

BYELAWS

in respect of
Housing Amenity Areas

*Made by Bournemouth Borough Council
under Section 23(2) of the Housing Act 1985*



**BOURNEMOUTH
BOROUGH COUNCIL**
Central Services Directorate

BOURNEMOUTH BOROUGH COUNCIL

BYELAWS

in respect of Housing Amenity Areas

Byelaws made by The Council of the Borough of Bournemouth under Sections 23(2) of the Housing Act 1985 and in all other powers so enabling them.

INTERPRETATION

1. In these byelaws:

'the Council' means The Council of the Borough of Bournemouth;

'the housing amenity area' means the recreation grounds and other land designated in the Schedules to these byelaws which are held by the Council by virtue of Section 12 of the Housing Act 1985 and were not covered by buildings or included in the curtilage of a building or forming part of a highway.

EXTENT

2. (1) These byelaws apply to the housing amenity areas specified in the schedules hereto.
- (2) Byelaws 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 19 21 23 24 26 27 28 29 30 and 31 apply to the housing amenity areas specified in schedule one.
- (3) Byelaw 18 applies to the housing amenity areas specified in schedule-two.

(4) Byelaw 22 applies to the housing amenity areas specified in schedule three.

(5) Byelaws 20 and 25 apply to the housing amenity areas known as Townsend Estate Open Spaces.

CLIMBING

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

REMOVAL OF STRUCTURES

4. No person shall, without reasonable excuse, remove from or displace in the housing amenity area 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 housing amenity area.

ERECTION OF STRUCTURES

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

CAMPING

6. No person shall in the housing amenity area, 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.

HORSES

7. No person shall in the housing amenity area intentionally or negligently ride a horse to the danger of any other person using the housing amenity area.

8. No person shall, except in the exercise of any lawful right or privilege, ride a horse in the housing amenity area.

GRAZING

9. No person shall, without the consent of the Council, turn out or permit any animal to graze in the housing amenity area.

VEHICLES

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

(2) No person shall, without reasonable excuse, ride a cycle, except in any part of the housing amenity area where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions in the housing amenity area.

(3) If the Council has set apart a space in the housing amenity area 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 route, indicated by signs placed in conspicuous positions, between it and the entrance to the housing amenity area.

(4) This byelaw shall not extend to invalid carriages.

(5) In this byelaw:

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

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

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

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

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

METAL DETECTORS

11. No person shall on the housing amenity area, without the consent of the Council, use any device designed or adapted for detecting or locating any metal or mineral in the housing amenity area.

PROTECTION OF FLOWER BEDS, TREES, GRASS, ETC.

12. No person who brings or causes to be brought into the housing amenity area a vehicle shall wheel or park it over or upon:

(a) *any flower bed, shrub or plant, or any housing amenity area 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 housing amenity area where the Council, by a notice placed in a conspicuous position in the housing amenity area, prohibits its being wheeled or parked.*

13. No person shall in the housing amenity area enter upon:

(a) *any flower bed, shrub or plant, or any housing amenity area in the course of preparations as a flower bed, or for the growth of any tree, shrub or plant; or*

(b) *any part of the housing amenity area set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.*

REMOVAL OF SUBSTANCES

14. No person shall remove from or displace in the housing amenity area any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

FIRES

15. No person shall in the housing amenity area 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.

MISSILES

16. No person shall in the housing amenity area, to the danger or annoyance of any other person in the housing amenity area, throw or discharge any missile.

PROTECTION OF WILDLIFE

- 17.(1) No person shall in the housing amenity area intentionally kill, injure, take or disturb any animal, fish or reptile, 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.

BALL GAMES

18. No person shall play or take part in any ball game in the housing amenity area.

ARCHERY, JAVELIN, DISCUS, HAMMER AND SHOT

19. No person shall in the housing amenity area engage in the sport of archery, javelin, discus or hammer throwing or shot putting.

KITE FLYING

20. No person shall in the housing amenity area known as Townsend Estate Open Spaces 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 housing amenity area.

GAMES

21. (1) No person shall in the housing amenity area play any game:

(a) so as to give reasonable grounds for annoyance to any other person in the housing amenity area or the immediate vicinity; or

(b) which is likely to cause damage to any tree, shrub or plant in the housing amenity area.

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

GOLF

22. No person shall in the housing amenity area 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.

MODEL AIRCRAFT

23. In these byelaws:

'model aircraft' means an aircraft which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;

'power-driven' means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

24.(1) No person shall in the housing amenity area release any power-driven model aircraft for flight or control the flight of such an aircraft.

(2) No person shall cause any power-driven model aircraft to take off or land in the housing amenity area.

PUBLIC SHOWS, EXHIBITIONS AND STRUCTURES

25. No person shall in the housing amenity area known as Townsend Estate Open Spaces, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.

NOISE

26.(1) No person shall in the housing amenity area, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:

(a) *by shouting or singing;*

(b) *by playing on a musical instrument; or*

(c) *by operating or permitting to be operated any gramophone, amplified, tape recorder or similar instrument cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the housing amenity area.*

(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

OBSTRUCTION

27. No person shall in the housing amenity area:

(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 housing amenity area, or behave so as to give reasonable grounds for annoyance to other persons in the housing amenity area.*

SAVINGS

28.(1) An act necessary to the proper execution of his duty in the housing amenity area by a 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 housing amenity area, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the housing amenity area or any part thereof.

REMOVAL OF OFFENDERS

29. Any person offending against any of these byelaws may be removed from the housing amenity area by an officer of the Council or a constable.

PENALTY

30. 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.

REVOCAION

31. The following byelaws made by The Mayor Aldermen and Burgesses of the Borough of Bournemouth, insofar as they apply to the housing amenity areas are revoked:
- (a) *byelaws made on 10 April 1963 and confirmed by the Secretary of State for the Home Department on 31 May 1963;*
 - (b) *byelaws 3-10 and 12-16 made on 28 May 1970 and confirmed by the Secretary of State for the Home Department on 23 July 1970; and*
 - (c) *byelaws 3-9 and 11-17 made on 13 July 1973 and confirmed by the Secretary of State for the Home Department on 28 January 1974.*

SCHEDULE ONE

ACRES ROAD PLOTS
BATCHELOR CRESCENT OPEN SPACE
BERRANS ESTATE OPEN SPACES (part)
BRASSEY ROAD PLAYGROUND
CANFORD AVENUE ESTATE (part)
COLLINGBOURNE AVENUE/
IFORD LANE OPEN SPACES
CRAIGMOOR AVENUE/
VANGUARD ROAD OPEN SPACES
CRANLEIGH PARK PLAY AREA (part)
CREASEY ROAD PLOTS
DEACON ROAD PLAY AREA
DURDELLS GARDENS PLAY AREA
FAIRWAYS ESTATE OPEN SPACES (part)
FROST ROAD OPEN SPACES
GILLAM ROAD PLOTS
HOUSE OF BETHANY OPEN SPACES
HOWETH ROAD/EAST HOWE LANE OPEN SPACES
LEYBOURNE AVENUE PLOTS
MACLEAN ROAD OPEN SPACES
MALLARD ROAD OPEN SPACES
MOORE AVENUE OPEN SPACE
MOORSIDE ROAD OPEN SPACE
NORTHEY ROAD OPEN SPACES
PEARL ROAD PLOTS
POOLE LANE PLOT

ROOSEVELT CRESCENT OPEN SPACE
SLADES FARM ESTATE OPEN SPACES (part)
TOWNSEND ESTATE OPEN SPACES
WESTERN AVENUE PLOTS
WIMBORNE ROAD/THE BROADWAY JUNCTION

SCHEDULE TWO

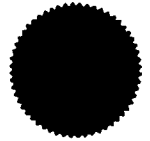
ACRES ROAD PLOTS
BERRANS ESTATE OPEN SPACES (part)
COLLINGBOURNE AVENUE/
IFORD LAND OPEN SPACES
CRAIGMOOR AVENUE/
VANGUARD ROAD OPEN SPACES
CREASEY ROAD PLOTS
FROST ROAD OPEN SPACES
GILLAM ROAD PLOTS
HOWETH ROAD/EAST HOWE LANE OPEN SPACE
MACLEAN ROAD OPEN SPACES
MOORE AVENUE OPEN SPACE
NORTHEY ROAD OPEN SPACES
PEARL ROAD PLOTS
POOLE LANE PLOT
WESTERN AVENUE PLOTS
WIMBORNE ROAD/THE BROADWAY JUNCTION

SCHEDULE THREE

BACHELOR CRESCENT OPEN SPACE
CANFORD AVENUE ESTATE (part)
FAIRWAYS ESTATE OPEN SPACES (part)
LEYBOURNE AVENUE PLOTS
MOORSIDE ROAD OPEN SPACE
ROOSEVELT CRESCENT OPEN SPACE
SLADES FARM ESTATE OPEN SPACES (part)
TOWNSEND ESTATE OPEN SPACES

GIVEN under the Common Seal of The Council of the
Borough of Bournemouth this 28th day of October 1997.

THE COMMON SEAL of)
THE COUNCIL OF THE)
BOROUGH OF BOURNEMOUTH)
was hereunto affixed)
in the presence of)



David Newell

DAVID NEWELL
Chief Executive

DOE 1216

The foregoing byelaws are hereby confirmed by the
Secretary of State for the Environment and shall come into
force on 1 March 1998.

Matthew J. Quinn

Signed by the authority of
the Secretary of State

7 January 1998

Matthew Quinn
A Grade 5 in the
Department of the Environment