

HOVE BOROUGH COUNCIL

BYELAWS RELATING TO THE SEAFRONT LAWNS AND ESPLANADES

Made under Section 164 of the Public Health Act 1875 and Section 83 of the Public Health Acts Amendment Act 1907 by Hove Borough Council with respect to the public walks and pleasure grounds on the sea front of the Borough known as HOVE SEA WALL, BRUNSWICK LAWNS, KINGS LAWNS, MEDINA LAWN, KINGS ESPLANADE (EXCLUDING THE CARRIAGEWAY AND NORTH FOOTWAY), WESTERN ESPLANADE and WESTERN LAWNS (INCLUDING THE LAGOON GARDENS).

1. Throughout these byelaws the expression:
 - (i) "the Council" means the Hove Borough Council
 - (ii) "the Pleasure Ground" means each of the pleasure grounds or public walks (together with all intersecting walks and ornamental gardens contained therein) described in the preamble and includes the Esplanade as defined below
 - (iii) "the Esplanade" means the walks known as Hove Sea Wall, Kings Esplanade (excluding the carriageway and north footway) and Western Esplanade all of which extend from the Council's boundary with the Borough of Brighton westwards to the eastern end of Hove Seaside Villas.
2. An act necessary to the proper execution of his duty in the Pleasure Ground 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.
3. A person shall not in the Pleasure Ground:
 - (i) climb any wall or fence in or enclosing the Pleasure Ground or any tree or any barrier, railing, post or other erection except that a person who has not attained the age of 17 years may climb any climbing frame or other equipment designed for such use
 - (ii) without reasonable excuse remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement or equipment provided in connection with the use of the Pleasure Ground or the laying out or maintenance thereof.
4. Subject to byelaw 23, a person shall not except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any right or privilege, bring or cause to be brought on to the Pleasure Ground any beast of draught or burden or any cattle, sheep, goats or pigs.
5. Subject to byelaw 23:
 - (i) a person shall not, except in pursuance of an agreement with the Council or in the exercise of any lawful right or privilege bring or cause to be brought into the Pleasure Ground any barrow, truck, machine or vehicle other than:
 - (a) a wheeled bicycle, tricycle or other similar machine
 - (b) a wheel chair, push chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or a disabled person

(c) a mechanically or electrically propelled wheel chair used solely for the conveyance of a disabled person provided that where the Council set apart a space in the Pleasure Ground for the use of any class of vehicle, this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the Pleasure Ground of any vehicle of the class for which it is set apart;

(ii) a person shall not except in the exercise of any lawful right or privilege or except during such hours and along such cycle lanes as may be fixed by the Council ride any bicycle, tricycle or other similar machine in any part of the Pleasure Ground. Notice of such cycle lanes shall be given by marks or signs placed in conspicuous positions;

(iii) a person shall not, on any cycle lane fixed under (ii) above, ride any bicycle, tricycle or other similar machine to the danger or annoyance of other persons using the Pleasure Ground;

(iv) a person shall not in the Pleasure Ground skate on rollers, skateboards, wheels or other mechanical contrivances to the danger or annoyance of other persons using the Pleasure Ground.

6. Subject to byelaw 23, a person who brings a vehicle into the Pleasure Ground shall not wheel or station it over or upon

(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

(ii) 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 its being wheeled or stationed.

7. (1) No person in the Pleasure Ground shall release any power-driven model aircraft for flight or control the flight of such aircraft.

(2) No person shall cause any power-driven model aircraft to take off or land in the Pleasure Ground.

(3) In this byelaw:

(i) "model aircraft" means an aircraft which either weighs not more than five kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order

(ii) "power driven" means driven by the combustion of petrol vapour or other combustible substances, or by one or more electric motors, or by compressed gas.

8. A person shall not in the Pleasure Ground walk, run, stand, sit or lie upon:

(i) any grass, turf or other place where adequate notice to keep off such grass, turf or other place is exhibited

(ii) 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.

9. A person shall not in the Pleasure Ground remove any soil or plant.

10. A person shall not on any part of the Pleasure Ground use any device designed or adapted for detecting or locating any metal or mineral in the ground.

11. A person shall not in the Pleasure Ground:

- (i) bathe, wade or wash in any ornamental lake, pond or other water except in pursuance of a watersport pastime or activity in accordance with the exception to (iii) below
- (ii) without reasonable excuse foul or pollute any such water
- (iii) engage in any watersport pastime or activity in any ornamental lake, pond or other water except in pursuance of an agreement with the Council.

12. A person shall not place any boat or sailboard on any part of the Pleasure Ground provided that boats or sailboards may temporarily be placed on the Esplanade when absolutely necessary from stress of weather and for so long a time as shall be absolutely necessary.

13. A person shall not in any part of the Pleasure Ground light any fire or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire, provided that this byelaw shall not apply to any event held by, or in pursuance of an agreement with, the Council.

14. Where the Council set apart any such part of the Pleasure Ground as may be fixed by the Council, and described in 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 Pleasure 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 a space.

15. 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 it 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 2 hours continuously, if any other player or players make known to him a wish to use the space.

16. A person shall not in any part of the Pleasure Ground which may have been set apart by the Council for any game play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the Pleasure Ground.

17. (1) A person shall not in any part of the Pleasure Ground drive, pitch or chip a hard golf ball except on land set aside by the Council for use as a golf link, golf driving range, golf practice area or putting course.

(2) A person shall not in any of the parts of the Pleasure Ground known as Medina Lawn or on the Lawns adjoining the West End Restaurant play cricket, football, hockey, rounders or any other ball game involving teams.

(3) Subject to (2) above a person shall not in any part of the Pleasure Ground play any game to the danger or annoyance of other persons using the Pleasure Ground.

18. Subject to byelaw 24, a person shall not in the Pleasure Ground:

(i) except as hereinafter provided erect any post, 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, stand, building or other structure, upon such occasion and for such purpose as are specified in the application

(ii) sell, or offer, or 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 or privilege, he is authorised to sell or let to hire in the Pleasure Ground such commodity or article.

19. No person shall in the Pleasure Ground:

(i) intentionally obstruct any officer of the Council in the proper execution of his duties

(ii) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council or;

(iii) intentionally obstruct any other person in the proper use of the Pleasure Ground, or behave so as to give reasonable grounds for annoyance to other persons in the Pleasure Ground.

20. A person shall not, by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, tape recorder or similar instrument, or any musical instrument, 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 Pleasure Ground.

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale.

22. Any person offending against any of these byelaws may be removed from the Pleasure Ground by an officer of the Council, or any constable.

23(1) For the purposes of (2) and (3) below "the specified parts of Kings Esplanade" are those parts of Kings Esplanade which extend from

(i) a line drawn due south from the south western corner of Medina Lawn westwards to a line drawn due south from the point at which the vehicular carriageway of Kings Esplanade ceases on the east side of the King Alfred Leisure Centre and

(ii) a line drawn due south from the point at which the vehicular carriageway of Kings Esplanade ceases on the west side of the King Alfred Leisure Centre westwards to the commencement of Western Esplanade at Hove Street South and a bicycle, tricycle or other similar machine shall be deemed to be a carriage.

(2) It shall not be an offence under byelaws 4, 5 or 6 to do any of the acts specified in (3) below upon the specified parts of Kings Esplanade.

(3) The acts specified for the purpose of (2) above are riding upon the specified parts of Kings Esplanade or leading or driving any horse, ass, sheep, mule, swine or cattle, or carriage of any description, or any truck or sledge upon the specified parts of Kings Esplanade.

24(1) For the purposes of (2) below "street trading " means street trading as defined in paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

(2) It shall not be an offence under byelaw 18(ii) to engage in street trading in the Esplanade.

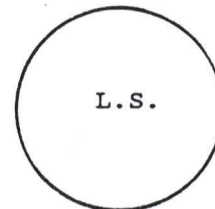
25. The byelaws relating to the Pleasure Grounds described in the first column of the following schedule and which were made by the parties mentioned in the second column thereof on the date specified in the third column thereof and were allowed or confirmed by the Authority mentioned in the fourth column thereof on the day specified in the fifth column thereof are hereby revoked.

SCHEDULE

Western Lawns	Mayor, Aldermen & Burgesses of the Borough of Hove	10th June 1909	Local Government Board	12th August 1909
Western Lawns	Mayor, Aldermen & Burgesses of the Borough of Hove	11th May 1939	Minister of Health	22nd June 1939
Western Lawns	Mayor, Aldermen & Burgesses of the Borough of Hove	2nd May 1968	Secretary of State, Home Department	22nd July 1968
Brunswick Lawns & Hove Sea Wall	Hove Commissioners	20th January 1887	Local Government Board	14th March 1887

Brunswick Lawns	The Council of the Borough of Hove	12th July 1906	Local Government Board	24th August 1906
Brunswick Lawns & Hove Sea Wall	Mayor, Aldermen & Burgesses of the Borough of Hove	2nd May 1968	Secretary of State, Home Department	22nd July 1968
Kings Esplanade	Mayor, Aldermen & Burgesses of the Borough of Hove	8th October 1953	Secretary of State, Home Department	5th December 1953
Kings Lawns Lagoon Gardens Medina Lawn	Mayor, Aldermen & Burgesses of the Borough of Hove	8th October 1953	Secretary of State, Home Department	16th December 1953
Kings Lawns Lagoon Gardens Medina Lawn	Mayor, Aldermen & Burgesses of the Borough of Hove	2nd May 1968	Secretary of State, Home Department	22nd July 1968

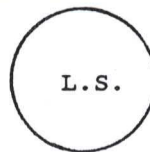
Given under the Common Seal)
of HOVE BOROUGH COUNCIL this)
Seventh day of January 1992)



8700

J P TEASDALE.
Chief Executive and
Director of Law and Administration

The foregoing byelaw(s) ~~is~~/are hereby confirmed by the Secretary of State
and shall come into operation on the 6th day of April 1992.



Signed by authority of the Secretary of State

R J FRIES

R. J. FRIES
An Assistant Under-Secretary of State

BL911018.A (EI)

4 MAR 1992
Home Office
LONDON. SW1.