

APPENDIX 8 (a) Parks byelaws – Frequently Asked Questions

What is a byelaw?

A byelaw is a local law which is made by a statutory body, such as a local authority, under an enabling power established by an Act of Parliament.

In Bristol, the existing byelaws date from Victorian times and apply to just 25 of our parks. They have not been enacted for a considerable time and do not cover some types of anti-social and nuisance behaviour now reported. The proposed, more relevant byelaws will replace these and apply to more parks and green spaces.

Bristol's proposed parks byelaws are based on model byelaws from the Department of Communities and Local Government (DCLG).

Why is the council proposing new byelaws for parks?

Bristol has many parks and green spaces and we want to encourage people to enjoy them responsibly and considerately.

In 2013, 77% of consultation respondents said they were in favour of new byelaws. In 2016, more than 800 people responded to a second consultation on the detail of these byelaws (rather than the principle of introducing them). In particular, this year's consultation sought a view on whether certain activities should be permitted widely or restricted to designated areas or under certain conditions. There was broad support for the council's proposals in this regard and the majority of respondents (58%) stated that byelaws would help them to enjoy the city's green spaces.

Anti-social behaviour in parks can affect the enjoyment and use of parks by other people as well as people living nearby. Byelaws are a common, tried and tested mechanism to do this.

In a two-year period from 2011 to 2013 the Council and the police received a total of 3,157 complaints about nuisance in parks which were specifically about issues that could be covered by byelaws. More than 200 sites were affected.

What's changed following the Council's initial consultation on byelaws in 2013?

It's all about hitting the right balance between enabling people to enjoy our parks and being able to address inconsiderate and nuisance behaviour if we need to.

We've actively listened to feedback including recommendations from the public, special interest groups and the Council's Neighbourhoods Scrutiny commission. As a result there are fewer byelaws than before - 24 compared to the 29 proposed in 2013.

The originally proposed byelaws relating to climbing, children's play areas, children's play apparatus, skateboarding and ball games have been removed.

What does 'general consent' mean and how does it apply to the new byelaws?

Where we refer to general consent it means we will allow some things without you having to ask for specific consent where a byelaw applies. For example in respect of the byelaw that says 'No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure', we propose issuing a general consent for the use of gazebos and day tents for shade etc. This would ensure everyday activities aren't restricted under the new byelaws.

Aren't byelaws unenforceable?

As part of the roll out of the proposed byelaws, Police and Community Support Officers (PCSOs) will work alongside council officers taking a supportive, informative approach to encouraging people to use parks and green spaces considerately. As detailed above we have removed some byelaws where we felt alternative approaches would work better. We expect that in a large majority of cases people will observe byelaws but the police and council officers will be able to take action immediately against people who deliberately and persistently ignore byelaws.

To achieve essential savings, the council will have to do things differently in future and we're looking to local organisations to take on roles and responsibilities previously held by the council. We hope that local parks groups can take on some responsibility for publicising the byelaws within a community ownership framework.

What happens if someone breaches a byelaw?

In the first instance they may be asked to stop the behaviour by an enforcement officer e.g. a PCSO or a designated council officer, and given an opportunity to refrain from the activity. If they persist they risk being prosecuted and would appear in the magistrate's court. They can be fined up to £500. They can also be removed from the park.

How do you report the breach of a byelaw?

At the current time, individuals can report any instances of nuisance or anti-social behaviour in parks and green spaces by calling the police on 101 or contacting the Council on 0117 9222500. Other reporting methods may be introduced when and if these updated byelaws come into force.

Why aren't you using alternative legal approaches to anti-social behaviour?

Together with the police we reviewed other options such as community protection notices, dispersal powers and public space protection orders as possible alternative means of controlling nuisance behaviours in our parks. Byelaws allow nuisance behaviour to be addressed immediately while other approaches can take time to come into effect.

Won't these byelaws stop people enjoying their parks?

The aim of the byelaws is to ensure that everyone is able to enjoy parks by addressing anti-social behaviour as necessary. As detailed above some byelaws have been removed following feedback on how they might affect people's enjoyment of parks.

Which parks are being considered for these new byelaws?

Previous research found that nuisance and antisocial behaviour was reported to the police or the Council on over 200 parks and green spaces. However feedback since has told us that people feel more sites should be considered to improve consistency of approach and prevent nuisance or antisocial behaviours being displaced to other sites. It is proposed that all recreational spaces where parks byelaws can be applied are now included – this is 365 green spaces.

Can all green spaces in the city be covered by byelaws?

There are an estimated 1600 green spaces in the city. Only those covered by specific legislation (sections 12 and 15 of the Open spaces Act 1906 or Section 164 of The Public health Act 1875) are eligible for this type of byelaw. Only areas owned or improved and maintained by the Council can be covered by byelaws made under this legislation. The Downs are covered by a different set of byelaws that were made under the Downs Act and approved by the Downs Committee.

Some of the issues I experience still do not appear in the proposed byelaws. For example dog fouling and dogs off leads causes nuisance and stop people visiting and enjoying parks – why are these issues not covered in the byelaws?

Orders made by the Council under other legislation cover dog fouling and dogs being kept on leads and these are currently enforced. The byelaws will complement the various powers in the Anti-social Behaviour, Crime and Policing Act 2014 and other relevant existing legislation. This ‘tool-kit’ of options will mean council and police officers can address nuisance behaviours and park management issues more positively and swiftly.

You have previously said barbecues will only be allowed in designated areas – has the proposal changed?

The council intends to identify as many designated areas for barbecues as possible. The only proposed restrictions will be at Brandon Hill Park, Troopers Hill Local Nature Reserve and all children’s play areas. All other spaces are currently proposed to be designated for barbecues. The byelaw permits properly constructed, shop-bought barbecues set up on legs. What is not permitted is an open fire arrangement or the use of an unsuitable structure not fit for purpose.

Those using a barbecue in a designated area are required to clean up any resulting litter and to dispose of hot ashes responsibly and not in a plastic bin or plastic-lined bin within the park.

What if the designated area has not yet been set?

The Council has identified its proposed areas for designation and these were available to comment on during the Notice period. These are now set out to Full Council. However the Council can review and change designated areas if it wishes without needing to go for government approval and it is proposed to do this periodically.

Will these byelaws stop people foraging, black berry picking or making daisy chains?

No. The model byelaw helps us deal with wilful damage to plants, trees and structures in our parks which could impact on all park users enjoying green spaces.

Picking blackberries or foraging for other edible plants and wild fruit is fine unless it begins to cause real harm to wildlife or wildlife habitats.

Will I be able to fly drones or a child’s mode helicopter outside of areas designated for flying model aircraft?

The byelaw is not directed at preventing children’s play activities with toys. The byelaw does include drones so these will only be able to be flown in areas designated for model aircraft flying. Consent / permission to fly model aircraft, and therefore drones, cannot be given under the byelaw. The byelaw prohibits taking off, landing and controlling of aircraft only within the scheduled site. Therefore you could operate drones, for surveying purposes for example, from land outside the scheduled site. The Council may designate further areas for flying model aircraft at a later date.

Will I still be able to fish in my local park?

Fishing will be available in all lakes and waterways within sites covered by the byelaws except at St George Park – this follows numerous discussions and consultations about fishing at St George, a consideration of the evidence for nuisance behaviour and the request from the Neighbourhood Partnership for a ban on fishing there.

The Council has chosen to identify and designate for fishing as many waterways as possible, including streams, even though most are not commonly used for fishing. This is to make sure that park users understand that if children are playing with fishing nets for example, this is a permitted activity.

What will happen to people found camping or sleeping rough in parks?

We understand that sometimes tents or temporary shelters are erected by vulnerable individuals in need of help and support. However, the Council does not believe that allowing overnight camping in parks is the best way to support homeless people – so, working with the outreach team at St Mungo's, each situation would be assessed on its own merit and a decision taken on what action is most appropriate. The byelaw does state that camping in tents and other temporary shelters overnight will not be permitted and will be enforced by Parks Byelaws and other legislation as necessary.

Is it true you will start charging for activities in parks?

There are no current plans to bring in new charges for activities relating to byelaws in parks.

What about people drinking alcohol in parks and green spaces and causing nuisance?

This issue will not be covered by byelaws but the police already have powers to deal with public disorder related to alcohol. Drinking in public is not always prohibited. However, there are a number of designated areas in Bristol where public drinking can be controlled.

Some areas suffer from motorbikes using parks and green spaces – why is this not covered?

Byelaws will mean that nobody can legally bring a motorbike in to a site or drive it except on a designated route so this will help prevent nuisance from the use of motorbikes in parks. Motorbike nuisance can also be tackled using other legislation

How do people go about getting consents?

There is no need to get consent to carry out an activity that is otherwise prevented by the byelaws until after they have been considered by Full Council in March. Some consents will be given through existing processes – such as applications to hold an event in a green space. Others will need to be established. If the Council is already aware of an individual or organisation that currently uses a park in a way that would need consent, we will contact them to advise them at the relevant time.

Will we be charging personal trainers etc to carry out classes on parks' land?

There are no current plans to bring in new charges for activities relating to byelaws in parks. Fitness sessions run by an instructor will require the Council's consent.

In light of the current financial situation why are you going ahead with Byelaws?

It is not considered that the byelaws are a significant financial burden. Evidence from other local authorities suggests that the need to take enforcement action through the byelaws will be low - their main strength being a deterrent to prevent relevant antisocial behaviours acting in the first instance. Existing enforcement and parks staff in the Council and existing police officers and PCSOs will be able to advise park users of the byelaws as and when required and take enforcement action if necessary. There will be an initial need to alert park users to byelaws being in place using park noticeboards and a need to produce a small number of specific signs where it is though beneficial to do so.

What happens next?

The Secretary of State for the Department of Communities and Local Government has given the Council leave to make new parks byelaws. The Council has met its obligation under the regulations to publish a notice of its intent to make new byelaws for a 28-day period.

Following on from this we will:

- Make a report to a full council meeting on March 14th 2017 recommending that byelaws be made;
- If full council agreed to make new byelaws, they will come into force on a date to be fixed.

If you need further guidance or have specific questions about any aspect of the byelaws please email parksbyelaws@bristol.gov.uk.

APPENDIX 8 (a) continued

Questions and answers for each proposed new parks byelaw.

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
<p>No person shall enter or remain in the ground except during opening hours.</p>	<p>Which sites have opening hours?</p> <p>How will we know?</p>	<p>Nearly all Bristol’s green spaces are fully accessible to the public 24 hours a day 365 days a year so there are no restrictions.</p> <p>At the moment the only site with opening and closing times is Hengrove Play Park.</p> <p>The opening and closing times are displayed at the park and online at www.bristol.gov.uk</p> <p>Event organisers may have a need have staff in green spaces as part of event management. It is highly unlikely that this would occur in a green space that has opening hours as this currently applies to only one of 430 sites in the city.</p> <p>If necessary this can be permitted through the events licensing process and introduces no further regulatory burden.</p> <p>Some features of parks already have opening and closing times – car parks and historic buildings for example but the wider park remains accessible.</p>	<p>This applies to all sites where byelaws are made</p>
<p>No person shall without reasonable excuse remove from or displace within the ground:</p> <p>(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</p>	<p>I volunteer with a group that does maintenance work in a park. Does this mean we will have to stop?</p> <p>Does this stop me metal-detecting?</p>	<p>No. Though it is important that the Council agrees the work that volunteers do – either through an action plan or on a task-specific basis.</p> <p>It does not stop metal detecting but it does</p>	<p>This byelaw will apply to all where byelaws are made</p>

<p>(b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.</p>	<p>Prevents the delivery of educational activities directly by schools or through 'Forest Schools' operating on behalf of schools or as an extra-curricular activity.</p> <p>Preventing legitimate picking of wild fruit and edible plants – 'foraging' as a recreational pastime.</p> <p>Preventing picking of wild fruit and plants – 'foraging' as a business activity.</p> <p>Causing inadvertent breaking of the law through unintentional damage – walking through a woodland or wildlife area for example.</p>	<p>stop digging up finds without the Council's permission as landowner. The Council permits the digging up of 'finds' on its land only as part of a pre-agreed archaeological assessment.</p> <p>The byelaw is not directed at preventing this type of activity. Forest Schools have tended to seek permission to use public open space to operate and we will continue to encourage this approach.</p> <p>The model byelaw is not directed at preventing recreational pastime and has been widely used throughout the country without causing this sort of issue. We will ensure our communication with the public as byelaws progress makes this clear.</p> <p>There is no existing right to commercially exploit public spaces in this manner; even without the byelaw in some cases this could be prosecuted as theft. The byelaw does not act to prevent or restrict this activity.</p> <p>This is unlikely as it is clear when ground is in preparation or signage is in place, but in any case prosecution would be a blunt tool where the evidence was that damage was unintentional and the council's enforcement policy would focus on education and prevention of further problems.</p>	
<p>No person shall walk on or ride, drive or station a horse or any vehicle over:</p> <p>(a) any flower bed, shrub or plant;</p> <p>(b) any ground in the course of preparation as a</p>	<p>Does this apply in wild spaces such as the Northern Slopes or Eastwood Farm or on wildflower meadows? You can't help but step on plants</p>	<p>We want people to enjoy parks and wild spaces and go exploring. The byelaw is mainly designed to prevent wilful damage to trees and of designed features – flowerbeds, shrub</p>	<p>This byelaw will apply to all of the sites in the schedule.</p>

<p>flower bed or for the growth of any tree, shrub or plant; or</p> <p>(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.</p>	<p>here.</p> <p>The byelaw should be re-worded to allow foraging and to prevent only removal of whole plant.</p> <p>I volunteer with a group that does maintenance work in a park. Does this mean we will have to stop?</p>	<p>beds etc – in more formal settings and in Housing areas.</p> <p>The council has taken a view that it should adopt the wording proposed by the Department of Communities and Local Government (DCLG) model parks byelaws wherever possible and that this wording ensures that relevant nuisance and anti-social behaviour will be able to be prevented or acted upon. This is a model byelaw that has been in use in many parts of the country without causing the problems anticipated by respondents expressing such concerns.</p> <p>The council did not propose this byelaw for the purpose of controlling foraging of wild produce for recreational non- commercial purposes and will continue to clarify through its communications and enforcement policies that its adoption was proposed in order to control the loss of flowers and damage to trees that spoils the parks for everyone.</p> <p>No. Though it is important that the Council agrees the work that volunteers do – either through an action plan or on a task-specific basis. Volunteers working to an agreed work plan will be considered as “acting in accordance with a contract with the Council” as set out in byelaw 31(1).</p>	
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		and support. The Council does not believe that allowing overnight camping in parks by homeless people is the best way to support people – so, working with the outreach team at St Mungo’s, each situation would be assessed on its own merit and a decision taken on what action is most appropriate. The Council does work closely with its partners to ensure that those that are homeless are supported to access help and accommodation in the city.	
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.	How do I ask for consent?	Consent will be able to be requested by contacting the Parks service through the Council’s website.	Consent can be requested and given by the Council to graze. If consent is not requested and given the Council may enforce the byelaw on any site to which byelaws apply. Grazing is not allowed in parks without permission and in green spaces where byelaws do not apply other powers may be used to tackle this when found.

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
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 save where written permission has been granted by the Council to enable the undertaking of pest control and deer culling	What pests might be controlled? May prevent the delivery of educational activities which help promote and support an understanding of the natural environment.	This is difficult to say. Pests might include rats if causing a problem. Pest control refers to the regulation or management of a species considered to be a pest because of some harm caused, which could be harm to human health, or to the environment or the economy. It is not agreed that the byelaw would prevent educational activities. The byelaw is aimed at protecting wildlife in Bristol’s parks and should complement rather than undermine education on these issues.	This byelaw will apply to all sites where byelaws are made

<p>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.</p>	<p>What is camping? Can we put a tent up during the day as a sun shade or for children to play with or to use as shelter if it rains?</p> <p>Do you intend to give general consent for camping in any of the green spaces? That is, will you ever allow camping to take place without somebody asking for the Council's permission?</p>	<p>This byelaw does not cover tents in parks and open spaces erected during the day or evening for recreational use.</p> <p>The use of the term 'camping' applied in the byelaw carries its ordinary English meaning (as set out in OED). There needs to be some overnight residence where the occupant is accommodated within an enclosed moveable form of shelter.</p> <p>Overnight camping can only take place with the consent of the council. Consent will be able to be requested by contacting the Parks service through the Council's website.</p> <p>Please refer to previous comment regarding rough sleeping.</p> <p>No, not currently. We do not think there are any green spaces where it would be appropriate to allow this all generally, however we might issue short term general consents, for example to cover specific events, but only if a strong case were made that this could happen without harming the enjoyment of the park for everyone.</p>	<p>This byelaw will apply to all sites where byelaws are made</p>
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Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
<p>No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.</p> <p>(2) Byelaw 10(1) shall not apply to:</p> <p>(a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or</p> <p>(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.</p>	<p>What is a 'properly constructed BBQ'?</p> <p>Where are the 'designated areas for BBQs'?</p> <p>I can see what you are trying to do, but if you designate everywhere won't you be putting the green spaces at risk of being damaged by irresponsible people?</p> <p>Prevents the delivery of educational activities directly by schools or through 'Forest Schools' operating on behalf of schools or as an extra-curricular activity.</p>	<p>A shop-bought BBQ manufactured specifically for that purpose. What is not permitted is an open fire arrangement or the use of an unsuitable structure not fit for purpose.</p> <p>The approach is that most areas will be designated for use of properly constructed, shop-bought barbecues set up on legs, placed on the ground and with proper clearing up of any consequent litter, disposal of ashes responsibly and not in a plastic or plastic lined bin within the park.</p> <p>Barbecues must be cold before disposed of and always supervised when lit.</p> <p>We are proposing that we will designate all parks and green spaces for barbecues with three exceptions. These are Troopers Hill Local Nature Reserve, parts of Brandon Hill Park and all children's play areas. We want people to be able to enjoy the green spaces where barbecues can be used safely and without spoiling the area for everybody else.</p> <p>We hope that won't happen. We don't want to be overly restrictive because that would mean the enjoyment of the majority would be at risk. We will keep the conditions given above under review, adjust them, or exclude more areas, if problems arose.</p> <p>It is not agreed that this byelaw prevents educational activity. The byelaw allows for the Council to give permission to schools or other organisations wishing to carry out educational activities that could involve the lighting of fires.</p>	<p>This byelaw will apply to all sites where byelaws are made. However, whole parks or parts of parks may have designated areas where the activities are permitted</p>

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
<p>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.</p>	<p>Does this include footballs, cricket balls or tennis balls?</p> <p>Does this include field athletics items?</p> <p>Prevents the use of fireworks and firework displays.</p> <p>Prevents throwing of balls and sticks by dog-owners for pets.</p>	<p>The use of balls for playing games is a legitimate recreational use of a park or green space providing done in places that do not put people at risk. It is sensible to suggest that anyone using a hard (e.g cricket) or heavy ball does so out of the way of other park users.</p> <p>Yes. Obviously items such as javelins if not used in an appropriate way are liable to cause injury .</p> <p>The Council will permit the lighting of fireworks only as part of an organised event that has the appropriate site license and/or premises licence according to the Council’s Events Policy. This would not be contrary to the byelaws as responsible fireworks displays are not carried on in a manner that is liable to injure.</p> <p>Responsible dog owners would not throw balls and sticks in a way that endangers other park users.</p>	<p>This byelaw will apply to all where byelaws are made.</p>
<p>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.</p>		<p>This includes rubber or inflatable rings used on watercourses.</p>	<p>This byelaw will apply to all where byelaws are made</p>
<p>No person shall ride a horse in any of the grounds specified in Schedule 2 except:</p> <p>(a) on a designated route for riding; or</p> <p>(b) in the exercise of a lawful right</p>	<p>Where are the designated routes for riding?</p> <p>How do I know where there are designated</p>	<p>Horse riding is not restricted in any public open space over 4 hectares and the byelaw does not apply to these spaces. These sites are listed in the byelaws schedule. Two designated routes are proposed at Wickham Glen Open Space and Meadowsweet Open Space. Both are contiguous with Eastville Park.</p> <p>Horse riding is permitted on Public Bridleways, Restricted Byways and Byways Open To All Traffic. The routes of these can be found online at</p>	<p>This byelaw only applies to sites that are not larger than 4 hectares.</p>

<p>or privilege.</p> <p>Where horse-riding is permitted by virtue of byelaw 13(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.</p>	<p>routes or lawful rights and privileges?</p> <p>If the site I ride in is not in your list can I ride there?</p>	<p>www.outdoorswest.org.uk/Home/index Sometimes there can be lawful rights such as easements and riding in exercise of those rights would be lawful.</p> <p>You would not be breaking this byelaw if you did so as it only applies to the ones in the list. You would of course have to comply with other relevant laws.</p>	
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Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
<p>No person shall ride a cycle in the ground in such a manner as to cause danger or reasonable fear of injury to any other person.</p>	<p>Does this apply on all cycle routes?</p> <p>Who decides what is 'reasonable fear'?</p> <p>Is there a speed limit for cyclists?</p>	<p>This will apply to cycle routes if they are crossing any of the green spaces in Schedule 1. It will not apply to cycle routes outside of green spaces and/or not in Schedule 1.</p> <p>Ultimately this would be a matter for a court to determine if there were a prosecution, however the test would include both a subjective element (proof that somebody was actually in fear) and an objective one (proof that it was reasonable in all of the circumstances for the person to be afraid) and these are the issues the council would have to consider if investigating such a complaint.</p> <p>There is no specific speed restriction in the byelaw but excess speed that results in danger or reasonable fear could be evidence of breach of this byelaw. Consideration for other park users should avoid breach.</p> <p>Examples of behaviour that may offend the byelaws include where:</p> <ul style="list-style-type: none"> - Cyclists ride too fast on paths that are shared by pedestrians and too narrow for safe separation; - Cyclists ride too fast at times when paths and/or 	<p>This byelaw will apply to all where byelaws are made</p>

		<p>cycle paths are very busy and congested with other cyclists and/or pedestrians;</p> <ul style="list-style-type: none"> - Cyclists do not use lights or high-vis wear when light levels are low making it difficult for others to see them approaching; - Cyclists ride erratically causing others to have to take evasive action. <p>Both cyclists and pedestrians are legitimate users of public open spaces. Considerate cycling will resolve most issues of conflict or disagreement. The byelaw supports this.</p>	
<p>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.</p> <p>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.</p>	<p>How do I know where there are rights of way or designated routes?</p> <p>What are reasonable excuses – what is allowed and what is not allowed?</p>	<p>Sometimes there can be lawful rights such as easements and driving in exercise of those rights would be lawful. If you feel you have a right to drive across a green space you should tell the Council about it.</p> <p>This is effectively a defence to a byelaw and it would be for the person claiming the reasonable excuse to show that it was reasonable. It is hard to give a list therefore as every circumstance will be different, but it is easy to anticipate that a life and limb emergency would be judged to amount to a reasonable excuse.</p>	<p>This byelaw will apply to all where byelaws are made</p>

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
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.	How do I get consent from the Council?	The Council might sometimes give a general consent – for an event provider for example. Otherwise specific consent will be able to be requested by contacting the Parks service through the Council’s website.	Consent can be requested and given by the Council to leave vehicles overnight. If consent is not requested and given the Council may enforce the byelaw on any site in which byelaws have been made.
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.	How do I get consent from the Council? Are crossbows and catapults included.	Consent can be requested by contacting the Council’s Events Team. Visit https://www.bristol.gov.uk/outdoor-event-site-permissions-licence The byelaw includes the use of crossbows in a sporting context but not catapults. Misuse of crossbows and catapults could be covered by the byelaw “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 person”.	Consent can be requested and given by the Council to engage in the sport of archery. If consent is not requested and given the Council may enforce the byelaw on any site to which byelaws apply
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.	How do I get consent from the Council? Those organising field sports will be forced to pay for permission to carry out the activity.	Consent can be requested by contacting the Council’s Events Team. Visit www.bristol.gov.uk/outdoor-event-site-permissions-licence The byelaws do not introduce any new powers to charge for use of the council’s land; powers exist under other legislation but the Council is not introducing byelaws in order to make money. Existing charges for use of parks under events policy will be unaffected by these proposals. The byelaws are being introduced for the purpose of regulation. The council would have the right to seek recovery of	Consent can be requested and given by the Council to throw or put any javelin, hammer, discus or shot. If consent is not requested and given the Council may enforce the byelaw on any site to which byelaws apply

		the costs of processing applications for regulatory consent but does not propose to exercise that right currently. Consent decisions will be a matter for democratic decision making.	
No person shall drive, chip or pitch a hard golf ball except on a golf course.	Where are the golf courses?	There are two golf courses at Ashton Court Estate. There are no other golf courses in public parks at the moment and so golf is not permitted in any other green space in the byelaws schedule.	This byelaw will apply to all where byelaws are made

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
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.	Where are the designated areas for fishing?	<p>St George Park is not proposed to be designated for fishing. All lakes and rivers in or adjacent to parks and green spaces are designated except for St George Park.</p> <p>We could alter or withdraw a designation so that the ban operated in other places in the future, but we would only do this where we considered it was a necessary and proportionate step to take.</p> <p>The Council currently operates a fishing permit system on two of its sites. There is an adult charge of £3 and an under 16 charge of £1 for this. An environment agency rod licence is a pre-requisite of receiving a permit. This offers confidence that anglers fishing in these waters are obeying the law.</p> <p>The council will consider expanding this good practice to all designated areas for fishing.</p>	This byelaw will apply to all sites where byelaws are made that have waterways now or in the future.
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.	Does this restrict play activities such building dams.	We do not anticipate that play activities such as building a small, temporary dam across a stream is likely to be an enforcement issue – providing people are responsible and remove any twigs etc after playing. However, depending on the scale of the dam or structure, we must take into account that restricting watercourses could result in a significantly higher risk of flooding, particularly on some sites and at certain times of year.	This byelaw will apply to all where byelaws are made.

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
<p>No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.</p>	<p>Am I allowed to use parks for my dog-walking business?</p> <p>Am I allowed to use parks for my fitness instructor business?</p> <p>Can I operate an ice cream van?</p> <p>I have a concession as part of an event – is this allowed?</p> <p>Can I take children from a nursery to a park?</p> <p>Can I operate a Forest School in parks?</p> <p>Can I do balloon flights from a park?</p> <p>Can I collect for charity in a park?</p>	<p>We consider that when people use parks as part of their working day this is not offering to provide a service that needs the consent of the Council under this byelaw. So if you are a child minder taking a child in your care to the park, or a self-employed artist sketching the landscape, or a dog walker for other people then we think your activity is just a normal use of the park and you don't need our consent. However if the park was the place where the service is offered or provided that would be different; so if you approached people in the park and offered to walk their dogs in return for payment, or approached park users and offered to draw their portrait for a fee, then you would need our consent because you would be offering or providing the service in the park and making a charge for it. The Council's view is that the byelaws will mean that the following activities will need consent from the Council:</p> <ul style="list-style-type: none"> • Fitness sessions run by an instructor; • A forest school (if charges are made); • Balloon flights; • Concessions as part of an event. <p>The majority of businesses seek consent already so it doesn't impose a significant extra burden, if any. In many cases no charges apply and there is no plan to change this position although charging policy decisions are a matter for the democratic process.</p> <p>The Council's view is that the following activities are not usually covered by in this byelaw:</p> <ul style="list-style-type: none"> • Professional dog walking where the dogs are collected and delivered away from the parks. Collection and return in the park would clearly be caught; • Use of the park by a fee-charging nursery for children's play. <p>Charity collections are regulated under other legislation, further information is available from the council's licensing team</p>	<p>Consent can be requested and given by the Council to offer or provide a service for which a charge is made. If consent is not requested and given the Council may enforce the byelaw on any site in the Schedule.</p>

Byelaw	Questions relating to the byelaw	Response to question	How and where byelaw will apply
<p>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:</p> <p>(a) shouting or singing;</p> <p>(b) playing on a musical instrument; or</p> <p>(c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.</p>	<p>Does this include an MP3 device or CD player?</p> <p>Lack of clarity regarding what level of noise is 'excessive'.</p> <p>This will stop events or organised activities where music is played and is important.</p>	<p>In this context these are similar devices to radios, amplifiers or tape recorders, so yes it does.</p> <p>The byelaw obliges individuals to act responsibly and respect the needs of others and provides individuals with the means to trigger an enforcement process if they believe this is not the case in a given incident. When considering enforcement regard will be given to the likelihood of the noise to cause annoyance to the average person using the ground (and any relevant enforcement policy of the City Council).</p> <p>The following can be said:</p> <ul style="list-style-type: none"> • Noise or music does not need to be amplified to cause annoyance; • It may be presumed that park users or residents may be annoyed at any time if, for example, it is too loud, too persistent, of poor quality or made during hours that could be termed anti-social e.g during the night; • Noise may be considered annoying more frequently on sites where residents can be more easily disturbed. <p>Organised events to which the public are invited require a Site Licence or Park Permit from the Council and music and noise can be an accepted part of the event. A Premises Licence may also</p>	<p>This byelaw will apply to all where byelaws are made.</p>

		<p>be required.</p> <p>Where an event has proposals for amplified music or other sound that will be audible to local residents, businesses, workers and attendees the following criteria must be met:</p> <ul style="list-style-type: none"> • Music levels and site licence conditions will need to be agreed with the Pollution Control Team (Noise). • The Noise Council’s Code of Practice on Environmental Noise Control at Concerts will need to be complied with for any music-based events. <p>The byelaw encourages people to use and enjoy parks responsibly. The byelaw does not indulge the over sensitive park user. In order to prove an offence the evidence would have to show the noise to have been “so loud or so continuous or repeated as to give reasonable cause for annoyance”</p> <p>The council employs noise nuisance specialists who can consider evidence and provide an expert opinion whether or not the evidence of noise passes this threshold.</p>	
<p>No person shall without the consent of the Council hold or take part in any public show or performance.</p>	<p>How do I get consent from the Council?</p> <p>Prevents improvised and unplanned performances</p>	<p>Consent might be generally given or will be able to be requested by contacting the Parks service through the Council’s website or contacting the arts and events team – visit www.bristol.gov.uk/outdoor-event-site-permissions-licence</p> <p>The byelaw may be used to deal with nuisance and anti-social behaviour relating to unplanned</p>	<p>This byelaw will apply to all where byelaws are made</p>

	that add to the city's creative culture.	<p>performances and encourage performers and event organisers to seek consent for their activity.</p> <p>The byelaw supports the Council's Licensing Policy with regard to regulated entertainment - promoting the prevention of crime and disorder and of public nuisance, securing public safety and protecting children from harm.</p> <p>The byelaw will be enforced in line with the Council's enforcement policy which predicates a proportionate</p>	
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.	How do I get consent from the Council?	Consent might be generally given or will be able to be requested by contacting the Parks service through the Council's website.	
<p>No person shall obstruct:</p> <p>(a) any officer of the Council in the proper execution of his duties;</p> <p>(b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or</p> <p>(c) any other person in the proper use of the ground.</p>			This byelaw will apply to all sites where byelaws are made

Byelaw	Potential questions arising	Communications messages	How and where byelaw will apply
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.			This byelaw will apply to all sites where byelaws are made and has the effect of making lawful the normal proper operation of the parks by the Council and others acting under contract on its behalf that might otherwise be an offence
Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.			This byelaw will apply to all sites where byelaws are made.
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	<p>How big is the fine?</p> <p>Will I get a Fixed Penalty Notice?</p>	<p>The maximum fine is currently £500. In addition anybody convicted can be ordered to pay a victim surcharges, as well as possibly being ordered to pay some or all of the prosecutor's legal and investigative costs.</p> <p>No, the ability to issue a Fixed Penalty Notice does not currently apply. Other alternatives to prosecution are available, such as the giving of a simple caution that can be referred to in court in future if convicted of further offences.</p>	This byelaw will apply to all of the sites in the schedule.