

LONDON BOROUGH OF BARKING AND DAGENHAM

PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

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

Interpretation

1. In these byelaws:

“the Council” means London Borough of Barking and Dagenham;

“the ground” means any of the grounds listed in Schedule A to the byelaws.

Opening times

2.1 This byelaw applies to any of the grounds listed in Schedule B to these byelaws.

2.2 On any day on which the ground referred to in Schedule B is open to the public, no person shall enter it before the time, or enter or remain in it after the time, indicated by a notice placed in a conspicuous position, at the entrance to the ground.

Vehicles

3. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle in the ground, or bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the ground where there is a right of way for that class of vehicle.

(2) If the Council has set apart a space in the ground for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.

(3) These byelaws shall not extend to invalid carriages.

(4) In these byelaws:

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

“invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

“motor-cycle” means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

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

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

Horses

4. No person shall in the ground intentionally or negligently ride a horse to the danger of any other person using the ground.
5. No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.

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.

Removal of structures

7. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

Erection of structures

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

Camping

9. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except in any area which may be set apart and indicated by notice as a place where camping is permitted.

Fires

10. (1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
- (2) This byelaw shall not apply to any event held with the consent of the Council.
- (3) This byelaw shall not prevent the lighting or use of a properly constructed camping stove, cooker or barbecue in any area set aside for the purpose, in such a manner as to cause danger of or damage by fire.

Children's Play Areas

- 11.1 This byelaw applies to any of the grounds listed in Schedule C to these byelaws.
- 11.2 (1) No person who has attained the age of 14 years shall enter or remain in the children's play area in any of the grounds listed in the Schedule C to these byelaws.
- (2) This byelaw shall not apply to any person who is bona fide in charge of a child under the age of 14 years.

Children's Play Apparatus

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

Games

13. Where the Council has, by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:
 - (a) play in such an area any game other than the game for which it has been set apart;
 - (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
 - (c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part;
 - (d) when the area is already occupied by other players begin to play thereon without their permission;

- (e) where the exclusive use of the area has been granted by the Council for the playing of a match, play on that area later than a quarter of an hour before the time fixed for the beginning of the match unless taking part therein; or
 - (f) except where the exclusive use of the area has been granted by the Council for the playing of a match in which he is taking part, use the area for a longer time than two hours continuously, if any other player or players make known to him a wish to use the area.
14. (1) No person shall in the ground play any game;
- (a) so as to give reasonable grounds for annoyance to any other person in the ground; or,
 - (b) which is likely to cause damage to any tree, shrub or plant in the ground.
- (2) This byelaw shall not extend to any area set apart by the Council for the playing of any game.
15. No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.

Trading

16. No person shall in the ground, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, or provide or offer to provide any service for which a charge is made.

Grazing

17. No person shall, without the consent of the Council, turn out or permit any animal to graze in the ground.

Protection of flower beds, trees, grass, etc.

18. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or,

- (b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked.

19. No person shall in the ground enter upon:

- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or,
- (b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

Removal of Substances

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

Golf

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

22. No person resorting to the golf course referred to in the preceding byelaw for the purpose of playing or taking part in the game shall:

- (a) play or take part in that game when a notice is set up in some conspicuous position prohibiting play on the golf course or any part thereof;
- (b) commence to play, unless he is the holder of a season or periodical ticket, until he has obtained from the golf professional/agent/officer of the Council in charge of the golf course a ticket entitling him to play, which ticket shall be retained and shown on demand to any authorised officer of the Council;
- (c) having completed a round, or desisted from playing before completing a round, commence to play again until he has complied with paragraph (b) of this byelaw.

23. No person other than a person taking part in the game of golf or a person accompanying such a person shall, except in the exercise of lawful right or privilege, walk or run across or over or traverse the golf course.

24. No person shall on the golf course play or take part in any game other than the game of golf.

Missiles

25. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

Waterways

26. No person shall:

Bathing

- (a) without reasonable excuse, bathe or swim in any waterway comprised in the ground.

Pollution of Waterways

- (b) intentionally, carelessly or negligently foul or pollute any waterway comprised in the ground;

Watercourses

- (c) no person shall knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

Ice Skating

27. No person shall in the ground go or remain upon any ice or frozen body of water.

Boats

28. No person shall, without the consent of the Council, launch, operate or sail on any waterway comprised in the ground any boat, power craft, dinghy, canoe, sailboard, inflatable or any like craft.

Interference with Life-Saving Equipment

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

Aircraft

30. 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

31. No person shall in the ground fly or cause or permit to be flown any kite in such a manner as to cause a danger, nuisance or annoyance to any other person in the ground.

Fishing and Protection of Wildlife

32. (1) No person shall in the ground intentionally kill, injure, take or disturb any animal or fish or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.
- (2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

Noise

33. (1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:
- (a) by shouting or singing;
 - (b) by playing on a musical instrument;
 - (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument; or,
 - (d) cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.
- (2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Performances

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

Obstruction

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

- (c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

Savings

- 36. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.
- (2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

Removal of Offenders

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

Penalty

- 38. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

- 39. The byelaws made by the London Borough of Barking and Dagenham on 5th February 1982 and confirmed by the Secretary of State for the Home Office on 1st April 1982 relating to pleasure grounds and open spaces are hereby revoked.

The Common Seal of the Mayor and Burgesses of the London Borough of Barking and Dagenham was hereunto affixed in the presence of:-

Being an officer of the Council of the said London Borough authorised to attest the Common Seal thereof.

Date of Sealing

SCHEDULE A

The grounds referred to in byelaw 1 are as follows:-

Barking Park
Castle Green
Central Park
Essex Road Gardens
Goresbrook Park
Greatfields Park
Heath Park Open Space
King George's Field
Marks Gate Open Space (also known as Tantony Green)
Mayesbrook Park
Newlands Park
Old Dagenham Park
Parsloes Park
Pondfield Park
Quaker Gardens
St. Chad's Park
The Leys
Valence Park and Valence House Grounds
Central Area Open Space (Barking)
Kingston Hill Avenue Recreation Ground
Barking Town Quay Open Space
St Peter & St Paul's Churchyard (Dagenham)
St Margaret's Churchyard (Barking)
Victoria Gardens

SCHEDULE B

The grounds referred to in byelaw 2 are as follows:-

Barking Park

Central Park

Greatfields Park

St. Chad's Park

Valence Park and Valence House Grounds

SCHEDULE C

The grounds referred to in byelaw 11 are as follows:-

Barking Park

Central Park

Goresbrook Park

Greatfields Park

Heath Park Open Space

Marks Gate Open Space (also known as Tantony Green)

Mayesbrook Park

Newlands Park

Old Dagenham Park

St. Chad's Park

Valence Park and Valence House Grounds

APPENDIX 'C'

A COMPARISON OF THE SITES LISTED IN THE PROPOSED NEW AND CURRENT PLEASURE GROUNDS, PUBLIC WALKS & OPEN SPACES BYELAWS

SITES INCLUDED IN THE BYELAWS MADE BY THE COUNCIL IN 1982	COMMENTS REGARDING THEIR INCLUSION IN THE REVISED BYELAWS.
(Pleasure Grounds with respect to which Byelaws are made under Section 164 of the Public Health Act 1875).	
Barking Park	Included
Castle Green	Included
Central Park	Included
Goresbrook Park	Included
Greatfields Park	Included
Mayesbrook Park	Included
Old Dagenham Park	Included
Pondfield Park (inc. Recreation Ground)	Included (site extended)
St. Chad's Park	Included
Valence Park	Included (+ Valence House Grounds)
Wantz Boating Lake	Excluded (site now leased to a private group)
Roosevelt Way Playing Field	Excluded (will form part of the middle Beam Valley Country Park extension and will be subject to the Country Park Byelaws).
(Open Spaces with respect to which Byelaws are made under Section 15 of the Open Spaces Act 1906)	
Essex Gardens	Included
Victoria Gardens	Included
King George's Field	Included
Quaker Gardens	Included

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(Open Spaces with respect to which Byelaws are made under Sections 12 and 15 of the Open Spaces Act 1906)	
Heath Park Open Space	Included
Marks Gate Open Space (also known as Tanton Green)	Included
Newlands Park	Included
Victoria Road Open Space	excluded (site no longer used as a recreational facility).
Harts Lane Open Space	excluded (site no longer exists as the northern relief road runs through the site).
Parsloes Park	included
Eastbrookend Park	excluded (subject to Country Parks and Picnic Sites Byelaws 1998).
Barking Abbey Grounds	excluded (as site is subject to Ancient Monument and Archaeological Areas Act 1979).
Central Area Open Space	included

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~~NOTE: In addition to the above, the following sites are to be included in the revised Byelaws:~~

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~~Barking Town Quay Open Space (0.22 hectares)~~

~~Kingston Hill Avenue Recreation Ground (0.60 hectares)~~

~~St Margaret's Churchyard, Barking (1.12 hectares)~~

~~St Peter & St Paul's Churchyard, Dagenham (0.88 hectares)~~

~~The Leys, Dagenham (14.58 hectares)~~

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APPENDIX 'D'

A COMPARISON OF THE PROPOSED NEW AND CURRENT

PLEASURE GROUNDS, PUBLIC WALKS & OPEN SPACES BYELAWS

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<u>PROPOSED NEW SET</u>	<u>1982 VERSION</u>
General description& interpretation	Similar, little change.
Opening times	Not mentioned.
Vehicles	Referred to under Traffic, similar little change.
Horses	Referred to under Traffic, similar little change.
Climbing	Referred to under Access (Sub-Section (i))
Removal of Structures	Referred to under Damage and Injury (Sub Sections (i) and (ii))
Erection of Structures	Referred to under Miscellaneous (Sub Section (iii))
Camping	Referred to under Miscellaneous (Sub Section (iii))
Fires	Referred to under Damage and Injury (Sub Section (iii))
Children's Play Areas	Referred to under Children's Play Facilities, none specific to children's age.
Children's Play Apparatus	Referred to under Children's Play Facilities, none specific to children's age.
Games (much more comprehensive than before.	Referred to under Games & Sports.
Trading	Referred to under Miscellaneous (Subsection iv)
Grazing	Referred to under Animals (Sub Section (i))

Protection of Flower Beds, Trees, Grass etc.	Referred to under Access (Sub Section (ii) and (iii))
Removal of Substances.	Referred to under Damage & Injury (Sub Section (ii))
Golf (much more comprehensive)	Referred to under Games & Sports (Sub Section (i))
Missiles (more comprehensive)	No direct reference made in this version however it would have been treated as an annoyance under Nuisances (Sub Section (i))
Ice Skating (more comprehensive)	The breaking or damaging of ice is referred to under Access (Sub Section (iv))
Boats	Not mentioned.
Interference with Life Saving Equipment	Not mentioned.
Air Craft	Not mentioned.
Kites (The flying of them in a dangerous/annoying manner)	Not mentioned.
Fishing & Protection of Wildlife	Referred to under Animals (Section 6)
Noise	Referred to under Nuisances (Sub Section (i))
Performances	Referred to under Miscellaneous (Section 14)
Obstruction	Referred to under Nuisances (Sub Section (i))
Removal of Offenders	Referred to under Removal of Persons from Pleasure Grounds.
Penalty Liable on summary conviction to a fine not exceeding not exceeding Level 2 on the standard scale (Level 2.)	Penalty Liable on summary conviction to a fine not exceeding fifty pounds.