



# RUNNYMEDE BOROUGH COUNCIL

## ENGLEFIELD GREEN COMMITTEE

23 FEBRUARY 2005

### APPENDICES

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Runnymede Borough CouncilENGLEFIELD GREEN COMMITTEE1 December 2004 at 7.00 p.m.

Members of the  
Committee present: Councillors H.W.V. Meares (Chairman), Miss M.N. Heath and  
K.J.T Walmsley

Residents' Representatives: Mr A.E. Panter (Vice-Chairman) and  
Mrs M.E.J. Bairstow

Members of the  
Committee absent: Councillors J.E. Haas, Mrs C.Y. Jones and N. Thewlis

367. MINUTES

The Minutes of the meeting of the Committee held on 28 July 2004 were confirmed and signed as a correct record.

368. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs C.Y. Jones and N. Thewlis.

369. BYELAWS

The Committee received details of the new model byelaws now available for adoption in respect of common land and town or village greens. Members noted that the model byelaws, produced by the Department for Environment, Food and Rural Affairs, were more comprehensive, succinct and accessible than those currently in force on the Green, some of which did not lend themselves to easy interpretation. Byelaw 10, which concerned the designation of specific areas of the Green for the playing of games, was particularly in need of revision to improve clarity. Members felt that the adoption of concise byelaws which could be more easily understood by the public was likely to encourage better compliance. The process also offered the opportunity to control the extent to which the Green was used for sporting purposes. It was noted, by way of example, that one of the model byelaws prohibited the playing of ball games by persons over the age of 14. A further advantage of the model byelaws was a provision for a maximum fine for offences of £500, compared with only £50 at present.

The Committee therefore agreed that a report should be presented to the next meeting setting out details of those model byelaws that were relevant to the Green and the way in which they compared with the existing provisions. If the Committee was then minded to recommend changes, a draft of the proposed byelaws would have to be submitted to the Department for Environment, Food and Rural Affairs for approval prior to the commencement of the formal procedure. The Council would then have to adopt and advertise the byelaws and apply to the Secretary of State for their confirmation. Under the terms of the Council's lease any proposed amendments would also have to be approved by the Crown.

370. TELECOMMUNICATIONS INSTALLATION

(Ref: Minutes of Englefield Green Committee, February 2004, page 1325, para 726)

Members received and considered a report which examined the feasibility of siting a telecommunications installation in the woodland area of the Green.

At its meeting in February 2004 the Committee had instructed Officers to investigate the possibility of inviting operators to bid competitively for the right to site a suitably disguised installation in the woodland area, thereby generating income which could be used to enhance the Green. By proactively managing the process in this manner it had been hoped that the visual impact of an

installation could be minimised and steps taken to ensure that the facility would be located some distance from residential properties.

Members now noted, however, that the need to provide an efficient distribution of sites to avoid interference meant that there were only a limited number of potential locations for new masts. Operators did not tend to bid competitively and, benefiting from powers which entitled them to locate masts on the public highway at no cost, would not exceed established market levels. Rentals were being further driven down by the smaller cell size of the new 3G technology, resulting in typical yields of only £2,000 – £4,000 pa. Members were of the opinion that this would not be sufficient to justify entering into an agreement, particularly as income generated on the Green would need to be shared with the Crown Estate. There was, in any case, a strong presumption in planning terms against the erection of telecommunications apparatus on the Green because of the impact on a sensitive and historically important part of the Green Belt and the Englefield Green Conservation Area.

The Committee therefore agreed that no further action should be taken to pursue the matter at the present time. Officers would, nevertheless, be mindful of the potential for income generation in the event of an approach from an operator.

371. MANAGEMENT AND MAINTENANCE OF THE GREEN

(Ref: Minutes of Englefield Green Committee, July 2004, page 154, para 128)

The Committee received a report outlining matters of current interest concerning the management and maintenance of the Green.

Members received details of a scheme, approved in principle at the previous meeting, to establish a horse route through the woods, parallel with Bishopsgate Road. Starting 5-10 metres into the woods from Bishopsgate Road, it would link to the existing horse route before following the line of least resistance through the woods, emerging onto St. Jude's Road at a natural break in the trees, almost opposite Coopers Hill Lane. The creation of the route was expected to be straightforward since it would generally avoid obstacles such as trees and vegetation. A few very small trees, and the lower limbs of some other trees would need to be removed but there was no requirement for the felling of mature or significant specimens.

In approving the proposal Members were mindful of the safety implications for both horse riders and motorists, particularly where the path exited onto St. Jude's Road. It was noted that the Highway Authority was content with this aspect of the scheme, subject to the improvement of the sightlines. This would necessitate the removal of a hawthorn bush and some gorse and the tidying of brambles close to the horse trough. Officers were asked to confirm with the Highway Authority that appropriate cautionary signage would be erected for motorists. Members felt that the overall effect of the route would enhance road safety by encouraging riders to use the Green rather than the roads. The horse riders would, however, be consulted to ensure that the proposed arrangements at the St. Jude's Road junction were satisfactory. The Crown Estate had consented to the works, which were expected to take place prior to the start of the next bird nesting season.

The Committee also noted that the Council's ground maintenance contractor had made a further attempt to slit the surface of the Green in order to break through a layer of compacted soil which was adversely affecting the condition of the grass. This had been partially successful but had failed to break through the solid layer of soil about 4" below the surface. Officers were continuing to work with the contractor in an effort to resolve the problem without causing excessive damage to the surface of the Green.

**RESOLVED that –**

**a horse route be established through the woodland area of the Green on the route illustrated at Appendix 'A'.**

372. HONORARY WARDENS' REPORT

(Ref: Minutes of Englefield Green Committee, February 2004, page 1323, para 720)

Members received details of issues raised by the Honorary Wardens, since the previous meeting of the Committee, including a request for a larger litter bin at the Barley Mow end of the Green. It was agreed that the existing 60 litre bin should be replaced with a 90 litre covered bin of a rustic type

design which, by virtue of its ridged surface, was less likely to attract graffiti. This would provide an opportunity to assess whether the design was sufficiently suited to the character of the Green to be adopted as the standard, with other bins to be replaced as and when necessary. The Committee also agreed that action should be taken to prevent motorists parking on the small grass verge in Bishopsgate Road at its junction with St. Jude's Road, a problem normally encountered when there were fairs on the Green. The most appropriate solution would either be the installation of timber posts or the extension of the grass bunding.

Members noted that the grass cutting on the piece of land at the top of Middle Hill had been reported to have been below standard on occasions in recent months. The Council had appointed a new grounds maintenance contractor which, it was hoped, would improve the situation. An increase in incidents of people using barbecues and playing music on the Green during the summer months, presently controlled through the intervention of the wardens, could be dealt with through the proposed revision of the byelaws.

The Committee also noted the observations of one of the wardens that the junior sized goalpost erected on the Green during the school summer holidays had been under used. This was supported by the light wear on the grass in the goalmouth. It was possible that the goalpost was now too small to be regarded as useful by the children. Members, recognising that there were divergent and strongly held views amongst the local community in respect of the goalposts, therefore agreed that a report should be submitted to the Committee prior to the next summer holidays reviewing whether the facility should be re-erected. The views of the Englefield Green Village Residents' Association and its membership would be taken into account at that time. In the meantime Officers would seek to establish the latest advice from the Health and Safety Executive on children's goalposts. There were safety concerns regarding free standing temporary steel framed posts but these were not thought to apply to the type of fixed wooden posts in use on the Green.

**RESOLVED that -**

- i) the litter bin at the Barley Mow end of the Green be replaced with a 90 litre capacity rustic style bin;**
- ii) a report be presented to the Committee assessing the suitability of the rustic style of bin for use elsewhere on the Green;**
- iii) wooden posts be installed, or the grass bunding extended, to prevent vehicles parking on the Bishopsgate Road verge, at the junction with St. Jude's Road; and**
- iv) a report be presented to the Committee reviewing whether the goalpost should continue to be erected on the Green each school summer holiday.**

Chairman

(The meeting ended at 8.08 p.m.)

**BYELAWS WITH RESPECT TO ENGLEFIELD GREEN**

A description of the Commons Model Byelaws (in Italics) that may be included in a revision of the current Englefield Green Byelaws. Where a similar Byelaw already exists, a comparison of the two. All references to byelaws associated with water courses and/or water sports have been ignored.

<b>MODEL BYELAWS</b>	<b>DESCRIPTION</b>	<b>CURRENT ENGLEFIELD GREEN BYELAWS</b>
1. <u>AIRCRAFT</u>  <i>"No person shall, except in case of an emergency or with the consent of the Council, take off from or land upon the Common in an aircraft, helicopter, hang-glider or hot-air balloon."</i>	This model Byelaw is presently not included in the current Byelaws.	-----
3. <u>ARCHERY</u>  <i>"No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of archery."</i>	This model Byelaw can be combined with discus, hammer, javelin throwing and shot-putting Byelaws, as required.  This clause is presently not included in the current Byelaws.	-----
5. <u>BALL GAMES</u>  (1) <i>"No person who has attained the age of 14 years shall play or take part in any ball game on the Common."</i>  (2) <i>"This Byelaw shall not apply to any person who being bona fide in charge of a child under the age of 14 years plays or takes part in any ball game with that child."</i>	This model Byelaw prohibits ball games by persons over the age of 14 unless they are playing with a child under the age of 14. Although ball games are referred to by implication in the current Byelaw 10 there is no reference to age restriction as in model Byelaw 5. Current Byelaw 10 enables the Council to define an area for playing games and anyone playing games <u>not</u> in that area must not do so in a manner which excludes non-players from using that part of the common. See also model Byelaw 20 below.	10.  Where the Council set apart any such part of the Common as may be fixed by the Council, and may be described in a notice board affixed or set up in some conspicuous position on the Common for the purpose of any game specified in the notice board, which, by reason of the rules or manner playing, or for the prevention of damage, danger or discomfort to any person on the Common, may necessitate the exclusive use by the player or players of any space on such part of the Common - a person shall not in any space elsewhere on the Common play or take part in any games so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.
11. <u>CAMPING</u>  <i>"No person shall on the Common, without the consent of the Council, erect a tent or use</i>	The model Byelaw goes further than the current Byelaw 11D which simply states that no	11D.  No person shall erect a tent or any other structure for the purpose of camping on the

<p><i>any vehicle, including a caravan, or any other structure for the purpose camping, except on any area which may be set apart and indicated by notice of place where camping is permitted."</i></p>	<p>person shall erect a tent or other structure for the purpose of camping on the Common.</p>	<p>Common.</p>
<p>12/13. <u>CHILDRENS PLAY APPARATUS/AREAS</u></p> <p><i>"No person who has attained the age of 14 years shall use any apparatus on the Common which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years."</i></p>	<p>Persons over the age of 14 are not to use the childrens play apparatus. Alternatively, if there is an actual area designated for children the following Byelaw can be used.</p> <p>(i) <i>"No person who has attained the age of 14 years shall enter or remain on the childrens play area known as....."</i></p> <p>(ii) <i>"This Byelaw shall not apply to any person who is bona fide in charge of a child under the age of 14 years."</i></p>	<p>-----</p>
<p>14. <u>CLIMBING</u></p> <p><i>"No person shall, without reasonable excuse, climb any wall or fence on or enclosing the Common, or any tree, or any barrier, railing, post or other structure."</i></p>	<p>This model Byelaw is presently not included in the current Byelaws.</p>	<p>-----</p>
<p>15. <u>CRICKET BALLS</u></p> <p><i>"No person shall on the Common, use any cricket ball, except in any part of the Common by which a notice placed in a conspicuous position has been set aside by the Council as an area where a cricket ball may be use."</i></p>	<p>This model Byelaw is presently not included in the current Byelaws.</p>	<p>-----</p>
<p>16. <u>CYCLING</u></p> <p><i>"No person shall, without reasonable excuse, ride a cycle, except on any part of the Common where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by a signs placed in conspicuous positions on the Common."</i></p>	<p>This model Byelaw is presently not included in the current Byelaws.</p>	<p>-----</p>

<p>18. <u>ERECTION OF STRUCTURES</u></p> <p><i>"No person shall on the Common, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand building or structure."</i></p>	<p>This model Byelaw extends current Byelaw 11D but without a reference to camping.</p>	<p>11D.</p> <p>No person shall erect a tent or any other structure for the purpose of camping on the Common.</p>
<p>19. <u>FIRES</u></p> <p>(i) <i>"No person shall on the Common intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire."</i></p> <p>(ii) <i>"This Byelaw shall not prevent lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose in such a manner as not to cause danger of or damage by fire."</i></p>	<p>The first half of this model Byelaw is already included in the current Englefield Green Byelaws at 11E. The new model Byelaws go further with part (ii) where an area can be set aside for the purpose of camping.</p>	<p>11E.</p> <p>No person shall light a fire on the Common, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire.</p>
<p>20. <u>GAMES</u></p> <p>(i) <i>"Where the Council has, by a notice placed in a conspicuous position on the Common, set apart an area on the Common for the playing of such games as may be specified in the notice, no person shall:</i></p> <p>(a) <i>play in such an area any game other than the game for which it has been set apart;</i></p> <p>(b) <i>use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or</i></p> <p>(c) <i>play any game so specified in any other part of the Common in such a manner as to exclude any person not playing the game from</i></p>	<p>The model Byelaws are wider than the current Byelaw 10 as in addition to only allowing games to be played in areas set apart on the Common and prohibiting the playing of similar games elsewhere, they also include a prohibition to play any games which are likely to cause damage to any tree, shrub or plant on the Common.</p>	<p>10.</p> <p>Where the Council set apart any such part of the Common as may be fixed by the Council, and may be described in a notice board affixed or set up in some conspicuous position on the Common for the purpose of any game specified in the notice board, which, by reason of the rules or manner playing or for the prevention of damage, danger or discomfort to any person on the Common, may necessitate the exclusive use by the player or players of any space on such part of the Common - a person shall not in any space elsewhere on the Common play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.</p>

<p><i>the use of that part."</i></p> <p>(ii) <i>"No person shall, in any area of the Common which may have been set apart by the Council for any game, play any game when the state of the Common or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the Common."</i></p> <p>(iii)  (1) <i>No person shall on the Common play any game;</i></p> <p>(a) <i>so as to give reasonable grounds for annoyance to any other person on the Common; or</i></p> <p>(b) <i>which is likely to cause damage to any tree, shrub or plant on the Common.</i></p> <p>(2) <i>This Byelaw shall not extend to any area set apart by the Council for the playing of any game."</i></p>		
<p>21. <u>GATES</u></p> <p><i>Where the Council indicates by a notice conspicuously exhibited on or alongside any gate on the Common that leaving that gate open is prohibited, no person having opened that gate, or caused it to be open, shall leave it open."</i></p>	<p>This model Byelaw is presently not included in the current Byelaws.</p>	<p>-----</p>
<p>22. <u>GOLF</u></p> <p><i>"No person shall on the Common drive, chip or pitch a hard golf ball [except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course]."</i></p>	<p>Current Byelaw No 11B is the same as the model Byelaw but does not include the exception. Should Englefield Green have any areas set aside for golf then the current model Byelaw could be adopted. This is the only difference between the Byelaws.</p>	<p>11B.</p> <p>A person shall not on the Common drive, chip or pitch a solid golf ball.</p>

<p>23. <u>GRAZING</u></p> <p><i>"No person shall, without the consent of the Council, turn out or permit any animal to graze on the Common."</i></p>	<p>This model Byelaw is covered by current Byelaw No 11.</p>	<p>11.</p> <p>A person shall not without lawful authority turn out or permit to graze on the Common any cattle.</p>
<p>25. <u>HORSES (DANGEROUS RIDING)</u></p> <p><i>"No person shall on the Common intentionally or negligently ride a horse to the danger of any other person using the Common."</i></p>	<p>The current Byelaw 11A prohibits horse riding outright within a specified part of Englefield Green and only allows walking horses within a distance of 5 metres of the perimeter of that part of the Common. The model Byelaws are split into three separate examples:-</p> <ol style="list-style-type: none"> <li>1. Allowing riding on the common with the proviso that it is not to be dangerous riding.</li> </ol>	<p>11A.</p> <p>A person shall not without lawful authority ride a horse within the area bounded by St Jude's Road, Bishop's Gate Road, Barley Mow Road and the highway adjacent to the Cricket Pavilion except that no person shall be prohibited from walking horses within a distance of 5m of the perimeter of that part of the Common.</p>
<p>26. <u>HORSES (PROHIBITION)</u></p> <p><i>"No person shall, except in the exercise of any lawful right or privilege, ride a horse on the Common."</i></p>	<ol style="list-style-type: none"> <li>2. An Outright Prohibition of Horse Riding as the current Byelaw 11A.</li> </ol>	<p>11A.</p> <p>A person shall not without lawful authority ride a horse within the area bounded by St Jude's Road, Bishop's Gate Road, Barley Mow Road and the highway adjacent to the Cricket Pavilion except that no person shall be prohibited from walking horses within a distance of 5m of the perimeter of that part of the Common.</p>
<p>27. <u>HORSES (ONLY IN DESIGNATED AREAS)</u></p> <p><i>"Where any part of the Common has, by notices placed in conspicuous positions on the Common, been set apart the Council has an area where horse-riding is permitted, no person shall without the consent of the Council, ride a horse on any other part of the Common."</i></p>	<ol style="list-style-type: none"> <li>3. Prohibiting Horse Riding except in Designated Areas shown by notices placed in conspicuous positions on the Common.</li> </ol>	
<p>31. <u>KITES</u></p> <p><i>"No person shall on the Common fly or cause or permit to be flown any kite in such a manner as to cause a danger or annoyance to any other person on the Common."</i></p>	<p>This model Byelaw is presently not included in the current Byelaws.</p>	<p>-----</p>

<p>32. <u>METAL DETECTORS</u></p> <p><i>"No person shall on the Common use any device designated or adapted for detecting or locating any metal or mineral in the ground."</i></p>	<p>This model Byelaw is not included in the current Byelaws.</p>	<p>-----</p>
<p>33. <u>MISSILES</u></p> <p><i>"No person shall on the Common, to the danger or annoyance of any other person on the Common, throw or discharge any missile."</i></p>	<p>Current Byelaw No 8 deals with missile throwing on the Common and is wider than the new model Byelaw which prohibits missile throwing only to the danger or annoyance of any other person on the Common.</p>	<p>8.</p> <p>A person shall not willfully, carelessly or negligently throw or discharge any missile on the Common to the damage or danger of any person.</p>
<p>34. <u>MODEL AIRCRAFT</u></p> <p>"1. <i>In these Byelaws;</i></p> <p><i>"model aircraft" means an aircraft which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;</i></p> <p><i>"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances insert if necessary for public safety the following reference to models which are silent in operation and do not need regulation to control noise pollution or by one or more electric motors or by compressed gas;</i></p> <p><i>[insert if referred to in the following byelaws "radio-controlled" means controlled by a radio signal from a wireless transmitter or similar device;</i></p> <p><i>insert if referred to in the following byelaws "jet-propelled or rocket-propelled" means driven by 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</i></p>	<p>Model Byelaw 34.1 gives the interpretation of terms used in model Byelaws 34.2-6. Model Byelaw 34.2 bans model aircraft flying altogether. Model Byelaw 34.3 allows flying in a designated area on the land. Model Byelaw 34.4 places controls on the type of model aircraft flown. Model Byelaw 34.5 specifies hours and days on which flying is allowed. Model Byelaw 34.6 places constraints on noise emissions from model aircraft.</p> <p>Note that before making and advertising any changes to the current Byelaws that incorporate model Byelaws 34.1-6 the Council should bring their proposals to the notice of the British Model Flying Association, Shacksfield House, 31 St Andrews Road, Leicester, LE2 8RE and of any local model aircraft clubs and should consider their views.</p> <p>Flying of model aircraft is not covered in the current Byelaws.</p>	<p>-----</p>

<p>2.54 centimetres (1 inch) in length]"</p> <p>2. “(1) (a) <i>No person shall on the Common release any power-driven model aircraft for flight or control the flight of such an aircraft.</i></p> <p>(b) <i>No person shall cause any power-driven model aircraft to take off or land on the Common.</i></p> <p>(2) (a) <i>No person shall in the ground release any jet-propelled or rocket-propelled model aircraft for flight or control the flight of such an aircraft.</i></p> <p>(b) <i>No person shall cause any jet-propelled or rocket-propelled model aircraft to take off or land in the ground”.</i></p> <p>3. “(1) <i>Where any part of the Common has, by a notice conspicuously exhibited on the Common, been set apart by the Council for the flying of power-driven model aircraft, no person in any other part of the Common shall release any such aircraft for flight, or control the flight of such an aircraft, and no person shall, in such other part of the Common:</i></p> <p>(a) <i>cause an aircraft to take off; or</i></p> <p>(b) <i>without reasonable excuse, cause such an aircraft to land.</i></p> <p>(2) <i>Where an area within a part of the Common so set apart for the flying of power-driven model aircraft is designated by the Council as an area from which aircraft may be launched and is described in a note</i></p>		
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*placed in a conspicuous position on the Common, no person shall release such an aircraft for flight, or cause such an aircraft to take off, in any part of the Common other than that area."*

4. "No person shall on the Common:
- (a) *release any power-driven model aircraft for flight or control the flight of such an aircraft; or*
  - (b) *cause any such aircraft to take off or land on the Common, unless it is [insert as necessary according to the circumstances of the ground] attached to a control line [or] radio-controlled [and] kept under effective control."*

5. "No person shall on the Common:
- (a) *release any power-driven model aircraft for flight or control the flight of such an aircraft; or*
  - (b) *cause any such aircraft to take off or land,*
- except on the days and during the hours specified in the following table:*

Name of land	Days	Hours

6. "(1) No person shall on the Common:
- (a) *release any power-driven model aircraft for flight or control the flight of such an aircraft; or*
  - (b) *cause any such aircraft to take off or land, unless;*
  - (i) *the noise emitted by the aircraft gives a noise measurement of not more than 82dB(A) at a distance of 7 metres from the aircraft when measured by means of the equipment described, and by the method set out, in the*

<p><i>Code of Practice issued in pursuance of the approval given by the Control of Noise (Code of practice on Noise from Model Aircraft) Order 1981; and</i></p> <p>(ii) <i>subject to paragraph (2) below, the aircraft is fitted with an effectual silencer or similar device."</i></p> <p>"(2) <i>Paragraph (1)(ii) above shall not have effect in relation to an aircraft to which the fitting of a silencer or similar device is not reasonably practicable."</i></p>		
<p><b>37. NOISE</b></p> <p>(1) <i>"No person on the Common shall, after being requested to desist by an Officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:</i></p> <p>(a) <i>by shouting or singing;</i></p> <p>(b) <i>by playing on a musical instrument; or</i></p> <p>(c) <i>by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;</i></p> <p><i>cause 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 on the Common."</i></p> <p>(2) <i>"This Byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council."</i></p>	<p>This model Byelaw prohibits shouting, singing, playing on a musical instrument or operating any radio, gramophone, amplifier, tape recorder or similar instrument to the annoyance or disturbance of any individual on the Common, after being requested to desist by an Officer of the Council or any other person annoyed or disturbed, or by any person acting on his behalf.</p> <p>Sub-section 37.2 qualifies the Byelaw by not applying to any person holding or taking part in any entertainment held with the consent of the Council. This Byelaw is not covered by the current Byelaws.</p>	<p>-----</p>
<p><b>38. OBSTRUCTION</b></p> <p><i>"No person shall on the Common:</i></p> <p>(a) <i>intentionally obstruct any Officer of the Council in the proper execution of his duties;</i></p> <p>(b) <i>intentionally obstruct any person carrying out an act</i></p>	<p>This model Byelaw prohibits people intentionally obstructing any Officer of the Council, any person carrying out an act which is necessary to the proper execution of any contract with the Council or any other person in the proper use of the Common, or behave so as to give reasonable grounds for</p>	<p>12.</p> <p>A person shall not hinder or obstruct any Officer of the Council in the exercise of his powers or duties under the Scheme or under any of the foregoing Byelaws.</p>

<p><i>which is necessary to the proper execution of any contract with the Council; or</i></p> <p>(c) <i>intentionally obstruct any other person in the proper use of the Common, or behave so as to give reasonable grounds for annoyance to other persons on the Common.</i></p>	<p>annoyance to other persons on the Common.</p> <p>This model Byelaw is wider than the current Byelaw No 12.</p>	
<p><b>39. <u>OVERNIGHT PARKING</u></b></p> <p><i>"No person shall, without the consent of the Council, leave any vehicle or cause or permit any vehicle to be left on the Common between the hours of 12 midnight and 6 a.m."</i></p>	<p>This model Byelaw only prohibits parking on the Common between 12 midnight and 6.00 am without the consent of the Council. The current Byelaw 11c prohibits amongst others, the placing of various vehicle types on the Common or any part thereof except in the case of accident or emergency without lawful authority.</p> <p>This current Byelaw further excepts the driving to and placing of specific vehicle classes to areas set apart on the Common for their use.</p>	<p>11C</p> <p>A person shall not without lawful authority or otherwise in the exercise of any right or privilege draw, ride, drive or place upon the Common or any part thereof any carriage, cart, caravan, truck, cycle, motor-cycle or other vehicle, except in the case of accident or emergency.</p> <p>Provided that where a space is set apart on the Common for any class of vehicle this Byelaw shall not be deemed to prohibit the riding or driving in or to that place by a direct route of any vehicle of the class for which the space is set apart.</p>
<p><b>40. <u>PENALTY</u></b></p> <p><i>"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".</i></p>	<p>The current maximum fine for offences under Byelaw 13 is £50. This model Byelaw imposes a maximum fine of £500.</p>	<p>13.</p> <p>Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds.</p>
<p><b>42. <u>PROTECTION OF FLOWER BEDS, TREES, GRASS, ETC</u></b></p> <p>(i) <i>No person who brings or causes to be brought onto the Common a vehicle shall wheel or part it over or upon;</i></p> <p>(a) <i>any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or</i></p> <p>(b) <i>any part of Common where the Council, by a notice placed in a conspicuous position in the ground,</i></p>	<p>The first part of the model Byelaw protects the surrounding greenery from vehicles. The second part of the Byelaw prohibits people from treading upon any flowerbed, shrub or plant or any part of the Common set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.</p> <p>This model Byelaw is not covered in the current Byelaws.</p>	<p>-----</p>

<p><i>prohibits its being wheeled or parked.</i></p> <p>(ii) <i>No person shall on the Common tread upon:</i></p> <p>(a) <i>any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or</i></p> <p>(b) <i>any part of the Common set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited."</i></p>		
<p><b>43. <u>PROTECTION OF WILDLIFE</u></b></p> <p><i>"No person shall on the Common intentionally kill, injure, take or disturb any animal or [fish] or engage in hunting, shooting or fishing or the setting of traps or nets, or the laying of snares."</i></p>	<p>This model Byelaw covers a wider remit than the current Byelaw No 6 which is confined to shooting, chasing, setting traps, nets or snares for animals on the Common.</p>	<p>6.</p> <p>A person shall not without lawful authority shoot or chase game or other animals or set traps or nets or lay snares for animals on the Common.</p>
<p><b>44. <u>PUBLIC SHOWS, EXHIBITIONS AND STRUCTURES</u></b></p> <p><i>"No person shall on the Common, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing."</i></p>	<p>This model Byelaw has again a wider remit than the current Byelaw No 7. The model Byelaw prohibits placing or taking part in any show or exhibition, or setting up any swing, roundabout or other like thing unlike the current Byelaw which prohibits only placing the above on the Common.</p>	<p>7.</p> <p>A person shall not (except in the case of a fair lawfully held) place on the Common any show, exhibition, swing, roundabout, or other like thing.</p>
<p><b>45. <u>REMOVAL OF STRUCTURES</u></b></p> <p><i>"No person shall, without reasonable excuse, remove from or displace on the Common any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the Common."</i></p>	<p>The model Byelaw is more prescriptive specifying structures such as barrier, railing, post or seat or any part of any structure or ornament or any implement provided for use in the laying out or maintaining of the Common.</p>	<p>4.</p> <p>A person shall not carelessly or negligently injure or deface or, without lawful authority, remove any works or property maintained by the Council on the Common.</p>
<p><b>46. <u>REMOVAL OF SUBSTANCES</u></b></p> <p><i>"No person shall remove from or displace on the Common any stone, soil or turf or the whole or any part of any plant, shrub or tree."</i></p>	<p>The current Byelaw 3, prohibits the removal of or displacement of any turf, sods, gravel, sand, clay or other substance on the</p>	<p>3.</p> <p>A person shall not, except in the exercise of any lawful right or privilege or with previous consent in writing from the</p>

	<p>Common except in the exercise of a lawful right or privilege or with previous consent in writing from the Council. The model Byelaws do not have any such exception. The model Byelaws, however, specify the prohibition of the removal of plant, shrub or tree which the current Byelaws do not include.</p>	<p>Council, remove or displace any turf, sods, gravel, sand, clay or other substance on the Common.</p>
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<p>48. <u>REMOVAL OF VEHICLES, ANIMALS AND STRUCTURES</u></p> <p><i>"Any Officer of the Council may, after due warning, remove from the Common any vehicle or animal drawn, driven or placed on the Common, or any structure (including a caravan) erected or placed thereon, in contravention of the Scheme, or of any of these Byelaws."</i></p>	<p>This model Byelaw is as per current Byelaw 14 being slightly less prescriptive with no mention of vehicles or animals drawn on the Common.</p>	<p>14.</p> <p>An Officer of the Council may, after due warning, remove from the Common any structure erected or placed thereon in contravention of the Scheme, or any animal driven or placed on the Common in contravention of these Byelaws.</p>
<p>48. <u>REPAIRING OF VEHICLES</u></p> <p><i>"No person shall clean, paint or carry out repairs to any vehicle parked on the Common, except in the event of an accident, breakdown or other emergency."</i></p>	<p>This model Byelaw is not included in the current Byelaws.</p>	<p>-----</p>
<p>49. <u>REVOCATION</u></p> <p><i>"(1) The Byelaws made by..... on ..... and confirmed by..... relating to the Common are hereby revoked.</i></p> <p><i>(ii) Byelaws[ ] and [ ] of the Byelaws made by ..... on ..... and confirmed by the [Secretary of State for Rural Affairs and Local Environmental Quality] on ..... relating to the Common are hereby revoked."</i></p>	<p>This model Byelaw revokes previous Byelaws as described and is not included in the current Byelaws. This Byelaw would need to be included if it was decided that new Byelaws were agreed in place of the current Byelaws.</p>	<p>-----</p>
<p>50. <u>SAVINGS</u></p> <p><i>"(1) An act necessary to the proper execution of his duty on the Common by an Officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these Byelaws."</i></p>	<p>These savings are not included in the current Byelaws.</p>	<p>-----</p>

<p>"(2) <i>Nothing in or done under any of the provisions of these Byelaws shall in any respect prejudice or injuriously affect any public right of way through the Common, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the Common or any part thereof.</i>"</p>		
<p>51. <u>SKATEBOARDING AND ROLLER SKATING</u></p> <p><i>"No person shall on the Common, skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons on the Common."</i></p>	<p>The current Byelaws do not include such a Byelaw.</p>	<p>-----</p>
<p>53. <u>TRADING</u></p> <p><i>"No person shall on the Common, without the consent of the Council, sell or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article."</i></p>	<p>The current Byelaws do not include such a Byelaw.</p>	<p>-----</p>
<p>54. <u>VEHICLES AND CYCLES</u></p> <p>"(1) <i>No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle on the Common, or bring or cause to be brought on to the land a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the where there is a right of way for that class of vehicle.</i>"</p> <p>"(2) <i>If the Council has set apart a space on the Common for use by vehicles of any class this Byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs</i></p>	<p>This model Byelaw prohibits without reasonable excuse, the riding or driving or bringing or causing to be brought of any cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle on the Common except in any part of the Common where there is a right of way for that class of vehicle or in the space so set apart for the purpose of using such a vehicle. This Byelaw does not extend to invalid carriages. It can, however, be extended to include the prohibition of using cycles as in model Byelaw No 55.</p> <p>Current Byelaw 11c is similar to this model Byelaw but does not give an option for the Council to set apart a space on the Common for use by such</p>	<p>11C.</p> <p>A person shall not without lawful authority or otherwise in the exercise of any right or privilege draw, ride, drive or place upon the Common or any part thereof any carriage, cart, caravan, truck, cycle, motor-cycle or other vehicle, except in the case of accident or emergency.</p> <p>Provided that where a space is set apart on the Common for any class of vehicle this Byelaw shall not be deemed to prohibit the riding or driving in or to that place by a direct route of any vehicle of the class for which the space is set apart.</p>

<p><i>placed in conspicuous positions, between it and the entrance to the Common."</i></p> <p><i>"(3) This Byelaw shall not extend to invalid carriages."</i></p> <p><i>"(4) In this Byelaw:</i></p> <p><i>"cycle" means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;</i></p> <p><i>"invalid carriage" means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;</i></p> <p><i>"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with fewer than four wheels and the weight of which unladen does not exceed 410 kilograms;</i></p> <p><i>"motor vehicle" means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;</i></p> <p><i>"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan."</i></p>	<p>vehicles.</p>	
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