

BYELAWS

MADE BY

*The Mayor, Aldermen and Burgesses
Of the Borough of Sutton Coldfield*

Under Section 164 of
The Public Health Act 1875
And Sections 12 and 15
Of the Open Spaces Act 1906
Relating to

PLEASURE GROUNDS

J. P. HOLDEN, LL.B.,
Town Clerk,
Sutton Coldfield.

BOROUGH OF SUTTON COLDFIELD

BYELAWS made by the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF SUTTON COLDFIELD acting by the Council under Section 164 of the Public Health Act, 1875 in respect of the pleasure grounds in the said Borough referred to in Part 1 of the Schedule hereto and under Sections 12 and 15 of the Open Spaces Act, 1906 in respect of the pleasure grounds referred to in Part II of the said Schedule.

1. Throughout these Byelaws, the expression 'the Council' means the Mayor Aldermen and Burgesses of the Borough of Sutton Coldfield acting by the Council, and the expression 'the pleasure ground' means (except where inconsistent with context) each of the pleasure grounds and open spaces referred to in the Schedule hereto.
2. An act, necessary to the proper execution in his duty in the pleasure ground by and Officer of the Council or by any person or servant of any person employed by the Council, shall not be deemed an offence against these Byelaws.
3. The pleasure ground shall be opened at the hour of 8 a.m. in the forenoon shall be closed half an hour after sunset in the afternoon on every day during the year, provided that this Byelaw shall not apply to Rectory Park, Withy Hill Play Area, Coles Lane Playing Fields and Newdigate Road Play Area. Provided also that this Byelaw shall not be deemed to require the pleasure ground to be opened and closed at the hours hereinbefore described on any day when in pursuance of any statutory provision in that behalf, the Council close the pleasure ground to the public.
4. On any day on which a pleasure ground to which the foregoing Byelaw applies is open to the public, a person shall not enter it before the time, or enter or remain in it after the time appointed in the foregoing Byelaw.
5. A person shall not in the pleasure ground -
 - (a) carelessly or negligently deface, injure or destroy any wall or fence in or enclosing the pleasure ground, or any building, barrier, railing, post or seat or any erection or ornament, or any swing, roundabout or other apparatus for the use of children:
 - (b) wilfully, carelessly or negligently soil or defile any wall or fence in or enclosing the pleasure ground or any building, barrier, railing, post or seat or any erection or ornament, or any swing, roundabout or other apparatus for the use of children:
 - (c) climb any wall or fence in or enclosing the pleasure ground or any tree or any barrier, railing, post or other erection:

- (d) wilfully, carelessly or negligently remove or displace any barrier, railing, post or seat, or any part of any erection or ornament or any implement provided for use in the laying out or maintenance of the pleasure ground.

6.

- (i) A person shall not bring or cause to be brought into the pleasure ground any cattle, sheep, goats or pigs, or any beast of draught or burden, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege, he is authorised to do so.

- (ii) A person shall not, except in the exercise of any lawful right or privilege, ride any horse or pony in the pleasure ground.

- (a) A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any barrow, truck, machine or vehicle other than –

- (i) a wheeled bicycle, tricycle or other similar machine:
- (ii) a wheelchair, perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or children or any invalid:
- (iii) an invalid carriage driven with reasonable consideration for other persons using the pleasure ground and in a manner and at a speed not dangerous or likely to cause danger to such persons.

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle, this Byelaw shall not be deemed to prohibit the driving of any vehicle of the class for which the space is set apart within the space or to or from it by a direct route from or to the entrance to the pleasure ground, while such vehicle is being driven with reasonable consideration for other persons using the pleasure ground, and in a manner and at a speed not dangerous or likely to cause danger to other persons.

- (b) A person shall not, except in the exercise of any lawful right or privilege ride any bicycle, tricycle or other similar machine in any part of the pleasure ground.

8. A person who brings a vehicle into the pleasure ground shall not wheel or station it over or upon –

- (a) 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:

- (b) any part of the pleasure ground where the Council, by a notice board affixed or set up in some conspicuous position in the pleasure ground, prohibit its being wheeled or stationed.
9. A person shall not affix any bill, placard or notice to or upon any wall or fence in or enclosing the pleasure ground or to or upon any tree or plant, or to or upon any part of any building, barrier or railing, or of any seat or of any other erection or ornament in the pleasure ground, unless in pursuance of an agreement with the Council.
10. A person shall not in the pleasure ground walk, run, stand, sit or lie upon –
- (a) any grass, turf or other place where adequate notice to keep off such grass, turf or other place shall be placed:

Provided that such notice shall not apply to more than one fifth of the area of the pleasure ground.
 - (b) 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.
11. A person shall not in the pleasure ground –
- (a) remove, cut or displace any soil, turf or plant:
(plants, trees)
 - (b) pluck any bud, blossom, flower or leaf of any tree, flower, shrub or plant or otherwise deface or injure such tree, flower, shrub or plant.
12. A person shall not in the pleasure ground –
- (a) wilfully, carelessly or negligently throw or discharge any missile to the damage or danger on any person:
 - (b) light any fire except in pursuance of an agreement with the Council:
 - (c) discharge any gun, catapult or similar object.
13. A person shall not in the pleasure ground –
- (a) bathe, wade or wash in any ornamental lake, pond, stream or other water:
 - (b) wilfully, carelessly or negligently foul or pollute any such water:

- (c) take, injure or destroy or attempt to take, injure or destroy any fish in such water, or wilfully disturb or worry any water fowl.
14. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control and be effectually restrained from –
- (a) causing annoyance to any person:
 - (b) worrying or disturbing any animal or water fowl:
 - (c) entering any ornamental water.
15. Where the Council set apart any such part of the pleasure ground as may be fixed by the Council and described in a notice board affixed or set up in some conspicuous position in the pleasure ground for the purpose of any game specified in that notice board which, by reason of the rules or manner of playing or for the prevention of damage, danger or discomfort to any person in the pleasure ground, may necessitate at any time during the continuance of the game the exclusive use by the player or players of any space in such part of the pleasure ground – a person shall not in any space elsewhere in the pleasure ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.
16. A person resorting to the pleasure ground and playing or taking part in any game for which the exclusive use in any space in the pleasure ground has been set aside shall –
- (a) not play on the space any game other than the game for which it is set apart:
 - (b) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the pleasure ground by other persons:
 - (c) when the space is already occupied by other players, not begin to play thereon without their permission:
 - (d) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match, unless he is taking part therein:
 - (e) except where the exclusive use of the space has been granted by the council for the playing of a match in which he is taking part, not use the space for a longer time than two hours continuously if any other player or players make known to him a wish to use the space.
17. A person shall not in any part of the pleasure ground which may have been set apart by the Council for any game, play or take part in any

game when the state of the ground or other cause makes it unfit for use, and a notice is set up in some conspicuous position prohibiting play in that part of the pleasure ground.

18. A person shall not in the pleasure ground –

- (a) except as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building or other structure:

Provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building or other structure, upon such occasion and for such purpose as are specified in the application:

- (b) beat, shake, sweep, brush or cleanse any carpet, drugget, rug or mat or any other fabric retaining dust or dirt:
- (c) hang, spread or deposit any intent or other fabric for drying or bleaching:
- (d) sell or offer or expose for sale or let to hire or offer, or expose for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege, be is authorised to sell or let to hire in the pleasure ground such commodity or article.

19. A person shall not throw, place or wilfully leave in any paddling pool any brick, stone, bottle, broken glass or other sharp substances liable to cause injury to any person using the paddling pool.

20. A person shall not to the annoyance of any other person in the pleasure ground play any musical instrument in the pleasure ground.

Provided that this Byelaw shall not apply to any person taking part in any band or other musical performance or entertainment in pursuance of an agreement with the Council.

21. Any person who by operating or causing or suffering to be operated any wireless set, gramophone, amplifier or similar instrument in the pleasure ground, makes or causes or suffers to be made any noise which is so loud and so continuous or repeated as to give reasonable cause for annoyance to other persons in the pleasure ground shall be guilty of an offence. Provided that this Byelaw shall not apply to any wireless set, gramophone, amplifier or similar instrument used by any person taking part in a concert or other performance or event held in the pleasure ground in pursuance of an agreement with the Council.

22. A person who has attained the age of 14 years, except a person bona fide in charge of a child under that age, shall not use any equipment in the pleasure ground which, by a notice affixed or set up near thereto,

has been set aside by the Council for the exclusion use of persons under the age of 14 years.

23. A person shall not in the pleasure ground use any obscene or threatening language to the annoyance of any person.
24. A person shall not in the pleasure ground drive, pitch or chip a solid golf ball.
25. (a) A person shall not fly any power-driven model aircraft in the pleasure ground:
 - (b) The expression 'power-driven model aircraft' means any model aircraft driven by the combustion of petrol-vapour or other combustible substances.
26. A person shall not in the pleasure ground wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct, disturb or interrupt any Officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the laying out or maintenance of the pleasure ground.
27. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding £20.
28. Every person who shall infringe any Byelaw for the regulation of the pleasure ground may be removed there from by any Officer of the Council or by any Constable in any one of the several cases hereinafter specified, that is to say –
 - (a) where the infraction of the Byelaw is committed within the view of such Officer or Constable, and the name and residence of the person infringing the Byelaw are unknown to and cannot be readily ascertained by such Officer or Constable.
 - (b) Where the infraction of the Byelaw is committed within the view of such Officer or Constable and from the nature of such infraction or from any other fact of which such Officer or Constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the pleasure ground of the person infringing the Byelaw may result in another infraction of a Byelaw, or that the removal of such person from the pleasure ground is otherwise necessary as a security for the proper use and regulation thereof.

SCHEDULE

Part I

1. Rectory Park
2. Coles Lane Playing Fields
3. Withy Hill Play area
4. Newdigate Road Play area
5. Hillmorton Road Play area
6. Banners Gate/Monmouth Drive Play area

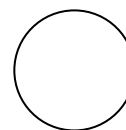
Part II

1. Tudor Road Tennis courts and Bowling Green
2. Ley Hill Sports Ground

THE COMMON SEAL OF THE MAYOR ALDERMAND AND BURGESSES OF THE BOROUGH OF SUTTON COLDFIELD was hereunto affixed this EIGHTH day of OCTOBER 1969, in the presence of –

J. P. HOLDEN

Town Clerk



Seal Register Number 13109

The Secretary of State this day confirmed the foregoing Byelaws and fixed the date on which they are to come into operation as the first day of February, 1970

PHILIP WOODFIELD

An Assistant Under Secretary
of State

Home Office,
Whitehall,
19th January 1970

