

Bitteswell with Bittesby Parish Council

Policy in respect of Village Green Byelaws

Adopted 21 April 2016 | Reviewed May 2024

Background to the Policy

The appended document 'Parish of Bitteswell Byelaws to amend Byelaws with respect to The Village Green', coming into operation on the 30th day of April 1986 by order of the Secretary of State, confirms the prohibitions in respect of access and usage except with the express 'consent of the Council (which) means the Parish Council of Bitteswell.' Paragraphs 3 to 7 inclusive detail the prohibitions and Paragraphs 8 and 9 detail the liabilities in law for any infringement. The same document delineates the site and boundaries of the Village Green. Paragraph 10 identifies the preceding Byelaws, now revoked.

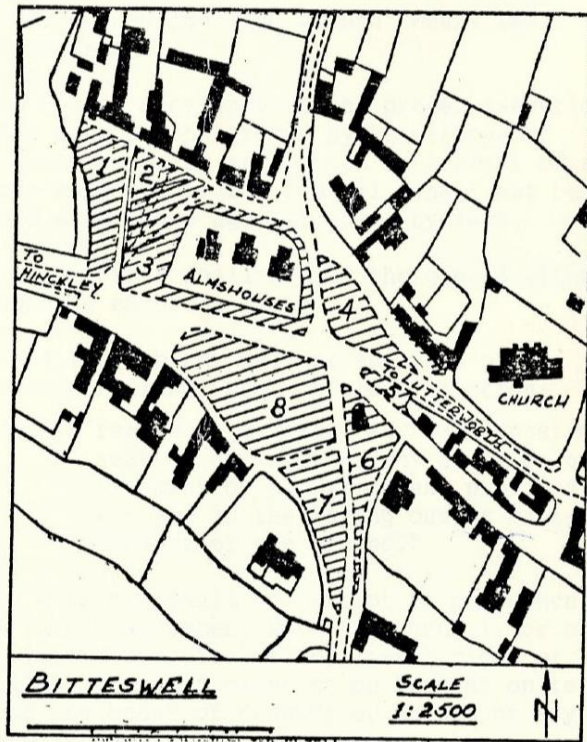
Bitteswell with Bittesby Parish Council, as the registered owner of the Village Green, has a long-standing commitment to acting as a good custodian both in respect of upkeep and in supporting communal events which are of whole-village benefit. Each of the presently established Councillor members affirms that continuing commitment.

Very infrequently, difficult circumstances can arise when a request, entirely reasonable to the proposer, unwittingly would breach a legal prohibition. Current Bitteswell with Bittesby Parish Council Councillors are clear that they do not have, nor do they wish to have, the authority to give consent in such circumstances. As well as the propriety of fulfilling the law, additionally they judge it imprudent to have any perceived precedent set for the future. Members of the Bitteswell with Bittesby Parish Council judge that otherwise they would not be fulfilling properly their custodian responsibilities. At the same time, current Councillors, conscious that the history of Bitteswell may have bequeathed them the rare, compromised circumstance in this matter, remain content with known established and inherited practice.

The Policy

Bitteswell with Bittesby Parish Council will ensure that its decisions and actions are compliant with the Village Green Byelaws except in a circumstance where a law superordinate to the Byelaws can be demonstrated beyond doubt. This Policy will be reviewed whenever there is a change in the membership of the Council.

PARISH OF BITTESWELL
BYELAWS TO AMEND EXISTING BYELAWS
WITH RESPECT TO
THE VILLAGE GREEN



BYELAWS made under Section 15 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 by the Parish Council of Bitteswell

with respect to a VILLAGE GREEN.

1. Throughout these byelaws the expression "the Council" means the Parish Council of Bitteswell and the expression "the ground" means the Village Green.

2. An act necessary to the proper execution of his duty on the ground by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these byelaws.

3. "A person shall not in the ground without reasonable excuse:-

- (i) climb any wall or any tree or any railing, post or other erection;
- (ii) remove or displace any wall, post or seat or any part of any erection or ornament or any implement provided for use in the laying out or maintenance of the ground."

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

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

- (a) a wheeled bicycle or other similar machine
- (b) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

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

5. A person shall not except in pursuance of a lawful agreement with the Council, affix any bill, placard, or notice to or upon any tree, seat or other erection on the ground.

6. A person shall not except with the consent of the Council erect any post, rail, fence, pole, tent, booth, stand, building, or other structure on the ground.

7. A person shall not on the ground intentionally obstruct, disturb or annoy any other person in the proper use of the ground, or intentionally obstruct or disturb any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of his duty.

8. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding One Hundred Pounds.

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

(i) Where the infraction of the byelaw is committed within the view of such officer or constable, and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable.

(ii) Where the infraction of the byelaw 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 ground of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

10. The byelaws relating to the ground which were made by the Bitteswell Parish Council on the seventh day of March 1929, and on the seventeenth day of September, 1954 and were confirmed by the Minister of Health and the Secretary of State respectively on the sixth day of May 1929 and the nineteenth day of November, 1954 are revoked on the date when these byelaws come into operation.

Given under our hands and Seals at a Meeting
of the Parish Council held after due notice
thereof this Tenth day of October 1985

Jill Smith - Chairman LS

Arthur Sharpe - Member LS

The foregoing byelaws are hereby confirmed
by the Secretary of State and shall come into
operation on the 30th day of April 1986.

Signed by the authority of the Secretary of State

M E HEAD LS

An assistant Under-Secretary of State