

ILMINSTER TOWN COUNCIL
BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS
AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1
GENERAL

1. General interpretation
2. Application

Commented [MT1]: Items 2 and 3 of the model Byelaws was not required.

PART 2
PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

Commented [MT2]: Confirmation this is Part 2

3. Protection of structures and plants
4. Unauthorised erection of structures
5. Climbing
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

PART 3
HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

13. Horses
14. Cycling
15. Motor vehicles

Commented [MT3]: This shows the appropriate section on Horses for inclusion which mean subsequent items are renumbered.

PART 4
PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

16. ~~Children's play areas~~

- 16. Children's play apparatus
- 17. Skateboarding, etc
- 18. Ball games
- 19. Ball games Rules
- 20. Cricket
- 21. Archery
- 22. Field sports
- 23. Golf

Commented [MT4]: This has been deleted as a result of adult's with disabilities being allowed to use the equipment that is certified for their use. It will also allow certified trades people to carry out play equipment checks and inspections.

PART 5
WATERWAYS

Interpretation of Part 5

- 24. Bathing
- 25. Ice skating
- 26. Model boats
- 27. Boats
- 28. Fishing
- 29. Blocking of watercourses

PART 6
MODEL AIRCRAFT

Interpretation of Part 6

- 30. Model aircraft – General Prohibition

PART 7
OTHER REGULATED ACTIVITIES

- 31. Provision of services
- 32. Excessive noise
- 33. Public shows and performances
- 34. Aircraft, hang-gliders and hot air balloons
- 35. Kites
- 36. Metal detectors

PART 8
MISCELLANEOUS

- 37. Obstruction
- 38. Savings
- 39. Removal of offenders
- 40. Penalty
- 41. Revocation - General

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Grounds referred to in a certain byelaw

SCHEDULE 2 3 - Rules for playing ball games in designated areas

Commented [MT5]: Details of the amendments are contained in the appropriate section.

Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by the Ilminster Town Council with respect to Wharf Lane (Ilminster) Recreation Ground/West Crescent Play Park/Winterhay Playpark/ Ilminster Cemetery/ Britten's Field Recreation Ground/ Herne Hill and other pleasure grounds, public walks and open spaces managed by Ilminster Town Council.

Commented [MT6]: Details of the areas covered by these Bye-Laws are now specified along with covering all managed areas.

PART 1
GENERAL

General Interpretation

- 1. In these byelaws:

“the Council” means Ilminster Town Council;

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“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 grounds listed in Schedule 1 unless otherwise stated.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

In this Part:

“Sky lantern” means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere.

Commented [MT7]: This has been added as a result of these being lit and sent skywards on council property. They have been identified as having a detrimental affect on the environment in respect of; Litter, hazards to wildlife, posing a fire risk to crops and heathlands.

Protection of structures and plants

3. (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 any animal 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.
- (3) No person shall, without the consent of the Council, introduce into any part of the grounds listed in Schedule 1 the whole or any part or product of any plant, shrub or tree.

Unauthorised erection of structures

4. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

5. 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.

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 the laying of snares.

Gates

8. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
- (2) Byelaw 8(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

9. 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.

Fires

10. (1) No person shall:
- (a) light a fire; or
 - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
 - (c) release a lighted sky lantern into the atmosphere
- (2) Byelaw 10(1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
 - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed barbecue, in a designated area for barbecues.

Missiles

11. 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

12. 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 or charity group.

Commented [MT8]: There are instances of people having illegally camped on Council land and causing damage to property. People have failed to clear up after themselves and there have been instances of fires going out of control bringing fire risks to the Herne Hill Nature Reserve.

Commented [MT9]: This will allow for the future installation of Defibrillators by charitable groups on Council Land.

PART 3
HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

In this Part:

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

“motor cycle” means a mechanically-propelled vehicle (including electric or battery operated: bicycle, scooter, personal transporter (Segway) or hover board), not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle (including go kart) other than a motor cycle or an invalid carriage;

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

Horses

13. (1) No person shall ride a horse except in the exercise of any lawful right or privilege. ~~ride a horse in the ground.~~
- (2) Where horse riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

14. (1) 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 ~~set aside for use by cycles as a designated route.~~
- (2) No person shall cycle in the ground, on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the ground, footway or carriageway.
- (3) Byelaw 14(1) applies only to the ground listed in Part 1 of Schedule 2.

Motor vehicles

15. ~~No person shall without consent of the Council bring into, drive in the ground or park a motor cycle, motor vehicle or trailer.~~
- (1) No person shall without consent of the Council or 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.

Commented [MT10]: Included in order to prevent the use of electrically operated items on the grounds which is becoming an increasing issue.

Commented [MT11]: Prevents the argument that has been used that it is not classed as a motor vehicle.

Commented [MT12]: Where this is modified it is to ensure that the lawful riding of horses can take place but ensuring others are safeguarded.

Commented [MT13]: This has been altered to reflect the Model Bye-Law.

Commented [MT14]: This is to allow people learning to ride cycles to do so in a safe environment providing they do not put others at risk.

Commented [MT15]: Using Bye-Law 14 limits areas that cycling can be undertaken, thereby protecting the areas of the Herne Hill Cemetery and Britten's Field.

Commented [MT16]: This is allow the council to manage the land more affectively through providing consent to tenants on the land. It reflects the model Bye-laws.

(2) Byelaw 15(1) shall not apply to any emergency service vehicle

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PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

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

16. ~~No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.~~

Commented [MT17]: Dealt with earlier to explain its omission.

Children's play apparatus

16. 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

17. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.
- (2) ~~Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, this area is to be used only for these activities.~~
- (3) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Commented [MT18]: This has been included as their is an ongoing safety issue with parents allowing young children to use the skatepark for other activities, thereby putting their children's safety at risk.

Ball games

18. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;

- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.

Ball games Rules

- 19. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule ~~2~~ 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Commented [MT19]: Title added

Commented [MT20R19]: To reflect the change in the Model Bye-Laws.

Commented [MT21]: Just renumbered

Cricket

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

Archery

- 21. 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

- 22. 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.

Golf

- 23. ~~Playing of golf is prohibited.~~ No person shall drive, chip or pitch a hard golf ball except in connection with an event organised by or held with the consent of the Council.

Commented [MT22]: Added to allow for events to be given permission to have golf related activities, if written permission is given by the Town Council.

PART 5
WATERWAYS

Interpretation of Part 5

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

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

Ice skating

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

Model boats

26. No person shall operate a power-driven model boat on any waterway.

Boats

27. No person shall sail or operate any boat, dinghy, canoe, kayak, stand-up paddle board, sailboard or inflatable on any waterway without the consent of the Council.

Commented [MT23]: The list has been expanded to ensure more water based activities are covered.

Fishing

28. No person shall in any waterway cast a net for the purpose of catching fish or other animals except in a designated area for fishing.

Blocking of watercourses

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

PART 6
MODEL AIRCRAFT

Commented [MT24]: To allow for the prohibition of Drone Flying

Interpretation of Part 6

In this Part:

“model aircraft” means an aircraft, including drones, 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) 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) 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

30. (1) No person shall cause any power-driven or radio control 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.
- (2) Byelaw 30(1) shall not apply to:
- (a) any model aircraft which weighs below 0.5kg 0.2kg powered by one or more electric motors, a “rubber band” motor or is an unpowered glider; or
 - (b) any model aircraft used by the emergency service
 - (c) any model aircraft used in connection with an event organised by or held with the consent of the Council.

Commented [MT25]: This is set up in such a way as to preclude powered models and drones from being launched and is based around the Model bye-laws. It allows for the council to give permission for photographic drones to be flown by appropriately licensed operators.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

31. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

32. (1) No person shall, after being requested to desist by any other person in the ground, 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) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw ~~39~~ 32(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

33. 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

34. 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

35. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

36. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8
MISCELLANEOUS

Obstruction

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

Savings

38. (1) 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.
- (2) 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

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

Penalty

40. 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

41. The byelaws made by Ilminster Town Council on ~~5 November 1996~~ 11 March 2020 and confirmed by the Secretary of State on ~~27 January 1997~~ will be amended when date is known relating to the grounds are hereby revoked.

SCHEDULES

SCHEDULE 1

GROUNDS TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in these byelaws are:

Wharf Lane (Ilminster) Recreation Ground

West Crescent Play Park

Winterhay Playpark

Ilminster Cemetery

Britten's Field Recreation Ground

Herne Hill

Other pleasure grounds, public walks and open spaces managed by Ilminster Town Council.

Commented [MT26]: This has been added to Schedule 1 as the Town Council own and control the area.

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SCHEDULE 2
GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART 1
CYCLING (BYELAW 14 (1))

Britten's Field Recreation Ground
Iminster Cemetery
Herne Hill

Commented [MT27]: Added to allow for the designation of certain areas for the prohibition of cycling on only designated routes and cycle paths.

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SCHEDULE 23

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 24-19)

Any person using a designated area for playing ball games is required by byelaw 24-19 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

Given under our hands and seals this day of

Signed

Leanne Taylor Mayor of Ilminster
Town Council

Signed

Brian Hamilton
Deputy Mayor of Ilminster Town Council

The foregoing byelaws are hereby confirmed by the Secretary of State and shall
come into operation one calendar month after the date of confirmation.

Signed by authority of the Secretary of State

A senior civil servant in the Department for Communities and Local Government

Date: