

# SOUTHBOROUGH TOWN COUNCIL

Tel: (01892) 529176



Southborough Civic Centre  
Council Offices  
137 London Road  
Southborough  
Kent TN4 0NA

## OPEN SPACES & ENVIRONMENT COMMITTEE

30<sup>th</sup> November 2023

Dear Councillor,

A meeting of the Open Spaces & Environment Committee will be held in the Southborough Civic Centre, 137 London Road, Southborough, Tunbridge Wells, KENT TN4 0NA on **Tuesday 5<sup>th</sup> December 2023 at 7.00 p.m.** at which your attendance is required.

All meetings and agendas are open to the public, except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

**Seating for the public will be allocated on a first come, first served basis, and cannot be guaranteed. If you want to attend the meeting in person, please advise the Deputy Town Clerk at [deputyclerk@southboroughcouncil.co.uk](mailto:deputyclerk@southboroughcouncil.co.uk) or call 01892 529176.**

Members of the public may speak under the Public Open Session, as long as 24 hours' notice of their wish to do so has been given to the Deputy Town Clerk, and that subject is relevant to this Committee. No speech may be longer than five minutes, except by resolution of the Committee or Council.

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### AGENDA

**TO: MEMBERS OF THE OPEN SPACES & ENVIRONMENT COMMITTEE:** Cllrs Lewis (Chair), Kinghorn (Deputy Chair), Figgett, Elliott, Hill, Opara, Spickett, Stewart and Wharton.

**Cllr Mrs O Kinghorn has kindly given her seat on this committee to Cllr Spickett.**

#### **1. APOLOGIES AND REASONS FOR ABSENCE**

#### **2. DISCLOSABLE PECUNIARY AND OTHER SIGNIFICANT INTERESTS**

Members who have a disclosable pecuniary or other significant interest within the meaning set out in the Kent Code of Conduct 2021 in any matter appearing on the agenda, are invited to declare that interest at this stage and sign the register accordingly.

#### **3. PUBLIC OPEN SESSION**

Standing Order 3(d): Members of the public may speak under this item as long as 24 hours' notice of their wish to do so has been given to the Deputy Town Clerk, and that the subject is relevant to this Committee. No speech may be for longer than five minutes, except by resolution of the Committee or Council.

#### **4. MINUTES**

The minutes of the meeting on 7<sup>th</sup> November 2023 need to be approved at the time of sending out this agenda.

#### **5. INCOME AND EXPENDITURE**

Council Members to note that there are no income and expenditure reports relating to Open Spaces to review at this time. Accounts are generally one month in arrears and November's are not available yet.

#### **6. KENT HIGH WEALD PROJECT – SOUTHBOROUGH COMMON**

The KHWP will be in attendance to discuss the Common Management Plan and their wider conservation proposals/ideas.

#### **7. SOUTHBOROUGH CEMETERY – FLORA & FAUNA**

Council Members to see the previously supplied email from a resident regarding the natural habitat at Southborough Cemetery and reach a decision accordingly.

#### **8. KING CHARLES III CORONATION COMMEMORATION REQUEST**

Council Members to see the previously supplied email request from a resident regarding a coronation commemoration in Southborough, as well as email guidance from the Town Council's tree contractor, and reach a decision accordingly.

#### **9. KCC KENT HIGHWAYS – FOOTPATH CONSULTATION**

Council Members to see the previously supplied documentation from KCC Highways Public Rights of Way regarding a footpath diversion consultation listed as WS18 Southborough (REF: PROW/WS15/1701). Council Members to respond to the consultation accordingly.

#### **10. SOUTHBOROUGH COMMON BYELAWS**

Council Members to note the previously supplied report and information from the Deputy Town Clerk.

#### **11. WEST KENT RURAL GRANTS**

Council Members to see the previously supplied information from West Kent Rural Grants about their funding programme and to consider any potential projects for application.

**Ms Carolyn Ripley  
Deputy Town Clerk  
30<sup>th</sup> November 2023**

# OPEN SPACES & ENVIRONMENT COMMITTEE

Minutes of the **OPEN SPACES AND ENVIRONMENT COMMITTEE** meeting held on **Tuesday 5<sup>th</sup> September 2023 at 7.00 p.m.** at the Southborough Civic Centre, 137 London Road Southborough, KENT TN4 0NA.

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**MEMBERS PRESENT:** Cllrs Lewis (Chair), Kinghorn (Deputy Chair), Elliott, Hill and Stewart.

**ALSO PRESENT:** Cllr Spickett

**OFFICERS PRESENT:** Carolyn Ripley (Deputy Town Clerk)

## 1. APOLOGIES AND REASONS FOR ABSENCE

Cllr Figgitt – Another Commitment  
Cllr Mrs O Kinghorn – Ill Health  
Cllr Opara – Ill Health  
Cllr Wharton – Ill Health

## 2. DISCLOSABLE PECUNIARY AND OTHER SIGNIFICANT INTERESTS

The following interests were declared in reference to item 6A (Allotment Increases Only):

Cllr Hill: Allotment Tenant  
Cllr Lewis: Allotment Tenant  
Cllr Stewart: Allotment Tenant

## 3. PUBLIC OPEN SESSION

Matt Glazier of the LTA was present in reference to item 6B. No members of the public or press were present.

## 4. MINUTES

Council Members **NOTED** that the minutes of the meeting on 3<sup>rd</sup> October 2023 were **APPROVED** at Full Council on 26<sup>th</sup> October 2023.

## 5. INCOME AND EXPENDITURE

Council Members **NOTED** the previously supplied income and expenditure reports relating to Open Spaces for the period 1<sup>st</sup> – 30<sup>th</sup> September and 1<sup>st</sup> – 31<sup>st</sup> October 2023.

## 6. CONFIDENTIAL MATTERS

It is proposed that during the consideration of the following items, the public and press shall be temporarily excluded (Standing Order 3 (c): -

“Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted, or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion.”

These items are considered confidential for the following reasons (s).

Information relating to the financial and personnel affairs of the Council.

**a) CHARGES – PROPOSED INCREASES 2024-2025**

**Cemetery Charges** – Council Members **APPROVED** a 6.7% increase to the charges made within Southborough Cemetery from 1<sup>st</sup> April 2024. There is no VAT applicable.

**Football Maintenance Charge** – Council Members **APPROVED** a 6.7% increase from 1<sup>st</sup> April 2024 to the annual costs from each of the Clubs towards the maintenance of the fields as follows, before applicable VAT is added:

- Southborough Football Club £811.60
- Armada £811.60
- Tunbridge Wells Youth Football Club £3794.81

**Allotments** – Council Members **APPROVED** a 12% increase to allotment rents to cover increasingly high water charges, taking the cost to £7.81 per rod from 1<sup>st</sup> April 2025. Council Members **NOTED** that allotment rent increases have to be notified to plot holders a year in advance and thus the charges for 1<sup>st</sup> April 2024 were already agreed upon last year at £6.98 per rod.

**Common and Council Land Exercise Groups** – Council Members **APPROVED** a 6.7% increase from 1<sup>st</sup> April 2024, which will be £33.61 plus VAT.

**b) TENNIS CHARGES – 2024-2025**

Council Members **APPROVED** the introduction of a new annual season ticket option at £40.00 per annum and a pay and play rate of £4 per court per hour from 1<sup>st</sup> April 2024.

**c) FOOTPATHS ON PLAYING FIELDS ADJACENT TO YEW TREE ROAD ALLOTMENTS**

Council Members **APPROVED** the quote from Swift Surfacing Ltd.

**d) PENNINGTON RECREATION GROUND – SECURITY/CCTV**

Council Members **APPROVED** the quote from 1<sup>st</sup> Ace Security Ltd.

**e) PENNINGTON RECREATION GROUND – NEW SWINGS EQUIPMENT**

Council Members **APPROVED** the Playdale 2 Bay 4 Flats Swing Set option.

**f) HOLDEN POND – STAGE ONE REPORT/STAGE TWO REPORT**

Council Members **NOTED** the previously supplied report by the Deputy Town Clerk, plus update and next stage reports from Pete the Pond.

**g) WOLDINGHAM HOMES - COMMON LAND AT MODEST CORNER**

Council Members **REJECTED** any application for extension of a licence for the hoarding enclosing a portion of Common Land and **AGREED** to request immediate removal.



**There being no further business, the Chair thanked everyone for their attendance and closed the meeting at 8.07 p.m.**

**Miss Carolyn Ripley  
Deputy Town Clerk  
8<sup>th</sup> November 2023**

**RE: ITEM 7 SOUTHBOROUGH CEMETERY – FLORA & FAUNA**

**EMAILS BETWEEN CLLR LEWIS AND RESIDENT**

**From:** Cllr Lewis <lewis@southboroughcouncil.co.uk>  
**Sent:** Friday, November 17, 2023 8:57 AM  
**To:** Deputy Clerk <deputyclerk@southboroughcouncil.co.uk>  
**Subject:** Fwd: Southborough Cemetery (2 of 2)

As requested

Cllr Alain Lewis  
Southborough & High Brooms  
07736529170

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**From:** [REDACTED]  
**Sent:** Tuesday, September 19, 2023 10:00:09 AM  
**To:** Cllr Lewis <[lewis@southboroughcouncil.co.uk](mailto:lewis@southboroughcouncil.co.uk)>  
**Subject:** Fwd: FW: Southborough Cemetery (2 of 2)

> ----- Original Message -----

> **From:** Ian Beavis <[Ian.Beavis@Tunbridgewells.gov.uk](mailto:Ian.Beavis@Tunbridgewells.gov.uk)>

> **To:** [REDACTED]

> **Date:** 15/09/2023 21:50 BST

> **Subject:** FW: Southborough Cemetery (2 of 2)

>

>

> Second part of attachments here.

>

> Hi [REDACTED]

>

> Here are my thoughts on the best areas in Southborough Cemetery for a more eco-friendly style of management, with a discussion of some of the issues, a plan of the locations mentioned, and some illustrative photographs taken on my visit at the end of August.

>

> Best wishes

>

> Ian Beavis

> Research Curator

> The Amelia, Tunbridge Wells

>

> T: 01892 554484

> E: [ian.beavis@tunbridgewells.gov.uk](mailto:ian.beavis@tunbridgewells.gov.uk)

>

>

> Town Hall, Royal Tunbridge Wells, Kent, TN1 1RS

>

> -----Original Message-----

> **From:** [REDACTED]

> **Sent:** 14 September 2023 09:33

> **To:** Ian Beavis <[Ian.Beavis@Tunbridgewells.gov.uk](mailto:Ian.Beavis@Tunbridgewells.gov.uk)>

> Subject: Southborough Cemetery

>

> CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

> Hello Ian


>

> I'm looking forward to meeting David Elliott and other Southborough councillors at next Monday's public meeting on the Local Plan and would like to put some proposals before them for the management of the cemetery.

>

> Any help that you can give would be much appreciated.

>

> Best wishes, 















**RE: ITEM 8 KING CHARLES III CORONATION COMMEMORATION REQUEST**

**EMAIL REQUEST FROM RESIDENT**

**From:** Deputy Clerk

**Sent:** Friday, November 3, 2023 12:11 PM

**To:** [REDACTED]

**Cc:** Clerk <clerk@southboroughcouncil.co.uk>; Admin <admin@southboroughcouncil.co.uk>

**Subject:** RE: Coronation Tree

Dear Mr [REDACTED],

Thank you for your email following our telephone conversation.

I will add this as an agenda item for discussion at the Open Spaces & Environment Committee on 5<sup>th</sup> December 2023 @ 7 p.m. I will include your email correspondence in their agenda papers. I apologise that the Councillor did not clearly explain previous discussions were purely about the Queen's Canopy Project and I assure you that I will make it clear this is a King Charles Coronation tree/commemoration request.

I will send out the agenda nearer the time. You are welcome to attend and speak for around 5 mins in the public open session about this item. Councillors can then make a decision.

Many thanks.

**Kind Regards,**

**Miss Carolyn Ripley  
Deputy Town Clerk**

**From:** [REDACTED]

**Sent:** Friday, November 3, 2023 11:44 AM

**To:** Deputy Clerk <[deputyclerk@southboroughcouncil.co.uk](mailto:deputyclerk@southboroughcouncil.co.uk)>

**Subject:** Fw: Coronation Tree

Ms Carolyn Ripley

Hi Carolyn,

Further to my telephone call today, I am forwarding the correspondence which I had with Councillor Ian Kinghorn earlier this year.

I have heard nothing further from Mr Kinghorn since his e mail of 6<sup>th</sup> July and I understand from our telephone conversation this morning that a tree to commemorate King Charles's coronation has not even been raised at the meetings of the Open Spaces and Environment Committee.

To put you fully in the picture, I am sending you photos of the tree that was planted in 1953 to commemorate Queen Elizabeth II's coronation. I am also sending you a photo of a bench on Bidborough Ridge. If a village like Bidborough can afford plaques to commemorate coronations, surely a town like Southborough can do better!

I understand that it will not be possible to raise the matter of a coronation tree at the next committee meeting on 7<sup>th</sup> November but that you will put it on the agenda for the following committee meeting on 5<sup>th</sup> December. I confirm that I should like to address the committee at that meeting.

I look forward to hearing from you in due course.

Regards,

A black rectangular redaction box covering the signature of the sender.







Unsuitable  
for HGVs





THIS TREE WAS PLANTED BY THE  
CHAIRMAN OF THE S.U.D. COUNCIL  
COUNSELLOR JACK HURST J.P.  
TO COMMEMORATE THE CORONATION  
OF QUEEN ELIZABETH II  
JUNE 1953



## **RE: ITEM 8 KING CHARLES III CORONATION COMMEMORATION REQUEST**

### **EMAIL GUIDANCE FROM TREE CONTRACTOR**

**From:** Treework <info@treework.co.uk>  
**Sent:** Thursday, November 23, 2023 10:14 AM  
**To:** Deputy Clerk <deputyclerk@southboroughcouncil.co.uk>  
**Subject:** RE: Advice on Coronation Tree Request - Common opp Hand & Sceptre

Hi Carolyn,

Please see my thoughts below. See you next Monday at 11.30 at Holden Corner.

Regards

Keith

**From:** [Deputy Clerk](#)  
**Sent:** 13 November 2023 10:28  
**To:** [Treework](#)  
**Cc:** [Clerk](#); [Admin](#)  
**Subject:** RE: Advice on Coronation Tree Request - Common opp Hand & Sceptre

Hi Keith,

### **RE: Advice on Coronation Tree Request - Common opp Hand & Sceptre**

I had a call from a resident asking why we had not planted a tree for Charles' Coronation, given we planted a tree for Queen Elizabeth II in 1953 opposite the Hand & Sceptre. He sent me the attached photos. I had no idea myself. Anyway, I need to put his request to Councillors for a decision, but he is requesting another tree in the same location for Charles and specified a lime tree, stating these are Charles' favourite. I need to take a look on site, but in my mind, I feel like there is not room for a tree here, but wondered if you could advise if there is room or not? If so, can you advise on a lime, or propose another species? Otherwise, I think I will need to consider another location for his request or just a plaque or something else. I need to have some professional advice and options.

The Queen's Coronation tree is a Cherry and in poor condition which is not surprising as this is a tight spot for a tree and no doubt the roads have expanded slightly over the years and definitely become busier! This tree will need to be replaced in a few years maybe with a narrower Cherry variety that fits the site better.

As for a commemorative planting for our new King, if it were a Lime tree it would require a large area, as this species will grow to vast proportions and quite vigorously too. I suggest you first of all select a location, prominent but perhaps not roadside and then we can discuss the best species.

On a sep note, Cllrs did discuss a grove of 3 trees for the Queen's Jubilee Canopy Project that you and I discussed some time ago and we spoke about placing them on the South of France Area between Holden Road and Victoria Road, where some trees had died. However, we did not progress it because at that time, some major drains issues were being addressed by the water company at that location. Do you remember? I cannot recall what trees you recommended, can you remind me? I will probably need to progress this and get some quotes from you to report back.

I suspect I would have advised three indigenous tree species, probably Field Maple, Hornbeam and Oak.

**RE: ITEM 9 KCC KENT HIGHWAYS – FOOTPATH CONSULTATION**

**EMAIL FROM WILLIAM BARFOOT, KCC**

**From:** William Barfoot - GT - GC

**Sent:** Tuesday, November 21, 2023 12:00 PM

**To:** [info@southboroughcouncil.co.uk](mailto:info@southboroughcouncil.co.uk)

**Subject:** Proposed diversion of Public Footpath WS15 (part), Southborough

**Highways Act 1980 – Section 119**

**Kent County Council**

**Proposed diversion of Public Footpath WS15 (part), Southborough**

The County Council has received an application to divert part of Public Footpath WS15 at Southborough. I enclose an extract from the Definitive Map of Public Rights of Way (Network Copy) showing Public Footpath WS15 and a larger scale map (1:1250) showing the proposed diversion.

The application has been made by the landowner to divert part of Public Footpath WS15 from its current route going through the private driveway, to a route outside of the fenced private residence connecting to the unaffected section of the public footpath.

The landowner wishes to divert the section of public footpath to increase the security, privacy, and appeal of the properties being developed under planning permission: 23/01445/FUL

The length of Public Footpath WS15 to be diverted is shown by a solid black line between points A-B.

The proposed new routes will have a compacted stone surface (or similar) and a width of 2.0 metres and will follow the dashed line between points A-B shown on the attached plan.

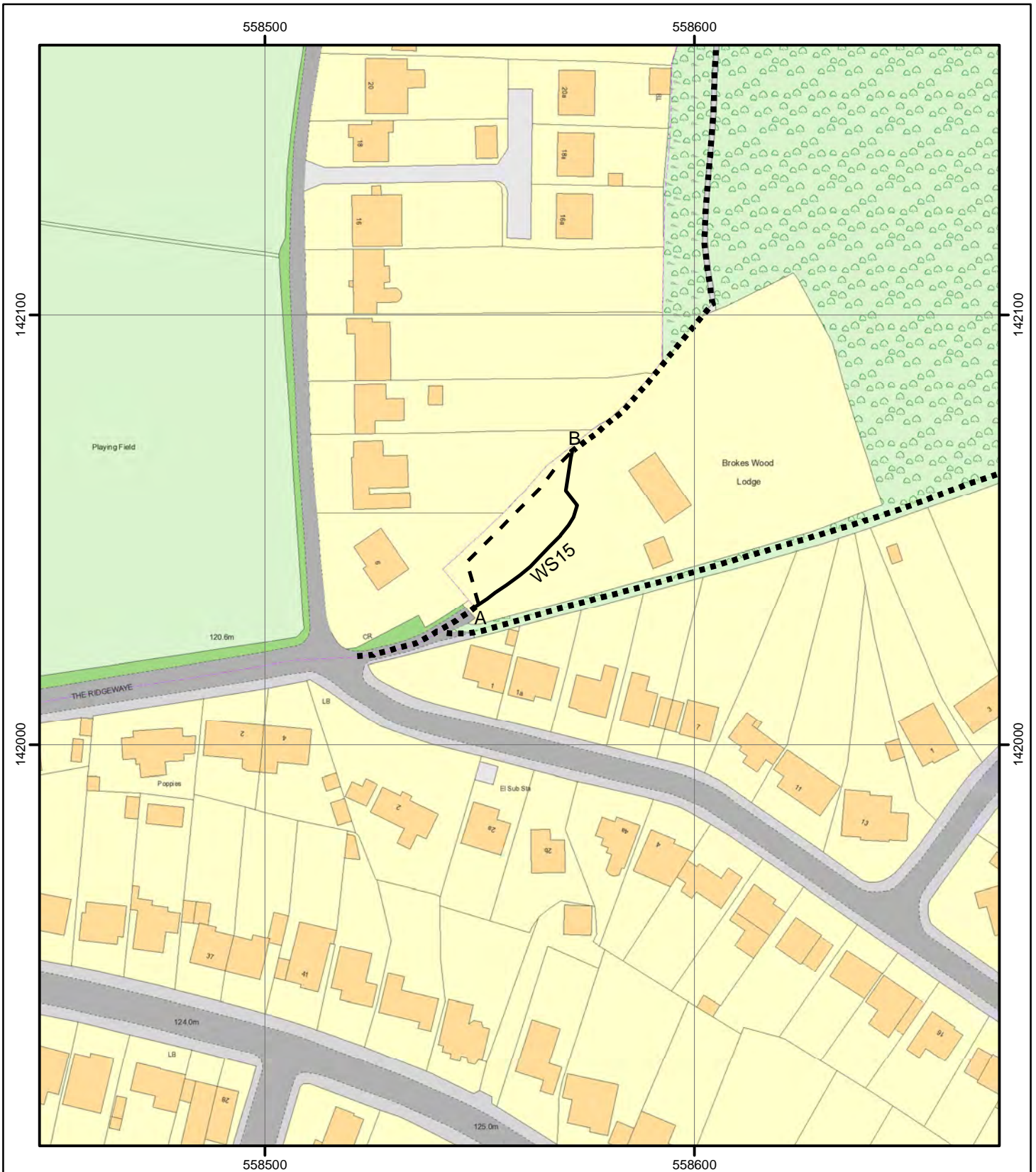
I recommend that you visit the site to view the proposed route and consider the benefits to the landowner and the public, and the affect it may have on enjoyment and convenience.

I should be pleased to receive your views on this proposal – using the form provided – before **22nd December 2023**.

Kind Regards

Mr William Barfoot | Definitive Map Team | PROW & Access | Countryside and Community Development | Growth, Environment & Transport | Kent County Council | Invicta House, Maidstone, ME14 1XX | Tel: 03000 418674 | [www.kent.gov.uk](http://www.kent.gov.uk)

Please help to save paper by NOT printing this email unless absolutely necessary.



**Key**

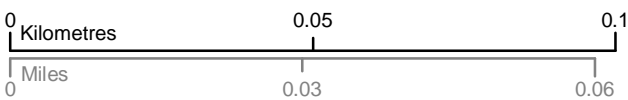
- Route to be diverted
- New Length of route
- Unaffected Routes

Highways Act 1980  
 Wildlife and Countryside Act 1981  
 The Kent County Council  
**PROPOSED (Public Footpath WS15 (Southborough))**  
 Public Path Diversion and Definitive Map and  
 Statement Modification Order 2023

Produced by the KCC Public Rights of Way and Access Service  
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1:1,250



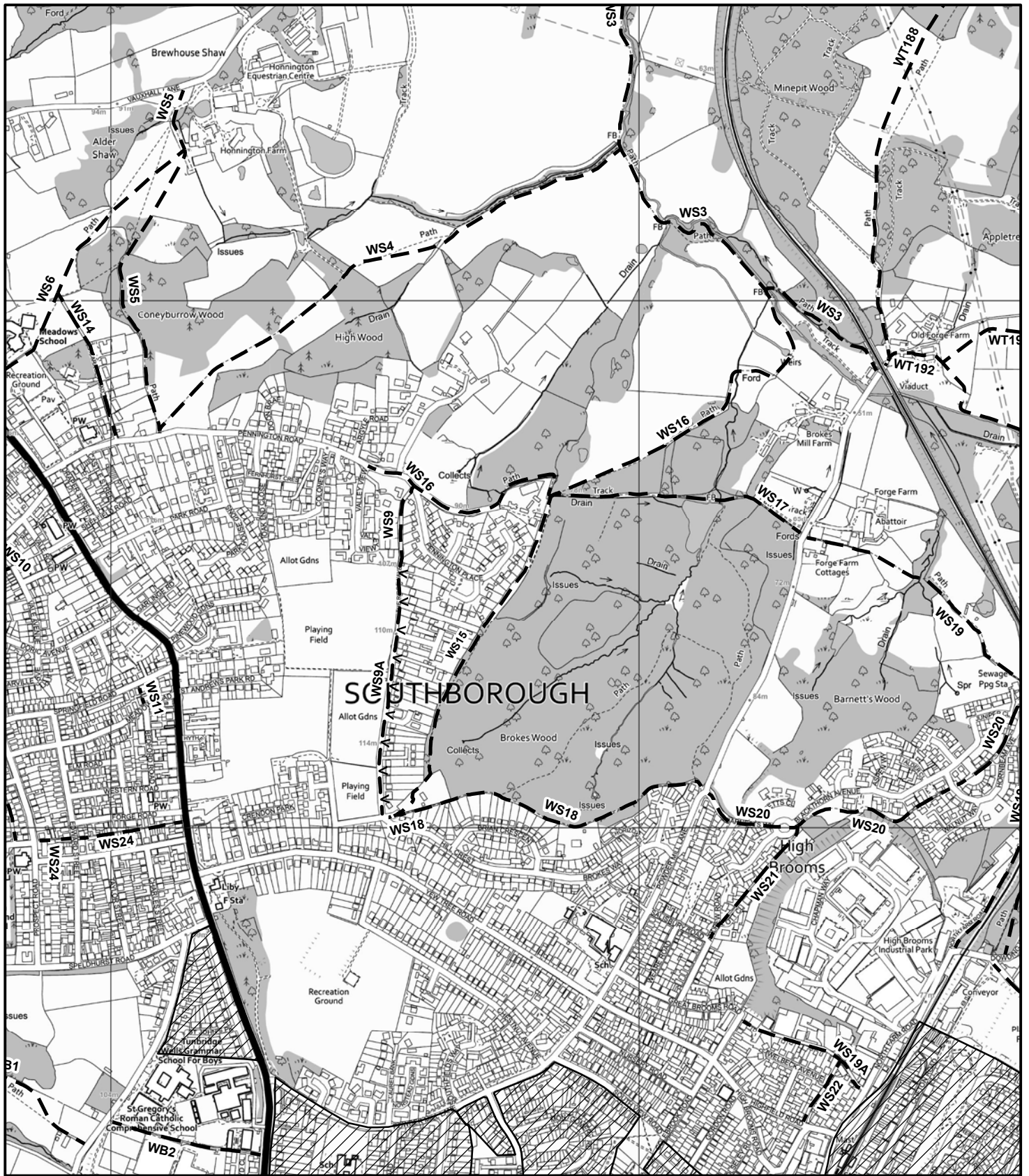
Created by: WJB Checked by:






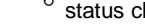

Reference: PROW/WS15/1707

Public Rights of Way and Access Service







-  Footpath
-  Bridleway
-  Restricted Byway
-  Byway Open to All Traffic
-  Point path number or status changes
-  Boundary of area covered by 1:2500 scale Network Map
-  Area covered by 1:2500 scale Network Map

**EXTRACT OF THE NETWORK COPY OF THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF KENT**

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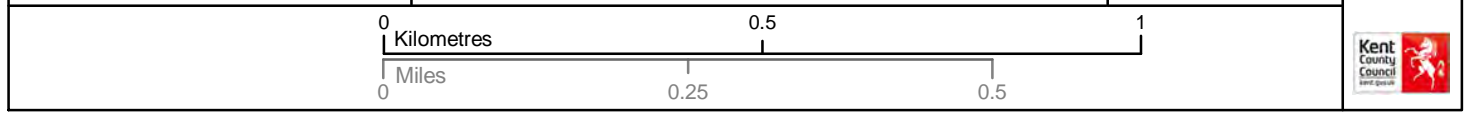
Produced by the KCC Public Rights of Way and Access Service

Created by:	WJB
Checked by:	
Issue Date:	17/10/2023
Reference:	WS15 Def

N



1:10,000



**KENT COUNTY COUNCIL – PROW AND ACCESS SERVICE  
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

**PLEASE RETURN TO:  
William Barfoot  
PROW and Access Service  
Kent County Council  
Invicta House  
County Hall  
Maidstone Kent ME14 1XX**

Proposal to divert part of Public Footpath WS18 at Southborough  
(our ref: PROW/WS15/1707)

**This consultation expires on 22nd December 2023**

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

- I agree the proposed diversion is in the landowner's interest
- I do not agree because

.....  
.....  
.....  
.....

- I agree the proposed diversion is not substantially less convenient to the public
- I do not agree because

.....  
.....  
.....  
.....

- I agree that the proposed diversion would not negatively impact upon public enjoyment of the route
- I do not agree because

.....  
.....  
.....  
.....

- I agree that the new point of termination will not be substantially less convenient to the public
- I do not agree because

.....  
.....  
.....  
.....



# Southborough Town Council

## Open Spaces & Environment Committee

5<sup>th</sup> December 2023

### Report by the Deputy Town Clerk

## RE: SOUTHBOROUGH COMMON BYELAWS

### SUMMARY

This report relates to the Southborough Common Byelaws (**please see the attached Southborough Common Byelaws, general information on Byelaws from gov.uk, and the example byelaws of the Tunbridge Wells Commons Conservators**).

### DECISION

I started looking at the byelaws in more depth following previous discussion of an amendment at the Open Spaces & Environment Committee on 4<sup>th</sup> July 2023 when Councillors agreed on the following amendment:

**5. ERECTION OF STRUCTURES** to clarify that structures are only permitted with Town Council approval and in relation to community events with Town Council permission/checks in place, but that this would permit bouncy castles under these circumstances only. Council Members **AGREED** that the Deputy Town Clerk would seek some legal guidance on exact wording to be reported back to Council Members by email.

However, on further investigation, the process of creating or amending a byelaw is more complex and requires a more detailed approach that includes public consultation and approval from the Secretary of State (**please see the attached information from gov.uk**). As such, I am not able to make the above amendment. After establishing that we need to follow set protocols, it seems logical to consider reviewing and revising all of the byelaws, as needed, at the same time.

I have attached the Tunbridge Wells Common Byelaws, so you can see how they have done theirs (**please see previously supplied example byelaws of the Tunbridge Wells Common Conservators**). If you read the gov.uk guidance, you will note that some byelaws can be repealed if no longer relevant, or if governed by other legislation.

### RECOMMENDED

This will take me some time to review and I may need expert guidance, given I am already tasked with reviewing other key Town Council policies at the moment, on top of the daily operational needs, managing other committee work/projects, and assisting and training the Office Administrator. I will need to bring back some proposed revisions to allow further discussion before we move forward to consultation and application to amend. We can use this process to present the Southborough Common Byelaws in a more readable format also, since we only have a PDF of a very old version in tiny font/script.

Council Members to **NOTE** this report for further discussion and review at a later date.

**Carolyn Ripley**  
Deputy Town Clerk

# SOUTHBOROUGH COMMON

## BYELAWS

Made by the Town Council of Southborough  
under Section 1 of the Commons Act 1899, with respect to Southborough Common

### INTERPRETATION

1. In these byelaws:  
"the Common" means the piece of land with the ponds, streams, paths and roads thereon, commonly known as Southborough Common, which includes Whortleberry Wood, situate in the District of Tunbridge Wells in the County of Kent, and referred to as "the Common" in the Scheme made on 28 June 1949 under section 1 of the Commons Act 1899 for the regulation and management of Southborough Common;  
"the Council" means the Town Council of Southborough.

### VEHICLES

2. (1) 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 Common a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the Common where there is a right of way for that class of vehicle.
- (2) 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 placed in conspicuous positions, between it and the entrance to the Common.
- (3) This byelaw shall not extend to invalid carriages.
- (4) In this byelaw:  
"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;  
"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;  
"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;  
"motor vehicle" means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;  
"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

### SHOWS, EXHIBITIONS AND STRUCTURES

3. No person shall, except in the case of a fair lawfully held, place on the Common any show, exhibition, swing, roundabout or other like thing.

### REMOVAL OF STRUCTURES

4. 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.

### ERECTION OF STRUCTURES

5. No person shall on the Common, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

### CAMPING

6. No person shall on the Common, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except on any area which may be set apart and indicated by notice as a place where camping is permitted.

### FIRES

7. (1) 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.
- (2) This byelaw shall not prevent the 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.

### TRADING

8. 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.

### MISSILES

9. No person shall on the Common, to the danger or annoyance of any other person on the Common, throw or discharge any missile.

### PROTECTION OF WILDLIFE

10. (1) 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.
- (2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

### GRAZING

11. No person shall, without the consent of the Council, turn out or permit any animal to graze on the Common.

### HORSES

12. No person shall, without the consent of the Council, drive, ride, exercise or break in a horse on the Common.

### WATERCOURSES

13. No person shall knowingly cause or permit the flow of any drain or watercourse on the Common to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus on the Common.

### POLLUTION OF WATERWAYS

14. No person shall intentionally, carelessly or negligently foul or pollute any waterway comprised in the Common.

### BATHING

15. No person shall, without reasonable excuse, bathe or swim in any waterway comprised in the Common, except in an area where a notice exhibited by the Council permits bathing and swimming.

### GAMES

16. A person resorting to the Common and playing or taking part in any game for which the exclusive use of any space on the Common has been set apart shall:
- not play on the space any game other than the game for which it is set apart;
  - in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the Common by other persons; or
  - 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.

### OBSTRUCTION

17. No person shall on the Common:
- intentionally obstruct any officer of the Council in the proper execution of his duties;
  - intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - 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.

### SAVINGS

18. (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.
- (2) 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.

### PENALTY

19. 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.

### REVOCATION

20. The byelaws made by the Urban District Council of Southborough on 30 November 1949, 20 July 1953 and 25 July 1972 and confirmed by the Secretary of State for the Home Department on 1 February 1950, 1 September 1953 and 16 November 1972 relating to the Common are hereby revoked.

## Key:

Red: bye-laws probably no longer valid

Blue: behavior best dealt with under other legislation

Green: bye-law repealed

# BYE-LAWS

FRAMED BY

**The Conservators of the Tunbridge Wells Commons for the government, control, improvement, and management of the said Commons under and pursuant to the provisions of the Tunbridge Wells Improvement Act, 1890.**

### *Interpretation of Terms.*

Throughout these Bye-Laws the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:-

" The Act " means the Tunbridge Wells Improvement Act, 1890.

" The Commons " means the Commons as denned by section 151 of the Act.

" The Conservators " means the Conservators nominated and appointed for the time being under the provisions of section 152 of the Act.

" Person " includes corporation aggregate or sole.

" Constable " means and includes any Police Constable for the time being acting in and for the Borough of Tunbridge Wells.

" Officer of the Conservators " means and includes any officer or person for the time being in the service of the Conservators.

" Daily Penalty " means a penalty for each day on which the offence is continued or repeated after conviction thereof.

Words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular.

*For the government, control, improvement, and management of the Commons, and the preservation of good order and conduct among persons frequenting them.*

1. No person shall on any part of the Commons wilfully obstruct, disturb, or annoy any other person in the proper use of the Commons, or wilfully obstruct, or

disturb, any officer, agent, or servant of the Conservators in the execution of his duty.

2. No person shall on any part of the Commons sell or offer or expose for sale or hire, any commodity or article without the authority of the Conservators.
3. No person shall fire a gun, pistol, or other firearm, or discharge any airgun, catapult, or sling on any part of the Commons, or commit or do any other act or thing thereon, whereby persons lawfully using or being on the Commons may be endangered.
4. No person shall collect, incite, or take part in, any unlawful assembly or disorderly gathering of persons on any part of the Commons.
5. Every person who shall infringe any Bye-Law for the regulation of the Commons may be removed therefrom by any officer of the Conservators, or by 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 be 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 on the Commons of the person infringing the Bye-Law may result in another infraction of a Bye-Law, or that the removal of such person from the Commons is otherwise necessary as a security for the proper use and regulation thereof.

*For the exclusion and removal from the Commons of prostitutes, gipsies, beggars, rogues and vagabonds, gamblers, card sharpers, squatters, settlers, and exhibitors of infamous or indecent books, prints, photographs, or pictures, or other objects, or persons guilty of brawling, fighting, or quarrelling, or using indecent or improper language, or any idle or disorderly person and the apprehension of all offenders, so that all such persons may be dealt with according to law.*

6. No prostitute, gipsy, beggar, rogue, vagabond, squatter, or disorderly person shall frequent or resort to or remain on the Commons.
7. No person shall gamble, or play with cards, or dice, or any device for gambling on the Commons. No person shall exhibit or distribute any infamous or indecent book, print, photograph, picture, representation, or object on the Commons. No person shall brawl; fight, or quarrel, or use indecent language on the Commons.

8. Any Constable or officer of the Conservators may apprehend and detain in custody any person who shall offend against the preceding Bye-Law in the same manner and subject to the same conditions in all respects as Borough Constables may apprehend idle and disorderly persons under Section 193 of the Municipal Corporations Act, 1882.

*For the protection of walls, railings, fences, lamp-posts, trees, bushes, gorse, heather, walks, and other things on the Commons.*

9. No person shall destroy, injure, deface, or defile any part of any rock, or any wall, railing, fence, lamp-post, seat, statue, monument, work of art, drinking fountain, ornament, decoration, notice board, or any other structure, erection, or thing on the Commons.
10. No person shall destroy or injure any trees, bushes, gorse, heather, plants, or grass on the Commons.
11. No person shall without the authority of the Conservators, remove or displace any rock or any wall, railing, fence, lamp-post, seat, statue, monument, work of art, drinking fountain, ornament, decoration, notice board, or any plate or tablet containing the name of any tree, shrub, or plant on the Commons.
12. No person shall without the authority of the Conservators on any part of the Commons break or pluck any branch of any tree or sapling, or any gorse or fern.
13. No person shall light any fire on the Commons, or burn, or cause to be burnt thereon, anything whatsoever, or place, throw, or let fall any lighted or combustible substance, article, or thing which may cause or be likely to cause damage or injury by fire, to anything growing or being on the Commons.

*For the prevention of nuisances, annoyances, obstructions, and encroachments on the Commons.*

14. No person shall commit any nuisance, or act in an indecent or disorderly manner on the Commons.
15. No person shall (save under the directions or with the sanction of the Conservators as provided by section 168 of the Act), inclose or attempt to inclose any part of the Commons, or erect or maintain, or attempt to erect or maintain, or cause or procure to be erected or maintained, on the Commons any thing whatsoever which shall be an encroachment upon the Commons, or which shall in any way diminish the area of the Commons.

*For the prevention of the deposit of road sand, or rubbish, or other matter.*

16. No person shall, without the authority of the Conservators, throw, deposit, or leave or cause or suffer to be thrown, deposited, or left any road sand, rubbish,

rags, refuse, substance, or matter or material whatsoever, on any part of the Commons.

*For the prevention of the taking, cutting, or digging turf, sods, gravel, clay, sand, and the like.*

17. No person shall, without the authority of the Conservators, take, cut, or dig, any turf, peat, sods, gravel, clay, loam, sand, or soil, on any part of the Commons.

*For the prevention of bird catching, bird trapping, and the robbing of birds' nests or eggs.*

18. No person shall on any part of the Commons take, injure, or destroy any bird, or spread or use any net, or set or use any snare or other engine, instrument, or means for the taking, injuring, trapping, or destruction of any bird, or displace, disturb, injure, or destroy any bird's nest, or take, injure, or destroy any bird's egg.

*For the prevention of shooting or chasing of game, pigeons, or other birds, rabbits, or other animals, on the Commons.*

19. No person shall, without the authority of the Conservators, shoot or chase game, pigeons, or other birds, or rabbits, or any other animals, on any part of the Commons.

*For the regulation and control of assemblages of persons on the Commons, and of sports and games played there, and the use thereof by volunteer corps and others.*

20. No person shall in any way interfere with any meeting lawfully held on any part of the Commons.

21. No person shall, except with the consent of the Conservators, play any game upon any portion of the Commons specially reserved for cricket matches and defined by lines or in some other conspicuous manner.

22. No person shall upon any part of the Commons specially set apart for cricket, play or take part in any game of football, quoits, or hockey, or any other game likely to injure the turf.

23. No person shall on Sunday play any game on the portions of the Commons set apart or enclosed by the Conservators for cricket, football, or other games.

24. No person shall drive or ride or lead any horse over any portions of the Commons set apart or inclosed by the Conservators for cricket, football, or other games.

25. No person shall obstruct, interfere with, or annoy any persons who are playing or have made preparations for playing at cricket, football, or any other lawful game



upon the portions of the Commons set apart or inclosed by the Conservators for cricket, football, or other games.

26. No person shall except with the consent of the Conservators, and subject to the proviso hereinafter contained, drill or practice, or take part in any military evolutions, or cause or permit any person to drill or practice or take part in any military evolutions upon any part of the Commons. Provided that nothing in these Bye-Laws shall be construed as prohibiting on the Commons (a) Infantry Military drill, (b) Encampment of troops for a single night for a halt on a march to or from their quarters, (c) A review (with the previous assent of the Conservators) of Her Majesty's troops and auxiliary forces, such assent to be subject to the following conditions :-

When an adequate area for such drill, encampment, and reviews respectively has been fixed by the Conservators, that area only shall be used for such purpose. All damage done by Her Majesty's troops and auxiliary forces to the surface of the Common, which shall be capable of immediate reparation, shall be made good by the troops and forces encamped before they leave the Common, and any damage which can be compensated only by pecuniary payment, shall be so compensated by the Secretary of State for War.

Any difference which may arise between the Secretary of State for War and the Conservators concerning the adequacy of the area fixed by the Conservators for the respective purposes aforesaid, or concerning compensation for damage done to the Commons, shall be determined by the First Commissioner of Works.

*For the regulation of the use of animals and carriages let out for hire on the Commons, and of the drivers of carriages and of persons letting out for hire or using animals or carriages thereon, and in general the regulation of riding on the Commons.*

27. No person shall, without the consent of the Conservators, stand for hire any animal or carriage on any part of the Commons.
28. A person permitted by the Conservators to stand for hire any animal or carriage on the Commons, shall, when so standing for hire, stand and remain at the stands defined by posts and adjoining the road leading from Vale Royal to Mount Edgecumbe, or at such other stand or part of the Commons as shall from time to time be prescribed by the Conservators.
29. A person permitted by the Conservators to stand for hire any animal or carriage on the Commons shall charge such fares as shall from time to time be prescribed by the Council of the Borough in respect of animals and hackney carriages standing or plying for hire in the streets of the Borough.

30. Every driver of any animal or carriage who shall be permitted by the Conservators to stand for hire on the Commons shall be sober and cleanly, and conduct himself with propriety towards every hirer of such animal, or carriage, and shall comply with every reasonable requirement of any such hirer, and of any Constable, and of any officer of the Conservators, and shall not leave his animal or carriage unattended for any purpose.
31. No person shall ride any horse or other animal on the Commons during the months from November to March, both inclusive, nor at any time on any parts of the Commons on which for the time being riding is prohibited by the Conservators.

*For the prevention of vehicles, including bicycles, tricycles, and velocipedes, being driven or horses being exercised by grooms, or others on any part of the Commons not set apart by the Conservators for the purpose.*

32. No person shall drive or ride any vehicle, bicycle, tricycle, or velocipede, or other like machine, on any part of the Commons on which, for the time being, the driving or use of such vehicles or machines is by notice placed on the Commons prohibited by the Conservators.
33. No person shall ride or lead for the purpose of exercise or training any horse or other animal upon any part of the Commons not set apart by the Conservators for that purpose, or in a manner likely to endanger the safety or comfort of persons lawfully using or being on the Commons.

*For the prohibition and prevention of any new roads or ways being formed across the Commons or any of them save with the consent of the Conservators, and subject to the conditions and restrictions prescribed by them.*

34. No person shall, without the authority of the Conservators, make or form any new road, path, or way over or across any part of the Commons (other than such portions of the Commons as are coloured red on the plan referred to in section 151 of the Act).

*For the prohibition and prevention of the fouling of any ornamental or other lakes, ponds, or waters, the regulation of skating and sliding thereon, the prevention of the destruction or injury of aquatic or other birds or of other animals or of fish therein.*

35. No person shall bathe, wade, or wash in, or foul or pollute the waters of, any lake, pond, stream, ornamental or other water on the Commons.
36. No person shall take, injure, or destroy, or attempt to take, injure, or destroy, or disturb, or worry, or illtreat any fowl in any lake, pond, stream, ornamental or other water, or elsewhere on the Commons.



37. No person shall, without the authority of the Conservators, place or use any boat or canoe upon any lake, pond, stream, ornamental or other water on the Commons.
38. No person shall cast, throw, or deposit in any lake, pond, stream, ornamental or other water on the Commons, any soil, stones, refuse, rubbish, manure, dead animal, or other matter or thing whatsoever.
39. No person shall, with intent to drown the same, cast or throw any dog, cat, or other animal into any lake, pond, stream, ornamental or other water on the Commons.
40. No person shall, without the authority of the Conservators, break any ice upon or remove any ice from any lake, pond, stream, ornamental or other water on the Commons.
41. No person shall walk, skate, slide, or go upon any lake, pond, stream, ornamental or other water on the Commons when frozen, after notice by the Conservators, or their officers, or by the Police, that it is dangerous to do so.

*For the prevention of the posting of bills or placards, and the writing, stamping, cutting, painting, drawing, or marking in any manner of any word or character, or of any representation of any object on any of the rocks on or about the Commons or on any wall, railing, fence, tree, lamp-post, walk, pavement or seat, or elsewhere.*

42. No person shall, without the authority of the Conservators, affix or post any bill, placard, or notice to or on any rock, or on any wall, railing, fence, tree, lamp-post, building, tent, barrier, board, walk, pavement, seat, statue, monument, work of art, or drinking fountain, or to or on any other structure, erection, or thing on the Commons.
43. No person shall write, stamp, cut, paint, draw, mark, or delineate in any manner any word or character, or representation of any object on any rock, or on any wall, railing, fence, tree, lamp-post, building, tent, barrier, board, plate, tablet, post, walk, pavement, seat, statue, monument, work of art, or drinking fountain, or on any other structure, erection, or thing on the Commons.

*For the regulation, and if need be the prohibition, of placing, drying, or bleaching of clothes, household linen, or other materials or things, and the beating and cleansing of carpets or like articles on the Commons.*

44. No person shall on the Commons, except under such restrictions, and at such places as the Conservators shall from time to time prescribe, hang, place, spread, or deposit any clothes, household linen, or other fabric, materials or things, for the purpose of drying or bleaching.

45. No person shall on the Commons, except under such restrictions, and at such places as the Conservators shall from time to time prescribe, beat, shake, sweep, brush, or cleanse any carpet, drugget, rug, or mat, or any other fabric retaining dust or dirt.

*For the temporary inclosure of portions of the Commons for the protection and renewal of the herbage thereon.*

46. The Conservators may temporarily inclose portions of the Commons for the purpose of preserving and renewing the turf, herbage, trees, and grass growing thereon; and no person shall, without the authority of the Conservators, enter any portions so inclosed, or interfere with the fences put up for such inclosure.  
[Conservators only allowed to enclose for six days.]

*For the imposition of penalties for breach of the Bye-Laws.*

47. Every person who shall offend against any of the foregoing Bye-Laws shall be liable for every such offence to a penalty of forty shillings and to a daily penalty of twenty shillings. [Penalties now fixed]

48. Every person who shall aid, abet, counsel, or procure the commission of any offence against any of the foregoing Bye-Laws shall be liable to the same penalty and penalties as the principal offender.

49. Provided nevertheless that the Justices or Court before whom any complaint may be made or any proceedings may be taken in respect of any offence against the foregoing Bye-Laws may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by these Bye-Laws.  
[Penalties now fixed]

50. Provided always that nothing in these Bye-Laws shall affect any rights of pasturage and other rights in and over the Commons claimed by the Lord and tenants, except so far as is necessary for purposes of the Act within the meaning of section 186 thereof.

*The foregoing Bye-Laws were framed by the Conservators, at a meeting held at the Town Hall, Tunbridge Wells, on Tuesday, this 26th day of May, 1891.*

*Given under the hands of us, the undersigned Conservators, the day and year aforesaid.*

F. WADHAM ELMERS.  
HENRY H. CRONK.  
FRANK Wm STONE.  
EBENEZER WALTER.

W. C. CRIPPS,  
*Clerk to the Conservators.*

*I hereby confirm the foregoing Bye-Laws.*

HENRY MATTHEWS,  
*One of Her Majesty's principal Secretaries of State.*

Whitehall,  
23rd February, 1892.

The following were appended to the Act when it was reprinted in 1960:

1. Throughout these byelaws the expression “the Conservators” means the Conservators nominated and appointed for the time being under the provisions of Section 152 of the Tunbridge Wells Improvement Act, 1890; the expression “the Commons” means the Commons as defined by Section 151 of the said Act and the expression “power-driven model aircraft” means any model aircraft driven by the combustion of petrol-vapour or other combustible substances.
2. A person shall not fly any power-driven model aircraft on the Commons.
3. Every person who shall offend against the foregoing bye-laws shall be liable on summary conviction to a fine not exceeding two pounds.

*The foregoing bylaws were framed by the Conservators, at a meeting held at the Town Hall, Tunbridge Wells, on Tuesday, this Twenty-third day of June, One thousand nine hundred and fifty-three.*

*Given under the hands of us, the undersigned Conservators, the day and year aforesaid.*

*Commons Conservators* (Sgd.) SYDNEY V. THORPE  
(Sgd.) J. A. McNAB  
(Sgd.) R. W. CARD

(Sgd.) JOHN WHITEHEAD,  
Clerk to the Conservators.

*Ii hereby confirm the foregoing byelaws and fix the date on which they are to come into operation as 1<sup>st</sup> October, 1953.*

*(Sgd.) DAVID MAXWELL FYFE,  
One of Her Majesty's Principal Secretaries of State.*

L.S.

WHITEHALL.  
*10<sup>th</sup> September, 1953*

Byelaw No.23 of the Byelaws framed by the Conservators of the Tunbridge Wells Commons on the 26<sup>th</sup> day of May, 1891, and confirmed by the Secretary of State on the 23<sup>rd</sup> day of February, 1892, is hereby repealed.

*Given under the hands of the undersigned Conservators, this 6<sup>th</sup> day of October, 1959.*

*Signed*            N. GLANDFIELD  
                         H. A. SHEPPARD  
                         D. SAVAGE

*Countersigned*    JOHN WHITEHEAD,  
   *Clerk to the Conservators*

*The Secretary of State this day confirmed the foregoing Byelaw and fixed the date on which it is to come into operation as the 1<sup>st</sup> day of April, 1960*

*Signed E. H. GWYNN,  
An Assistant Under Secretary of State.*

L.S.

HOME OFFICE, WHITEHALL.  
*15<sup>th</sup> February, 1960*

# <https://www.gov.uk/guidance/local-government-legislation-byelaws>

## Local government legislation: byelaws

Guidance for councils on making, amending and revoking byelaws.

From:

[Department for Levelling Up, Housing and Communities](#) and [Ministry of Housing, Communities & Local Government](#)

Published

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**Applies to England**

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### Introduction

Byelaws are local laws made by a local council under an enabling power contained in a public general act or a local act requiring something to be done – or not done – in a specified area. They are accompanied by some sanction or penalty for their non-observance.

If validly made, byelaws have the force of law within the areas to which they apply. Generally byelaws are overseen by the relevant government department or confirming authority who has policy responsibility for the subject matter.

The Department for Levelling Up, Housing and Communities (DLUHC) have responsibility for byelaws covering pleasure grounds and open spaces and good rule and government. These relate in the main to the peaceful enjoyment of parks and open spaces and the suppression of nuisances.

Other government departments are responsible for byelaws covering their policy areas.

Byelaws are enforced by the local authority through the magistrates' court and contravening a byelaw can result in a fine upon successful conviction.

Byelaws are considered measures of last resort after a local council has tried to address the local issue the byelaw applies to through other means. A byelaw cannot be made where alternative legislative measures already exist that could be used to address the problem. Byelaws should always be proportionate and reasonable. Where a byelaw is no longer necessary, it should be revoked.

## **The Byelaws (Alternative Procedure) (England) Regulations 2016**

The [Byelaws \(Alternative Procedure\) \(England\) Regulations 2016](#) introduce new arrangements for byelaws.

The regulations simplify the procedures for making new byelaws and amending byelaws, including replacing the Secretary of State for Levelling Up, Housing and Communities' role in confirming byelaws. This is now a matter for the local council, having taken account of any representations made about the proposed byelaw.

The regulations also give councils powers to revoke byelaws under an entirely local process.

The regulations do not give local authorities powers to create new categories of byelaws.

Read the [letter from DCLG to local authority chief executives about the new arrangements](#) (PDF, 174 KB, 3 pages)

## Level of scrutiny by DLUHC

The new arrangements transfer the accountability for making byelaws to local councils. Local councils should ensure that a proposed byelaw is proportionate and necessary before making any new byelaw.

Under the new decentralised arrangements, DLUHC will assume information supplied by the local authority in its application for leave to make a byelaw is correct.

The Secretary of State will consider the draft byelaws, report and deregulatory statement provided by the local authority and will, within 30 days, either give leave to make the byelaw, or not give leave to make the byelaw.

The Secretary of State may also choose to defer his decision to allow time for further consideration.

The new arrangements allows the local authority to make only minor modifications to the proposed byelaws after leave has been given to make the byelaws. Councils should therefore ensure care is taken when drafting byelaws.

## List of byelaws the new arrangements apply to

The new arrangements for making byelaws apply to all the DLUHC byelaws listed in the table below.

Byelaws which are the policy responsibility and confirmed by other government departments will not be affected by the new arrangements.

Byelaw	Enactment	Byelaw making authority
1. Public walks and pleasure grounds	<a href="#">Public Health Act 1875, s164</a>	A district council, a parish council and a London borough council

Byelaw	Enactment	Byelaw making authority
2. Open spaces and burial grounds	<a href="#">Open Spaces Act 1906, s12</a>	A county council, a district council and a parish council
3. Open spaces and burial grounds	<a href="#">Open Spaces Act 1906, s15</a>	A county council, a district council and a parish council
4. Seashore	<a href="#">Public Health Acts Amendment Act 1907, s82</a>	A district council and a London borough council
5. Promenades	<a href="#">Public Health Acts Amendment Act 1907, s83</a>	A district council and a London borough council
6. Public bathing	<a href="#">Public Health Act 1936, s231</a>	A district council and a London borough council
7. Pleasure fairs and roller skating rinks	<a href="#">Public Health Act 1961, s75</a>	A district council and a London borough council



Byelaw	Enactment	Byelaw making authority
8. Hairdressers and barbers	<a href="#">Public Health Act 1961, s77</a>	A district council and a London borough council
9. Good rule of government and the suppression of nuisances	<a href="#">Local Government Act 1972, s235</a>	A district council and a London borough council
10. Market places	<a href="#">Food Act 1984, s60</a>	A district council, a London borough council and a parish council
11. Revocation of byelaws falling within any of the above entries	<a href="#">Local Government Act 1972, s236B</a>	A county council, a district council, a London borough council and a parish council

## Making a new byelaw

When making a byelaw a local authority should have regard to, and fully comply with, the [Byelaws \(Alternative Procedure\) \(England\) Regulations 2016](#), which detail the alternative arrangements for making a byelaw.

### Step 1: draft proposed byelaw, assessment and consultation

The local authority determines if there is a need to make a byelaw and if they have the power to make such a byelaw, then consults upon the proposed byelaw.

In considering whether or not a byelaw is an appropriate method for dealing with an issue, the council must follow this process.

The decentralised arrangements recognise that authorities are best placed to make the final decision on whether or not byelaws are appropriate in their area, but byelaws should be proportionate and should not have an unnecessary, excessive or disproportionate effect on individuals or businesses.

The local authority must prepare a draft of the proposed byelaw. [Model byelaws](#) may be useful in preparing the draft. Local authorities should have regard to the guidance notes accompanying the model byelaws when preparing byelaws.

The local authority must then undertake a regulatory assessment of the proposed byelaw to ensure that the proposed byelaw is proportionate. The regulatory assessment must include at least the following considerations:

- what is the objective of the proposed byelaw?
- could the objective be achieved in any other way, short of a byelaw?
- what will be the impact of the byelaw upon those affected by it?
- will the proposed byelaw increase, or decrease, the regulatory burden imposed upon those affected by it, and can the local authority express this increase or decrease as a financial cost or benefit?
- how does making the proposed byelaw compare with taking no further action?

In carrying out the regulatory assessment, the local authority must consult such persons as it considers may be affected by the proposed byelaw – which may include persons who are not resident in the area of the authority. This is particularly important in relation to byelaws concerning parks and recreation grounds, where those visiting and using public facilities and therefore subject to the byelaws, if made, may not be local residents.

As well as being a requirement of the byelaw making process, thorough consultation with interested parties can result in the creation of a more suitable byelaw that is more resistant to challenge and less likely to be the subject of objections than would otherwise have been the case. Consultation also allows the local authority to gauge support for the proposed byelaw.

The extent of the consultation will depend upon the type of byelaw proposed. Local councils should consult widely about any proposals as well as with the particular groups affected. Local councils should ensure that they consult with any local disability groups to make sure that their opinions are taken into account.

It will be for local councils to determine that they take account of requirements under the Equality Act 2010.

Once the local authority has assessed the proportionality of the proposed byelaw, the local authority must then prepare a statement of this assessment. The local authority must record in the statement of the assessment:

- the conclusions of the local authority about the impact of the proposed byelaw on those affected by it
- the conclusions of the local authority about whether or not the proposed byelaw will result in an increased regulatory burden
- where the local authority considers that the proposed byelaw will result in an increased regulatory burden, the reasons why the local authority considers that increase to be proportionate and necessary.

The local authority must then publish the statement of the assessment on its website, if it has one. It must also publicise the statement of its assessment so that it is brought to the attention of people who live in the local authority's area and those who may otherwise be affected by the proposed byelaw.

## **Step 2: submit application for approval**

Following consultation and assessment, the local authority must submit their application to the Secretary of State for approval. The Secretary of State must respond within 30 days.

The application should contain the draft proposed byelaw, the deregulatory statement and a report:

- identifying the enactment under which the byelaw is proposed to be made
- confirming that the new, alternative procedure for making the proposed byelaw has been followed
- explaining the purpose of, and need for, the byelaw
- explaining the local authority's reasons why it considers the proposed byelaw is reasonable, and why the proposed sanction for contravening the byelaw is both necessary and proportionate
- explaining whether or not any other existing enactment, law or legislation already fulfils the purpose of, and need for, the proposed byelaw
- explaining why, if any other existing enactment, law or legislation already fulfils the purpose of, and need for, the proposed byelaw, the local authority still considers there is a need for the proposed byelaw

- providing assurance that if it is the case that the local authority considers that no other existing enactment, law or legislation already fulfils the purpose of, and need for, the proposed byelaw, the proposed byelaw does not conflict with any existing enactments
- showing whether the local authority has revoked or is revoking a byelaw in relation to this application to make a new byelaw
- explaining whether the local authority has used a model byelaw to help draft the proposed byelaw and if so, which one
- identifying, by using a map if necessary, the area to which the byelaw applies
- describing the result of the consultation
- summarising any objections made to the proposed byelaw during the consultation exercise and the local authority's response to those objections; the authority should also include with the report copies of all correspondence dealing with the objections

The applications should be sent to:

Byelaws Team  
 Department for Levelling Up, Housing and Communities  
 2nd Floor North East, Fry Building  
 2 Marsham Street  
 London  
 SW1P 4DF

Or emailed to [byelaws@levellingup.gov.uk](mailto:byelaws@levellingup.gov.uk).

### **Step 3: Secretary of State's decision**

The Secretary of State may give leave for the council to make the proposed byelaw, send an acknowledgment and give a substantive response at a later date, or refuse to give leave to the council to make the byelaw. The Secretary of State may request minor technical and formatting changes when giving leave to make the byelaw.

This ends the Secretary of State's, and DLUHC's, involvement with the byelaw making process.

### **Step 4: advertise and consult on the proposed byelaw**

If the Secretary of State gives leave for the proposed byelaw to be progressed, a local authority must give notice of the proposed byelaw in one or more local

newspapers circulating in the area to which the byelaw applies, on its website (if it has one) and in such other manner as it sees fit.

The notice should identify the area to which the proposed byelaw will apply, give a summary of its intended effect, and specify where the proposed byelaw along with the local authority's assessment statement and the local authority's report on the proposed byelaw may be inspected.

The notice must state the consultation period, of not less than 28 days, within which the public may inspect the draft byelaws and also publish an address to which representations on the byelaws can be made within this period.

The authority is free to state a longer consultation period, as byelaw proposals vary, some being more complex than others. The notice must also state the address, and if necessary the email address, to which members of the public may send representations about the proposed byelaw.

Members of the public have the right to obtain copies of the proposed byelaws and the report, for a reasonable charge. Suggested wording of the newspaper notice is:

[Name of Council]

Notice is hereby given that [Name of Council] intends to make new byelaws [insert here a description of the byelaws, their effect and their geographical extent].

Copies of the proposed byelaws will be kept at the offices of the Council at [address or addresses] and will be open to inspection without payment on any weekday during usual business hours for 28 days from the publication of this notice.

The byelaw may also be viewed at [website address].

Written representations about the byelaws, including any objections, should be sent to [address] by [closing date].

Signed [Name] Proper Officer of the Council

Date

## **Step 5: consideration of representations**

The local authority must consider all representations received, including objections, before making any decision about whether or not to make the proposed byelaw.

It is for the local authority to determine how to proceed with any representations received.

## **Step 6: deciding to make the byelaw**

Once the consultation period has expired, the local authority then has 6 months to decide whether or not to make the byelaws (with or without minor modification).

This 6 month period allows an adequate time for representations to be considered, for a council meeting to be arranged and a decision about whether to make the byelaws to be taken.

A minor modification to a proposed byelaw is a modification that does not bring any new activity into the scope of the proposed byelaw or increase the scope of any prohibition or restriction on an activity.

Where a local authority decides that a more than minor modification is required to the byelaw, then that local authority is making a major modification and so essentially creating a new byelaw.

Accordingly, if a local authority decides that a major modification is required to the byelaw it must recommence the byelaw making process from the beginning, starting again at [step 1](#).

## **Step 7: making the byelaw**

If the local council has formally resolved to make the proposed byelaw, they should make the byelaw under the common seal of the council, which should be placed after any schedule or plan included with the byelaw. The byelaw should also be signed and dated.

Where the byelaw is made by a parish council that does not have a seal, the byelaw should be made under the hands and seals of 2 members of the council. If members of a parish council do not possess personal seals, the imprint of a signet ring, coin or thumb will suffice. Sealing wax and parchment seals may be obtained from stationers.

In this case, a suitable subscription to the byelaw would be:

Given under our hands [date]

Signed [Name] (Seal)

Signed [Name] (Seal)

Members of [Name of Parish Council]

### **Step 8: publicity after making the byelaw**

As byelaws are local enactments that may result in a prosecution in the courts and a fine, publicising the byelaw is an integral part of ensuring any new byelaw that will soon come into force is brought to the attention of the wider local community.

The local authority must publicise the fact that a new byelaw has been made at least 7 days before the day on which the byelaw comes into force. Signs should be placed near the area where the byelaw applies (except where this is not practicable, for example because the byelaw has effect throughout the authority's whole area) so that, as far as possible, people are made aware of the byelaw.

The local authority must also publicise the new byelaw on its website, if it has one, and publicise the new byelaw in such other manner as it sees fit.

### **Step 9: retaining copies of the byelaw**

After making the byelaw, the authority must send copies of the byelaw to other councils.

A county council must send copies to district councils (if any) in their area and a district council must send copies to the county council (if any) for their area. However, the district council need only send copies to a parish council or chairman of a parish meeting in their district if the byelaws apply to the parish area.

A London borough council shall also send a copy of its byelaw to the proper officer of every parish council where the byelaw applies.

### **Step 10: the byelaws come into force**

Byelaws come into force 30 days after the date they are made.

This gives the local authority time to make the public aware that a new byelaw will be coming into force, and to erect any appropriate signage in the area where the proposed byelaws will apply to bring about compliant behaviour.

## **Amending a byelaw**

The process for amending a byelaw is the same for making a new byelaw.

The local council will need to consider the need for the amendment, consult, undertake a regulatory assessment and produce a report before seeking the approval of the Secretary of State to make the amendment. Once approval is given, the local authority must undertake formal consultation and consider any representations before deciding whether or not to make the amending byelaw or whether to make it with minor modification.

Before amending a byelaw, a local authority should consider whether the byelaw needs to be retained at all, even in its amended state, as it may now no longer be required. For example, the issue the byelaw addressed may now be addressed through national legislation.

If the byelaw does need amending, then the local authority should consider whether any set of byelaws that the particular byelaw appears in needs to be replaced in its entirety by byelaws based on the current version of the relevant model byelaw.

A byelaw is amended under the same power that enabled the making of that byelaw. It is for the local council to determine the exact form the amendment will take, although in most cases it is envisaged that an amendment will omit part of the existing byelaw, or for example add a new geographical area to a byelaw's schedule, so applying it to a new part of a local authority's area.

## **Revoking a byelaw**

Local councils that wish to revoke a byelaw for which DLUHC has policy responsibility – and do not wish to have new amending byelaws made – can do so without any DLUHC involvement.

The revocation byelaw should not be used where the local council is replacing an entire byelaw set with the current version of the relevant model byelaws. This is because any new set will contain a model revocation byelaw that should be used instead.



## **Step 1: assessment and consultation**

The local council determines if there is a need to revoke the byelaw and if they have the power to do so, and by which mechanism, then consults upon the proposed revocation. In considering whether or not to revoke a byelaw, the council must follow this process.

The local authority must prepare a draft of the proposed revoking byelaw. Councils may wish to use the [model revocation byelaw](#). They must then undertake a regulatory assessment of the proposed revocation. The regulatory assessment must include at least the following considerations:

- what is the objective of revoking the byelaw?
- could the objective be achieved in any other way, short of revoking the byelaw?
- what will be the impact of revoking the byelaw upon those affected by this decision?
- how does revoking the byelaw compare with taking no action?

The local authority must then publish a notice of its proposal to revoke the byelaw on its website, if it has one, in a local newspaper and in any case publicise the notice in any other manner as it sees fit.

The notice must state the consultation period, of not less than 28 days, within which the public may inspect the draft byelaws and also publish an address to which representations on the byelaws can be made within this period.

The local authority must consider all representations received, including objections, before making any decision about whether or not to revoke the byelaw.

## **Step 2: deciding to revoke the byelaw**

Once the consultation period has expired, the local council then has 6 months to decide whether or not to revoke the byelaw (with or without minor modification).

A minor modification to a proposed revoking of a byelaw is a modification that does not bring any new activity into the scope of the proposed revoking byelaw or increase the scope of any prohibition or restriction on an activity.

If a local council decides that a more than minor modification is required to the byelaw, then that local council is making a major modification and so essentially revoking more than was originally intended and consulted upon.

Accordingly, if a local council decides that a major modification is required to the byelaw it must recommence the byelaw revoking process from the beginning, starting again at [step 1](#).

### **Step 3: revoking the byelaw**

Where the local council has formally resolved to revoke the byelaw, they should make the revoking byelaw under the common seal of the council, which should be placed after any schedule or plan included with the revoking byelaw. The revoking byelaw should also be signed and dated.

Where the revoking byelaw is made by a parish council that does not have a seal, the byelaw should be made under the hands and seals of 2 members of the council. If members of a parish council do not possess personal seals, the imprint of a signet ring, coin or thumb will suffice. Sealing wax and parchment seals may be obtained from stationers.

In this case, a suitable subscription to the byelaw would be:

Given under our hands [date]

Signed [Name] (Seal)

Signed [Name] (Seal)

Members of [Name of Parish Council]

### **Step 4: publicity after revoking the byelaw**

The local authority must publicise the fact that a byelaw has been revoked. The authority must publicise on its website, if it has one, a notice that the byelaw has been revoked and also publicise that the byelaw has been revoked in such other manner as it sees fit.

The local authority must also make a copy of the revoking byelaw available to anyone who wishes to have a copy, at a reasonable charge.

The local authority must also remove any signs relating to the now revoked byelaw.

## Model byelaws

Model byelaws provide an example of what a byelaw should look like. Local councils should feel free to use the [model byelaws](#) and adapt them for their own needs.

Local councils should not look to adopt wholesale the model byelaws, but instead should delete any byelaws that they do not need or which do not apply to them, so adapting the model byelaw to their particular circumstances.

For example, a local council making a set of byelaws for a local park that does not have a children's playground would not include the model byelaws on children's playgrounds or children's play apparatus in that byelaw set.

## Variations to model byelaws

While the model byelaws are tried and tested and designed to cover all eventualities DLUHC recognises that in some cases there may be unique local circumstances meriting a variation to the model byelaw.

Where a local council does retain a model byelaw, any changes to the wording should be kept to a minimum. The local council is responsible for providing evidence for the need for each variation which then informs their deregulatory statement that they then publish on their website and submit to the Secretary of State.

## Model byelaws guidance

Local councils should consult the individual guidance notes for [model byelaws](#) when using the model byelaws.

## Copies of byelaws

DLUHC does not hold a central record of confirmed byelaws.

Under the [Local Government Act 1972](#) governing the making of byelaws, it is the responsibility of local councils to keep a copy of their byelaws. Members of the public who wish to view byelaws operating in their local area should contact their local council in the first instance. Local libraries may also have copies.

Under the new arrangements local councils are required to keep a copy of byelaws made under the new arrangements, and make them available to the public. They may charge for copies.

The proper officer at the local council is the responsible officer for endorsing printed copies of byelaws as a true copy. Under [section 238 of the Local Government Act 1972](#) local councils who can't find the original byelaws can get a printed copy of the byelaw endorsed by a proper officer of the council, with a certificate identifying the byelaw as a true copy.

## **Further information**

If you have any queries on the new arrangements please contact the Byelaws Team: [byelaws@levellingup.gov.uk](mailto:byelaws@levellingup.gov.uk).

**COUNCILS SHOULD DOWNLOAD THIS MODEL BYELAW SET AND  
ADAPT IT AS REQUIRED**

*The guidance notes for Model Byelaws Set 2 should be consulted when using these Model Byelaws.*

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MODEL BYELAWS – SET 2

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***[Name of Council]***

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC  
WALKS AND OPEN SPACES**

**ARRANGEMENT OF BYELAWS**

**PART [1]**

**GENERAL**

1. General interpretation
2. [Application]
3. [Application]
4. Opening times

**PART [2]**

**PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

Interpretation of Part [2]

5. Protection of structures and plants
6. Unauthorised erection of structures
7. Climbing
8. Grazing
9. Protection of wildlife
10. Gates
11. Camping
12. Fires
13. Missiles
14. Interference with life-saving equipment

## PART [3]

### HORSES, CYCLES AND VEHICLES

#### Interpretation of Part [3]

15. Horses [ - Horse riding permitted but must not cause danger]
16. Horses [ - Horse riding prohibited except in certain grounds (subject to bridleway, etc)]
17. Horses [ - Horse riding prohibited (subject to any bridleway, etc)]
18. Horses [- Horse riding prohibited except on designated route (subject to bridleway, etc)]
19. Cycling
20. Motor vehicles
21. Overnight parking

## PART [4]

### PLAY AREAS, GAMES AND SPORTS

#### Interpretation of Part [4]

22. Children's play areas
23. Children's play apparatus
24. Skateboarding, etc [ - Skateboarding, etc permitted but must not cause danger or annoyance]
25. Skateboarding, etc [ - Skateboarding, etc permitted only in designated area]
26. Ball games [ - Prohibition of ball games]
27. Ball games [ - Ball games permitted only in designated area]
28. Ball games [ - Ball games permitted throughout the ground but designated area for ball games also provided]
29. Ball games [ - Rules]
30. Cricket
31. Archery
32. Field sports
33. Golf [ - Prohibited [except on golf course]]
34. Golf [ - Permitted where part of ground is set aside as a golf course]

## PART [5]

### WATERWAYS

#### Interpretation of Part [5]

35. Bathing

- 36. Ice skating
- 37. Model boats
- 38. Boats [ - To prohibit use of boats [, etc] without permission [except in designated area]]
- 39. Boats [ - In areas where use of boats is common]
- 40. Fishing
- 41. Blocking of watercourses

## PART [6]

### MODEL AIRCRAFT

#### Interpretation of Part [6]

- 42. Model aircraft [ - General prohibition]
- 43. Model aircraft [ - Model aircraft permitted in certain grounds [on specified days and at specified times]]
- 44. Model aircraft [ - Model aircraft permitted in designated areas]
- 45. Model aircraft [ - Model aircraft permitted if subject to certain control]
- 46. Model aircraft [ - Some quieter types of model aircraft permitted]

## PART [7]

### OTHER REGULATED ACTIVITIES

- 47. Provision of services
- 48. Excessive noise
- 49. Public shows and performances
- 50. Aircraft, hang-gliders and hot air balloons
- 51. Kites
- 52. Metal detectors

## PART [8]

### MISCELLANEOUS

- 53. Obstruction
- 54. Savings
- 55. Removal of offenders
- 56. Penalty
- 57. Revocation [ - General]
- 58. Revocation [ - Limited to preserve byelaws relating to dogs]

SCHEDULE [1] - Grounds to which byelaws apply generally

SCHEDULE [2] - Grounds referred to in certain byelaws

SCHEDULE [3] - Rules for playing ball games in designated areas



Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by the *insert name of Council* with respect to *insert name of ground/description of its location/* [pleasure grounds, public walks and open spaces].

## **[PART 1]**

### **GENERAL**

#### **General Interpretation**

1. In these byelaws:

*Select from the following list only terms to be used in the byelaws which the Council proposes to adopt:*

“the Council” means *insert name of Council*;

“the ground” means *insert name of ground or a description of its location/*[any of the grounds listed in [the Schedule /Schedule [1]]];

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

#### **Application**

*Councils should adopt EITHER model byelaw 2 or model byelaw 3*

- 2. These byelaws apply to *insert name of ground or a description of its location/* [all of the grounds listed in [the Schedule/Schedule 1].
- 3. These byelaws apply to all of the grounds listed in [the Schedule/Schedule 1] unless otherwise stated.

#### **Opening times**

- 4. (1) No person shall enter or remain in the ground except during opening hours.

*Where byelaw is to apply to more than one ground*

- (2) "Opening hours" means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

*Where byelaw is to apply to more than one ground*

- (3) Byelaw [4(1)] applies only to the grounds listed in [Part 1 of] Schedule [2].]

## **PART [2]**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Interpretation of Part [2]**

In this Part:

"Sky lantern" means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere

#### **Protection of structures and plants**

5. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (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
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
  - (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.

#### **Unauthorised erection of structures**

6. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

#### **Climbing**

7. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

### **Grazing**

8. No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze in the ground.

### **Protection of wildlife**

9. 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.

### **Gates**

10. (1) No person shall leave open any gate to which this byelaw applies and which that person has opened or caused to be opened.  
(2) Byelaw 10(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

### **Camping**

11. 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 [except in a designated area for camping].

### **Fires**

12. (1) No person shall:
  - (a) light a fire; or
  - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
  - (c) release a lighted sky lantern into the atmosphere.(2) Byelaw (1) shall not apply to:
  - [(a)] [the lighting of a fire at any event for which the Council has given permission that fires may be lit;] or
  - [(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].

### **Missiles**

13. 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.

### **Interference with life-saving equipment**

14. 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.

## PART [3]

### HORSES, CYCLES AND VEHICLES

#### Interpretation of Part [3]

In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

#### Horses

##### *Horse riding permitted*

15. No person shall ride a horse in the ground in such a manner as to cause danger to any other person.

##### *Horse riding prohibited except in certain grounds (subject to bridleway, etc)*

16. (1) No person shall ride a horse except:
- (a) in any of the grounds listed in Part [3] of Schedule [2]; or
  - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw [17](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.

##### *Horse riding prohibited (subject to bridleway, etc)*

17. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

##### *Horse riding prohibited except on designated route (subject to bridleway, etc)*

18. (1) No person shall ride a horse except:
- (a) on a designated route for riding; or
  - (b) in the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted by virtue of byelaw [18](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.

### **Cycling**

19. (1) No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].

(2) [Outside the designated areas,]no person shall cycle on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriageway.

### **Motor vehicles**

20. (1) 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.

(2) [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].

### **Overnight parking**

21. 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.

## **PART [4]**

### **PLAY AREAS, GAMES AND SPORTS**

#### **Interpretation of Part [4]**

In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

### **Children's play areas**

22. No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

### **Children's play apparatus**

23. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

### **Skateboarding, etc**

*Skateboarding, etc permitted but must not cause danger or annoyance*

24. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

*Skateboarding, etc permitted only in designated area*

25. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.

(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

### **Ball games**

*Prohibition of ball games*

26. No person shall play ball games in the ground.

*Ball games permitted only in designated areas*

27. No person shall play ball games in the ground except in a designated area for playing ball games.

*Ball games permitted throughout the ground but designated area for ball games also provided*

28. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
  - (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
  - (c) which is likely to cause damage to any tree, shrub or plant in the ground.

*Rules (to be used with model byelaw 28 or 29)*

29. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule [3] and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

#### **Cricket**

30. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

#### **Archery**

31. 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.

#### **Field sports**

32. 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].

#### **Golf**

*Golf prohibited [except where part of ground is set aside as golf course]*

33. No person shall drive, chip or pitch a hard golf ball [except on the golf course].

*Where part of ground is set aside as a golf course*

34. (1) No person shall play golf on the golf course unless that person holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.
- (2) No person shall enter on to or remain on the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged; or
  - (b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

## **PART [5]**

### **WATERWAYS**

#### **Interpretation of Part [5]**

In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

#### **Bathing**

35. No person shall without reasonable excuse bathe or swim in any waterway [except in a designated area for bathing and swimming].

#### **Ice skating**

36. No person shall step onto or otherwise place their weight upon any frozen waterway.

#### **Model boats**

37. No person shall operate a power-driven model boat on any waterway [except in a designated area for model boats].

#### **Boats**

*To prohibit use of boats [and if appropriate a wider category of vessels] without permission [except in designated areas]*

38. No person shall sail or operate any boat, [dinghy, canoe, sailboard or inflatable] on any waterway without the consent of the Council [except in a designated area for the sailing or operation of boats].

*In areas where use of boats is common*

39. (1) No person shall on any waterway sail or operate any boat which is not registered with the Council.
- (2) A boat is registered for the purposes of byelaw 39(1) when the owner has made a written application to the Council and the Council has:
- (a) entered the name and address of the owner, a general description of the boat and the serial number of the registration in a register kept by an authorised officer of the Council; and
  - (b) issued to the owner a certificate of registration incorporating these particulars.



## **Fishing**

40. 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].

## **Blocking of watercourses**

41. 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.

## **PART [6]**

### **MODEL AIRCRAFT**

#### **Interpretation of Part [6]**

In this Part:

“model aircraft” means an unmanned aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) 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 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

#### **General prohibition**

42. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
  - (b) land in the ground without reasonable excuse.

*Model aircraft permitted in certain grounds [on specified days at specified times]*

43. Byelaw 42 does not apply to the grounds listed in [Part [5] of Schedule 2] / [column 1 of the table in Part [6] of Schedule [2] on the days and times indicated for each ground in column 2 of that table].

*Model aircraft permitted in designated areas*

44. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
  - (b) land in the ground without reasonable excuse;
- other than in a designated area for flying model aircraft.

*Model aircraft subject to certain control*

45. Byelaw [42]/[44] does not apply to any model aircraft which is [attached to a control line]/[kept under effective radio control].

*Quieter types of model aircraft permitted*

46. Byelaw [42]/[44] does not apply to any model aircraft which:
- (a) gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
  - (b) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.

## **PART [7]**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

47. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

#### **Excessive noise**

48. (1) 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:
- (a) shouting or singing;
  - (b) playing on a musical instrument; or

- (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 48(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

#### **Public shows and performances**

- 49. No person shall without the consent of the Council hold or take part in any public show or performance.

#### **Aircraft, hang gliders and hot air balloons**

- 50. 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.

#### **Kites**

- 51. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

#### **Metal detectors**

- 52. (1) No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.
- (2) Byelaw 52(1) shall not apply to *[insert name or description of land]*.

## **PART [8]**

### **MISCELLANEOUS**

#### **Obstruction**

- 53. No person shall obstruct:
  - (a) any officer of the Council in the proper execution of his duties;
  - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) any other person in the proper use of the ground.

#### **Savings**

- 54. (1) 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.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

### **Removal of offenders**

55. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

### **Penalty**

56. 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.

### **Revocation**

57. The byelaws made by *insert name* on *insert date* and confirmed/approved by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked.

#### *Limited revocation to preserve byelaws relating to dogs*

58. Byelaws *insert numbers of byelaws being revoked* made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked

# SCHEDULES

## SCHEDULE [1]

### GROUNDS TO WHICH BYELAWS APPLY [GENERALLY]

The grounds referred to in byelaw [2]/[3] are:

...

## SCHEDULE 2

### GROUNDS REFERRED TO IN CERTAIN BYELAWS

#### PART [1]

OPENING TIMES (BYELAW [4](1))

...

#### PART [2]

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO BRIDLEWAY, ETC) (BYELAW [17](1))

...

#### PART [3]

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW [48])

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Park E	
Park F	

## SCHEDULE [3]

### RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW [31])

Any person using a designated area for playing ball games is required by byelaw [31] to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.

- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.



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Guidance

# Model byelaw set 2: guidance notes

Updated 7 September 2018

## Applies to England

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# Introduction

1. These model byelaws for pleasure grounds, public walks and open spaces have been revised to reflect recent changes to national legislation. Every attempt has been made to ensure that changes are up to date, but authorities should check for themselves, and take legal advice where necessary.

## The enabling power

### 2. [Section 164 of the Public Health Act 1875](http://www.legislation.gov.uk/ukpga/Vict/38-39/55/section/164)

(<http://www.legislation.gov.uk/ukpga/Vict/38-39/55/section/164>) and [section 15 of the Open Spaces Act 1906](http://www.legislation.gov.uk/ukpga/Edw7/6/25/section/15) (<http://www.legislation.gov.uk/ukpga/Edw7/6/25/section/15>) enable local authorities to make byelaws for the regulation of public walks and pleasure grounds and of open spaces and disused burial grounds respectively. Any council wishing to make byelaws for active burial grounds, should contact the [Ministry of Justice](https://www.gov.uk/government/organisations/ministry-of-justice) (<https://www.gov.uk/government/organisations/ministry-of-justice>). [Section 12 of the Open Spaces Act 1906](http://www.legislation.gov.uk/ukpga/Edw7/6/25/section/12) (<http://www.legislation.gov.uk/ukpga/Edw7/6/25/section/12>) extends the types of land for which byelaws can be made under section 15 of that Act. Which enabling powers are appropriate for making the byelaw will depend on the statutory authority from which the council's interest in the land is derived and whether or not the council is involved in the management of the land.

3. If the council cannot establish under what statute it holds a ground, it should proceed as though it held it under a statute without a specified byelaw-making power. [Flowchart 1](https://www.gov.uk/government/publications/pleasure-grounds-public-walks-and-open-spaces-model-byelaw-2) (<https://www.gov.uk/government/publications/pleasure-grounds-public-walks-and-open-spaces-model-byelaw-2>) should then be used to help identify the correct byelaw-making power for each ground the local authority wishes to regulate. The flowchart applies to open land that is used as a pleasure ground. The Open Spaces Act 1906 is not, however, relevant when more than 5% of the area is covered by buildings.

4. Where there is a joint interest in any ground, it is advisable to seek the permission of all the interested parties before the byelaws are made. Grounds in which the Charity Commissioners have an interest can only be regulated with their agreement. Similarly, the agreement of the diocesan authorities, the incumbent, and the parochial church council should be sought where there are proposals to regulate burial grounds or churchyards. As it will normally not be appropriate to regulate churchyards under [section 164 of the Public Health Act 1875](http://www.legislation.gov.uk/ukpga/Vict/38-39/55/section/164) (<http://www.legislation.gov.uk/ukpga/Vict/38-39/55/section/164>), councils should study carefully all of the relevant provisions of the [Open Spaces Act 1906](http://www.legislation.gov.uk/ukpga/Edw7/6/25/contents) (<http://www.legislation.gov.uk/ukpga/Edw7/6/25/contents>) (particularly sections 6, 11, 12, 15 and 20) before making byelaws. If a council has not acquired "any estate, interest or control" under the 1906 Act, it might be possible to make byelaws for good rule and government and suppression of nuisances under the

general power in [section 235 of the Local Government Act 1972](http://www.legislation.gov.uk/ukpga/1972/70/section/235) (<http://www.legislation.gov.uk/ukpga/1972/70/section/235>), but again, only with the written permission of the Church authorities.

5. [Flowchart 2](https://www.gov.uk/government/publications/pleasure-grounds-public-walks-and-open-spaces-model-byelaw-2) (<https://www.gov.uk/government/publications/pleasure-grounds-public-walks-and-open-spaces-model-byelaw-2>) should be used to help local authorities identify the correct byelaw-making power for any common land or town or village green they wish to regulate. The chart applies to common land and town or village greens, whether or not they are registered as such under the [Commons Registration Act 1965](http://www.legislation.gov.uk/ukpga/1965/64/contents) (<http://www.legislation.gov.uk/ukpga/1965/64/contents>). Please note that flowcharts 1 and 2 do not provide a definitive statement of the law but are offered as guides only.

6. Byelaws should be adopted only if required to address an existing problem. If councils are in any doubt about the layout of the byelaws, they are advised to use the model byelaws or contact the byelaws team: [byelaws@communities.gov.uk](mailto:byelaws@communities.gov.uk).

## Consultation

7. Some types of byelaw can be controversial and may attract objections if those who will be affected have not been consulted. These include byelaws in respect of horse-riding, and the use of metal detectors and power-driven model aircraft. We consider that in such cases local authorities should ensure that adequate local consultation has taken place before adopting such measures. Further guidance on these subjects is set out below.

8. In the case of byelaws which imply that skateboarding, roller skating and cycling will be confined to particular areas, local authorities should consult widely about the implications of such byelaws and, in particular, with any local disability groups (including associations for those with sight and hearing limitations) to ensure that their opinions are taken into account and that any operational matter (such as appropriate signing) can be considered.

9. In drafting proposed byelaws, local authorities must have due regard to their [Public Sector Equality Duty](https://www.gov.uk/guidance/equality-act-2010-guidance#public-sector-equality-duty) (<https://www.gov.uk/guidance/equality-act-2010-guidance#public-sector-equality-duty>) and the provisions of the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) (<http://www.legislation.gov.uk/ukpga/2010/15/contents>), including the requirement to eliminate unlawful discrimination, harassment or victimisation, and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

# Anti-Social Behaviour, Crime and Policing Act 2014

10. The [Anti-Social Behaviour, Crime and Policing Act 2014](http://www.legislation.gov.uk/ukpga/2014/12/contents) (<http://www.legislation.gov.uk/ukpga/2014/12/contents>) introduced new powers to address anti-social behaviour. Before considering going through the byelaw route to address issues covered in pleasure grounds, public walks and open spaces byelaws the council may wish to consider if any of the powers in the Anti-social Behaviour, Crime and Policing Act 2014, including Public Space Protection Orders (PSPOs), may be the best fit to address the problems being experienced locally. Further details can be found in [Reform of anti-social behaviour powers: statutory guidance for frontline professionals](https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour) (<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>).

11. Local authorities should consider PSPOs designed to deal with anti-social behaviour in a public place and apply restrictions to how that public space can be used to stop or prevent anti-social behaviour. The order is issued by the council and before the order can be made the council must consult with the police and whatever community representatives they think appropriate, including regular users of the public space. Before the order is made the council must also publish the draft order. Further advice can be obtained from the [Home Office](https://www.gov.uk/government/organisations/home-office) (<https://www.gov.uk/government/organisations/home-office>).

## How to use model byelaw set 2

### Instructions and layout

12. Councils should download and edit the version of model byelaw set 2 – byelaws for public walks and pleasure grounds. Where a council is proposing to make byelaws under the arrangements provided for in the [Byelaws \(Alternative Procedure\) \(England\) Regulations 2016](https://www.gov.uk/guidance/local-government-legislation-byelaws) (<https://www.gov.uk/guidance/local-government-legislation-byelaws>), we would prefer councils to send to us an electronic version of their proposed byelaws.

13. Words shown in italic font in the model byelaw set give instructions on how to adapt the model (eg “insert name”) or provide a more detailed description of what is covered by a model byelaw where a number of model byelaws relate to the same subject matter (eg model byelaws 15 to 18 of set 2 which are all concerned with horses). Generally, square brackets are used to indicate:

- (1) additional wording, which it may be appropriate to use in some cases (eg the wording “[except in a designated area for fishing]” in model byelaw 43 can be used if there is such an area in the ground but should otherwise be omitted)
- (2) a choice of wording (eg “[attached to a control line]/[kept under effective radio control]”) in byelaw 50), where one form of wording must be chosen
- (3) numbers which it is likely will need to be updated when editing the model byelaw set

## Interpretation provisions

14. The interpretation provision should be used to define terms which are repeated several times in the text of the byelaws. Councils should only include definitions which appear in the text of the byelaws that the council has selected. Where a defined word only appears in the text of one of the byelaws which a council proposes to adopt, that definition may be included within the text of the byelaw instead, preferably as a separate sub-paragraph.

## Application and schedules

15. Model byelaw 2 of set 2 should be adopted where the byelaws will apply to only one ground or where the byelaws will apply uniformly to several grounds. Model byelaw 3 should be used in all other cases.

16. Where model byelaw 3 of set 2 is adopted, grounds to which any byelaw applies specifically should be indicated, either in the relevant byelaw or in Part 1 of Schedule 2 (eg model byelaw 4, which should only be used in the circumstances set out in paragraph 22 below, might apply to some but not all of the grounds to which the byelaws apply generally).

## Designated areas and routes

17. A number of model byelaws refer to a “designated area” or a “designated route”. These terms refer to an area or route which the council has set aside for a particular purpose. Any such area or route and its purpose must be indicated in the ground concerned by means of clearly displayed signs.

## Descriptions of grounds and references to geographical locations

18. Where a schedule is used to list the grounds to which the byelaws will apply, the list should be alphabetical by name or by brief description of location under an alphabetical list of the towns or districts in which the grounds are located.

19. Precise descriptions of the grounds are important: names of grounds should be used, or, if these are ambiguous, the council should refer to street names or physical landmarks. References to local authority boundaries or Ordnance Survey map references should only be used in addition to any descriptions. Any map or plan that is referred to in the byelaws should be: in black and white; of a suitable size for inclusion in the byelaws; and should precede the council's seal. Colour can be used for maps, but councils should be aware that after confirmation printed copies of the byelaws will have to be made available in colour.

## Fees and permits

20. Byelaws should not be used to compel any person to pay a fee to the council or to introduce a licensing or permit scheme.

## Further information on model byelaw set 2

21. The notes below highlight points to bear in mind in relation to particular model byelaws.

## Opening times

22. For reasons of enforceability, model byelaw 4 of set 2 should be adopted only if the ground is enclosed on all sides and can be secured with lockable gates

## Protection of wildlife

23. Model byelaw 9 of set 2 applies to the hunting, shooting or trapping of animals. If the ground includes a river or other waterway and it is sought to protect wildlife in the waterway, model byelaw 40 (fishing) should be adopted. Birds and their nests are already protected by [section 1 of the Wildlife and Countryside Act 1981](http://www.legislation.gov.uk/ukpga/1981/69/section/1) (<http://www.legislation.gov.uk/ukpga/1981/69/section/1>).

## Climbing

24. Byelaws should not be used to protect people from the consequences of their own actions. For this reason, model byelaw 7, which is concerned with climbing, should only be used to prevent a nuisance from being caused to others.

## Fires

25. The words in square brackets need only be adopted if camping or barbecues or both are to be permitted in an area of the grounds.

## Missiles

26. Local authorities seeking to make a byelaw about missiles should have regard to the [guide on combating anti-social behaviour](http://webarchive.nationalarchives.gov.uk/20100408120805/http://www.asb.homeoffice.gov.uk/uploadedFiles/Members_site/Documents_and_images/About_ASB_general/CouncillorPack_2010_0167.pdf) ([http://webarchive.nationalarchives.gov.uk/20100408120805/http://www.asb.homeoffice.gov.uk/uploadedFiles/Members site/Documents and images/About ASB general/CouncillorPack 2010 0167.pdf](http://webarchive.nationalarchives.gov.uk/20100408120805/http://www.asb.homeoffice.gov.uk/uploadedFiles/Members_site/Documents_and_images/About_ASB_general/CouncillorPack_2010_0167.pdf)) when considering what action is appropriate to take.

## Sky lanterns

27. Where a local council wishes to include a specific reference to the release of sky lanterns, the byelaw making authority should consider the need to regulate the activity in a specific open space where the release of sky lanterns would be a nuisance impeding the peaceful enjoyment of that public place.

28. More generally, local councils considering making this byelaw should first consider and explore whether existing legislation is available through which the issue could be regulated, including Public Space Protection Orders (PSPOs) and the Licensing Act.

29. Local councils should also consult the [Maritime and Coastguard Agency](https://www.gov.uk/government/organisations/maritime-and-coastguard-agency) (<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>), where necessary, as the use of sky lanterns may already be regulated if:

(a) the public ground is close to an airport(s) or airfield(s)

(b) advise on the prohibition of sky lanterns because of the flight safety hazard they present to aircraft landing, taking off

(c) operating in the vicinity of the airport or airfield and if the activity is close to the coast (eg within 3 miles) or a river estuary or large body of water where boats are normally operated

In these circumstances local councils should contact the Coastguard and seek guidance on the launching of sky lanterns.

## Horses

30. When the Secretary of State considers giving leave to make the byelaws, he must be satisfied that they are reasonable and do not discriminate unfairly against one section of the community. A ban on horse-riding in smaller grounds would be reasonable but not justified in grounds of 4 hectares (10 acres) or more.

31. Where a local authority wishes to make a byelaw to restrict or ban horse-riding in a particular ground, it should first consider what other facilities exist in the area for riding and also consult any local riding schools and, as far as possible, individual horse riders by, for example, placing notices at the entry to the ground or newspaper advertisements.

## Vehicles

32. [Section 34\(1\) of the Road Traffic Act 1988](http://www.legislation.gov.uk/ukpga/1988/52/section/34) (<http://www.legislation.gov.uk/ukpga/1988/52/section/34>) (prohibition of driving mechanically propelled vehicles elsewhere than on roads) provides that if without lawful authority a person drives a mechanically propelled vehicle:

(a) on to or upon any common land or moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, bridleway or restricted byway, he is guilty of an offence



However, it is not an offence under section 34 to drive a mechanically propelled vehicle on any land within 15 yards of a road upon which motor vehicles may lawfully be driven for the sole purpose of parking on that land. Local authorities should rely upon the 1988 Act to prohibit the riding or driving of mechanically propelled vehicles in pleasure grounds and open spaces, and only adopt model byelaw 21 of set 2 if it is intended to permit use of vehicles or certain classes of vehicles in some areas of the ground.

33. Model byelaw 21 includes words in square brackets which may be adopted if the council has, for example, set aside a route through a large ground for motorcycles. Where this is the case, model byelaw 21(2) enables persons wishing to make use of the designated route to transport their motorcycle through the ground to reach the route. This may need to be adapted to the circumstances of the ground in question, and will be unnecessary where it is possible to enter and exit the ground while remaining on the designated route.

## Ball games

34. It will usually only be appropriate to ban ball games in a very small ground. Where the playing of ball games is to be banned or severely restricted there should be other grounds in the locality where ball game restrictions do not apply.

35. Where a designated area for playing ball games is set aside and model byelaw 29 of set 2 is adopted, the byelaw will not be breached unless a person breaking the rules set out in schedule 3 (and displayed in the area) has been asked to desist from the prohibited behaviour. Only if that person ignores this request will they become liable to removal from the park and to prosecution. This condition prevents model byelaw 29 from capturing very trivial incidents.

## Power-driven model aircraft

36. When adopting any of model byelaws 47 to 51 of set 2, councils should take account of the provisions of the [Code of practice on noise from model aircraft](https://www.gov.uk/government/publications/code-of-practice-on-noise-from-model-aircraft) (<https://www.gov.uk/government/publications/code-of-practice-on-noise-from-model-aircraft>). They should also consult the [Safety Code of the British Model Flying Association](https://bmfa.org/Info/Downloads/BMFA-Handbook) (<https://bmfa.org/Info/Downloads/BMFA-Handbook>) for guidance on what types of model might be flown in particular grounds. Before making and advertising the byelaws the council should bring their proposals to the notice of the [British Model Flying Association](https://bmfa.org/) (<https://bmfa.org/>) and of any local model aircraft clubs and consider their views.



37. Byelaws concerning model aircraft are designed to regulate (1) noise nuisance caused by aircraft; and/or (2) any public safety concerns caused by the use of larger and more powerful model aircraft. The basic wording in the definition of “power-driven” in interpretation of Part 6 addresses aircraft which create noise nuisance. If there is also a genuine public safety concern, the words in square brackets bring quieter model aircraft within the definition.

## Model aircraft/drones

38. A drone is an unmanned aircraft, normally flown by a pilot from a distance, using a remote control station that communicates instructions to the drone. Drones are also known as Remotely Piloted Aircraft Systems (RPAS) or Unmanned Aircraft Systems (UAS).

39. The relevant aviation legislation for drones is found in the [Air Navigation Order \(http://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/\)](http://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/). These regulations apply to all flying of ‘unmanned aircraft’ ie drones but also model aircraft. Drone flyers must obey these rules unless they have an exemption or licence from the Civil Aviation Authority. Councils may also wish to consider the [UK Dronecode \(https://dronesafe.uk/drone-code/\)](https://dronesafe.uk/drone-code/). This is guidance based on the regulations in place and published by the Civil Aviation Authority to assist drone users in flying safely.

40. Drone operators collecting personal data must comply with the Data Protection Act 1998 unless a relevant exemption applies.

## Metal detectors

41. Local authorities may introduce byelaws to prohibit or restrict the use of metal detectors in pleasure grounds. Byelaws to prohibit the use of metal detectors may be appropriate in grounds requiring special protection, for example areas consisting of closely mown and carefully cultivated turf and flower beds or sites of archaeological botanical or scientific interest or areas much used by blind or disabled persons. However, a byelaw which prohibits the use of metal detectors in areas not in need of special protection or from all the grounds in a particular area may be seen as overly restrictive and unreasonable. The model byelaw can be adapted to provide for partial bans as necessary.

42. Where a local authority wishes to introduce a byelaw to restrict or prohibit the use of metal detectors in any ground, we consider that it should first consult any local metal detector clubs or a national body representing metal detector users, such as the [National Council for Metal Detecting \(https://www.ncmd.co.uk/\)](https://www.ncmd.co.uk/).

43. The [Department for Digital, Culture, Media and Sport](https://www.gov.uk/government/organisations/department-for-culture-media-sport) (<https://www.gov.uk/government/organisations/department-for-culture-media-sport>) should also be consulted.

## Removal of offenders

44. It should be noted that in model byelaw 60 of set 2, the term “officer of the Council” will not extend to an employee of a private security firm, even though authorised to act by the council.

## Revocation

45. The text of model byelaw 62 of set 2 contains a number of instructions which may require further elaboration:

- “insert name” - the relevant name will be that of the council which made the byelaws, even if that council is no longer the local authority for that area or is now defunct
- “insert date” - this is the date on which the byelaws were made
- “insert name of confirming authority/authority giving leave” - eg The Secretary of State for Housing, Communities and Local Government
- “insert date byelaws were confirmed” - this is different from the date on which the byelaws came into force

46. Byelaws made under [section 8\(1\)\(d\) of the Local Government Act 1894](http://www.legislation.gov.uk/ukpga/Vict/56-57/73/section/8) (<http://www.legislation.gov.uk/ukpga/Vict/56-57/73/section/8>), or other repealed legislation, are able to be revoked under the enabling power at [section 236B of the Local Government Act 1972](http://www.legislation.gov.uk/ukpga/1972/70/section/236B) (<http://www.legislation.gov.uk/ukpga/1972/70/section/236B>). Where a local authority is seeking to revoke byelaws under this enabling power the text for the revocation byelaw is:

“ The byelaws made by [insert name] on [insert date] and confirmed by [insert name of confirming authority/authority giving leave] on [insert date of confirmation/date given leave] relating to the ground are hereby revoked under Section 236B(2) of the Local Government Act 1972.”

47. The Ministry of Housing, Communities and Local Government do not confirm any byelaws relating to dogs. These activities can be addressed through Public Space Protection Orders which are the policy responsibility of the Home Office. Councils should contact the [Home Office](https://www.gov.uk/government/organisations/home-office) (<https://www.gov.uk/government/organisations/home-office>).

# How to contact MHCLG

48. Applications seeking leave from the Secretary of State to make the byelaws and any queries should be addressed to:

Byelaws Team  
Ministry of Housing, Communities and Local Government  
2nd Floor NE, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Email: [Byelaws@communities.gov.uk](mailto:Byelaws@communities.gov.uk)

[↑ Back to top](#)

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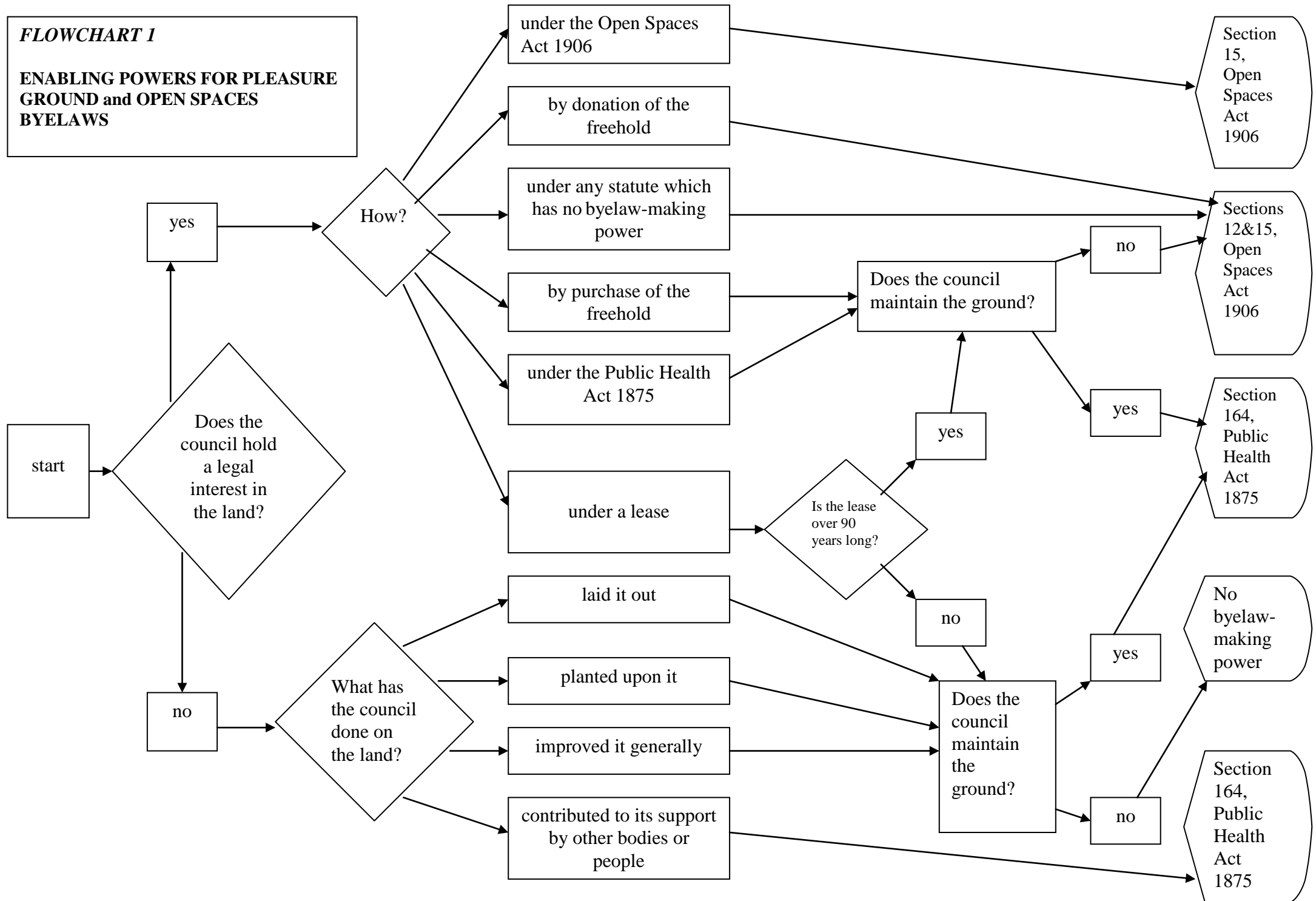
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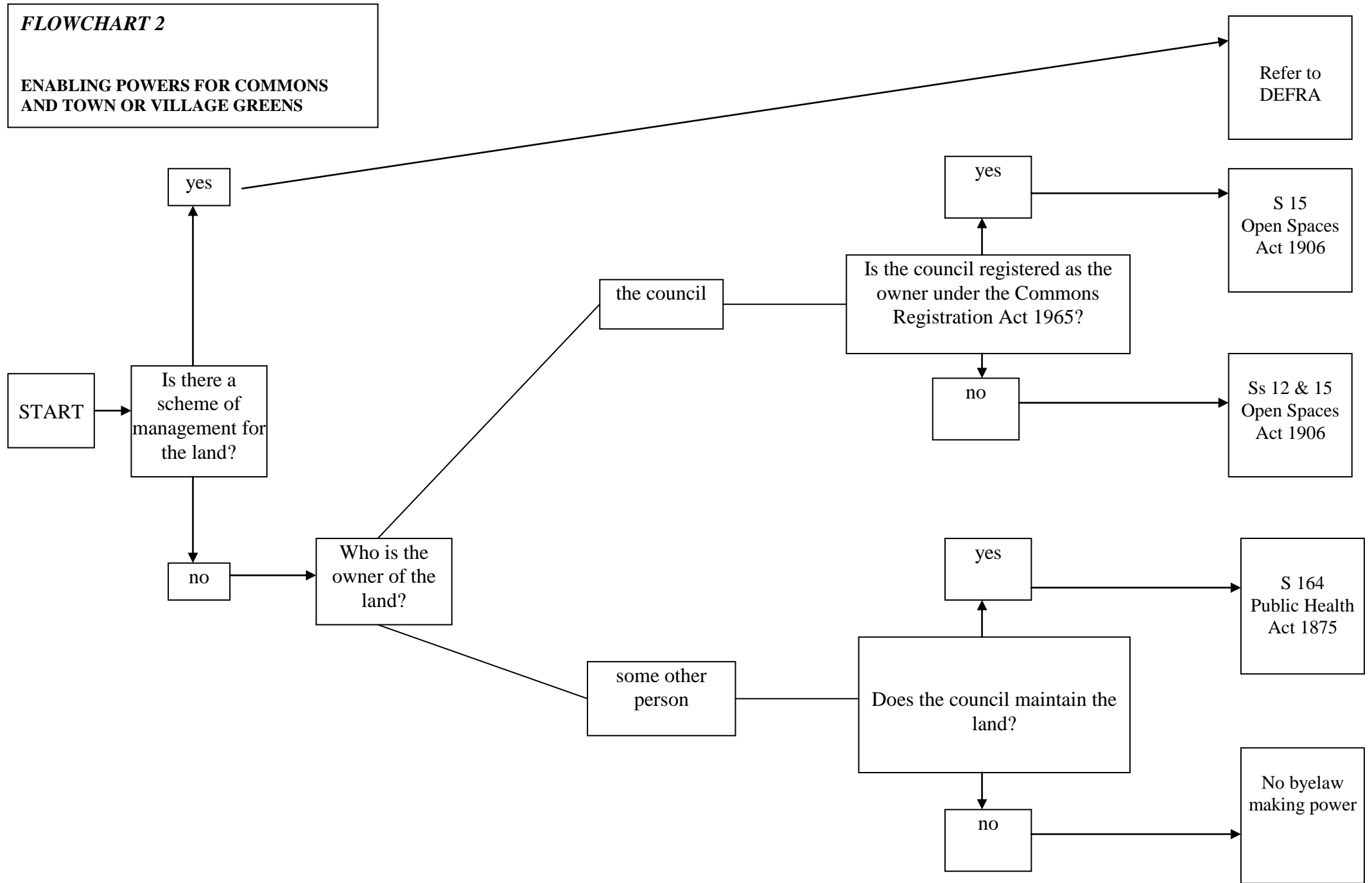
**FLOWCHART 1**

**ENABLING POWERS FOR PLEASURE GROUND and OPEN SPACES BYELAWS**



**FLOWCHART 2**

**ENABLING POWERS FOR COMMONS  
AND TOWN OR VILLAGE GREENS**



# West Kent Rural Grants

support for rural businesses and communities



Up to £25,000  
capital only grants

[www.sevenoaks.gov.uk/WestKentRuralGrants](http://www.sevenoaks.gov.uk/WestKentRuralGrants)

[ruralgrants@sevenoaks.gov.uk](mailto:ruralgrants@sevenoaks.gov.uk)

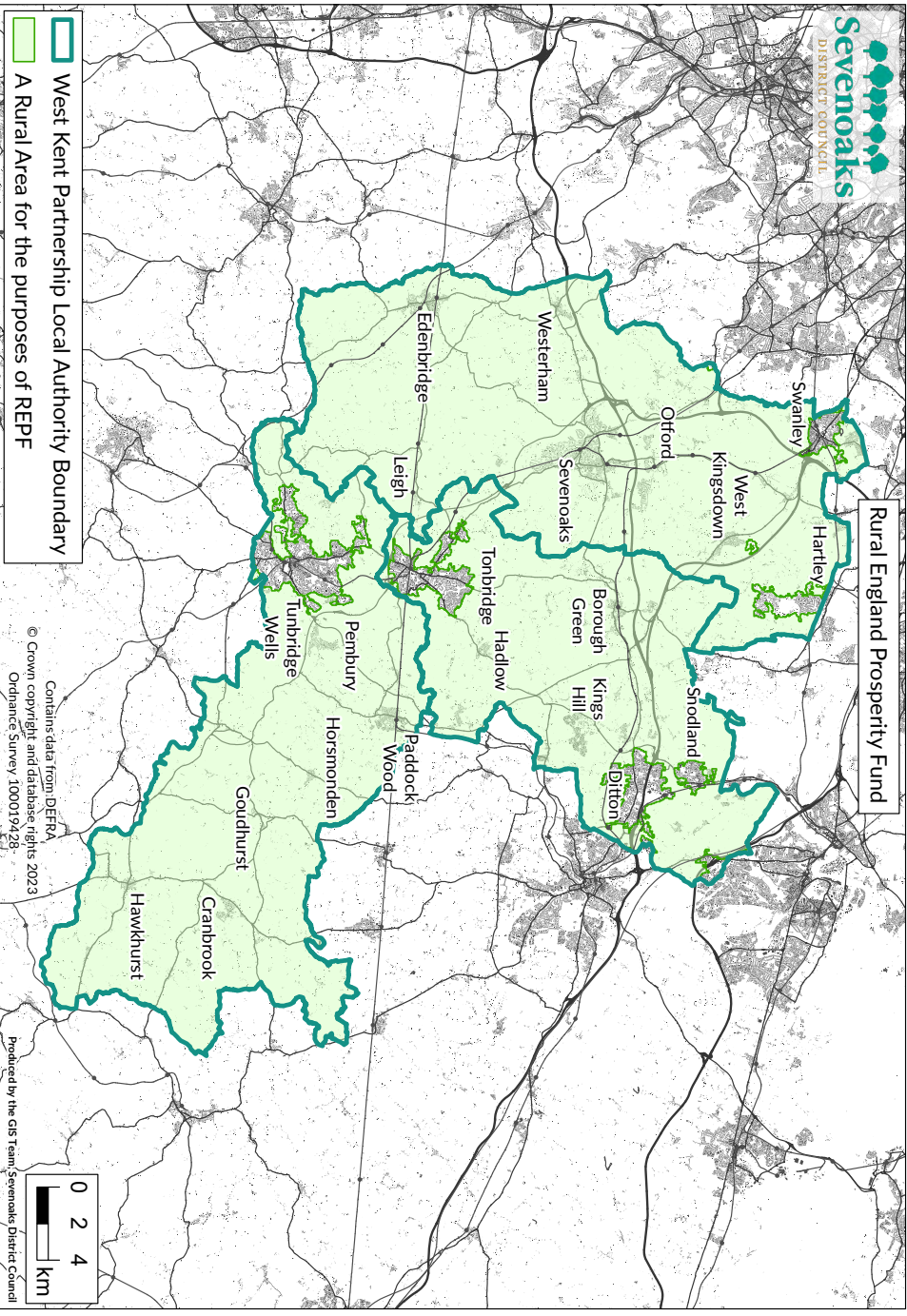



\*Project match funding will be required to be eligible for grant award  
Administered by Sevenoaks District Council for the West Kent Partnership




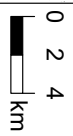
Funded by the Rural England Prosperity Fund (REPF)

Rural England Prosperity Fund



 West Kent Partnership Local Authority Boundary

 A Rural Area for the purposes of REPF

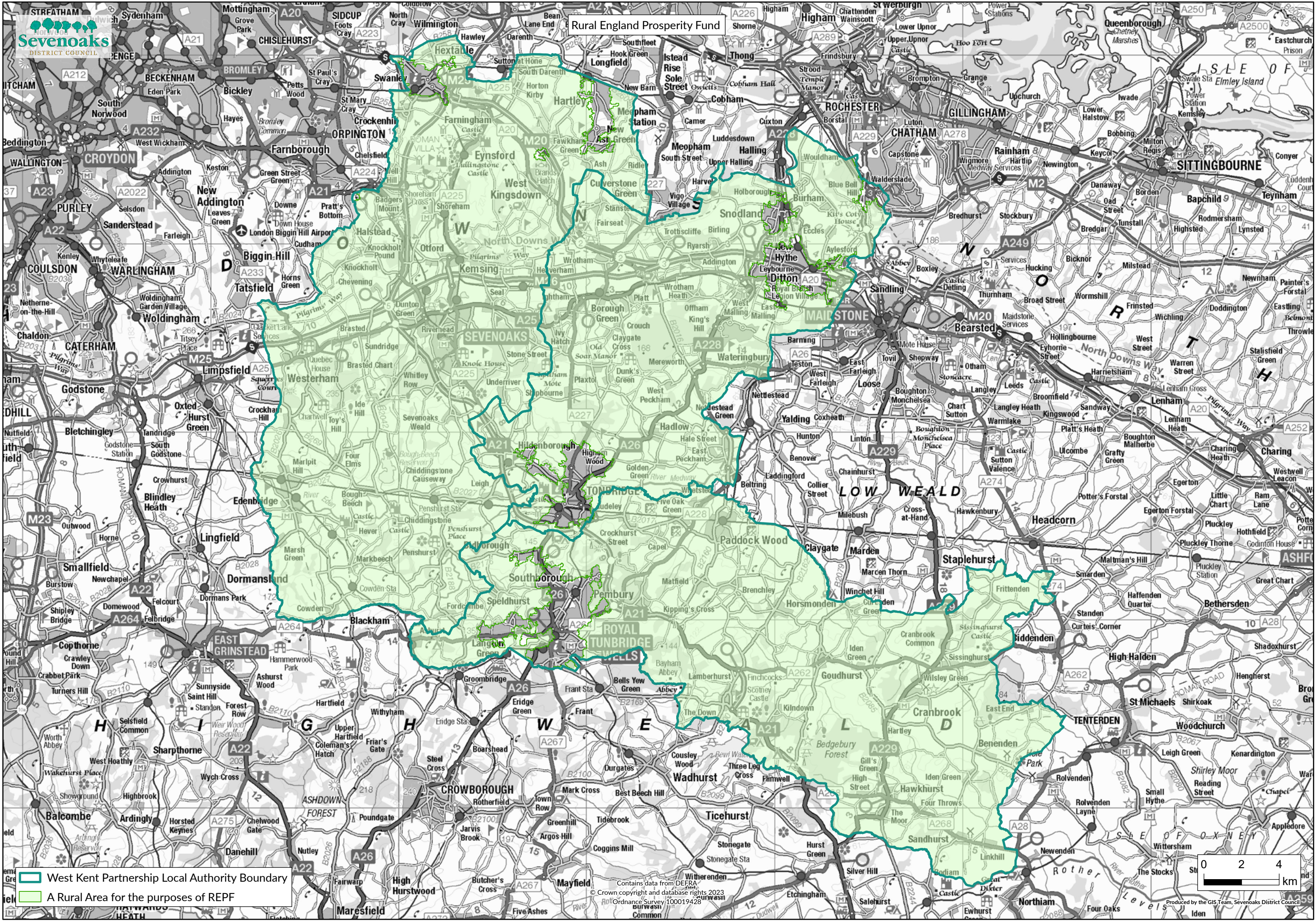


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Ordnance Survey 100019428

Produced by the GIS Team, Sevenoaks District Council

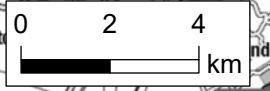


Rural England Prosperity Fund



West Kent Partnership Local Authority Boundary  
 A Rural Area for the purposes of REPF

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Invest West Kent



# West Kent Rural Grants

Funded by the Rural England Prosperity Fund

Administered by Sevenoaks District Council  
in partnership with Tonbridge and Malling and Tunbridge Wells Borough Councils

## Guidance for applications

### 2024-2025



Funded by  
UK Government



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## 1 Introduction

- 1.1. The purpose of these guidance notes is to help you through the application process. Please read the guidance; you will be asked to confirm that you have read and understood the guidance prior to completing the application form. If you have any questions, please contact [ruralgrants@sevenoaks.gov.uk](mailto:ruralgrants@sevenoaks.gov.uk).
- 1.2. This guidance, the application form and a map of eligible rural areas as defined by Defra can be viewed on our [West Kent Rural Grants webpage](#). You can also view [examples of projects funded by our previous West Kent rural grants programme](#) (the LEADER grant programme).
- 1.3. This is a rolling call for applications, this means there is no deadline.
- 1.4. **Please note:** once all funding has been allocated, this programme will close.

## 2 What is the West Kent Rural Grants scheme?

- 2.1 This is a **capital** only grant scheme for rural businesses and communities in Sevenoaks District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council local authority areas, known as 'Invest West Kent'.
- 2.2 The scheme is competitive. Being in an eligible area as defined by Defra or meeting the scheme's criteria **does not** automatically entitle you to a grant award. The scheme is competitive, awards are made at the Panel's discretion and the Panel's decision is final.
- 2.3 It aims to improve productivity and strengthen the rural economy and rural communities.
- 2.4 Grants will range from a minimum of £2,000 to a maximum of £24,999.
- 2.5 The scheme is funded by the Rural England Prosperity Fund (REPF), which supports the aims of the Government's Levelling Up White Paper and Future Farming Programme. You can find the REPF prospectus at [REPF.gov.uk](https://www.repf.gov.uk).
- 2.6 The REPF has two investment priorities:
  - supporting local business
  - supporting community and place

## 2.7 Specific aims include:

- support new and existing rural businesses to develop new products and facilities that will be of wider benefit to the local economy; this includes farm businesses looking to diversify income streams
- support new and improved community infrastructure, providing essential community services and assets for local people and businesses to benefit the local economy.

## 3 Eligibility: Who can apply?

3.1 This scheme only covers businesses and communities within Sevenoaks District Council; Tonbridge and Malling Borough Council; and Tunbridge Wells Borough Council local authority areas. Please [check your council](#).

3.2 Organisations that are eligible to apply for this fund include:

- sole traders
- CIC / social enterprises
- limited companies
- business partnerships
- Community Interest Organisations (CIO)
- community, voluntary or business groups
- registered charities
- village hall/recreation ground committees
- town and parish councils

3.3 Projects must be in an area classed as rural by Defra. You can check the [Defra Magic Map](#) or download a [PDF of our eligible areas](#). Please contact [ruralgrants@sevenoaks.gov.uk](mailto:ruralgrants@sevenoaks.gov.uk) if you need any help using the Magic Map.

3.4 Broadly, eligible areas include:

- towns, villages and hamlets with populations below 10,000 and the wider countryside
- market or 'hub towns' with populations of up to 30,000 that serve their surrounding rural areas as centres of employment and in providing services

3.5 Applications from groups of businesses/individuals seeking to improve shared facilities or communal areas are welcomed. However, a single applicant must be nominated that will bear overall responsibility for the grant, and act as the point of contact. The total grant awarded to a group will remain limited to no more than £24,999.

3.6 We cannot support applications for projects that have received funding from these other Defra schemes:

- [The Farming in Protected Landscapes programme](#)
- [The Farming Investment Fund](#)
- [The Platinum Jubilee Village Hall Improvement Grant Fund](#)
- in addition, projects where there is a statutory duty to provide them cannot be supported

3.7 The scheme will not support works that have already been undertaken or any works which are started prior to a formal offer of grant funding being made; this includes placing an order. However, projects with planning permission in place are encouraged, gaining planning permission will not be considered as starting a capital project.

## 4 Eligible projects

4.1 Eligible projects should meet one or more of your local authority's prioritised areas of intervention.

- small scale investment in micro and small enterprises in rural areas
- developing and promoting the visitor economy
- creation and improvements to local rural green spaces
- existing cultural, historic and heritage institutions that make up the local cultural heritage offer
- active travel enhancements in the local area
- rural circular economy projects (sustainable, repair, reuse, recycle)

4.2 Small and micro enterprises should have no more than 50 employees

4.3 Eligible projects should be able to show how they will contribute to the priority areas outlined above. View [further details regarding the objectives, outputs and outcomes of the above interventions.](#)

4.4 Proposals should also demonstrate value for money and consider how they contribute to net zero and nature recovery objectives which include:

- the UK's commitment to cut greenhouse gas emissions to net zero by 2050
- wider environmental considerations, such as resilience to natural hazards

- the [25 Year Environment Plan](#) commitments.

4.5 The application is for **capital** investment only.

4.6 Please note that all grants are discretionary and subject to the availability of funds. Once all the funding has been allocated, this programme will close.  
**Meeting eligibility criteria does not automatically entitle you to a grant award.**

## 5 How much is the scheme offering?

5.1 Grants will range from a minimum of £2,000 up to a maximum of £24,999.

5.2 Grants require you to fund a minimum of 50% of your project. There is no limit to how much of the project you fund yourself.

5.3 We may consider funding up to 80% of your project in exceptional circumstances.

5.4 What are exceptional circumstances?

- **Applicant:** must be a community group or start-up/micro-business
- **Impact of project:** must have high impact on job creation or improving quality of life for local communities
- **Proposal:** is the project innovative or trying something new?
- **Financial:** limited ability to provide match funding (evidence required)
- **Priority Areas:** you can check if your project is in the 30% most deprived areas using the [Indices of Multiple Deprivation](#).

**N.B. A minimum of four of these categories must be met.**

If you think your proposal is an exceptional circumstance, you will need to submit supporting information with your application form explaining why you think your proposal should qualify as exceptional. The more categories you meet the stronger your case for exceptional circumstances will be.

It is at the discretion of the grant panel (or council officers if under £5,000) as to whether an application ultimately qualifies as having exceptional circumstances and receives a higher contribution rate.

## 6 What will the scheme fund?

6.1 Funding is only for **capital** projects. This means you must spend grants on lasting assets such as a building or equipment. In addition, grants will only be made for business or community purposes.

The scheme will **not** fund the following:

- works that have already been carried out before the submission of an application
- domestic property improvements or to buy private vehicles
- revenue costs such as running costs or promotional activities
- professional fees associated with the development and delivery of the project, including planning application fees, consultancy and advisory fees
- improvements that solely aim to conform to requirements set out in the Equality Act under the duty to make reasonable adjustments
- internal improvements that have a negative effect on energy efficiency
- VAT for eligible VAT registered businesses

## 7 Will I require any permissions or consents, including planning consents, building regulations approval or advertising consent?

7.1 Works that change the exterior of buildings will likely require planning permission; there are additional requirements for Listed Buildings and buildings within Conservation Areas.

7.2 Some fixed machinery may need planning permission depending on location.

7.3 Please check carefully with your local council to understand what permissions you may require. Information about planning permissions can be viewed on the Government [Planning Portal](#). For further information regarding planning and building regulation requirements, please visit your relevant council planning department:

- [Tonbridge and Malling Borough Council Planning Department](#)
- [Sevenoaks District Council Planning Department](#)
- [Tunbridge Wells Borough Council Planning Department](#)

- 7.4 If planning permission is required, a separate planning application and scale drawings prepared by a professional agent will be necessary to show the extent of all new work. If you are using a professional agent, they will be able to advise you about any statutory consent that is required.
- 7.5 As part of the application process, applicants will initially be required to comment on their permission requirements and, subsequently, will need to provide proof that all permissions have been received prior to payment of any grant funding being made.
- 7.6 **N.B.** where applicable, if planning permission is not needed, written proof of this should be included with the application.

## **8 What information will the funding application ask for?**

- 8.1 Please see sections 9 and 11 for application criteria and a checklist of attachments to include with your application
- 8.2 You should read the application guidance and the application form questions (found on the scheme webpage) before you start your online application. You will need to complete the online application in one session so please have your answers ready.
- 8.3 Please see [government subsidy regulations](#). You will be asked to confirm that you will not exceed public subsidy limits.

## **9 How will my application be assessed (criteria)?**

- 9.1 Applications will be assessed by a panel.
- 9.2 Applications will be assessed according to the following criteria. Please consider these when filling in your application form:
- how your project fits within your Council's interventions as listed in 4.1
  - how your project will add economic and / or community value
  - why is it needed? what difference grant aid will make when compared to what would happen without grant aid
  - supporting the project won't harm other similar local businesses and/or other similar community organisations
  - whether your project and project outcomes are deliverable



- evidence that your project offers value for money (quotes)
- guarantees that work will be carried out to a high standard by a registered contractor (if applicable)
- evidence of commitment to maintain the capital investment
- the proposed project is within your local authority's eligible areas as defined by [Defra's Magic Map](#)
- can deliver the project in full with submission of final receipted invoice by 1 March 2025 to comply with government funding deadlines - please consider your timescales carefully
- financial performance: the viability of the underlying business and the proposed project
- how the project proposer has considered the environmental impact of the project and how the project contributes towards net zero
- complies with [subsidy regulations](#).

## **10 Who will decide whether my application is approved?**

- 10.1 Applications will initially be assessed to ensure the application is complete and eligible
- 10.2 Applications from £2,000 to £4,999 will be assessed by a panel of economic development officers from the Invest West Kent member councils
- 10.3 For grants of £5,000 to £24,999 applications will be passed to the Grants Panel consisting of:
- rural business and community representatives
  - a cabinet member representative from each local authority member within Invest West Kent

## 11 Evidence to attach with your application

### 11.1 Please use this as a checklist prior to submitting your application.

- three quotes or tenders, dated within the last three months (if more than one item, this means three quotes for each item)
- any relevant photographs, maps, architect drawings, plans or specifications including specifications for machinery or equipment

### 11.2 Financial accounts for the applicant's business

Applicants must send copies of two years' accounts for the business or organisation applying for the grant. These must include all the following:

- title and introduction pages
- profit and loss statements
- balance sheets; and any account notes pages

New businesses that don't have accounts covering the two years required must send **one** of the following:

- draft accounts
- latest tax returns
- management accounts or
- an opening statement from an accountant that includes expected income and operating expenses

### 11.3 In the case of the purchase of **second-hand equipment**, please download, fill in, sign and upload the 'second-hand equipment' form found underneath the scheme guidance at [www.sevenoaks.gov.uk/westkentruralgrants](http://www.sevenoaks.gov.uk/westkentruralgrants). This will ask for:

- the original proof of purchase
- confirmation it hasn't been bought using public funds in the last 7 years
- it meets health and safety legislation
- it has at least five years useful life remaining from the date of the final grant payment
- it doesn't cost more than the market value for new equipment

- 11.4 Tenants: If the activity involves investments in immovable assets and **the applicant is a tenant**,
- the landlord's written permission for the improvements must be obtained where this is a condition of the tenancy
  - in addition, the applicant must provide written evidence of the tenancy agreement in the form of copies of sections that show: the holding address; tenant; landlord; signatures; and for fixed term agreements, the tenancy term
  - your local authority may request to see a copy of the full tenancy agreement
- 11.5 If applicable, statement and evidence why you think your project is **exceptional**, referring to section 5 of the guidance
- 11.6 Recent bank statement (within the last three months)

## **12 How long will it take to make a decision on my application?**

- 12.1 We aim to make a decision on your application within three weeks of a panel meeting

## **13 What conditions will apply to the grant?**

- 13.1 Full details of the conditions that apply to the grant will be set out in the grant offer letter

Conditions include but are not limited to the following:

- 13.3 If planning approval is required and has not been granted by the time a decision on your grant application is made, then any offer will be conditional on securing the required permissions
- 13.4 If any other statutory consents or licences are required, any offer will be conditional on securing the required consents or licences
- 13.5 Projects will need to engage in quarterly reporting (depending on length of project) to enable your awarding council to comply with government reporting requirements
- 13.6 Photographs of progress and completion must be provided

- 13.7 A variety of bodies are entitled to inspect projects and project documentation at any time with a minimum of advance notice. As well as council officers, these include the National Audit Office and Defra. In an inspection, they'll check that projects meet all terms, conditions and timings from the grant funding agreement.
- 13.8 Projects must agree to publicity and branding guidelines issued by the government, this may include displaying a plaque; [please view the Government branding guidelines](#).
- 13.9 Please read full terms and conditions included at the end of the application form

## **14 When will the grant be paid?**

- 14.1 In most instances, payment will be made in arrears on satisfactory completion of the project, with evidence of a receipted invoice and photographs showing project completion, copy of a bank statement showing the spend and re-confirmation of bank details.
- 14.2 However, in exceptional circumstances, where an applicant is unable to be paid fully in arrears, stage payments may be considered. Applicants will need to explain why they cannot be paid fully in arrears and submit an argument for 'exceptional circumstances' as set out in section 5.4.

If awarded stage payments, applicants will be expected to use their contribution (match funding) on the project prior to receiving grant payments. Evidence in the form of a receipted invoice and bank statement showing spend will be required.

Grant payments will then be staged, on production of receipted invoices, copy of bank statement showing spend and photographic evidence of progress.

- 14.3 In exceptional circumstances, payment up front of some of the grant award may be considered. Applicants will need to explain why they cannot be paid fully in arrears and submit an argument for 'exceptional circumstances' as set out in section 5.4.

If awarded payment up front of some of the grant award, applicants will be expected to use their contribution (match funding) on the project prior to receiving grant payments. Evidence in the form of a receipted invoice and bank statement showing spend will be required.

- 14.4 Please note final invoices must be received no later than 1 March 2025 for the 2024-2025 funding period

## 15 How do I apply?

- 15.1 First, please make sure that you have read and understood the guidance notes in their entirety. You will be asked to confirm that you have done so at the beginning of the application form.
- 15.2 Fully complete the online application form, with all required uploads / attachments and submit for consideration.
- 15.3 Applications must be complete, with all necessary information, to be considered by the panel.
- 15.4 Please contact [ruralgrants@sevenoaks.gov.uk](mailto:ruralgrants@sevenoaks.gov.uk) if you need any assistance accessing the application form or need any further guidance.
- 15.5 Your application is considered by the panel (in accordance with sections 9 and 10).
- 15.6 Panel dates are indicated on the scheme web page (and may be subject to change, for example if funding is fully allocated.)  
[www.sevenoaks.gov.uk/westkentruralgrants](http://www.sevenoaks.gov.uk/westkentruralgrants).
- 15.7 If approved, a formal Grant Offer Letter will be issued, with conditions.
- 15.8 If refused, the applicant will receive a letter explaining the decision.

Please see the following page for the scheme summary.

## 16 Summary of scheme

Key elements	Summary
Types of eligible business and community projects	Independent rural businesses, not for profit, community enterprises.
Location	Projects must be in a rural area as defined by Defra. Please check the <a href="#">Magic map</a> .
Eligible Works	Funding is only for capital projects. This means you must spend grants on lasting assets such as a building or equipment. In addition, grants must be for business or community purposes only.
Grant Value	Grants will be up to a maximum of £24,999 with a standard grant contribution level of 50%, rising to 80% in exceptional circumstances.
Quotes	A minimum of <b>three</b> quotes needed to demonstrate value for money (if this is not possible you will need to explain why).
Permissions / consents e.g. Planning and Building Control	Confirm whether permissions are necessary for your works.
Timeframe to deliver project	Projects must be complete by 1 March 2025 for 2024-2025 funding to comply with government funding deadlines. Please consider your timescales carefully.
Payments	Will be released on presentation of a receipted invoice and photos of your completed project.



# West Kent Rural Grants – application questions

**Funding by the Rural England Prosperity Fund administered by Sevenoaks District Council in partnership with Tonbridge and Malling and Tunbridge Wells Borough Councils**

Funding year 2024-2025

This application form is to be used when applying for the West Kent Rural Grants scheme, funded by the Rural England Prosperity Fund (REPF).

**Eligibility criteria as laid out in the guidance must be met. Meeting eligibility criteria does not automatically entitle you to a grant award.**

Incomplete applications will not be processed and will not be considered by the grant decision panel. Please take care to fully complete your application.

**This grant scheme supports businesses and communities based in either Sevenoaks District Council, Tonbridge and Malling Borough Council or Tunbridge Wells Borough Council local authority areas only (known as Invest West Kent).**

This grant scheme is administered by Sevenoaks District Council on behalf of Invest West Kent. Please contact [ruralgrants@sevenoaks.gov.uk](mailto:ruralgrants@sevenoaks.gov.uk) if you need any help.

**Questions that will need preparation prior to starting the application form are in BOLD. You will need to refer to the scheme Guidance.**

1. Does your application relate to a proposal that is 100% capital funding (i.e. not revenue funding)?
2. Are you in an eligible area of Sevenoaks, Tonbridge and Malling or Tunbridge Wells local authority areas as defined by the Defra Magic map. Please see section 3.3 of the scheme guidance at the top right of the screen.
3. Have you / will you receive funding for your project from any of the following? • The Farming in Protected Landscapes Programme • The Farming Investment Fund • The Platinum Jubilee Village Hall Improvement Grant Fund. Please see section 3.6 of the scheme guidance at the top right of the screen. Has work on your project already started? Please see section 3.7 of the scheme guidance at the top right of the screen.
4. Is there a statutory requirement to fund your project? (i.e. do you have a legal requirement to fund it?)

5. Local authority area in which the proposed project is located: (please select)
6. Project description, in one brief sentence (descriptive title)
7. Name of person responsible for the delivery of the project
8. Name of business
9. Business address (including postcode)
10. Landline
11. Mobile number
12. Email address
13. Sectors
- 13.1 Other, please state:
14. Type of organisation
- 14.1 Other Type of organisation
15. Project address if different (including postcode)
16. Charity registration number (where applicable)
17. Company registration number (CRN) (where applicable)
18. VAT registration number (where applicable)
19. Business rates number (where applicable)
20. Total number of employees
21. Turnover per annum (£) (2022-2023)



22. Amount of grant applied for
23. Total project cost
24. Please confirm you are able to contribute (match fund) a minimum of 50% of the total project cost
- 24.1 If you are unable to match fund at 50%, please explain briefly why your project is 'exceptional' as detailed in section 5.4 of the Guidance and attach a full statement giving evidence of meeting criteria in section 5.4.
25. What is the source of your match funding?
26. Grants are normally paid in arrears, without stage payments. Can you deliver the project without stage payments? (see section 14 of guidance). Please answer yes or no.
- 26.1. If you are requesting stage payments, please briefly explain why?
27. Can you deliver the project without payment of grant fund up front? Please indicate Yes or No. (see section 14.3 of guidance found at the top right of the screen)
- 27.1. If No, please outline why payment up front is required? Please refer to the description of 'exceptional' circumstances in section 5.4 of the guidance and explain briefly why your project is 'exceptional'. Please attach a full statement referring to evidence of criteria in section 5.4
28. Will you be able to submit your final receipted invoice by 1 March 2025.
29. Please provide an overview of the nature of your business / charity / not for profit. What does your organisation do?
30. What is your interest in the premises from which you operate?
31. Other Interest in the premises from which you operate
32. If you are a tenant, please give the number of years left on your lease
33. Contact details of your landlord

For the following questions, please refer to the criteria checklist in Section 9 of the guidance provided. Project proposal

- 35 Please provide a description of the capital investment that you are proposing for which you are requesting grant funding? (max. 400 words)**

### 35.1

#### Which interventions does your project fit within?

Small scale investment in micro and small enterprises in rural areas

Developing and promoting the visitor economy

Creation and improvements to local rural green spaces

Existing cultural, historic and heritage institutions that make up the local cultural heritage offer

Active travel enhancements in the local area

Rural circular economy projects (sustainable, repair, reuse, recycle)

### 36 Economic and community value (max. 400 words)

**What economic, community or environmental outcomes do you expect directly from the delivery of your proposals?** (e.g. not limited to, jobs created or safeguarded; increased footfall; improved perception of facilities; increase in community-led programmes; increased participation, engagement, membership, revenue)

**Please quantify (even if an approximation)** for example: "Purchase and installation of two EV charging points, resulting in 500 more visitors per annum" or "three businesses supported with new equipment resulting in four jobs being created".

### 37 Project justification (max. 400 words)

**Please explain:**

- **Why your project is needed**
- **Why you need grant funding to deliver your project**
- **Why your project will not harm any other similar local business or organisation**

### 38 What is the environmental impact of your project? Does your project contribute to net zero? (max. 400 words)

Project management

### 39 Please detail your project costs, enter as many lines as needed.

Project schedule

### 40 What is your expected start date for the project?

### 41 When do you expect to complete the project?

### 42 How will you maintain the capital investment after the project is completed?

Project timeline

**43** Timeline with milestones, please enter as many target dates as needed Target dates

Risks

Please detail any risks to your project and project outcomes and how these may be mitigated.

Actions to reduce risk (if any)

Severity if risk materialises

**44** Are any consents needed for your project?

Planning Permission:

Building Control Approval:

Listed Building Consent:

Advertising Consent:

Other:

Subsidy regulations

**45** Will receiving a grant put you over government subsidy regulation limits?

**46** Name of Bank or Building Society

Account Holder's Name

Account Number

Sort Code

### Checklist for attachments

Sketches /plans / images

Specification Three quotes

Accounts, two years (see guidance)

Recent bank statement (within three months of application date Landlord's written permission (if applicable)

Tenancy agreement (if applicable)

Second-hand equipment evidence if applicable (see section 11)

If applicable, statement and evidence for 'exceptional' circumstances