

SUPPLEMENTAL REPORT OF THE DEMOCRATIC SERVICES MANAGER
AGENDA ITEM 13.1

5. REVIEW OF BYELAWS – REPORT OF THE DIRECTOR OF CORPORATE GOVERNANCE

Members are asked to consider the report of the Director of Corporate Governance attached at Appendix D and the recommendations therein.

6. AMENDMENTS TO ITEMS ON THE AGENDA

Members are asked to please note that Councillor Charlie O-Macauley intends to seek the Councils consent to withdraw his motion from the 18 December Council meeting and be resubmitted from Consideration by Council on the 29 January.

Subject to the Council's decision in Part 1, the Conservative Group, the Labour Group and the Liberal Democratic Group wish to resubmit their amendments and comments for consideration in Parts 3, 4 and 6.

(i) Motion 8.2: in the name of Councillor Julie Johnson

(a) Amendment in name of Councillor Anthony Finn

Delete all after "Council" (paragraph 1) and Insert:

Under Standing Order Part 4, Section 1, 31.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the council meeting.

West Hendon Estate

...is proud that the Conservative administration achieved an agreement for the rebuilding of the estate, following years of inaction by the previous Labour/Liberal administration.

Council notes that, as this regeneration schemes has received little support from Government, it has to be self-financing, with the money for rebuilds coming from the sale of private units.

Council therefore regrets that the economic downturn, which has been presided over by Chancellor, then Prime Minister, Gordon Brown, has caused a slump in the credit markets and house prices, which has adversely affected the financial agreements for the regeneration of West Hendon.

However, Council is pleased that the administration and its partners remain committed to the realisation of a revitalised West Hendon, and in securing the best possible outcome for residents.

Accordingly, Council calls on Cabinet to work with all partners to ensure the improved housing and infrastructure can be delivered as soon as possible and with the minimum disruption.

- (b) Amendment in the name of Councillor Ansuya Sodha

Delete all and replace with:

“Council calls on Cabinet to work with all partners to ensure the affordable housing and infrastructure elements of the West Hendon estate regeneration can be delivered as soon as possible and with the minimum disruption.”

(ii) Motion 8.3: in the name of Councillor Charlie O-Macauley

- (a) Amendment in the name of Councillor Claire Farrier

“Pavilion Way Football Fields

Delete 3rd paragraph and insert:

“Council also thanks Terry Revill of Flash Musicals, and all other involved partners for all the work they have contributed to the project so far.”

Substantive motion to read:

“Council regrets that the council-owned Pavilion Way Football Fields in Burnt Oak ward have been closed to public use for several years.

Council welcomes the efforts of the local MP, Andrew Dismore, to bring sporting and voluntary sector partners together, to find a way of re-developing the facilities at Pavilion Way to meet the needs of the local community.

Council also thanks Terry Revill of Flash Musicals, and all other involved partners for all the work they have contributed to the project so far.

Council supports the re-provision of youth and community recreational facilities on this land, as required by the site’s covenant, and welcomes the interest of the Football Association in supporting the development of the site for youth and community recreation.

Council believes Cabinet should grasp this opportunity to revive a sporting facility that would support the growing local community

Council therefore asks Cabinet to investigate all avenues to help re-develop the facilities at Pavilion Way, including:

- Working with the Football Association and relevant voluntary sector partners, to identify possible funding partners
- Granting a lease to an approved organisation to develop and deliver the facilities on site on behalf of the Council”

Councillor Claire Farrier has requested under Standing Order Part 4, Section 1, 31.5: that if the item is not dealt with by the end of the meeting, it be voted upon at the council meeting

- (b) Amendment in the name of Councillor Susette Palmer

“Change 2nd and 3rd paras to read ‘ Council welcomes all local efforts to find ways of meeting the needs of the local community

Add new bullet point end of motion ‘- doing everything in its power to obtain part of the GLA funds available from GLA to use in Barnet for diversional activities for the youth of the borough’.”

- (c) Amendment in the name of Councillor Andrew Harper
Delete all after “Council” (paragraph 1) and Insert:

Under Standing Order Part 4, Section 1, 31.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the council meeting.

Pavilion Way Football Fields

...regrets that the council-owned Pavilion Way Football Fields in Burnt Oak ward have been closed to public use for several years, owing to the lack of use and viability of the facility.

Council further regrets that, attempts by both LBB and a private organisation to find a viable ways forward for Pavilion Way have proved unsuccessful.

Council notes that one reason people no longer use Pavilion Way stems from the establishment of the attractive Burnt Oak Sports Centre nearby.

Council is pleased that the new sports centre offers improved recreation opportunities to people in the area – and that it has proved so popular across all sections of the community. However, Council also believes that replacement (particularly outdoor and football) facilities for the dilapidated Pavilion Way are desperately required.

Accordingly, Council welcomes the decision of Cabinet Resources Committee to seek the provision of better sports provision, subject to negotiation and planning, at Woodcroft Park if Pavilion Way is developed.

Council believes this will provide much improved, and viable, sports facilities for the people of Burnt Oak, including the possibility of an all-weather pitch and pavilion.

Council requests that Cabinet continue these negotiations so that the people of Burnt Oak, Colindale and the surrounding area can benefit from enhanced recreation opportunities.

(iii) *Motion 8.4: In the name of Councillor Ansuya Sodha*

- (a) Amendment in the name of Councillor Susette Palmer

“Add at end of motion:

Council requests Cabinet to mount exhibitions in all Barnet libraries lauding the role of women in Barnet, including women of all colours, races and creeds’.”

- (b) Amendment in the name of Councillor Lynne Hillan
“International Women’s Day

Delete all after “Council” and Insert:

...is proud of the fact that Barnet produced the first woman Prime Minister, the Rt Hon. The Baroness Thatcher, who led Britain for 11 years.

Council is also proud that Her Majesty, Queen Elizabeth II, has reigned as Queen over Britain and 15 other independent states and dependencies since 1952, and celebrated her Golden Jubilee in 2002.

Council notes that neither of these two eminently successful women owed their achievements to gimmicks such as International Women's Day, so Cabinet is advised to ignore such days, and instead note the contribution that women including Lady Thatcher, HM Queen Elizabeth II, Queen Elizabeth I and Dame Henrietta Barnett have made to life in our Borough."

Councillor Lynne Hillan has requested under Standing Order Part 4, Section 1, 31.5: that if the item is not dealt with by the end of the meeting, it be voted upon at the council meeting.

(iv) *Motion 8.5: In the name of Councillor Barry Rawlings*
Amendment in the name of Councillor Fiona Bulmer

"More money for Barnet's young people

Council is proud of its youth service that provides a diverse range of activities for young people, that performs highly in inspections, and gives value for money to Barnet residents.

Further, Council is pleased that our services has been successful in attracting external funding, with more than £1 million secured this year alone.

Council notes that the Mayor of London and the Government has promised to give Barnet more money for our youth facilities, through their "Youth Offer".

However, Council regrets that much of this cash is not "new", and the extra money amounts to roughly £400,000 over 2 years, not £1.8 million as Labour claims.

Council is also dismayed that the Government has given the Borough such poor support overall, particularly through the Formula Grant. Council believes this severe under-funding more than cancels out its short-term gestures such as its "Youth Offer".

Nonetheless, Council requests that Cabinet continues to invest money from external sources, including the "Youth Offer", in the Youth Service so that it continues to offer first-rate activities for the young people of Barnet."

Councillor Fiona Bulmer has requested under Standing Order Part 4, Section 1, 31.5: that if the item is not dealt with by the end of the meeting, it be voted upon at the council meeting.

7. Comments on the Work of Cabinet – Agenda Item 14

- (i) Councillor Jeremy Davies - *Subject to the Councils Decisions in Part 1*
“Would like to ask the Leader of the Council to comment on the accident, on the 8th December, in Partingdale Lane.”
- (ii) Councillor Duncan Macdonald – *Subject to the Council’s Decision in Part 1*
“To comment of the Leader Listens initiative.”
- (iii) Councillor Wendy Prentice
“Comment of the work of the Cabinet Member for Investment in Learning, specifically on the Library Strategy.”

Janet Rawlings
Democratic Services Manager

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Meeting	Council
Date	29 January 2008
Subject	Review of Byelaws
Report of	Director of Corporate Governance
Summary	The report reviews the relevance and effectiveness of the Council's current byelaws and makes recommendations for revocation, retention and adoption

Officer Contributors	Jeff Lustig, Director of Corporate Governance
Status (public or exempt)	Public
Wards affected	All
Enclosures	Proposed Model Byelaws
For decision by	Full Council
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Debra Allday, Senior Solicitor, Advocacy Division, 020 8359 2514.

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1. RECOMMENDATIONS

- 1.1 **The Council resolves to retain, revoke and remove from publication the Byelaws as respectively proposed in Section 10 of the report and to adopt the model Byelaws as attached to the appendix to this report in accordance with the proposals set out in Section 10 of the report.**
- 1.2 **The Head of Legal be instructed to take all necessary action including to seek the approval of the Secretary of State for Communities and Local Government/ Culture Media and Sport (as appropriate) to the Council's adoption of the model Byelaws.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The review of the Council's byelaws supports the corporate priorities, particularly Clean, Green and Safe and assists a Bright Future for Children and Young People, a Successful Suburb and Strong and Healthy by ensuring that the provisions set out in the Byelaws are up to date, properly regulated and enforceable. An implementation of the recommendations will support the prevention of crime and disorder and public nuisance and will promote public safety and the protecting of children from harm.
- 3.2 The implementation of the recommendations will support the objectives and targets contained within the Safer Community Strategy 2006-2016, Local Area Agreement 2007/2008 – 2009-2010, Corporate Plan 2007/2008-2010-2011 and the Crime and Disorder and Drugs Strategy for Barnet 2005-2008.

4. RISK MANAGEMENT ISSUES

- 4.1 A considerable number of Barnet's byelaws are out dated and unused having been superseded by more recent primary and secondary legislation. Inconsistencies with primary and secondary legislation could result in unlawful decision making and enforcement. This could leave the Council open to challenge by way of Judicial Review and/or appeal to the Magistrates' Court. This might adversely affect the Council's reputation.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has a legal obligation to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons and different groups. Many of Barnet's Byelaws were made at a time when the composition of Barnet's communities was very different. The model Byelaws and recommendations will better reflect present day living and will have taken account of relevant equalities legislation. The implementation of the recommendations will ensure consistency in enforcement which will only be enforced when reasonable and proportionate.

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The proposals are consistent with the requirements of the Human Rights Act 1998.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 There are no new byelaws being proposed and hence no requirement to increase enforcement resources.

7. LEGAL ISSUES

- 7.1 Schedule 1 Paragraph 1F of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) sets out that the power to make, amend, revoke, or re-enact byelaws is a function that is not to be the responsibility of a Local Authority Executive. It is therefore a Council function.
- 7.2 The Local Government and Public Involvement in Health Act 2007 which received Royal assent on 30 October 2007 empowers the Secretary of State to make regulations establishing a new procedure for local authorities to follow in making byelaws. The intention is that this power will be used so that once local authorities have consulted on, prepared and advertised draft byelaws locally, they can be enacted without confirmation by the Secretary of State. The Secretary of State will have the power to make regulations dealing in particular with consultation on, and the advertisement of, byelaws locally and the power to issue guidance in relation to the new procedures. At the time of writing this report, details of the proposed changes and when they will be introduced have not yet been published for consultation.
- 7.3 Other relevant matters are dealt with elsewhere in the report.

8. CONSTITUTIONAL POWERS

- 8.1 Article 4.02 (j) of the Constitution specifies that only the Council will exercise the function of making amending, revoking, re-enacting or adopting byelaws.

9 BACKGROUND INFORMATION

- 9.1 The Corporate Governance Directorate has undertaken a comprehensive review of all the Byelaws that remain in force and that have been published on the Barnet Online website.
- 9.2 The review has been undertaken to reflect Barnet's commitment to governance and enhancing the transparency, clarity and probity of its decision making and to ensure that local legislation meets the needs of a modern Borough.
- 9.3 Consultation has been undertaken with all relevant service areas involving Directors, Service Heads and officers with operational responsibility to

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carry out statutory functions and the service delivery of the Byelaws. Their input has helped to identify the overall use and necessity of the Byelaws. Informal discussion has also taken place with officials from the Department of Communities and Local Government.

9.4 The existing Byelaws may be placed in one of five categories:

- 9.4.1 Byelaws that should be revoked
- 9.4.2 Byelaws that are repealed or only repealed previous byelaws
- 9.4.3 Byelaws that should be retained
- 9.4.4 Byelaws that could be rationalised & up dated with model Byelaws
- 9.4.5 Byelaws that are no longer effective

9.4 Byelaws that should be Revoked

A number of Barnet's Byelaws have been in place for many years. Over the intervening period a great deal of new legislation has been passed which has addressed many of the problems that the Byelaws were intended to rectify. This plethora of primary legislation has meant that a number of Barnet's byelaws have been superseded and are no longer required. Effective regulatory controls and enforcement is undertaken under both primary and secondary legislation. A smaller number of byelaws were introduced to deal with specific problems that in today's society are no longer an issue. It is therefore recommended that the following byelaws are revoked for the reasons set out:

9.4.1 Massage or Special Treatment Byelaws 1942

The matters in these Byelaws are covered by the Health and Safety at Work etc. Act 1974 and associated Regulations.

9.4.2 Solid Fuel Byelaws 1967

Superseded by Trading Standards legislation.

9.4.3 Removal of House Refuse etc Byelaws 1968

These Byelaws have been superseded by provisions in the Environmental Protection Act 1990.

9.4.4 Nursing (Homes) Byelaws 1971

This has been superseded by Health Care legislation and the Nursing Homes are now regulated by the CSCI and Healthcare Commission.

9.4.4 Management of the Mortuary and Post Mortem Room 1972

The Byelaws in their current form relate to the handling of a corpse and containing infectious diseases. This is now the responsibility of the Healthcare Commission and is regulated by the NHS. The Byelaws have in any event been superseded by the Health and Safety at Work Act 1974 and associated Regulations.

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9.4.5 Removal Through Streets of Offensive or Noxious Matter Byelaws 1969

These Byelaws have been superseded by provisions in the Environmental Protection Act 1990.

9.4.6 Hairdressing and Barbers Byelaws 1970

These Byelaws has been superseded by the Health and Safety at Work etc. Act 1974 and associated regulations.

9.4.7 Public Conveniences Byelaws 1968

Matters in these Byelaws are now covered by other legislation including the Criminal Damage Act 1971, Protection from Harassment Act 1997 and other crime and disorder legislation.

9.4.8 Baths etc Byelaws 1969

The provisions of these Byelaws are now covered by the Council's long term contract operator Greenwich Leisure's terms and conditions of entry.

9.4.9 Nuisance Byelaws 1970

The matters covered by these Byelaws have been superseded by Crime and Disorder legislation.

9.4.10 Good Rule and Government and Prevention of Nuisance Byelaws 1971

To be largely replaced with new model byelaws.

9.4.11 Fish Frying Byelaws 1979

The matters covered by these Byelaws have been superseded by provisions in the Food Safety Act 1982.

9.4.12 Fish Frying Byelaws 1984

The matters covered by these Byelaws have been superseded by later Regulations made under the Food Safety Act 1982.

9.4.13 Ear Piercing and Electrolysis Byelaws 1984

Superseded by later Regulations made under the Health and Safety at Work etc. Act 1974.

9.4.14 Acupuncture Byelaws 1984

Superseded by later Regulations made under the Health and Safety at Work etc. Act 1974.

9.4.15 Tattooing Byelaws 1984

Superseded by later Regulations made under the Health and Safety at Work etc. Act 1974.

9.4.16 Amusement Premises Byelaws 1992

Superseded by the Gambling Act 2005

9.4.17 Street Trading Byelaws

Trading in Streets by Licensed Street Traders Byelaws 1967 and the Market at Watling Avenue Burnt Oak Byelaws 1960 are in force. However, it is apparent that the byelaws relating to Street Trading and the Market bring no additional value to the legislation relating to street trading under the London Local Authorities Acts 1991, 1994, 2004 and 2007 and the Highways Act 1980. The activities of street traders and market stall holders can be effectively regulated by attaching conditions to their licences. It is proposed that these byelaws are revoked as unnecessary and ineffective.

9.5 Repealed and Repealing Byelaws

For completeness these byelaws have been identified as “repealed or repealing byelaws” in that the Byelaws are repealed or revoke previously enforced Byelaws and have no relevance beyond that. These need only be removed from the Council website:

9.5.1 Tents Vans and Similar Structures used for human habitation Byelaws 1970

9.5.2 Off Street Parking Byelaws 1975

9.5.3 Handling etc. Delivery of Sale in Open Air Byelaws 1972

9.5.4 Management of the Cemetery Byelaws 1975

9.5.5 Fouling of Grass Verges by Dogs Byelaws 1981

9.6 Byelaws that Should Be Retained

The Byelaws that relate to Local Nature Reserves and are made under the National Parks and Access to the Countryside Act 1949 should be retained in their current form as they are specifically designed for the areas they cover and are still relevant. These Byelaws have been identified as:

9.6.1 Rowley Green Common Byelaws 1994

9.6.2 Arkley Local Nature Reserve Byelaws 1994

9.6.3 Welsh Harp Nature Reserve Byelaws 2006

In relation to the Welsh Harp Nature Reserve Byelaws, these have been submitted to the Department for Communities and Local Government and are currently awaiting approval. Due to the Barnet and Brent boundary, officers from both the London Borough of Barnet and the London Borough of Brent have had difficulty with intermittent disorder, in particular, the August 2006

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and August 2007 illegal raves. The Byelaws, if confirmed, will allow Council Officers to exercise immediate enforcement powers.

The Byelaws relating to dogs. There are three dog related Byelaws:

9.6.4 Fouling Grass Verges by Dogs 1981 (Please also see paragraph 9.5)

9.6.5 Regulation of Dogs Byelaws 1982

9.6.6 Dogs on Leads, Exercise Areas, Parks, Open Spaces Byelaws 1983

9.7 Byelaws that should be Revoked & DCLG/DCMS Model Byelaws Introduced

9.7.1 Consultation with service areas has identified some Byelaws which still fulfil a useful purpose in regulating areas of activity that can cause problems for local communities, but which are not fully covered by either primary or secondary legislation. The repeal of these Byelaws without adequate replacement would impede the protection of Barnet residents and the local environment. However, certain parts of these Byelaws have now been superseded by primary legislation and in other respects are not up to date.

9.7.2 The Department for Communities and Local Government (“DCLG”), recognising the value of Byelaws to assist in remedying these gaps, have a number of model Byelaws which represent best practice and which may be adopted by local authorities at their discretion.

9.7.3 If the Council wish to adopt the model Byelaws without amendment, central government streamlines the process of approval, which will be given as a matter of course.. The proposed model Byelaws have been examined and with the exception of the Library Byelaws (DCMS model), it is believed that Barnet’s interests would be best served by adopting them in their entirety. With regard to the proposed (amended) Model Library Byelaws (see paragraph 9.7.4.4 below), it is expected that the minimal amendments will still delay their final approval.

9.7.4 It is therefore proposed that the following byelaws are revoked and replaced with the model Byelaws

9.7.4.1 Good Rule and Government and Prevention of Nuisance Byelaws 1971

To be replaced with separate DCLG model Good Rule and Government Byelaws, without amendment.

9.7.4.2 Pleasure Grounds Byelaws 1978

To be replaced with the DCLG model Pleasure Grounds, Public Walks and Open Spaces Byelaws, without amendment.

9.7.4.3 Employment of Children Byelaws 1968 and 1971

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To be replaced with the model Employment of Children Byelaws without amendment, subject to confirmation that Secretary of State will still give approval to adoption of these model byelaws.

9.7.4.4 Public Libraries and Museums Byelaws 1985

To be replaced with the DCMS model Public Library Byelaws, with some minor amendments. The Libraries Service have indicated the need to include additional child protection provisions into the model Byelaws to the effect that no adult visitor of the Library be allowed to remain in the children's and teenagers' section in the library, having been requested to leave by a Library Officer. Due to the different media that is available at public libraries it is also proposed that users of the Library have restricted use when charges are outstanding. Members should note that if the Council resolves that amended model Byelaws be adopted, the process of final approval by DCMS is somewhat slower. However, the Library Service have indicated that the proposed amendments to the model Byelaws would address their specific concerns.

9.8 Ineffective Byelaws

9.8.1 Trading in Street by Licensed Street Traders 1966

Trading in Street by Licensed Street Traders Byelaws 1966 were required to be confirmed prior to 31 March 1969 in order for them to come into force. This did not happen and therefore the Byelaws are ineffective. Since they have no legal value they should be removed from the published Byelaws on the Council's website.

10. CONCLUSION

In summary the following is proposed:

BYELAWS TO BE RETAINED		
<u>Byelaw</u>	<u>Comments</u>	<u>Proposed Action</u>
Rowley Green Common 1994		Byelaws to remain in place
Arkley Local Nature Reserve 1994		Byelaws to remain in place
Welsh Harp Nature Reserve 2006	Awaiting approval from ODPM	Byelaws to remain in place
Regulation of Dogs 1982		Byelaws to remain in place
Dogs on Leads: Exercise Areas, Parks, Open		Byelaws to remain in place

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Spaces 1983		
BYELAWS TO BE REVOKED & UP DATE WITH MODEL BYELAWS		
Good Rule and Government 1971	Partially superseded by legislation and the Model Good Rule and Government Byelaws	To be revoked. Model byelaws to be adopted
Public Libraries and Museums 1985	Superseded by the DCMS Model Public Library Byelaws	To be revoked. Model byelaws to be adopted as amended
Byelaws on Employment of Children 1968	Superseded by the Model Byelaws on Employment of Children 1998	To be revoked. Model byelaws to be adopted subject to confirmation that Secretary of State will still give approval to adoption of these model byelaws.
Byelaws on Employment of Children 1971	Superseded by the Model Byelaws on Employment of Children 1998	To be revoked. Model byelaws to be adopted subject to confirmation that Secretary of State will still give approval to adoption of these model byelaws.
Pleasure Grounds 1978	Partially superseded by legislation and the DCLG Model Byelaws for Pleasure Grounds, Public Walks and Open Spaces 2006	To be revoked. Model byelaws to be adopted
BYELAWS TO BE REVOKED		
Massage or Special Treatment 1942	Superseded by Legislation	To be revoked
Market at Watling Avenue 1960	i. No other market is covered ii Conditions can be attached to the street trading/ stall holder licence	To be revoked
Solid Fuel 1967	Superseded by Trading Standards legislation	To be revoked
Removal of House Refuse etc 1968	Superseded by Environmental Protection Act 1990	To be revoked
Nursing (Homes) 1971	Superseded by Health care legislation and regulation is in the hands	To be revoked.

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	of the CSCI and Healthcare Commission	
Management of the Mortuary and Post Mortem Room 1972	<ul style="list-style-type: none"> i. Healthcare Commission responsibility ii. Regulated by the NHS 	To be revoked.
Removal Through Streets of Offensive or Noxious Matter 1969	Superseded by Environmental Protection Act 1990	To be revoked.
Hairdressing and Barbers 1970	Superseded by legislation	To be revoked.
Trading in Streets by Licensed Street Traders 1967	Covered by legislation and matters could be covered by street trading licence conditions	To be revoked.
Public Conveniences 1968	Covered by legislation	To be revoked.
Baths etc 1969	Covered by Greenwich Leisure's terms and conditions of entry	To be revoked.
Nuisance 1970	Superseded by Crime and Disorder legislation	To be revoked.
Fish Frying 1979	Superseded by Food Safety legislation	To be revoked.
Fish Frying 1984	Superseded by Food Safety legislation	To be revoked.
Ear Piercing and Electrolysis 1984	Superseded by legislation	To be revoked.
Acupuncture 1984	Superseded by legislation	To be revoked.
Tattooing 1984	Superseded by legislation	To be revoked.
Amusement Premises 1992	Superseded by Gambling Act 2005	To be revoked.
INEFFECTIVE BYELAWS		
Trading in Street by Licensed Street Traders 1966	Byelaw was required to be confirmed prior to 31/3/1969 to come into in force.	Byelaws ineffective. Remove from Council website
REPEALED AND REPEALING BYELAWS		
Tents Vans and Similar Structures used for Human Habitation 1970	Revokes previous byelaws	To be removed from Council website
Off Street Parking	Revoked by LBB TPO	To be removed from

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	1990 No.6	Council website
Handling etc. Delivery of Sale in Open Air 1972	Revokes previous Byelaws	To be removed from Council website
Management of the Cemetery 1975	Revokes previous Byelaws	To be removed from Council website
Fouling Grass Verges by Dogs 1981	Superseded by Dogs (Fouling of Land) Act 1996 and designation of the London Borough of Barnet as a designated area by Full Council on 7 March 2000	To be removed from Council website

10. LIST OF BACKGROUND PAPERS

10.1 London Borough of Barnet's Byelaws

CFO: CM

****COUNCILS SHOULD DOWNLOAD THIS SET FROM THE DCLG WEBSITE AND ADAPT IT AS REQUIRED****

The guidance notes for Model Byelaws Set 2 should be consulted when using these Model Byelaws.

MODEL BYELAWS – SET 2

[Name of Council]

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART [1]

GENERAL

1. General interpretation
2. [Application]
3. [Application]
4. Opening times

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

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

PART [3]
HORSES, CYCLES AND VEHICLES

15. Interpretation of Part [3]
16. Horses [- Horse riding permitted but must not cause danger]
17. Horses [- Horse riding prohibited except in certain grounds (subject to bridleway, etc)]
18. Horses [- Horse riding prohibited (subject to any bridleway, etc)]
19. Horses [- Horse riding prohibited except on designated route (subject to bridleway, etc)]
20. Cycling
21. Motor vehicles
22. Overnight parking

PART [4]
PLAY AREAS, GAMES AND SPORTS

23. Interpretation of Part [4]
24. Children's play areas
25. Children's play apparatus
26. Skateboarding, etc [- Skateboarding, etc permitted but must not cause danger or annoyance]
27. Skateboarding, etc [- Skateboarding, etc permitted only in designated area]
28. Ball games [- Prohibition of ball games]
29. Ball games [- Ball games permitted only in designated area]
30. Ball games [- Ball games permitted throughout the ground but designated area for ball games also provided]
31. Ball games [- Rules]
32. Cricket
33. Archery
34. Field sports
35. Golf [- Prohibited [except on golf course]]
36. Golf [- Permitted where part of ground is set aside as a golf course]

PART [5]
WATERWAYS

37. Interpretation of Part [5]
38. Bathing

39. Ice skating
40. Model boats
41. Boats [- To prohibit use of boats [, etc] without permission [except in designated area]]
42. Boats [- In areas where use of boats is common]
43. Fishing
44. Pollution
45. Blocking of watercourses

PART [6]

MODEL AIRCRAFT

46. Interpretation of Part [6]
47. Model aircraft [- General prohibition]
48. Model aircraft [- Model aircraft permitted in certain grounds [on specified days and at specified times]]
49. Model aircraft [- Model aircraft permitted in designated areas]
50. Model aircraft [- Model aircraft permitted if subject to certain control]
51. Model aircraft [- Some quieter types of model aircraft permitted]

PART [7]

OTHER REGULATED ACTIVITIES

52. Provision of services
53. Excessive noise
54. Public shows and performances
55. Aircraft, hang-gliders and hot air balloons
56. Kites
57. Metal detectors

PART [8]

MISCELLANEOUS

58. Obstruction
59. Savings
60. Removal of offenders
61. Penalty
62. Revocation [- General]
63. Revocation [- Limited to preserve byelaws relating to dogs]

SCHEDULE [1] - Grounds to which byelaws apply generally

SCHEDULE [2] - Grounds referred to in certain byelaws

SCHEDULE [3] - Rules for playing ball games in designated areas

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 *insert name of Council* with respect to *insert name of ground/description of its location/* [pleasure grounds, public walks and open spaces].

[PART 1]

GENERAL

General Interpretation

1. In these byelaws:

Select from the following list only terms to be used in the byelaws which the Council proposes to adopt:

“the Council” means *insert name of Council*;

“the ground” means *insert name of ground or a description of its location/*[any of the grounds listed in [the Schedule /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

Councils should adopt EITHER model byelaw 2 or model byelaw 3

- 2. These byelaws apply to *insert name of ground or a description of its location/* [all of the grounds listed in [the Schedule/Schedule 1].
- 3. These byelaws apply to all of the grounds listed in [the Schedule/Schedule 1] unless otherwise stated.

Opening times

- 4. (1) No person shall enter or remain in the ground except during opening hours.

Where byelaw is to apply to more than one ground

- (2) "Opening hours" means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

Where byelaw is to apply to more than one ground

- (3) Byelaw [4(1)] applies only to the grounds listed in [Part 1 of] Schedule [2].]

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

5. (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 a horse 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.

Unauthorised erection of structures

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

Climbing

7. 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

8. 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

9. 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

10. (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 10(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

11. 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 [except in a designated area for camping].

Fires

12. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.

(2) Byelaw 12(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 camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues].

Missiles

13. 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

14. 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.

PART [3]

HORSES, CYCLES AND VEHICLES

Interpretation of Part [3]

15. 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, 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 other than a motor cycle or an invalid carriage;

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

Horses

Horse riding permitted

16. No person shall ride a horse in the ground in such a manner as to cause danger to any other person.

Horse riding prohibited except in certain grounds (subject to bridleway, etc)

17. (1) No person shall ride a horse except:
- (a) in any of the grounds listed in Part [3] of Schedule [2]; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw [17](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited (subject to bridleway, etc)

18. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (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.

Horse riding prohibited except on designated route (subject to bridleway, etc)

19. (1) No person shall ride a horse except:
- (a) on a designated route for riding; or
 - (b) in the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted by virtue of byelaw [19](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

20. 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].

Motor vehicles

21. (1) No person shall 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 [or a designated route] for that class of vehicle.
- (2) [Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route].

Overnight parking

22. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m..

PART [4]

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part [4]

23. 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

24. 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.

Children's play apparatus

25. 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

Skateboarding, etc permitted but must not cause danger or annoyance

26. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Skateboarding, etc permitted only in designated area

27. (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, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

Prohibition of ball games

28. No person shall play ball games in the ground.

Ball games permitted only in designated areas

29. No person shall play ball games in the ground except in a designated area for playing ball games.

Ball games permitted throughout the ground but designated area for ball games also provided

30. 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.

Rules (to be used with model byelaw 29 or 30)

31. 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 [3] and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

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

Archery

33. 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

34. 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 [or on land set aside by the Council for that purpose].

Golf

Golf prohibited [except where part of ground is set aside as golf course]

35. No person shall drive, chip or pitch a hard golf ball [except on the golf course].

Where part of ground is set aside as a golf course

36. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.
- (2) No person shall enter on to or remain on the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged; or
 - (b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART [5]
WATERWAYS

Interpretation of Part [5]

37. 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

38. No person shall without reasonable excuse bathe or swim in any waterway [except in a designated area for bathing and swimming].

Ice skating

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

Model boats

40. No person shall operate a power-driven model boat on any waterway [except in a designated area for model boats].

Boats

To prohibit use of boats [and if appropriate a wider category of vessels] without permission [except in designated areas]

41. No person shall sail or operate any boat, [dinghy, canoe, sailboard or inflatable] on any waterway without the consent of the Council [except in a designated area for the sailing or operation of boats].

In areas where use of boats is common

42. (1) No person shall on any waterway sail or operate any boat which is not registered with the Council.

(2) A boat is registered for the purposes of byelaw 42(1) when the owner has made a written application to the Council and the Council has:

(a) entered the name and address of the owner, a general description of the boat and the serial number of the registration in a register kept by an authorised officer of the Council; and

(b) issued to the owner a certificate of registration incorporating these particulars.

Fishing

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

Pollution

44. No person shall foul or pollute any waterway.

Blocking of watercourses

45. 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

Interpretation of Part [6]

46. In this Part:

“model aircraft” means an aircraft 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

47. No person shall cause any power-driven 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.

Model aircraft permitted in certain grounds [on specified days at specified times]

48. Byelaw 47 does not apply to the grounds listed in [Part [5] of Schedule 2] / [column 1 of the table in Part [6] of Schedule [2] on the days and times indicated for each ground in column 2 of that table].

Model aircraft permitted in designated areas

49. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
 - (b) land in the ground without reasonable excuse;
- other than in a designated area for flying model aircraft.

Model aircraft subject to certain control

50. Byelaw [47]/[49] does not apply to any model aircraft which is [attached to a control line]/[kept under effective radio control].

Quieter types of model aircraft permitted

51. Byelaw [47]/[49] does not apply to any model aircraft which:
- (a) gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
 - (b) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.

PART [7]

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

53. (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 53(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

- 54. 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

- 55. 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

- 56. 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

- 57. (1) 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.
- (2) Byelaw 57(1) shall not apply to *[insert name or description of land]*.

PART [8]

MISCELLANEOUS

Obstruction

- 58. No person shall obstruct:
 - (a) any officer of the Council in the proper execution of his 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

- 59. (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

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

Penalty

61. 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

62. The byelaws made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked.

Limited revocation to preserve byelaws relating to dogs

63. Byelaws *insert numbers of byelaws being revoked* made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked

SCHEDULES

SCHEDULE [1]

GROUNDS TO WHICH BYELAWS APPLY [GENERALLY]

The grounds referred to in byelaw [2]/[3] are:

...

SCHEDULE 2

GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART [1]

OPENING TIMES (BYELAW [4](1))

...

PART [2]

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO BRIDLEWAY, ETC) (BYELAW [17](1))

...

PART [3]

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW [48])

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Park E	
Park F	

SCHEDULE [3]

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW [31])

Any person using a designated area for playing ball games is required by byelaw [31] 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.

****COUNCILS SHOULD DOWNLOAD THIS SET FROM THE DCLG WEBSITE AND ADAPT IT AS REQUIRED****

The guidance notes for Model Byelaws Set 8 should be consulted when using these Model Byelaws

MODEL BYELAWS – SET 8

[Name of Council]

BYELAWS FOR GOOD RULE AND GOVERNMENT

ARRANGEMENT OF BYELAWS

1. General interpretation
2. [Application]
3. [Application]
4. [Application]
5. Riding on road margins and verges
6. Vehicles on road margins and verges
7. Skateboarding etc [- to prohibit skateboarding in designated areas]
8. Skateboarding etc [- to prohibit dangerous or nuisance skateboarding on footpaths and roads]
9. Fairground attractions causing obstruction to traffic
10. Dangerous games near highways
11. Playing games on highways to the annoyance of local residents
12. Touting
13. Urinating, etc
14. Interference with road warning equipment
15. Interference with life saving equipment
16. Climbing upon and hanging from bridges
17. Penalty
18. Revocation

SCHEDULE [1]

SCHEDULE [2]

Byelaws made under section 235 of the Local Government Act 1972 by *insert name of Council* for the good rule and government of the [Borough/District] of *insert name* and for the prevention and suppression of nuisances.

General interpretation

1. In these byelaws:

Select from the following list only terms to be used in the model byelaws which the Council proposes to adopt:

“carriageway” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“the Council” means *insert name of Council*;

“designated areas” means those areas designated in [byelaw 3/byelaw 4(3)] to these byelaws;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“highway” means the whole or a part of a highway other than a ferry or waterway;

“road margin or verge” means land which is—

(a) adjacent to the carriageway of a highway [or between two carriageways of a highway], other than the carriageway of a trunk road vested in the Secretary of State, and

(b) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in an ornamental condition by the Council;

“self-propelled vehicle” means a vehicle other than a cycle, wheelchair 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 other persons pulling or pushing the vehicle;

“trunk road” means a highway, or a proposed highway, which is a trunk road by virtue of section 10(1) or section 19 of the Highways Act 1980 or by virtue of an order or direction under section 10 of that Act.

Application

Councils should adopt ONE of model byelaws 2, 3 and 4

2. These byelaws apply throughout the [Borough/District] of *insert name*.

3. These byelaws apply to the areas of *insert name of local authority area* designated in [the Schedule] [Schedule 1] [and delineated by black hatching on the plan attached to these byelaws].
4.
 - (1) These byelaws shall apply throughout the [Borough/District] of *insert name* except as set out in byelaws [4(2) to 4(4)].
 - (2) Byelaws 5 and 6 apply to any road margin or verge which is indicated to be a road margin or verge to which these byelaws apply by means of a notice conspicuously displayed on or near the said road margin or verge.
 - (3) Byelaw 7 applies to the areas of *insert name of local authority area* designated in [the Schedule] [Schedule 1] [and shown hatched in black on the plan attached to these byelaws].
 - (4) Byelaw 16 applies to the bridges listed in Schedule [2].

Riding on road margins and verges

5. No person shall without lawful authority ride or lead any horse, or cause any horse to be ridden or led upon any road margin or verge to which this byelaw applies.

Vehicles on road margins and verges

6.
 - (1) No person shall without lawful authority drive, park or leave a vehicle or cause such a vehicle to be driven or placed upon any road margin or verge to which this byelaw applies.
 - (2) This byelaw does not apply to a heavy commercial vehicle as defined by section 20 of the Road Traffic Act 1988.

Skateboarding etc

To prohibit skateboarding in designated areas [with savings for rights of private landowners]

7. No person shall skate, slid or ride on rollers, skateboards or other self-propelled vehicles in the designated areas [except where authorised to do so by the owner of the land].

To prohibit dangerous or nuisance skateboarding on footways and carriageways [insert words in square brackets if also adopting model byelaw 7]

8. [Outside the designated areas,] no person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriageway.

Fairground attractions causing obstruction to traffic

9.
 - (1) No person shall operate a fairground attraction—
 - (a) in any public place; or

(b) on any land adjoining a street or public place,
so as to cause obstruction or danger to the traffic in that street or public place.

(2) "Fairground attraction" means a shooting gallery, swing-board, roundabout, or other structure which is installed, erected or operated for the entertainment of the public.

Dangerous games near highways

10. No person shall play football or any other game on land adjacent to a highway in a manner likely:
- (a) to cause obstruction to traffic; or
 - (b) to cause danger or give reasonable grounds for annoyance to any person on the highway.

Playing games on highways to the annoyance of local residents

11. No person shall play football or any other game on a highway or on land adjacent to a highway in such a manner as to give reasonable grounds for annoyance to any person living nearby.

Touting

12. No person shall in any street or public place—
- (a) advertise or solicit custom for any service; or
 - (b) seek to gather information for use in the supply of goods or services,
- in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place.

Urinating etc

13. No person shall urinate or defecate in any street or public place.

Interference with road warning equipment

14. No person shall without lawful authority move or tamper with any lamp, reflector or other equipment used for giving warning of, or lighting, any obstruction, excavation or other danger in any road.

Interference with life saving equipment

15. Except in case of emergency, no person shall remove, displace or otherwise interfere with any life saving equipment placed by the Council or any other competent authority in any street or public place.

Climbing upon and hanging from bridges

16. (1) No person shall without reasonable excuse—
 - (a) climb upon or hang from any bridge to which this byelaw applies; or
 - (b) aid, abet, counsel or procure such an act by another.
- (2) “Bridge” includes any abutment, embankment, retaining wall or other work supporting or protecting the bridge.

Penalty

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

Revocation

18. The byelaws relating to *state subject matter* which were made by *insert name* on *insert date* and were confirmed by *insert name of confirming authority* on *insert date of confirmation* are revoked.

SCHEDULE [1]

The designated areas are:

SCHEDULE 2

The bridges referred to in byelaw 16 are as follows:

Department for Culture, Media and Sport – Model Public Library Byelaws

All communications regarding these model public library byelaws should be addressed to:

Mr Dempster Marples
Museums, Libraries and Cultural Property Division
2-4 Cockspur Street
London
SW1Y 5DH

[Name of Council or Joint Board making byelaws] Public Library Byelaws

Made under Section 19 of the Public Libraries and Museums Act 1964

1. In these byelaws, unless the context otherwise requires:
 - a. "the Act" means the *Public Libraries and Museums Act 1964*;
 - b. "charge" means any charge imposed in accordance with the Regulations;
 - c. "child" means a person under the age of [] years;
 - d. "emergency situation" includes situations where a library or part of a library is required to be evacuated for security reasons or because of threat from fire or other hazard and practices and false alarms in relation thereto;
 - e. "last known address" means the last address held on the library authority's records;
 - f. "the library authority" means the
 - g. "library" means:
 - i) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
 - ii) any vehicle which is used by the library authority for the purpose of providing a public library service to members of the public and is a vehicle in which facilities are made available; and includes any part of such premises or vehicle;
 - h. "the library officer" means any officer employed by the library authority in connection with its functions under the Act;
 - i. "library property" includes property owned by or provided for the use of the library authority whether or not it is made available by

the library authority for use by the public and property obtained by the library authority for the loan to or use of the public;

- j. "the Regulations" means *The Library Charges (England and Wales) Regulations 1991* S.I.1991/2712;
 - k. words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;
 - l. expressions used, unless the contrary intention appears, have the meaning which they bear in the Act and Regulations.
2. An act performed in connection with the proper execution of his duty by a library officer shall not be a contravention of these byelaws.
 3. No person shall give a false name or address for the purpose of entering the library or for the purpose of using any library facility.
 4. No person who in the reasonable opinion of a library officer is offensively unclean in person or clothing or both shall remain in the library after having been asked by a library officer to leave the library.
 5. Except with the consent of a library officer, no person shall:
 - a. cause or allow any dog (other than a working dog accompanying a disabled person or under training for the purpose of being able to accompany a disabled person) or other animal belonging to him or under his control to enter or remain in the library;
 - b. bring into any part of the library a wheeled vehicle or conveyance [other than a wheelchair, pram, pushchair or shopping trolley];
 - c. enter or remain in any part of the library which a reasonable person would or should know is prohibited to the public; or
 - d. remain in the library after the time fixed for its closing.
 6. No person shall remain in the library after an emergency situation has been made known to him.
 7. No person shall, unless specifically permitted by a library officer, take or attempt to take any library property from the library or past a check out or security point.
 8. No person shall, without lawful excuse, destroy or damage any library property intending to destroy or damage such property or being reckless as to whether such property should be destroyed or damaged.
 9. No person shall behave in a disorderly manner in the library, use violent, abusive or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person or property.

10. No person shall sleep in the library after having been requested not to do so by a library officer.
11. No person shall remain in a library without making proper use of the library's facilities after having been requested, by a library officer, to make such proper use of the facilities.
12. No person shall engage in persistent audible conversation in any part of the library [set apart as a reference department, study area, or for reading after having been requested not to do so by a library officer] or [where such conversation is prohibited by notice or after having been requested not to do so by a library officer].
13. No person shall intentionally or recklessly obstruct any library officer in the execution of his duty or intentionally or recklessly disturb, obstruct, interrupt, abuse or annoy any other person properly using the library.
14. No person shall, without the consent of a library officer, intentionally display, distribute, or leave any bill, placard, notice or other document in the library.
15. No person shall, without the consent of a library officer, offer anything for sale in the library or canvass or seek signatures for petitions.
16. No person having charge of a child shall without the consent of a library officer leave him unsupervised in the library.
17. No person shall [smoke] [light a match or use a cigarette lighter] in the library other than in an area [if any] designated as an area where smoking is permitted.
18. No person in any part of the library shall inhale any toxic substance for the purpose of causing intoxication or take any controlled drug as defined by Schedule 2 of the *Misuse of Drugs Act 1971* other than drugs dispensed for and pursuant to prescription issued for him by a doctor under and in accordance with the aforesaid Act.
19. No person shall, except with the consent of a library officer, partake of refreshment in the library.
20. No person shall, except with the consent of a library officer, cause or allow any mobile telephone, portable computer, or other electrical equipment, or apparatus for the reception of sound broadcasting or for the reproduction of sound, to be operated in any part of the library to which the public has access.
21. No person who
 - a) borrows library property which is returned late or if returned would be returned late, or
 - b) fails to pay any chargeshall, unless with the specific consent of a library officer, borrow any other library property.

- 22.a. Any person who has borrowed library property which if returned would be returned late and who has been served with a notice by the library authority demanding return of the library property shall return the library property [to the library from which it was borrowed] within 14 days from the date the notice was served.
22. b. For the purposes of this byelaw, a notice may be served upon any person by delivering it to him, or by leaving it at his last known address, or by sending it by post addressed to him at that address.
23. Any person who contravenes any of these byelaws shall be liable to prosecution by the library authority for contravention of the byelaws, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence. In any case involving breach of byelaws 8 or 18, a prosecution may be brought under the *Criminal Damage Act 1971* or the *Misuse of Drugs Act 1971* respectively.
24. A library officer may exclude any person who contravenes any of the foregoing byelaws from any library maintained by the library authority under the Act.

If there are currently no Byelaws in place, the following Byelaw (25) should be omitted.

25. On the coming into operation of these byelaws, the byelaws relating to libraries which were made by the [name of Council or Joint Board] on the [] day of [] and were confirmed by [the local Government Board] [the Minister of Health] [the Board of Education] [Secretary of State for Education and Science] [Secretary of State for National Heritage/Culture, Media and Sport] on the [] day of [] shall be revoked.

[Official seal of local authority]

The Common Seal of [] was hereunto affixed in the presence of [].

The foregoing Byelaws are confirmed on behalf of the Secretary of State for Culture, Media and Sport by the Head of Museums, Libraries and Cultural Properties Division, Department for Culture, Media and Sport and shall come into force on [].

[Signature]
[Print Name]

[Date]

Head of Museums, Libraries and Cultural Properties Division
Department for Culture, Media and Sport

The date of coming into force is one month after date of signature.

The following is an optional note at the end of the Byelaws.

This note is not part of the byelaws.

Users of the library and library facilities are reminded that the provisions of the general law apply at all times. In particular as regards the activities referred to in byelaws 8 and 18 the library authority draws attention to the existence of the *Criminal Damage Act 1971* and the *Misuse of Drugs Act 1971*.

Something to this effect should also be displayed on or in the vicinity of the photocopy machines.

People who intend to make copies of works are advised that they may only do so in accordance with the provisions of the *Copyright Designs and Patents Act 1988* and are liable to prosecution under that Act if they fail to observe its provisions.