbourhoods and Environment Act 2005: Section 55-67
Drinking	No	No	Licensing Act 1872: Section 12
Fly posting	Yes (2)	No	Clean Neighbourhoods and Environment Act 2005: Part 4, Section 31; Anti-social Behaviour Act 2003, Part 6 224 & 225 Town and Country Planning Act
Fly tipping	Yes (27)	No	Environmental Protection Act 1990: Part 4, Section 33; Clean Neighbourhood and Environment Act 2005; Anti-Social Behaviour Act 2003
Graffiti (unless designated area for graffiti)	No	No	Clean Neighbourhoods and Environment Act 2005: Part 4 ; Criminal Damage Act 1971: Section 1
Grazing of animals	Yes (25, 26)	Yes (7)	
Incitement	No	No	Public Order Act 1986; Race relations Act 1997; Protection from Harassment Act 1997
Indecent exposure	No	No	Sexual Offences Act 2003: Part 1, Section 66 Vagrancy Act 1824: Section 4
Litter	Yes (27)	No	Environmental Protection Act 1990: Part 4, Section 87
Meeting or Assemblies	Yes (38)	No	Public Order Act 1986: Part 2, Section 14; Anti-Social Behaviour Act 2003

<b>Offence / Issue</b>	<b>Is it covered in Existing Byelaws?</b>	<b>Is it covered in New Byelaws?</b>	<b>Is it covered in relevant primary legislation?</b>
Model Planes	Yes (12)	Yes (37-38)	
Persistent Offending	No	No	Crime and Disorder Act 1998
Playing music	Yes (39)	Yes (40)	
Public nudity	No	No	Sexual Offences Act 2003: Part 1, Section 66
Rioting	No	No	Public Order Act 1986: Section 1
Setting fires	Yes (31)	Yes (11)	Fireworks covered by Explosives Act 1875: Section 80
Sexual activity/cruising/soliciting	No	No	Sexual Offences Act 2003: sections 66, 67 and 71
Sleeping rough	Yes (35-36)	No	Vagrancy Act 1824: Section 4
Stray dogs	No	No	Environmental Protection Act 1990: Part 8, Sections 149-151
Theft of plants, benches etc	Yes (2, 3)	Yes (4.1)	Theft Act 1968, Wildlife & Countryside Act 1981
Theft from people in park	No	No	Theft Act 1968
Using play equipment when over-age	No	Yes (20-21)	
Vandalism	Yes (2)	No	Criminal Damage Act 1971
Vehicles – prohibition to take a vehicle into park without consent of the landlord	Yes (13,17,18)	Yes (17)	

**Appendix 4 - Table showing comparison of Existing Byelaws with the proposed New Byelaws, including details of suggested amendments to the New Byelaws**

<p><b>New Byelaws</b></p> <p><i>(Possible suggested amendments to the model byelaws have been underlined)</i></p>	<p><b>Notes / Comments</b></p> <ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
<p><b><u>PART 1 - GENERAL</u></b></p> <p><b>General Interpretation</b></p> <p>1. In these byelaws:  “the Council” means the London Borough of Tower Hamlets;</p> <p>“the ground” means any of the grounds listed in the Schedule /Schedule [1];</p> <p>“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;</p> <p>“invalid carriage” means a vehicle, whether mechanically propelled or not,</p> <ul style="list-style-type: none"> <li>(a) the unladen weight of which does not exceed 150 kilograms,</li> <li>(b) the width of which does not exceed 0.85 metres, and</li> <li>(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.</li> </ul> <p><b>Application</b></p> <p>2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.</p>	<p>Replaces and updates ‘definitions’ section of Existing Byelaw 1. The new ‘General Interpretation’ section provides clarity and defines terms which are repeated several times in the text of the New Byelaws.</p>
<p><b>3. Opening Times</b></p> <p>3. (1) No person shall enter or remain in the ground except during opening hours.</p> <p>(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.</p>	<p>Replaces and updates wording of Existing Byelaw 9.</p>

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b> <ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
(3) Byelaw 3(1) applies only to the grounds listed in Schedule 2.	
<p><b><u>PART 2 - PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC</u></b></p> <p><b>4. Protection of structures and plants</b></p> <p>4. (1) No person shall without reasonable excuse remove from or displace within the ground:</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.</p> <p>(2) No person shall walk on or ride, drive or station a horse or any vehicle over:</p> <p style="padding-left: 40px;">(a) any flower bed, shrub or plant;</p> <p style="padding-left: 40px;">(b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or</p> <p style="padding-left: 40px;">(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.</p>	<p>Refers to Existing Byelaws 2, 3, 5, 11 and 17 and replaces with updated wording.</p>
<p><b>5. Unauthorised erection of structures</b>            No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.</p>	<p>Updates wording of Existing Byelaw 11.</p>
<p><b>6. Climbing</b>            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.</p>	<p>Updates wording of Existing Byelaw 4</p>
<p><b>7. Grazing</b>            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.</p>	<p>This replaces Existing Byelaws 25 and 26</p>
<p><b>8. Protection of wildlife</b>            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.</p>	<p>This would be a new byelaw. It refers to Existing Byelaw 20, 25-27. Fishing is addressed in a separate heading under byelaw 34.</p> <p><u>(a) Feeding of wild life (e.g. pigeons, squirrels,</u></p>

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b>
<p><u>(a) Feeding of wild life (e.g. pigeons, squirrels, rats) is prohibited unless with the expressed permission of the local authority, at which permission is given for feeding of ducks.</u></p>	<ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul> <p><u>rats) is prohibited unless with the expressed permission of the local authority, at which permission is given for feeding of ducks.</u>  In recent years feeding of wildlife in parks has become more common. The following byelaw has been suggested for inclusion to address the growing issues (these possible additional byelaw are not found in DCLG Model Byelaw 2):  Feeding of wildlife encourages vermin in the park and has a detrimental effect in parks. This byelaw has been added to respond to incidences encountered by Park Rangers.</p>
<p><b>9. Gates</b></p> <p>(1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.</p> <p>(2) Byelaw 10(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.</p>	<p>This would be a new byelaw.</p>
<p><b>10. Camping</b></p> <p>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 [except in a designated area for camping].</p>	<p>Updates wording and replaces Existing Byelaw 8.</p>
<p><b>11. Fires</b></p> <p>(1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.</p> <p>(2) Byelaw 11(1) shall not apply to:</p> <p>(a) The lighting of a fire at any event for which the Council has given permission that fires may be lit.</p> <p>(b) <u>The lighting or use, in such a manner as to safeguard against damage, danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues</u></p>	<p>This would be a new byelaw. It makes reference to Existing Byelaw 31, on the misuse of fireworks and bonfires. This byelaw updates wording and expands on the Existing Byelaw, providing powers to address the misuse of fireworks and the use of flammable materials.</p> <p><u>The lighting or use, in such a manner as to safeguard against damage, danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues –</u>  In recent years it has become more common for residents to use the parks and open spaces for barbecues. However there is no power to enforce against this activity in locations where this may be a hazard or a nuisance or regulate safe use under Existing Byelaws. The amended</p>

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b>
	<ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
<b>12. Missiles</b> 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.	Byelaw 11 (Fires) now includes wording inserted from the Model Byelaws allowing for barbecues in designated areas.
<b>13. Interference with life-saving equipment</b> 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.	This would be a new byelaw. In Victoria Park there is a lake and there is life saving equipment around the lake. This byelaw is designed to protect the safety of persons using the park. This byelaw would give officers enforcement powers against people misusing the equipment.
<p><b><u>PART 3 - HORSES, CYCLES AND VEHICLES</u></b></p> <p><b>Interpretation of Part 3</b></p> <p>14. In this Part:</p> <p>“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;</p> <p>“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;</p> <p>“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;</p> <p>“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.</p>	Definitions have been added in the new byelaw for clarity.
<b>15. Horses</b> <ol style="list-style-type: none"> <li>(1) No person shall ride except in the exercise of a lawful right or privilege.</li> <li>(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.</li> </ol>	This would be a new byelaw. Previously horses were addressed under existing byelaws 13-14, which included cycling and driving vehicles, also section on ‘horses, dogs and other animals’ (existing byelaws 19-26). The latter two activities are now addressed separately in the new byelaws (byelaws 16 and 17 respectively). Dogs are not addressed in the New Byelaws as they are covered by other existing primary legislations

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b>
	<ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul> <p>e.g. Clean Neighbourhoods and Environment Act 2005.</p> <p>Mudchute Farm for example is an area for designated horse riding. This byelaw provides an enforcement power for the use of horses in areas not designated for horse riding.</p>
<p><b>16. Cycling</b> 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, <u>nor in such a way which may endanger the public.</u></p>	<p>Previously cycling was addressed under Existing Byelaws 13-14, which included horse riding and driving vehicles. The latter two activities are now addressed separately in the New Byelaws (byelaws 15 and 17 respectively).</p> <p><u>nor in such a way which may endanger the public</u> has been added for reasons of public safety.</p>
<p><b>17. Motor vehicles</b> (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 or a designated route for that class of vehicle.</p> <p>(2) Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.</p>	<p>Replaces and updates wording of Existing Byelaws which refer to motor vehicles (Byelaws 13-18 inclusively).</p>
<p><b>18. Overnight parking</b> 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.</p>	<p>This would be a new byelaw. This makes references to Existing Byelaw 17.</p>
<p><b><u>PART 4 - PLAY AREAS, GAMES AND SPORTS</u></b></p> <p><b>Interpretation of Part [4]</b></p> <p><b>19.</b> 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;</p> <p>“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</p>	<p>Definitions of key terms have been included for clarity.</p>

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b> <ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.	
<b>20. Children’s play areas</b> No person aged <u>11</u> 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 <u>11</u> years.	This replaces and updates wording to Existing Byelaw 6. The restriction on age has been changed to 11 years of age. This byelaw is designed to safeguard them when in these areas and to ensure play areas designed for under-11s are not used by older children.
<b>21. Children’s play apparatus</b> No person aged <u>11</u> years or over shall use any apparatus stated to be for the exclusive use of persons under the age of <u>11</u> years by a notice conspicuously displayed on or near the apparatus <u>or entrance of parks and open spaces</u> .	This replaces and updates wording to Existing Byelaw 42 with regards to the use of apparatus and also refers to Existing Byelaw 6, restriction of open space reserved for children under the age of 14 years. It was felt the restriction on age outlined in the Model Byelaw should be changed to 11 years of age, since there is play apparatus in Tower Hamlets designed for under 11s. It also means younger children should not be using play apparatus designed for those over 11 due to health and safety reasons.  The additional wording “or entrance of parks and open spaces” allows signage to be put in those areas.
<b>22. Skateboarding, etc</b> 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.	This would be a new byelaw.
<b>23 to 24. Ball games</b>  <b>23.</b> No person shall play ball games outside a designated area for playing ball games in such a manner: <ul style="list-style-type: none"> <li>(a) as to exclude persons not playing ball games from use of that part;</li> <li>(b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or</li> <li>(c) which is likely to cause damage to any tree, shrub or plant in the ground.</li> </ul> <b>24.</b> 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	This would be a new byelaw, which makes reference to Existing Byelaw 41 within ‘Games, drilling etc’ section, where it broadly refers to no person shall play any game or take part in any sport or entertainment without consent of the Council. This byelaw specifically addresses ball games only.

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to desist from breaking those rules.	
<b>25. Cricket</b> No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.	This would be a new byelaw. Cricket is excluded from the definition of 'ball games'.
<b>26. Archery</b> 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.	This would be a new byelaw to prevent this sport taking place as there is no suitable safe location set aside for archery.
<b>27. Field sports</b> 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 or on land set aside by the Council for that purpose.	This would be a new byelaw, which makes reference to Existing Byelaw 41 within 'Games, drilling etc' section), where it refers to no person shall play any game or take part in any sport or entertainment without consent of the Council
<b>28. Golf</b> No person shall drive, chip or pitch a hard golf ball.	This would be a new byelaw. There are no golf courses within the borough. This byelaw seeks to give a direct power to prevent people being injured by golf.
<b><u>PART 5 – WATERWAYS</u></b>  <b>Interpretation of Part [5]</b>  <b>29.</b> 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.	Definitions of key words have been added for clarity.
<b>30. Bathing</b> No person shall without reasonable excuse bathe or swim in any waterway.	This would be a new byelaw. This relates to Existing Byelaw 41 and now addresses the prohibition of Bathing as a separate byelaw. There are lakes/ponds in some parks, however no regulation to prevent people entering them, especially during hot weather.
<b>31. Ice skating</b> No person shall step onto or otherwise place their weight upon any frozen waterway.	This replaces and updates wording of Existing Byelaw 7.
<b>32. Model boats</b> No person shall operate a power-driven model boat on any waterway except in a designated area for model boats.	This would be a new byelaw. This relates to Existing Byelaw 41 and now addresses the prohibition of Model Boats as a separate byelaw.
<b>33. Boats</b>	This would be a new byelaw. This relates to

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b> <ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council	Existing Byelaw 41 and now addresses Boats as a separate byelaw.
<b>34. Fishing</b> No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing <u>and with prior consent of the Council and in accordance with the rules governing such consent.</u>	This would be a new byelaw. Previously fishing was addressed alongside a number of issues under 'games, drilling, etc' (byelaw 41) and byelaw 26. Now it is addressed as a separate byelaw.  <u>and with prior consent of the Council and in accordance with the rules governing such consent</u> has been added to assist clarity. Also, the designated areas for fishing are small areas and have the likelihood of being over-fished if there are too many people fishing at the same time. It will also enable the Council to address issues related to camping and the use of specialist fishing equipments.
<b>35. Blocking of watercourses</b> 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.	This refers to Existing Byelaw 27 and addresses blocking of watercourses as a separate byelaw.
<b><u>PART 6 - MODEL AIRCRAFT</u></b>  <b>Interpretation of Part 6</b>  <b>36.</b> 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.  "radio control" means control by a radio signal from a wireless transmitter or similar device.	This is new and includes definition of key terms for clarity.
<b>General prohibition</b> <b>37.</b> No person shall cause any power-driven model	This would be a new byelaw. This updates wording and replaces Existing Byelaw 12 which

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aircraft to: <ul style="list-style-type: none"> <li>(a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or</li> <li>(b) land in the ground without reasonable excuse.</li> </ul>	currently refers to 'any aircrafts'. The Council does not have a designated area for model aircrafts. There is a general prohibition for use of model aircrafts.
<b><u>PART 7 - OTHER REGULATED ACTIVITIES</u></b>	
<b>38. Provision of services</b> No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.	Replaces and updates wording of Existing Byelaws 36, 37 and 40. Provides enforcement powers to prevent trading.
<b>39. Excessive noise</b> (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 <u>in the ground</u> by: <ul style="list-style-type: none"> <li>(a) shouting or singing;</li> <li>(b) playing on a musical instrument; or</li> <li>(c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.</li> </ul> (2) Byelaw 40) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.	Updates wording and replaces Existing Byelaw 39.  The wording "in the ground" has been removed to address the issue of noise nuisance affecting those within close proximity of parks and open spaces e.g. neighbouring properties.
<b>40. Public shows, performances or gatherings of such nature or size that the gathering is likely to have an adverse impact on the park or open space or on the other users of the park or open space.</b> No person shall without the consent of the Council hold or take part in any public show, performance <u>or gatherings of such nature or size that the gathering is likely to have an adverse impact on the park or open space or on the other users of the park or open space</u>	This would be a new byelaw to provide power to control unauthorised public show or performance in parks and open space.  The following wording has been added: <u>or gatherings of such nature or size that the gathering is likely to have an adverse impact on the park or open space or on the other users of the park or open space</u>  The intention is to control gatherings in parks or open spaces in Tower Hamlets to ensure the spaces can be managed for the benefit of all residents. The Council require permission to be sought for gatherings in advance. There is a need to control such gatherings as they may

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b>
	<ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
	<p>impact on other scheduled uses. Many parks have regular bookings for football matches and other scheduled activities. The issue here is one of being able to schedule and manage a variety of uses alongside one another.</p>
<p><b>41. Aircraft, hang gliders and hot air balloons</b> 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.</p>	<p>This would be a new byelaw. It refers to Existing Byelaw 12 with regards to aircraft, but the new byelaw now includes hand gliders, helicopter and hot air balloon.</p>
<p><b>42. Kites</b> No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.</p>	<p>This would be a new byelaw. This byelaw will provide power to control the use of large kites as their means of propulsion in 'kite boarding', which can travel at high speeds and have difficulty stopping in strong winds, thus likely to cause danger to other park users.</p>
<p><b>43. Metal detectors</b> (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.</p>	<p>This would be a new byelaw to provide powers to protect e.g. areas consisting of carefully cultivated turf and flower beds, and wildlife areas.</p>
<p><b>44. <u>Fundraising, and soliciting or gathering money</u></b> <u>No person shall without the consent of the Council solicit or gather money for any cause whether or not such cause is charitable.</u></p>	<p>This would be a new byelaw that is not found in the DCLG Model Byelaws. This has been added following comments on prohibiting activities such as fundraising in the Parks without prior consent of the Council: 44 <u>Fundraising, and soliciting or gathering money -</u> <u>No person shall without the consent of the Council solicit or gather money for any cause whether or not such cause is charitable.</u></p>
<p><b><u>PART [8] – MISCELLANEOUS</u></b></p>	
<p><b>45. Obstruction</b> No person shall obstruct:</p> <ul style="list-style-type: none"> <li>(a) any officer of the Council in the proper execution of his duties;</li> <li>(b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or</li> <li>(c) any other person in the proper use of the ground.</li> </ul>	<p>This replaces and updates Existing Byelaw 45.</p>
<p><b>46. Savings</b> (1) It shall not be an offence under these byelaws</p>	<p>This replaces and updates Existing Byelaws 48-51)</p>

<b>New Byelaws</b>  <i>(Possible suggested amendments to the model byelaws have been underlined)</i>	<b>Notes / Comments</b> <ul style="list-style-type: none"> <li>• How New Byelaws compare with the Existing Byelaws</li> <li>• Reasons for considering proposed amendments to the Existing Byelaws</li> </ul>
<p>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.</p> <p>(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.</p> <p><b>47. Removal of offenders</b> Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.</p> <p><b>48. Penalty</b> 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.</p>	<p>This replaces and updates Existing Byelaw 47.</p> <p>This replaces and updates Existing Byelaw 46.</p>
<p><b>49. Revocation</b> The byelaws made by the London Borough of Tower Hamlets on <b>insert date</b> and confirmed by the Secretary of State for the Home Office <b>insert date</b> of confirmation relating to the ground are hereby revoked.</p>	<p>This has been added for clarity and replaces the wording included within the 'notes' section of the Existing Byelaws.</p>

**Appendix 5 – Existing Byelaws**