

Pleasure Grounds, public walks and open spaces



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SCHEDULE 1

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SCHEDULE 2

Grounds in which use of Model Aircraft is Permitted.

Byelaws made under section 164 of the Public Health Act 1875 section 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906 by the Swale Borough Council with respect to pleasure grounds, public walks and open spaces.

PART 1

GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Swale Borough Council;

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

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the areas listed in Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground known as King Georges Playing Field, Sittingbourne except during opening hours.
- (2) “Opening hours” means the days and times during which the ground is open to the public indicated by a notice placed in a conspicuous position at the entrance to the ground.

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.

Grazing

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

Protection of wildlife

7. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting, or the setting of traps or nets or the laying of snares.

Camping

8. 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

9. (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 9(1) shall not apply to:
- (a) any event at which the Council has given permission that fires may be lit;
 - (b) the use in a designated area for camping of a properly constructed camping stove or barbecue in such a manner as to safeguard against damage to the ground or danger to any person.

Missiles

10. 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

11. 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

12. In this Part:

“designated route” means a route in or through the grounds which is set aside for a specified purpose, that route and its 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 a mechanically propelled vehicle other than a motor cycle or invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle, and includes a caravan.

Horses

13. (1) No person shall ride a horse in the ground except on a designated route for riding or in the exercise of a lawful right or privilege.
- (2) In any part of the ground where horse riding is permitted under byelaw 13(1), no person shall ride a horse in such a manner as to cause danger to any other person.
- (3) Byelaw 13(1) only applies to the grounds listed in Part 1 of Schedule 1.

Cycling

14. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

Motor vehicles

15. No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way for that class of vehicle.

Overnight parking

16. No person shall without the consent of the Council leave or cause or permit to be left any motor cycle, motor vehicle or trailer in the ground between the hours of 12 midnight and 6 a.m.

PART 4 PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

17. 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

18. (1) No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless bona fide in charge of a child under the age of 14 years.
- (2) Byelaw 18(1) applies to the grounds listed in Part 2 of Schedule 1.

Children's play apparatus

19. 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.

20. 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

21. (1) No person shall play ball games in the grounds.
- (2) Byelaw 21 (1) applies to the grounds listed in Part 3 of Schedule 1.

Cricket

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

Archery

23. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field Sports

24. No person shall throw or put any javelin, hammer, discus or shot 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 the purpose.

Golf

25. (1) No person shall drive, chip or pitch a hard golf ball except on the golf course.
 - (2) Byelaw 25(1) applies to the grounds listed in Part 4 of Schedule 1.
26. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council;

- (2) No person shall walk or run on or across the golf course unless -
(a) taking part in the game of golf or accompanying a person so engaged; or
(b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART 5 WATERWAYS

Interpretation of Part 5

27. 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

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

Ice Skating

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

Model Boats

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

Boats

31. No person shall sail or operate any boat, dinghy, canoe, sailboard, or inflatable on any waterway without the consent of the Council except in a designated area for the sailing or operation of boats.

Fishing

32. 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 of waterways

33. No person shall foul or pollute any waterway.

Blocking of watercourses

34. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise move or operate any sluice or similar apparatus.

PART 6 MODEL AIRCRAFT

Interpretation of Part 6

35. 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) by 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) by 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

36. 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.

Use permitted in certain grounds

37. Byelaw 36 does not apply to the ground listed in Column 1 of the table in Schedule 2.

PART 7 OTHER REGULATED ACTIVITIES

Trading

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 grounds 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) operating or permitting to be operated any radio, amplifier, tape recorder or similar device,
- (2) Byelaw 39(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

40. 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

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.

PART 8 MISCELLANEOUS

Obstruction

43. No person shall:
- (a) obstruct any officer of the Council in the proper execution of his duties;
 - (b) obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) obstruct any other person in the proper use of the ground.

Savings

44. 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.
45. 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

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

Penalty

47. 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

48. The byelaws made by Swale Borough Council on 10th July 1996 and confirmed by the Home Department on 2nd September 1996 relating to the ground are hereby revoked.

SCHEDULE 1 LIST OF GROUNDS

The grounds referred to in Byelaw 2 are as follows:

Faversham

Batteries Close, Lynsted
Brook Road Play Area
Bysingwood Road Play Area, Giraud Drive
Goldfinch Open Space, Goldfinch Close
Horselees Play Area, Boughton
Hazebrouck Open Space, Hazebrouck Close
King George's Playing Field at the Mount
Lionfield Play Area
Lower Road
Millfield Playing Field
North Brent's (Upper)
North Preston Playing Field
Oare Gunpowder Works Country Park, Oare
Perry Woods, Selling
Recreation Ground
Stone Street Memorial Gardens
Sumpter Way Play Area
Swimming Pool Play Area, Leslie Smith Drive
Wildish Road Play Area
Windermere Open Space

Isle of Sheppey

Abbey Rise, Minster
Anne Boleyn Close, Eastchurch
Barton's Point Coastal Park, Sheerness
Canal Bank Open Space, Sheerness including Chilham Close Play Area
and
Nursery Close Play Area
Castle Site, Queenborough
Chalk Road, Queenborough
Dickson's Field, Eastchurch
Estuary Road Open Space, Sheerness
Festival Field (New Road), Sheerness

The Fleet, Sheerness
The Glen, Minster
Kingsborough Manor Community Woodland, Minster
King George's Playing Field, Queenborough
Leysdown Coastal Park, Leysdown
Linear Park, Warden Bay
Lovell Road Open Space and Play Area, Minster
Love Lane Disused Burial Ground, Minster
Minster Abbey Disused Burial Ground, Minster
Minster Cliffs Pleasure Ground, Minster including land known as The
Leas
New Road Play Area, Minster
Noreen Avenue Play Area, Minster
Old Sewerage Road Open Space, Rushenden
Queenborough Park, Park Road, Queenborough
Queensway Open Space, Sheerness
Rushenden Hill, Rushenden
Rosemary Avenue Playing Field, Halfway
Scrapsgate Playing Field, Minster
Sea Front Pleasure Grounds, Sheerness Including Beachfields Park and
Gardens
Second Avenue Play Area, Rushenden
Stanley Avenue Open Space, Queenborough
The Spinney, Leysdown
Thistle Hill Community Woodland, Minster
Trinity Road Gardens, Sheerness
Vincent Gardens, Sheerness
Warden Village Hall, Warden Bay
Whiteway Road, Queenborough
William Rigby Drive Open Space and Play Area.

Sittingbourne

Adisham Green
Anselm Close Play Area and Open Space
Aylewyn Green and Vaughan Drive, Sittingbourne
Austin Close, Kemsley
Brittania Close, Kemsley
Chilton Avenue Playing Field
Chilton St. James, Swanstree Avenue
Church Marshes Country Park, Milton Regis
Denbigh Close Play Area
Diligent Drive Play Area
Elm Grove Play Area, Murston
Eleanor Drive Play Area and Open Space
Fallowfield Open Space, Sittingbourne
Hugh Price Close Open Space, Sittingbourne
Johnson House Gardens
Johnson Road Open Space

Kemsley Recreation Ground, Kemsley
King George's Playing Field
Kingsmill Close Open Space, Milton
Manor Grove Play Area, College Road (previously known as College Road Open Space and Burley Road Open Space).
The Meads Community Woodland
Milton Recreation Ground, Milton Regis
Murston Recreation Ground
Newman Drive Lake (previously known as Larkspur Heath)
North Street Open Space, Milton
Otterham Quay Open Space, Homefield Drive, Upchurch
Pear Tree Walk, Newington
Randle Way Open Space and Play Area, Bapchild
Rectory Playing Field
Satis Avenue Open Space, Milton
Sittingbourne Recreation Ground (Also known as Albany Recreation Ground)
The Grove, Park and Rose Hill Woods, Sittingbourne
Walsby Drive Open Space, Sittingbourne
War Memorial, Central Avenue, Sittingbourne

Part 1

The grounds referred to in byelaw 13(3) are as follows:

The Glen, Minster
Kingsborough Manor, Minster
Scrapsgate Road, Minster

Part 2

The grounds referred to in byelaw 18 (2) are as follows:

Faversham

Batteries Close, Lynsted
Brook Road Play Area
Bysingwood Road Play Area, Giraud Drive
Horselees Play Area, Boughton
Hazebrouck Open Space, Hazebrouck Close
King George's Playing Field at the Mount
Lionfield Play Area
Lower Road
Millfield Playing Field
North Preston Playing Field
Recreation Ground
Sumpter Way Play Area
Swimming Pool Play Area, Leslie Smith Drive
Wildish Road Play Area
Windermere Open Space

Isle of Sheppey

Abbey Rise, Minster
Anne Boleyn Close, Eastchurch
Canal Bank Open Space, Sheerness including Chilham Close Play Area
and
Nursery Close Play Area
Dickson's Field, Eastchurch
Festival Field (New Road), Sheerness
The Glen, Minster
King George's Playing Field, Queenborough
Leysdown Coastal Park, Leysdown
Lovell Road Open Space and Play Area, Minster
New Road Play Area, Minster
Noreen Avenue Play Area, Minster
Rushenden Hill, Rushenden
Sea Front Pleasure Grounds, Sheerness Including Beachfields Park and
Gardens
Second Avenue Play Area, Rushenden
Stanley Avenue Open Space, Queenborough
The Spinney, Leysdown
Vincent Gardens, Sheerness
Warden Village Hall, Warden Bay
William Rigby Drive Open Space and Play Area.

Sittingbourne

Anselm Close Play Area and Open Space
Chilton Avenue Playing Field
Denbigh Close Play Area
Diligent Drive Play Area
Elm Grove Play Area, Murston
Eleanor Drive Play Area and Open Space
Johnson Road Open Space
Kemsley Recreation Ground, Kemsley
King George's Playing Field
Manor Grove Play Area, College Road (previously known as College
Road Open Space and Burley Road Open Space).
Milton Recreation Ground, Milton Regis
Murston Recreation Ground
Otterham Quay Open Space, Homefield Drive, Upchurch
Randle Way Open Space and Play Area, Bapchild
Rectory Playing Field
Sittingbourne Recreation Ground (Also known as Albany Recreation
Ground)
The Grove, Park and Rose Hill Woods, Sittingbourne

Part 3

The grounds referred to in byelaw 21(2) are as follows:

- Love Lane Disused Burial Ground, Minster
- Minster Abbey Disused Burial Ground, Minster
- Austen Close, Kemsley
- Aylewyn Green, Kemsley
- Pear Tree Walk, Newington

Part 4

The grounds referred to in byelaw 25(2) are as follows:

- Barton's Point Coastal Park
- Leysdown Coastal Park

SCHEDULE 2

GROUND IN WHICH USE OF MODEL AIRCRAFT IS PERMITTED

Byelaw 36

Name or description of ground

Barton's Point Coastal Park

Days and times at which use of model aircraft is permitted

Use permitted by members of Barton's Point Flying Club only
GIVEN under the Common Seal of Swale Borough Council this 26th day
of January Two Thousand and Five

THE COMMON SEAL of SWALE)
BOROUGH COUNCIL was)
hereunto affixed in the presence of:-)



W D Milne
Borough Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State
and shall come into operation on the eighth day of April 2005.

Signed by authority of the Secretary of State

P Rowsell
Senior Civil Servant in the Office of the Deputy Prime Minister

Contacting Swale Borough Council

The Customer Service Centre deals with all enquiries across the Council; it should be your first stop when contacting us.

Copies of this booklet are available on the council website www.swale.gov.uk.

If you would like further hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request. Please contact the council at:

Swale Borough Council
Swale House, East Street
Sittingbourne
Kent, ME10 3HT

Customer Service Centre ☎ **01795 417850**