



## **Report to Council**

**Subject: Byelaws for pleasure grounds, public walks and open spaces**

**Date:**

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### **1. Purpose of the Report**

To update Council on the progress made in extending the Byelaws applicable to pleasure grounds, public walks and open spaces further to the report to Council dated 11 June 2004 and to obtain approval for a further extension.

### **2. Background**

In March 1997 byelaws for the Borough's recreation grounds came into operation.

The byelaws covered a range of issues concerning the management and operation of the Borough's recreational facilities, these range from the control of vehicles that may be driven within a park, trading, protection of flower beds, trees and grass, control of rules and regulations associated with the playing of games, control of the flying of model aircraft and kites, the use of metal detectors, control from noise and the protection of wildlife. The byelaws also relate to the control of dogs and the removal of canine faeces.

The removal of canine faeces byelaw was superseded by The Dogs (Fouling of Land) Act 1996. The Act specified that such byelaws cease to have an effect.

Part 6 of the new Clean Neighbourhoods and Environment Act 2005 empowers the Borough to make Dog Control Orders in relation to open and public land. A fixed penalty notice can be served for the offences of, dog fouling, failing to keep dogs on lead, exclusion of dogs from land and the number of dogs that a person may take on the land.

Part 6, when it comes into force, revokes The Dogs (Fouling of Land) Act 1996. There will then be no prohibitions in relation to dog fouling on open land, unless and until the Borough makes Dog Control Orders.

Part 6 of The Clean Neighbourhoods and Environment Act therefore amalgamates all existing powers of the Borough to prosecute for canine faeces, into Dog Control Orders.

The existing byelaws imposing dog bans and a requirement for dogs on lead, will still remain enforceable unless a Dog Control Order is made in relation to these prohibitions. Where a Dog Control Order is made, it revokes the existing byelaw.

The 1997 byelaws for pleasure grounds and open spaces (that do not relate to dogs) are still relevant and enforceable.

### **Update on the Arnot Hill Park Byelaws**

The Council approved the recommendations in the report dated 11 June 2004, which were to extend the byelaws to areas listed in the report and to apply for specific byelaws in relation to Arnot Hill Park.

The application for the Byelaws specific to Arnot Hill Park have been submitted and are being processed by the Department of Environment, Food and Rural Affairs and the Office of the Deputy Prime Minister.

Since the Report in 2004 it has become apparent that byelaws ought to be applied for in relation to further open spaces and not limited to those listed in the 2004 Report.

### **Extension of byelaws to other open spaces**

Attached to the Report at Appendix 1, is a list of the areas where the 1997 open space byelaws are in force. However since 1997, other areas of recreation have come into use throughout the Borough.

Many of these new areas are geographically close to existing areas and failure to apply the byelaws equally to all similar open spaces will put those areas without protection at risk from abuse and anti social behaviour.

The byelaws are designed to promote good practice in the use of the open spaces and to stop behaviour that might cause concern or harm to other users. Whilst there are other laws covering more extreme anti social behaviour, byelaws provide a more specific guide to acceptable behaviour for parks and open spaces.

## **3. Proposal**

To note the progress made on the Arnot Hill Park byelaw, since the Report to Council dated 11 June 2004.

To make byelaws in relation to those areas listed in Appendix 2 to this report, in the form of the draft byelaws at Appendix 3 of this report.

## **4. Resource Implications**

There are no resources implications applicable.

## **5. Recommendation**

That Council resolves

1 that the proposed byelaws are necessary in the local context

2 that the application for byelaws is reasonable and that other means of addressing the situation at which byelaws are directed are inappropriate or insufficient

3 to formally make the Byelaws and authorise the solicitor to seal and date the Byelaws on behalf of the Council;

4 that the byelaws be advertised in accordance with the recommendations of DEFRA and then after the period of deposit be sent to the Secretary of State, with a copy of any objections received, for confirmation.

5 not to make byelaws in relation to the control of dogs, prohibiting dogs and the removal of canine faeces and to await the coming into force of Part 6 of the Clean Neighbourhoods Act 2005 and then to make dog control orders in relation to all open spaces of the Authority.

## **6. Wards Affected**

All

## Appendix 1

### Arnold

Arno Vale Recreation Ground, Arno Vale Rd, Arnold  
Arnot Hill Park Recreation Ground, Nottingham Road, Arnold  
Breck Hill Road Recreation Ground, Breck Hill Road, Arnold  
Burnstump Recreation Ground, Burnstump Hill (off A60) Arnold  
Church Lane Recreation Ground, Church Lane, Arnold  
Killisick Road Recreation Ground, Killisick Road, Arnold  
King George V Recreation ground, Hallams Lane, Arnold  
Muirfield Recreation Ground, Muirfield Road, Top Valley  
Nottingham Road Recreation Ground, Off George Street, Arnold  
Queens Bower Recreation Ground, Queens Bower Road, Arnold  
Salop Street Recreation Ground, Salop Street, Daybrook  
Surgeys Lane Playing Field, Surgeys Lane, Arnold  
Thackerys Lane Recreation Ground, Thackerys Lane, Woodthorpe

### Carlton

Albert Avenue Play Area and Garden For the Blind, Albert Ave, Carlton  
Carlton Forum Playing Fields, Conningswath Road, Carlton  
Carlton Hill Recreation Ground, Carlton Hill, Carlton  
Carnarvon Grove Play Area, Carnarvon Grove, Carlton  
Conway Road Recreation Ground, Conway Road, Carlton  
Honeywood Gardens Recreation Ground, Honeywood Gardens, Carlton  
King George V Recreation Ground, Standhill road, Carlton  
Oakdale Road recreation Ground, Oakdale Road, Carlton  
Valley Road recreation Ground, Valley road, Carlton

### Colwick

British Rail staff Ass. Recreation Ground, Colwick, Nottingham  
Colwick Rectory Recreation Ground, Mile End Road, Colwick  
Valeside Gardens Play area, Valeside Gardens, Colwick

### Gedling

Adbolton Avenue Recreation Ground, Adbolton Ave, Gedling  
Burton Road Recreation Ground, Burton Road, Gedling  
Lambley Lane Recreation Ground(east), Lambley Lane, Gedling  
Lambley Lane Recreation Ground(west), Lambley Lane, Gedling  
Rutland Road Recreation Ground, Rutland road, Gedling  
Willow Road Recreation Ground, Willow road, Gedling

### Mapperley

Haywood Road Recreation Ground, Haywood Road, Carlton  
Mapperley Recreation Area, Off Plains Road, Mapperley

### Netherfield

Bells Field Recreation Ground, Victoria Road, Netherfield  
Curzon Street Play Area, Curzon Street, Netherfield  
Dunstan Street Play area, Dunstan Street, Netherfield

### Newstead

Newstead Recreation Ground, Off Station Road, Newstead Village

## Appendix 2

### Arnold

Bestwood Recreation Ground, Woodchurch Road  
Edison Way Recreation Ground Open Space, Edison Way  
Burnstump County Park, Burnstump Hill (off A60)

### Carlton

Kingsley drive Recreation Open Space, Kingsley Drive  
Deabill Street Play Area, Deabill Street  
College Road Recreation Open Space, College Road  
Midland wood, Oakdale Road, Carlton

### Colwick

Furzebrook Road Open Space

### Gedling

Gedling House woods, Wood Lane

### Netherfield

Victoria Park Recreation Ground, Teale Close

### Newstead

Newstead Tilford Road Youth Area, Tilford Road