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| Committee: General Purposes | Date: 13 December 2010 | Classification: Unrestricted | Report No: | Agenda Item: |
| Report of: Corporate Director: Stephen Halsey Originating officer: Colin Stuart, Head of Parks and Open Spaces | | Title: New Byelaws for Parks and Open Spaces Wards Affected: All | | |

1 SUMMARY

- 1.1 These proposed Byelaws are to replace a much older set of Byelaws dating back to the 1930's. The purpose of the Byelaws is to improve the enjoyment of persons who use parks and open spaces within the London Borough of Tower Hamlets. This can be achieved by ensuring that the Council can adequately deal with unacceptable activities and which cannot be dealt with under existing legislation. Certain activities may cause distress to other users of the park or could cause injury to other users and it is these types of activities that the Byelaws seek to address. For example, in Victoria Park there is a lake and there is life saving equipment around the lake. One of the proposed Byelaws would prohibit except in case of emergency removal or tamper with any life-saving appliance provided by the Council. This Byelaw is therefore designed to protect the safety of persons using the park.
- 1.2 The proposed new Byelaws satisfy a number of the Council's Community Plan priorities including providing a better environment and improving community safety and cohesiveness.
- 1.3 At the current time there is an inconsistency in the application of byelaws across the Borough's parks and open spaces. Byelaws have been derived both from differing predecessor bodies and at different times, in some cases there is a lack of clarity whether sites are covered by byelaws at all. This causes confusion with members of the community about what activities are permitted and consequently with enforcement agencies who are unclear about what transgressions they are empowered to enforce.
- 1.4 The new byelaws will provide a clear, modern code of conduct related to the standards of behaviour and the type of activities which are approved and considered to be acceptable within the Borough's parks & open spaces.
- 1.5 The implementation of the new byelaws will permit the development of an unambiguous and prioritised enforcement regime which will be clearer and easier

to understand, which will benefit both the enforcement agencies and members of the community.

- 1.6 The Byelaws can only be made in respect of land held as open space which is either owned or managed by The Council. This is provided by the Open Spaces Act 1906 and the act does not apply to land where more than 5% is covered by buildings. For that reason, housing amenity greens on Housing Estates would not be covered as the land's primary purpose is housing and not open space. Further, on housing estates, more than 5% of the land is covered by buildings and therefore that part of the land that is open space would be significantly less than 95% of the overall land. In the case of open space on RSL land, not only would that land be excluded through the 5% rule but it would also be excluded as the land is now owned or maintained by the Council

2. **RECOMMENDATIONS**

General Purposes Committee is asked to recommend to Full Council:-

- 2.1. That New Byelaws for the Borough's Parks and Open Spaces, the ('New Byelaws') be made as shown in Appendix 1.
- 2.2. That the remaining Parks and Open Spaces Byelaws are revoked once the New Byelaws are confirmed.
- 2.3. That the new byelaws are applied to the parks and open space areas listed within Schedule 1 & 2 contained within appendix 1 of this report.
- 2.4. That if, subsequent to the meeting of the Full Council, DCLG require any minor amendments to be made to the New Byelaws that the Director of Communities Localities and Culture (CLC), be given delegated powers to effect these amendments in consultation with Solicitor to the Council. Any major amendments will be brought before the Full Council.

3. **BACKGROUND**

- 3.1 Council is recommended to adopt the 'New Byelaws' for its Parks and Open Spaces which will replace the existing Byelaws which are in need of revision to match modern day use and provide a consistent standard across the Borough's parks and open space sites.
- 3.2 The existing Byelaws use an 'old fashioned official' style of writing which is difficult to understand and can present communication barriers within a multi-lingual community.

3.3 Current byelaws where they exist describe a number of 'redundant' activities or offences not reported to date as having occurred in Parks and Open Spaces, or at a very infrequent level under modern circumstances. They also fail to make reference to a number of activities which are only now causing concern or are now occurring with greater frequency compared to previous levels. Some of the older byelaws for example include reference to activities such as washing and bleaching of cloths which are no longer a serious issue, equally they make no mention of modern activities such as skateboarding or barbecues which are popular modern activities. The new byelaws will resolve these anomalies.

4 **BODY OF REPORT**

4 LBTH Council possesses a series of local Byelaws which relate to proper conduct on and use of the Borough's Parks and Open Spaces. The CLC Directorate is responsible for the enforcement of these Byelaws, through authorised Council Officers or Police Officers.

4.1 Byelaws are used to encourage and reinforce proper behaviour and conduct on Parks and Open Spaces and include, for example, the regulation and use of barbecues, illegal camping and the misuse of fireworks, etc.

4.2 It is the view of Communities, Localities and Culture that the existing Byelaws are in need of revision. They use a style of writing which is difficult to understand and it is difficult for the reader to identify phrases or sentences which explain why certain actions cannot be permitted in public areas or which require prior consent of the Council.

4.3 In addition the current Byelaws do not make reference to a number of activities or offences now occurring in Parks and Green Spaces. These activities have either increased in frequency, or are unique to modern day use, for example such offences include excessive noise, illegal shows, parties or trading, the use of vehicles in unauthorised areas and the use of flammable materials. Officers experience problems in controlling or preventing these activities due to their exclusion from or the ambiguity and legal terminology in the existing Byelaws.

4.4 There is an inconsistency in the current application of byelaws, e.g. sites are covered by byelaws originating from different sources of periods of time or in some cases there is a lack of clarity whether they are covered by any byelaws at all.

4.5 **Reasons New Byelaws are Required.**

(a) The existing Byelaws are not compatible with the Council's commitment to involve all sections of the community in democratic processes, and ensure they are able to comprehend and understand information provided to them. The New Byelaws use a style of language that is simpler, clearer

and easier to comprehend, as well as to convert into other languages. They also avoid excessive use of legal terminology or fewer exceptions to general rule, so making their reading easier.

- (b) The existing Byelaws describe a number of offences or restrictions no longer felt applicable to modern Parks and Open Spaces, and which there is no obvious need to enforce at present. The New Byelaws exclude these, and this makes them more relevant to a modern society and the modern use of Parks and Open Spaces.
- (c) The existing Byelaws describe certain offences or restrictions now incorporated into or covered by recent general legislation e.g. Litter and Dog Fouling, and should no longer included. The New Byelaws specifically exclude these, as Byelaws should always be 'supplementary to existing law'.
- (d) The existing Byelaws do not make reference to certain activities or offences now important in the use of modern Parks and Open spaces. The New Byelaws make clear specific mention of these issues, which enables the Council to regulate them, or enforce their prohibition or removal of offenders where appropriate.
- (e) The New Byelaws have been designed to ensure that the Council is able to inform and educate people about the proper use of its Parks and Open Spaces, and to regulate and enforce proper conduct as well address antisocial issues around the misuse of such sites

4.6 The Bye Law Process

- 4.6.1 This report proposes that Council adopt New Byelaws' which have been based on a set of 'Model Byelaws' and follow the standard scheme produced by the DCLG for 'pleasure grounds, public walks and open spaces'.
- 4.6.2 The DCLG Model Byelaws are designed to provide local authorities with a set of local laws to 'catch and cover' all the main issues which they may need to regulate or enforce against. All the Byelaws described in the DCLG Model are highly relevant to how LBTH's Parks and Open Spaces are managed and used, and describe the activities which Officers have had to deal with, challenge and regulate.
- 4.6.3 If the Councils' New Byelaws adhere to the DCLG Model Byelaws then following formal adoption by Council, they can be passed through the confirmation process. The New Byelaws have to be advertised and there is a one month

consultation period for any representations or objections by the public before they are submitted to the DCLG for confirmation.

- 4.6.4 If the Council creates its own set of Byelaws which differ greatly from the DCLG Model then the confirmation process is likely to be extended because the council need provisional approval from the DCLG. The DCLG must check all New Byelaws and seek additional guidance as to applicability or relevance. There is nothing to indicate at this stage that Tower Hamlet's parks & open spaces require any deviation from the DCLG Model Byelaws.
- 4.6.5 The Council needs to be certain that any New Byelaws are fully applicable to all of the Borough's Parks and Open Spaces. Officers have consulted and sought legal comment on this. It is clear that New Byelaws which have been based on the DCLG Model and which follow the standard scheme would be applicable to all the Boroughs Parks and Open Spaces.
- 4.6.6 Once formally adopted by Council the New Byelaws will be sealed by the Council and then sent to DCLG for sealing. After sealing the New Byelaws will be publicly advertised and a one month community consultation period would take place. The New Byelaws will be held on deposit at the Council offices for inspection by the public at all reasonable hours. These New Byelaws will then be submitted to DCLG for confirmation. Once confirmed, the current Byelaws will be revoked as long as there are no objections received.

5. BYELAW ENFORCEMENT

- 5.1 LBTH Council has powers vested in it through existing legislation to make Byelaws and invoke penalties for breaches of those Byelaws. The Byelaws state that any person offending against any of the Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. Therefore £500 is the current maximum amount for an offence and the Court would have to use its discretion in this regard, depending on the type of offence alleged.
- 5.2 Byelaws therefore offer the Council an opportunity to secure fines against offenders who cause damage to Council property or breach the Byelaws. In addition costs can also be sought from offenders on successful summary conviction.
- 5.3 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 are also applicable to our Parks and Open Spaces and support enforcement regulation.
- 5.4 The Council has recently reviewed and improved the effectiveness of its enforcement capability, based on key Safer Community principles. Any

enforcement by the Council of the Byelaws would 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.

- 5.6 Currently the pattern of ASB occurrence in parks and open spaces is both inconsistent and intermittent. Problems areas and frequencies tend to increase at certain times of the year such as school holidays and warm dry weather conditions. Equally the problem is mobile and the pattern can be of short term disturbances based on a small group of people rather than a widespread problem within a locality.
- 5.7 The Joint Tasking approach currently deployed is considered to be the most effective method of tackling discontinuous issues such as these. This approach will allow ASB hotspots and new problem areas to be addressed as they arise. Providing a quick and adequate response which is highly visible and responsive within the local community to reduce fear of crime.
- 5.8 This also has the benefit of ensuring that resources are deployed as and when they are most required rather than tying up a high level of fixed resource to cover every eventuality.
- 5.9 The agencies who will be deployed in enforcing and applying the New Byelaws will include the Police, Safer Neighbourhood Teams, Joint Enforcement Teams, Tower Hamlets Enforcement Officers and Streetcare Teams.
- 5.10 Council officers involved in the enforcement of the New Byelaws will be authorised through the Director of CLC's delegated powers section of the Council's Constitution.
- 5.11 The localisation process which is aiming to deliver more locally targeted services on a paired LAP basis will also assist in identifying priority areas for enforcement activities at a more local level than is currently possible. This will have the benefit of being more immediately responsive to local needs and will increase community confidence in the services and reduce fear of crime.

6. CONSULTATION

- 6.1 Prior to the making of the draft byelaws the Council is required to consult with bodies and organisations where there is a joint interest in any ground such as that in the ownership of the diocesan authorities or grounds in which the Charity

Commissioners have an interest. A list of the organisations who have been consulted are included at Appendix 2 of this report.

5 COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 5.1 The enforcement of the new byelaws will be implemented through existing resources and will make the process more efficient by removing ambiguity and uncertainty about which activities are permitted within parks & open spaces. It is considered that the levels of transgression against the byelaws are unlikely to increase as a result of the byelaws being made therefore no net gain in income is anticipated.
- 5.2 There is an expectation that byelaws will be on display within the locality to which they apply and appropriate signage will be required to support this. Funding for this is available within existing Parks and Open Spaces Budgets.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 6.1. Section 164 of the Public Health Act 1875 and section 15 of the Open Spaces Act 1906 enable local authorities to make byelaws for the regulation of public walks and pleasure grounds and of open spaces and burial grounds respectively. Byelaws, once lawfully made, have the force of law within the areas to which they apply and, currently, offences against byelaws are summary criminal offences punishable by fine.
- 6.2. The Secretary of State for Communities and Local Government has produced model sets of byelaws, which Local Authorities are encouraged to use when considering making byelaws. The Secretary of State has published non-statutory guidance which indicates that local authorities should only make byelaws where they are required to address an existing problem and so the Council should consider whether each of the model byelaws are required in Tower Hamlets. The report states in paragraph 4.6.2 that all of the model byelaws are relevant for Tower Hamlets and describe activities which officers have had to deal with, challenge and regulate.
- 6.3. Section 236 of the Local Government Act 1972 sets out the current procedure for making byelaws and there are eight (8) steps as follows –
- Step 1** – The authority determines whether or not there is a need to make the byelaw and whether the authority has the power to make it. In doing so it must ensure that the byelaw does not duplicate or contradict existing legislation.
- Step 2** – The authority consults interested parties about the proposed byelaw.
- Step 3** – The authority makes and seals the byelaw.
- Step 4** – The authority advertises the byelaw, placing an advert in a local newspaper notifying the public of its intention to apply for confirmation of the

byelaw and holds the byelaw on deposit for at least one month. The authority invites affected persons to make representations to the Secretary of State.

Step 5 – The authority sends the sealed byelaw to the Secretary of State to have it confirmed.

Step 6 – The Secretary of State makes her decision on whether or not to confirm the byelaw.

Step 7 – The byelaw is confirmed.

Step 8 – The byelaw comes into force.

- 6.4. 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 and therefore all General Purpose Committee is being asked to do is to refer the report on to Council with a recommendation that the Council makes and seals the byelaws.

7 ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 In recent studies by the Commission for Architecture and the Built Environment (CABE) it is considered 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.
- 7.2 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, (dense overgrown vegetation and lack of lighting) and the threat of others (gangs, drinking and drug use). Thirty seven percent of people reported they would use urban green space more if safety were improved.
- 7.3 Concern about personal safety is the most important barrier to the use of green space and perceptions of individual safety differed between ethnic groups. For instance, only 53% of Bangladeshi people reported feeling safe using their local green space. This compares with 75% of white interviewees.
- 7.4 The London Borough of Tower Hamlets annual residents survey and parks specific surveys as part of that process indicates that these national findings also apply to the local community to a large extent.
- 7.5 Therefore the 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 usage by the community who currently feel excluded due to concerns about personal safety.
- 7.6 An equalities impact assessment will be prepared in relation to the proposed new byelaws prior to submission to Full Council.

8 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The effective management and maintenance of urban green space including the control of anti social behaviour which can damage and disfigure the physical infrastructure is a key contributor to liveability and quality of environmental experience.

9 RISK MANAGEMENT IMPLICATIONS

- 9.1 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.

10 EFFICIENCY STATEMENT

- 10.1 The proposed byelaws will support improved enforcement and community engagement specific to behaviour in our parks and open spaces. For this reason it will play its 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. It 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.

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> |

11 APPENDICES

Appendix 1 – Copy of the Draft Model Byelaws

MODEL BYELAWS – SET 2

**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
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PART [5]

WATERWAYS

29. Interpretation of Part [5]
30. Bathing
31. Ice skating
32. Model boats
33. Boats
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35. Pollution
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PART [6]

MODEL AIRCRAFT

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PART [7]
OTHER REGULATED ACTIVITIES

- 39. Provision of services
- 40. Excessive noise
- 41. Public shows and performances
- 42. Aircraft, hang-gliders and hot air balloons
- 43. Kites
- 44. Metal detectors

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 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/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.

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 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.

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 12(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.

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

Horse riding prohibited (subject to bridleway, etc)

15. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

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.

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;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas

20. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Children’s play apparatus

21. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

Skateboarding, etc permitted but must not cause danger or annoyance

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

Ball games permitted throughout the ground but designated area for ball games also provided

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.

Rules

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

Golf prohibited

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

To prohibit use of boats and if appropriate a wider category of vessels without permission

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.

Pollution

35. No person shall foul or pollute any waterway.

Blocking of watercourses

36. 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

37. 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

38. 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

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

Excessive noise

40. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:

- (a) shouting or singing;

- (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 40) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

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

Aircraft, hang gliders and hot air balloons

42. 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

43. 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

44. (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.

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

GROUND TO WHICH BYELAWS APPLY

The grounds referred to in byelaw 2 are:

| |
|---|
| Abbott Road Gardens |
| Ackroyd Drive Open Space |
| Albert Gardens |
| All Saints Church Yard |
| Allen Gardens |
| Allen Gardens Play Area |
| Altab Ali Park |
| Alton Street Open Space |
| Approach Road/Old Ford Road O. S. |
| Arbour Square Gardens |
| Archibald Open Space |
| Bartlett Park |
| Baxendale Street Gardens |
| Beaumont Square Gardens |
| Belgrave Open Space |
| Bethnal Green Gardens |
| Bonner Hall Gate |
| Boundary Gardens |
| Bow Churchyard |
| Braithwaite |
| Bromley Recreation Ground |
| Burdett Road Bus Terminus |
| Canrobert Street Open Space |
| Cantrell Road Open Space |
| Carlton Square |
| Carlton Square Gardens |
| Cavell Street Gardens |
| Christchurch Gardens |
| Cotton Street/Bazely Street |
| Devons Road Ambulance Station - Grass Verge |
| Dockers Tanner Road |
| Fern Street Open Space |
| Ford Square |
| Furze Green Open Space |

| |
|-----------------------------------|
| Glamis Adventure Playground |
| Globe Road Open Space |
| Gosling Gardens |
| Great Eastern Slipway |
| Grove Hall Park |
| Hellings Street |
| Ion Square Gardens |
| Island Gardens |
| Jesus Green |
| Johnson's Drawdock |
| Jolly's Green |
| King Edward Memorial Park |
| Kings Wharf |
| Langdon Park |
| Lenanton Steps |
| Leven Road Open Space |
| Mallon Gardens |
| Marsh Wall/East Ferry Road |
| Mast House Terrace Playarea |
| Meath Gardens |
| Mellish Street |
| Mercers Burial Ground |
| Middleton Green |
| Mile End Park |
| Millwall Park |
| Mudchute Farm |
| Museum Gardens |
| Paradise Gardens |
| Pennyfields Open Space |
| Pollard Square |
| Poplar High Street/Preston's Road |
| Poplar Parkway |
| Poplar Recreation Ground |
| Prospect Park |
| Raines Mansions |
| Ravenscroft Park |
| Rectory Gardens |
| Rope Walk Gardens |
| Ropemakers Fields |
| Rounton Road Open Space |
| Royal Mint Square |

| |
|------------------------------------|
| Schoolhouse Kickabout Area |
| Selwyn Green |
| Shacklewell Street 10'Clock Club |
| Shacklewell Street Ball Games Area |
| Shandy Park |
| Sidney Square Gardens |
| Sir John McDougal Gardens |
| Spitalfields Farm |
| St Annes Churchyard |
| St Bartholomews Gardens |
| St Dunstan's Churchyard |
| St George's in the East |
| St James Gardens |
| St Johns Churchyard |
| St Johns Park |
| St Matthews Church Garden |
| St Matthias Church |
| Stepney Clock Tower |
| Stepney Green Gardens |
| Stepney Green Park |
| Stonebridge Wharf |
| Stoneyard Lane Open Space |
| Swedenborg Gardens |
| The Oval |
| Three Colt Street/Mitre Site |
| Tower Hamlets Cemetery |
| Trafalgar Gardens |
| Tredegar Square |
| Trinity Gardens |
| Trinity Square Gardens |
| Twelve Trees Crescent |
| Vallance Road Gardens |
| Vaughan Way Open Space |
| Victoria Park |
| Virginia Gardens |
| Wapping Gardens |
| Wapping Green |
| Wapping Rose Gardens |
| Wapping Woods |
| Warner Green Open Space |
| Waterside Gardens |

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|-----------------------------|
| Weavers Fields |
| West India Dock Road |
| White Horse Lane Open Space |
| Whitehorse Road Park |
| Wyvis Street Open Space |
| 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 |
| Bethnal Green Gardens |
| Carlton Square |
| Grove Hall Park |
| King Edward Memorial Park |
| Museum Gardens |
| Paradise Gardens |
| Poplar Recreation Ground |
| Tower Hamlets Cemetery |
| Tredegar Square |
| Trinity Square 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 the New Model 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
- The Friends of Allen Gardens
- The Friends of Arnold Circus
- The Friends of Bartlett Park
- The Friends of Ropemakers Fields
- The Friends of Tower Hamlets Cemetery Park
- The Friends of Weavers Fields
- Mudchute Park and Farm
- Spitalfields City Farm

Acknowledgements of receipt of the document but no comments were received from, The Crown Estate, The Diocese of London and Mudchute Park and Farm. The Friends of Bartlett Park suggested minor comments to the New Model Byelaws. There were no comments from the other organisations.

As stated in item 4.6 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.