

TENDRING DISTRICT COUNCIL

BYE-LAWS

MADE 14TH NOVEMBER 1979
BY TENDRING DISTRICT COUNCIL

PLEASURE GROUNDS

CONFIRMED BY THE SECRETARY OF STATE TO COME INTO OPERATION ON
1ST MARCH 1980



TENDRING DISTRICT COUNCIL

BYE-LAWS

made by Tendring District Council under Section 164 of the Public Health Act, 1875, Section 12 and 15 of the Open Spaces Act, 1906 with respect to the open spaces and pleasure grounds vested in or maintained by the Council.

1. INTERPRETATION

Throughout these bye-laws the expression "the Council" means the Tendring District Council and "the pleasure ground" means, except where inconsistent with the text, each of the grounds and open spaces named in the Schedule to these bye-laws.

2. VEHICLES, BICYCLES, ECT

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

(a) a wheeled bicycle, tricycle or any other similar machine;

(b) a wheel-chair, or perambulator drawn or propelled by hand, and use solely for the conveyance of a child or children or an invalid.

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle, this bye-law shall not be deemed to prohibit the driving on or to that space by a specified route from the entrance to the pleasure ground of any vehicle of the class or classes for which it is set apart.

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

(iii) A person who brings a vehicle, bicycle, tricycle, wheel-chair or perambulator into the pleasure ground shall not drive, wheel or station it over or upon:-

(a) any bowling green tennis court, or flower bed, shrub or plant, or any ground in course of preparation as a flower bed or for the growth of any tree, shrub, or plant;

(b) any part of the pleasure ground where the Council by a notice board affixed or set up in some conspicuous position in the pleasure ground prohibit it being driven wheeled or stationed.

3. PARKING PLACE

- (i) The driver of a motor vehicle using a space set aside by the Council under the foregoing bye-law for this purpose, shall stop the engine as soon as the vehicle is in position in the space and shall not start the engine except when about to change the position in or depart from the space.
- (ii) The driver of a vehicle using a space shall not sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the space.
- (ii) The driver of a vehicle while it is waiting in a space shall not carry out or permit the carrying out of any repairs or work of construction except such as may be necessary to enable vehicle to be moved from the pleasure ground.

4. PUBLIC PROPERTY NOT TO BE INJURED OR TAMPERED WITH

A person shall not in the pleasure ground:-

- (i) Wilfully, carelessly or negligently soil or defile any wall.
- (ii) Climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post or other erection.
- (iii) Wilfully, carelessly, or negligently remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the pleasure ground.

5. PREVENTION OF FIRES

A person shall not light any fire, or use a spirit or gas stove, or other portable heating apparatus, or do any act which is likely to cause a fire in the pleasure ground,

6. SHOOTING, ECT

A person shall not, except in the exercise of any lawful right or privilege, have in his possession while he is in the pleasure ground any firearm unless it is so covered with a securely fastened gun cover that it cannot be fired.

In this bye-law the expression "firearm" mean any lethal barrelled weapon of any description, from which any shot, bullet or other missile can be discharged.

This bye-law shall apply to all parts of the pleasure ground except any park thereof which is a public right of way.

7. PROTECTION OF THE PLEASURE GROUND

A person shall not in the pleasure ground walk, run, stand, sit or lie upon any flower bed, shrub or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant.

8. PLAYING OF GAMES

(a) Where the Council set apart such part of the pleasure ground as may be fixed by the Council, and described on a notice board affixed or set up in some conspicuous position in the pleasure ground, for the purpose of any game specified in the notice board which, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person in the pleasure ground may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the ground - a person shall not in any space elsewhere in the pleasure ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

(b) A person resorting to the pleasure ground and playing or taking part in any game for which the exclusive use of any space in the pleasure ground has been set apart shall -

(i) not play on the space any game other than the game for which is set apart;

(ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the pleasure ground by other persons;

(iii) when the space is already occupied by other players not begin to play thereon without their permission;

(iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein;

(v) except where the exclusive use of the space has been granted by the Council for the playing of a match in which he is taking part, not use the space for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.

(c) A person shall not in any part of the pleasure ground which may be set apart by the Council for any game play or take part in any game when the state of the ground or other cause make it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the pleasure ground.

9. CHILDRENS PLAY EQUIPMENT

A person who has attained the age of 10 years shall not use any equipment in the pleasure ground, which, by a notice affixed or set up on or near thereto, has been set apart by the Council for the exclusive use of persons under that age.

10. HARD CRICKET AND SOLID GOLF BALLS

A person shall not in the pleasure ground:-

(i) except in a part of the pleasure ground set apart by the Council for the playing of cricket use or play with a hard cricket ball to the danger or obstruction of any other person.

(ii) except on a putting green, drive, pitch or chip a solid gold ball.

11. STALLS, TENTS, ECT

A person shall not in the pleasure ground:-

(i) except as hereinafter provided erect any post any rail, fence, pole, tent, booth, stand, building or other structure; provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, standing building or other structure, upon such occasion and for such purpose as are specified in the application;

(ii) sell, or offer to expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right of privilege, he is authorised to sell or let to hire in the pleasure ground such commodity or article.

12. BILLS OR POSTERS

A person other than an officer of the Council, or other persons acting in pursuance of their direction, shall not affix any bill, placard or notice, to or upon any wall or fence in or enclosing the pleasure ground, or to or upon any tree, or plant or to or upon any part of any building, barrier or railing, or of any seat, or of any erection or ornament in the pleasure ground.

13. DISTURBANCE AND OBSTRUCTION OF OTHER PERSONS

A person shall not:-

- (i) Wilfully obstruct, disturb or annoy any other person in the proper use of the pleasure ground;
- (ii) wilfully obstruct or disturb any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the laying out or maintenance of the pleasure ground;
- (iii) a person shall not in the pleasure ground hold or take part in any public meeting;
- (iv) a person shall not take part in any public show or performance in the ground. Provided that this bye-law shall not apply to any person taking part in a band show or any other entertainment held in the ground in pursuance of an agreement with the Council.
- (v) A person shall by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, tape recorder or similar instrument make, cause or suffer 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.

14. DOGS

A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control, and be effectively restrained from causing annoyance to any person, and from worrying or disturbing any other animal.

15. LAKES, PONDS, STREAMS OR OTHER WATER

A person shall not in the pleasure ground:-

- (i) bathe, wade, or wash in any ornamental lake, pond, stream or other water.
- (ii) wilfully, carelessly, or negligently foul or pollute any such water.

16. ANIMALS

A person shall not, except in the pursuance of a lawful agreement with the Council or otherwise in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground, any horse, cattle, sheep, goats, pigs or any beast of draught or burden.

17. BALL GAMES

A person who has attained the age of 10 years shall not in the pleasure ground play or take part in any ball game where a notice is set out in some conspicuous position prohibiting ball games. Provided that this bye-law shall not apply to any person who, being bona fide in charge of a child under the age of 10 years, plays or takes part in any ball game with that child.

18. SKATEBOARDING

A person shall not in the pleasure ground except in an area set aside for the purpose skate on rollers, wheels or skateboards.

19. REMOVAL OF PERSONS INFRINGING BYE-LAWS

Every person who shall infringe any bye-law for the regulation of the pleasure ground, may be removed therefrom by any officer of the Council, or any constable, in any one of the several cases. hereinafter specified: that is to say

- (i) where the infraction of the bye-law is committed within the view of such officer or constable, and the name and residence of the person infringing the bye-law are unknown to and cannot readily ascertained by such officer or constable;

- (ii) where the infraction of the bye-law is committed within the view of such officer or constable, and from the nature of such infraction or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the pleasure ground of the person infringing the bye-law may result in another infraction of a bye-law, or that the removal of such person the pleasure ground is otherwise necessary as a security for the proper use and regulation thereof.

20. SAVING CLAUSE

An act necessary to the proper execution of his duty in the pleasure ground by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these bye-laws.

21. PENALTY

Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding FIFTY POUNDS.

22. REPEAL

The following bye-laws made by former local authorities are hereby repealed:-

- (a) Bye-laws made by Brightlingsea Urban District Council on 17 March 1954 and confirmed on 1 July 1954 insofar as they relate to Western Promenade.

- (b) Bye-laws made by Clacton Urban District Council on 2 June 1954 and confirmed on 9 August 1954 relating to Vista Road Recreation and Sports Ground.

- (c) Bye-laws made by Frinton and Walton Urban District Council with respect to pleasure grounds on 20 May 1968 and confirmed on 1 September 1968 insofar as they relate to those pleasure grounds with exception of Great Holland Common and Great Holland Green.

- (d) Bye-laws made by the Council of the Borough of Harwich with respect to pleasure ground on 11 August 1910 as amended on 8 May 1924 and allowed on 6 October 1910 and 23 June 1924 respectively.

SCHEDULE PART 1

Grounds in respect of which bye-laws are made under Section 164 Public Health Act 1875

BRIGHTLINGSEA

Promenade from the old railway line at a point 100 yards west of Batemans Tower to Fieldgate Dock.

CLACTON ON SEA AND HOLLAND ON SEA

All land and property acquired by the Council lying between the roads know as Marine Parade West, Marine Parade East, Kings Parade, The Esplanade and the Seashore, together with the Greensward, Promenade and cliffs at Holland Haven.

CLACTON ON SEA

Albany Gardens
Anglefield Triangle
Cloes Lane Open Space Area
Connaught Gardens
Lancaster Gardens
London Road Recreation Ground
Old Road Playing Field
Railway Station, garden Opposite
Rush Green Recreation Area
West Road Public Open Space
Vista Road Recreation and Sports Ground

GREAT CLACTON

Pickers Ditch Walkway
Thorpe Road to Railway line

JAYWICK

Garden Road Public Open Space

FRINTON ON SEA AND WALTON ON THE NAZE

The Greensward, Promenade and Cliffs (from and including the Kiosk Field at the south-west end to the Frinton Ward boundary at the north-east end) Frinton on Sea and the Promenade (from Burnt House breakwater at the south-west end of the public highway known as the Pier Slope, from Walton Pier north-eastward to a point opposite the Marine Gardens and from the Coastguard Station to a point opposite the north-east end of Jubilee Recreation Ground) and Cliffs (from a point opposite Burnt House breakwater to a point opposite Winchester breakwater) Walton on the Naze.

FRINTON ON SEA

Crescent Gardens

The Esplanade Gun Gardens

Connaught Avenue Jubilee Gardens

The Esplanade Park Playing Field

Royden Way

KIRBY

Halstead Road Play Area

Kirby Playing Fields

WALTON ON THE NAZE

Bath House Meadow

Church Garden (Junction of Walton Road and Kirby Road)

Coronation Recreation Ground Hall Lane (tennis courts and adjacent open area)

Jubilee Recreation Ground Naze Park Island Gardens Parade Putting Green Round

Gardens

The Parade Station Gardens (formerly Memorial Gardens)

HARWICH AND DOVERCOURT

The Promenade and Cliff slope from the south western end of the promenade at Dovercourt to the northernmost point of the promenade at Angel Gate, Harwich.

Low Road Recreation Ground including the land lying between Lower Marine Parade and Wick Lane and the Promenade and the Picnic area at the south western end of the promenade and the marsh to the south-west thereof.

Marine Parade putting green, land at the rear thereof and the tennis courts.

The Retreat side adjoining the Phoenix Hotel, Lower Marine Parade,

Abdy Avenue Play area

Cliff Park

Harwich Green

Mayors Garden

Main Road

SCHEDULE PART 2

Grounds in respect of which bye-laws are made under Section 15 Open Spaces Act 1906

GREAT CLACTON

St John's Churchyard

WALTON ON THE NAZE

Garden of Remembrance

HARWICH AND DOVERCOURT

St. Nicholas Church Yard

SCHEDULE PART 3

Grounds in respect of which bye-laws are made under Section 12 and 15 Open Spaces Act 1906

CLACTON ON SEA

Coppins Hall Wood

(Pudney Woods)

Eastcliff Sports Ground

Happy Valley Recreation Ground

Windsor Avenue Recreation Ground

HOLLAND ON SEA

Brighton Road/Kings Parade Corner

Dovedale Gardens

Hazelmere Road, opposite car park

Hereford Road Public Open Space

Pickers Ditch Walkway, rear of Slade Road

York Road Recreation Area

JAYWICK

Crossways Public Open Space

Seymour Road Public Open Space

GREAT CLACTON

Carisbrooke Avenue Public Open Space

Clacton Lawn Cemetery Land Adjacent

Pells Farm Land Adjoining Pickers ditch

Walkway, London Road to Thorpe Road

Thorpe Road Estate, Playing field area at the rear

HARWICH & DOVERCOURT

Beacon Hill

Dovercourt Bay Estate Open Area

Ray Avenue Play Area

WALTON ON THE NAZE

Cedar Close Open Space Areas

THE COMMON SEAL of TENDRING DISTRICT COUNCIL

was hereunto affixed on the 14th day of November, 1979 in the presence of

T.B.A. Moonlight
Secretary and Legal Officer



The foregoing bye-laws are hereby confirmed by the Secretary of State and shall come into operation on the first day of MARCH 1980

R.F.D. Shuffrey
An Assistant Under Secretary of State
Signed by authority of the Secretary of State



Home Office
LONDON SW1

19 FEBRUARY 1980

The Secretary of State for Trade hereby consents to the foregoing bye-laws.

J.S.H. White
An Assistant Secretary of the Department of Trade

26 MARCH 1980

It is hereby certified that the foregoing bye-laws are a true copy of these bye-laws confirmed by the Secretary of State on 19th February, 1980.

T.B.A Moonlight
Secretary and Legal Officer

BYE-LAWS

made by the Tendring District Council under Section 18 of the Frinton on Sea Defence Act 1903 and Section 46 of the Walton on the Naze Improvement Act 1890 with respect to open spaces and pleasure grounds vested in or maintained by the Council.

1. REPEALS

The following bye-laws made by the former authorities are hereby repealed:-

(a) Bye-laws made by the Urban District Council of Frinton on Sea on 14 March 1905 and confirmed on 6 April 1905 relating to the Greensward, Frinton on Sea.

(b) Bye-laws made by the Frinton and Walton Urban District Council on 14 the April 149 and confirmed on 31 May 1949 relating to the Greensward, Promenade and Cliffs at Frinton on Sea and Walton on the Naze.

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Secretary and Legal Officer

BYE-LAWS

made by the Tendring District Council under Section 16 of the Clacton on Sea Improvement Act 1905 with respect to open spaces and pleasure grounds vested in or maintained by the Council.

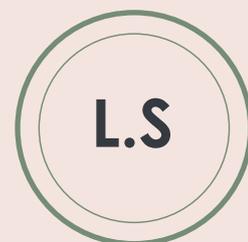
1. REPEALS

The Bye-laws made by the former Clacton Urban District Council on 6 October 1009 and confirmed on 23 April 1910 relating to seashore and Greensward, Clacton on Sea are hereby repealed.

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