

*Original
(to be kept)*

**BYELAWS
FOR THE REGULATION OF
PLEASURE GROUNDS AND OPEN SPACES
IN THE BOROUGH OF SOLIHULL**

JOHN SCAMPION
Town Clerk & Chief Executive Officer



SOLIHULL METROPOLITAN BOROUGH COUNCIL

BYELAWS

**FOR THE REGULATION OF
PLEASURE GROUNDS AND OPEN SPACES
IN THE BOROUGH OF SOLIHULL**

Byelaws made by the Council of The Metropolitan Borough of Solihull (under Section **164** of the Public Health Act 1875 and Sections 12 and **15** of the Open Spaces Act 1906) with respect to pleasure grounds listed in the attached schedule.

INTERPRETATION

1. In these byelaws: “the Council” means the Council of the Metropolitan Borough of Solihull; “the ground” means the grounds listed in the attached schedule.

SAVINGS

2. In these byelaws: an Act necessary to the proper execution of his duty in the pleasure 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 deemed an offence against these byelaws.

CLIMBING AND REMOVAL OF STRUCTURES

3. No person shall in the ground without reasonable excuse
 - (i) climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure; or
 - (ii) remove from or displace 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.

CATTLE, SHEEP, GOATS ETC

4. No person shall except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any cattle, sheep, goats, or pigs or any beast of draught or burden.

VEHICLES

5. (i) 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.
- (ii) 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.
- (iii) This byelaw shall not extend to invalid carriages.
- (iv) 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.

PROTECTION OF FLOWER BEDS, TREES, GRASS, ETC

6. No person who brings or causes to be brought a vehicle into the ground shall wheel or park it over or upon
- (i) Any flower bed, shrub, or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree or plant; or
- (ii) Any part of the ground where the Council by a notice board affixed or set up in some conspicuous position in the ground prohibit its being wheeled or parked.

KEEPING OFF THE GRASS

7. No person shall in the ground enter upon
- (i) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass is exhibited;
or
 - (ii) any flower bed, shrub or plant, or any ground in course of preparation as a flower bed or for the growth of any tree, shrub or plant.

CHILDRENS' PLAY APPARATUS

8. No person who has attained the age of 16 years shall use any apparatus which, by a notice affixed on or near thereto has been set apart for the exclusive use of persons under the age of 16 years.

BOATS

9. (i) No person shall in the ground place on an ornamental lake or pond any boat, other than a model yacht or toy boat in pursuance of an agreement with the Council.
- (ii) No person shall operate or sail on any waterway comprised in the ground any boat which is not for the time being registered with the Council. Such registration shall be effected by the Council upon written application by the owner of a boat by:
- (a) entering in a register kept by a duly authorised officer of the Council the name and address of the owner, a general description of the boat and the serial number of the registration;
and
 - (b) issuing the owner a certificate of registration incorporating these particulars.

SOIL AND PLANTS

10. No person shall in the ground remove or displace any soil or plant.

ORNAMENTAL LAKE, POND, STREAM OR OTHER WATER

11. No person shall in the ground: bathe, wade, or wash in any ornamental lake, pond, stream or other water; provided that the foregoing byelaws shall not be deemed to prohibit a child under 14 years paddling in a pool.

FISHING

- 12.** No person shall without lawful excuse or authority in the ground kill, molest or intentionally disturb any animal, or fish or engage in hunting shooting or fishing or the setting of traps or nets or the laying of snares.

This byelaw shall not prohibit any fishing which may be authorised by the Council.

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 part of the ground in such a manner as to exclude any person not playing the game from the use of that part.

- 14.** 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.

- 15.** (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.

POST, RAIL, FENCE ETC

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

SELLING

- 17.** 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.

GOLF

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

ARCHERY DISCUS ETC

19. No person shall except in connection with an event organised by or held in pursuance of an agreement with the Council engage in the sports or pursuits of archery, or discus or shot, hammer or javelin throwing in the ground.

MISSILES

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

OBSTRUCTION

21. 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.

PENALTY FOR OFFENDERS

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

REMOVAL OF OFFENDERS

23. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council, or any Constable.

REVOCATION OF BYELAWS

24. The byelaws relating to pleasure grounds and open spaces which were made by the Solihull Borough Council on the Thirteenth day of April One thousand nine hundred and sixty were confirmed by the Secretary of State on the Eighteenth day of June One thousand nine hundred and sixty and the subsequent addenda thereto are hereby revoked.

THE COMMON SEAL OF THE METROPOLITAN BOROUGH OF SOLIHULL was hereunto affixed this 5th day of February 1993 in the presence of:-

MICHAEL BLAMIRE-BROWN
Assistant Town Clerk (Head of Legal and Member Services)

(L.S.)

SCHEDULE

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

PART I

Under Section 164 of the Public Health Act 1875

Alcott Green/Wood
Apsley Grove
Bacons End Green
Badgers Open Spaces
Barn Lane Recreation Ground
Barn Lane Amenity Land
Beechcroft Open Space
Belbrook Fields
Bentley Heath Recreation Ground
Bills Wood
Bluebell Drive Recreation Ground
Bosworth Drive Open Space
Brookside Recreation Ground
Browns Lane
Brueton and Malvern Park
Burtons Green
Chapelhouse Recreation Ground
Cheswick Green Estate
Colebrook Recreation Ground
Cole Bank Park
Cold Lands Wood
Cole Green
Cole Park
Cranmore Park
Damson Parkway (Huxby Drive)
Damson Parkway Buffer Strip (Sanbourn Close/Landsale Avenue)
Damson Parkway Buffer Strip (Barnfield Drive)
Damsonwood Open Space

Dell (The), Elva Croft
Dorridge Park
Dorridge Road Open Space
Eastbury Drive
Edstone Close Open Space
Elmdon Heath Recreation Ground
Elmdon Heath (Waldeve Grove/Oakslade Drive)
Elmdon Park
Frankholmes Drive (Hay Lane)
Glascote Close Play Area
Gospel Lane
Hanbury Road Playground
Hanfield Drive
Hay Lane (Hillfield Park)
Headley Rise
Heath Park (Yorkminster Drive)
Hermitage Road Playground
Hillwood Avenue and Fellgate Close
Hobs Moat Open Space
Holly Lane Fields (Cambridge Drive)
Horace Brueton Gardens
Jobs Close Park
Knightsbridge Road Open Space
Kingshurst Park
Lakeside Drive
Lancaster Park
Langley Hall Park
Lindhurst Drive
Lyndon Road
Madams Hill Open Space
Marsh Lane Open Space
Meriden Park
Meriden Village Pool
Millisons Wood
Olton Jubilee Recreation Ground
Palmers Rough Recreation Ground
Parkfield Drive
Parkfield Estate
Pathlow Crescent Open Space
Pow Grove
Purnells Brook Open Space
Purnells Brook Streamside Walk
Purnells Way
Ridge (The) Lanchester Way
Queens Gardens
Queen Eleanors Drive
Sharmans Cross Road Open Space

Shirley Park
Shortland Close Open Space
Smiths Wood Open Space
Solihull Station Open Space
Springbrook Close
St John Close Open Space
Stanbrook Road
Starbold Crescent Open Space
Stoneton Crescent
Stratford Road Buffer Strip
Streetsbrook Road Open Space
Streamside Way (Valley Road)
Tidmarsh Close
Tudor Grange Park
Tyberry Close
Whitehart Green Open Space
Whitford Drive Open Space
Widney Lane (new) (Monkspath Hall Road/Sandhills Crescent)
Widney Lane (Woodstone Grove)
Widney Lane (New)/Hunningham Grove
Woodland Green (Windward Way Open Space)

PART II

Under Sections 12 and 15 of the Open Spaces Act 1906.

Babbs Mill Jubilee Park
Woodlands Lane Open Space

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 2nd day of August 1993.

Signed by authority of the Secretary of State

M.E.HEAD
An Assistant Under-Secretary of State

(L.S.)

Home Office
London, SW1.