

Questions and answers for each proposed new parks byelaw.

| Byelaw | Questions relating to the byelaw | Response to question | How and where byelaw will apply |
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| <p>No person shall enter or remain in the ground except during opening hours.</p> | <p>Which sites have opening hours?</p> <p>How will we know?</p> | <p>Nearly all Bristol’s green spaces are fully accessible to the public 24 hours a day 365 days a year so there are no restrictions.</p> <p>At the moment the only site with opening and closing times is Hengrove Play Park.</p> <p>The opening and closing times are displayed at the park and online at www.bristol.gov.uk</p> | <p>This applies to all sites where byelaws are made</p> |
| <p>No person shall without reasonable excuse remove from or displace within the ground:</p> <p>(a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or</p> <p>(b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.</p> | <p>I volunteer with a group that does maintenance work in a park. Does this mean we will have to stop?</p> <p>Does this stop me metal-detecting?</p> | <p>No. Though it is important that the Council agrees the work that volunteers do – either through an action plan or on a task-specific basis.</p> <p>It does not stop metal detecting but it does stop digging up finds without the Council’s permission as landowner. The Council permits the digging up of ‘finds’ on its land a part of a pre-agreed archaeological assessment.</p> | <p>This byelaw will apply to all where byelaws are made</p> |
| <p>No person shall walk on or ride, drive or station a horse or any vehicle over:</p> <p>(a) any flower bed, shrub or plant;</p> <p>(b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or</p> <p>(c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.</p> | <p>Does this apply in wild spaces such as the Northern Slopes or Eastwood Farm or on wildflower meadows? You can’t help but step on plants here.</p> | <p>We want people to enjoy parks and wild spaces and go exploring. The byelaw is mainly designed to prevent wilful damage to trees and of designed features – flowerbeds, shrub beds etc – in more formal settings and in Housing areas.</p> | <p>This byelaw will apply to all of the sites in the schedule.</p> |

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| <p>No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.</p> | <p>Can I use a gazebo for a children's party?</p> <p>What if I am organising an event – how do I get consent for structures relating to this?</p> <p>Does this include rope swings in trees?</p> | <p>The council will publish “general consents” – by which we mean we will allow some things without you having to ask for specific consent that will allow the things covered in the consent to happen without breaking the byelaw. We will include in that consent the use of gazebos and similar structures erected temporarily to provide shade, act as a gathering point or as part of a small private function. This is a legitimate use of a park and consent will only be withdrawn if the use is unreasonable or specific areas require special protection</p> <p>An event can be said to be an activity where the wider public are invited and encouraged and/or tickets are sold to take part. Events require the consent of the Council. Any barriers or structures etc should be agreed as part of that process.</p> <p>Yes. Rope swings from trees are potentially dangerous and not permitted on Council land. The Council will remove these if found.</p> | <p>This applies to all sites where byelaws are made. We aim to publish a set of general consents to cover reasonable use. For Anything not falling within general consent specific consent can be requested.</p> |
| <p>No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.</p> | <p>How do I ask for consent?</p> | <p>Consent can be requested by contacting the Parks service on bristolparks@bristol.gov.uk or calling 0117 9223719.</p> | <p>Consent can be requested and given by the Council to graze. If consent is not requested and given the Council may enforce the byelaw on any site to which byelaws apply.</p> <p>Grazing is not allowed in parks without permission and in green spaces where byelaws do not apply other powers may be used to tackle this when found.</p> |

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| <p>No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares save where written permission has been granted by the Council to enable the undertaking of pest control and deer culling</p> | <p>What pests might be controlled?</p> | <p>This is difficult to say. Pests might include rats if causing a problem. Pest control refers to the regulation or management of a species considered to be a pest because of some harm caused, which could be harm to human health, or to the environment or the economy.</p> | <p>This byelaw will apply to all sites where byelaws are made</p> |
| <p>No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.</p> | <p>What is camping? Can we put a tent up during the day as a sun shade or for children to play with or to use as shelter if it rains?</p> <p>Do you intend to give general consent for camping in any of the green spaces? That is, will you ever allow camping to take place without somebody asking for the Council's permission?</p> | <p>This byelaw does not cover tents in parks and open spaces erected during the day or evening for recreational use.</p> <p>The use of the term 'camping' applied in the byelaw carries its ordinary English meaning (as set out in OED). There needs to be some overnight residence where the occupant is accommodated within an enclosed moveable form of shelter.</p> <p>Overnight camping can only take place with the consent of the council. Consent can be requested by contacting the Parks service on bristolparks@bristol.gov.uk or calling 0117 9223719.</p> <p>No, not currently. We do not think there are any green spaces where it would be appropriate to allow this all generally, however we might issue short term general consents, for example to cover specific events, but only if a strong case were made that this could happen without harming the enjoyment of the park for everyone.</p> | <p>This byelaw will apply to all sites where byelaws are made</p> |

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| <p>No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.</p> <p>(2) Byelaw 10(1) shall not apply to:</p> <p>(a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or</p> <p>(b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.</p> | <p>What is a 'properly constructed BBQ'?</p> <p>Where are the 'designated areas for BBQs'?</p> <p>I can see what you are trying to do, but if you designate everywhere won't you be putting the green spaces at risk of being damaged by irresponsible people?</p> | <p>A shop-bought BBQ manufactured specifically for that purpose. What is not permitted is an open fire arrangement or the use of an unsuitable structure not fit for purpose. It will also be subject to certain conditions such as that it should be placed on the ground but is raised off it to ensure it does not cause damage</p> <p>Consultation on designated areas is taking place between 18th January and 20th March 2016. We are proposing that we will designate all parks and green spaces except for ones we specify, because we want people to be able to enjoy the green spaces where this can be done safely and without spoiling the area for everybody else. The areas we propose that we will not designate will usually be areas with nature conservation interest and a higher risk of fire. We will consider other areas put forward during the consultation.</p> <p>We hope that won't happen. We don't want to be overly restrictive because that would mean the enjoyment of the majority would be at risk. That said, areas will only be designated for use in line with a set of conditions that we will publish. These would cover things like the type of barbecue, their operation and perhaps things like the latest time when barbecues can be lit and clearing litter. We would keep that code under review, adjust it, or exclude more areas, if problems arose. However we hope people will use the spaces responsibly so that people enjoy our green spaces more, not less.</p> | <p>This byelaw will apply to all sites where byelaws are made. However, whole parks or parts of parks may have designated areas where the activities are permitted</p> |

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| <p>No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.</p> | <p>Does this include footballs, cricket balls or tennis balls?</p> <p>Does this include field athletics items?</p> | <p>The use of balls for playing games is a legitimate recreational use of a park or green space providing done in places that do not put people at risk. It is sensible to suggest that anyone using a hard (e.g cricket) or heavy ball does so out of the way of other park users.</p> <p>Yes. Obviously items such as javelins if not used in an appropriate way are liable to cause injury</p> | <p>This byelaw will apply to all where byelaws are made.</p> |
| <p>No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.</p> | | <p>This includes rubber or inflatable rings used on watercourses.</p> | <p>This byelaw will apply to all where byelaws are made</p> |
| <p>No person shall ride a horse in any of the grounds specified in Schedule 2 except:</p> <p>(a) on a designated route for riding; or</p> <p>(b) in the exercise of a lawful right or privilege.</p> <p>Where horse-riding is permitted by virtue of byelaw 13(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.</p> | <p>Where are the designated routes for riding?</p> <p>How do I know where there are designated routes or lawful rights and privileges?</p> <p>If the site I ride in is not in your list can I ride there?</p> | <p>Horse riding is not restricted in any public open space over 4 hectares and the byelaw does not apply to these spaces. These sites are listed online here.</p> <p>No new designated routes are proposed.</p> <p>Horse riding is permitted on Public Bridleways, Restricted Byways and Byways Open To All Traffic. The routes of these can be found online at www.outdoorswest.org.uk/Home/index</p> <p>Sometimes there can be lawful rights such as easements and riding in exercise of those rights would be lawful.</p> <p>You would not be breaking this byelaw if you did so as it only applies to the ones in the list. You would of course have to comply with other relevant laws.</p> | <p>This byelaw only applies to sites that are not larger than 4 hectares.</p> <p>However, new routes may be designated in those sites where horse-riding will be permitted.</p> |

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| <p>No person shall ride a cycle in the ground in such a manner as to cause danger or reasonable fear of injury to any other person.</p> | <p>Does this apply on all cycle routes?</p> <p>Who decides what is 'reasonable fear'?</p> <p>Is there a speed limit for cyclists?</p> | <p>This will apply to cycle routes if they are crossing any of the green spaces in Schedule 1. It will not apply to cycle routes outside of green spaces and/or not in Schedule 1.</p> <p>Ultimately this would be a matter for a court to determine if there were a prosecution, however the test would include both a subjective element (proof that somebody was actually in fear) and an objective one (proof that it was reasonable in all of the circumstances for the person to be afraid) and these are the issues the council would have to consider if investigating such a complaint.</p> <p>There is no specific speed restriction in the byelaw but excess speed that results in danger or reasonable fear could be evidence of breach of this byelaw. Consideration for other park users should avoid breach.</p> | <p>This byelaw will apply to all where byelaws are made</p> |
| <p>No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.</p> <p>Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.</p> | <p>How do I know where there are rights of way or designated routes?</p> <p>What are reasonable excuses – what is allowed and what is not allowed?</p> | <p>Sometimes there can be lawful rights such as easements and driving in exercise of those rights would be lawful. If you feel you have a right to drive across a green space you should tell the Council about it.</p> <p>This is effectively a defence to a byelaw and it would be for the person claiming the reasonable excuse to show that it was reasonable. It is hard to give a list therefore as every circumstance will be different, but it is easy to anticipate that a life and limb emergency would be judged to amount to a reasonable excuse.</p> | <p>This byelaw will apply to all where byelaws are made</p> |

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| No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m. | How do I get consent from the Council? | The Council might sometimes give a general consent. Otherwise specific consent can be requested by contacting the Parks service on bristolparks@bristol.gov.uk or calling 0117 9223719. | Consent can be requested and given by the Council to leave vehicles overnight. If consent is not requested and given the Council may enforce the byelaw on any site in which byelaws have been made. |
| No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council. | How do I get consent from the Council? | Consent can be requested by contacting the Council's Events Team. Visit https://www.bristol.gov.uk/outdoor-event-site-permissions-licence | Consent can be requested and given by the Council to engage in the sport of archery. If consent is not requested and given the Council may enforce the byelaw on any site to which byelaws apply |
| No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council or on land set aside by the Council for that purpose. | How do I get consent from the Council? | Consent can be requested by contacting the Council's Events Team. Visit www.bristol.gov.uk/outdoor-event-site-permissions-licence | Consent can be requested and given by the Council to throw or put any javelin, hammer, discus or shot. If consent is not requested and given the Council may enforce the byelaw on any site to which byelaws apply |
| No person shall drive, chip or pitch a hard golf ball [except on the golf course]. | Where are the golf courses? | There are two golf courses at Ashton Court Estate. There are no other designated golf courses in public parks at the moment. | This byelaw will apply to all where byelaws are made |

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| <p>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.</p> | <p>Where are the designated areas for fishing?</p> | <p>Consultation on designated areas is taking place between 18th January and 20th March 2016. It is proposed to designate all lakes and rivers in or adjacent to parks and green spaces except at St George Park, meaning that fishing could not take place there currently but could take place in other parks.</p> <p>We could alter or withdraw a designation so that the ban operated in other places in the future, but we would only do this where we considered it was a necessary and proportionate step to take.</p> | <p>This byelaw will apply to all sites where byelaws are made that have waterways now or in the future.</p> |
| <p>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.</p> | | | <p>This byelaw will apply to all where byelaws are made.</p> |
| <p>No person shall cause any power-driven model aircraft to:</p> <p>(a) take off or otherwise be released for flight or control the flight of such an aircraft; or</p> <p>(b) land in the ground without reasonable excuse;</p> <p>other than in a designated area for flying model aircraft.</p> | <p>Does this include drones?</p> <p>Where are the designated areas for model aircraft?</p> | <p>The byelaw applies to any aircraft which weighs not more than 7 kilograms without its fuel and so may include drones;</p> <p>“Power-driven” means driven by:</p> <ul style="list-style-type: none"> • the combustion of petrol vapour or other combustible substances; • 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 • one or more electric motors or by compressed gas. <p>The consultation on designated areas takes place between 18th January and 20th March 2016. The current proposal designates Hengrove Park as the only designated area subject to certain conditions. We will consider other sites put forward during the consultation.</p> | <p>This byelaw will apply to all of the sites in the schedule. .</p> |

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| <p>No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.</p> | <p>Am I allowed to use parks for my dog-walking business?</p> | <p>We think that when people use parks as part of their working day this is not offering to provide a service that needs the consent of the Council under this byelaw. So if you are a child minder taking a child in your care to the park, or a self-employed artist sketching the landscape, or a dog walker for other people then we think your activity is just a normal use of the park and you don't need our consent. However if the park was where you based your business that would be different; so if you approached people in the park and offered to walk their dogs, or approached park users and offered to draw their portrait then you would need our consent as you would be using the park as the place from which you are providing the service.</p> | <p>Consent can be requested and given by the Council to offer or provide a service for which a charge is made. If consent is not requested and given the Council may enforce the byelaw on any site in the Schedule.</p> |
| | <p>Am I allowed to use parks for my fitness instructor business?</p> | <p>You could not run fitness sessions at a charge in the park without the council's consent</p> | |
| | <p>Can I operate an ice cream van?</p> | <p>Ice-cream concessions require a street trading licence and a contract with the owner of the green space concerned. Yes if these are in place.</p> | |
| | <p>Can I take children from a nursery to a park?</p> | <p>Yes, this is not a business being run in the park.</p> | |
| | <p>Can I operate a Forest School in parks?</p> | <p>Yes but only with the council's consent</p> | |
| | <p>Can I do balloon flights from a park?</p> | <p>Yes but only if you have the council's consent</p> | |
| | <p>Can I collect for charity in a park?</p> | <p>Charity collections are regulated under other legislation, further information is available from the council's licensing team</p> | |
| | <p>I have a concession as part of an event – is this allowed?</p> | <p>Yes providing you have the express consent of the Council for your charged service.</p> | |
| <p>Will I have to pay for consent?</p> | <p>Yes, you will usually be charged to use the park but we will take into account the scale of your business and whether it takes use of some of the park away from other people</p> | | |

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| <p>No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:</p> <p>(a) shouting or singing; (b) playing on a musical instrument; or (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.</p> | <p>Does this include an MP3 device or CD player?</p> | <p>In this context these are similar devices to radios, amplifiers or tape recorders, so yes it does..</p> | <p>This byelaw will apply to all where byelaws are made.</p> |
| <p>No person shall without the consent of the Council hold or take part in any public show or performance.</p> | <p>How do I get consent from the Council?</p> | <p>Consent might be generally given or can be specifically requested by contacting the Parks service on bristolparks@bristol.gov.uk or calling 0117 9223719 or contacting the arts and events team – visit www.bristol.gov.uk/outdoor-event-site-permissions-licence</p> | <p>This byelaw will apply to all where byelaws are made</p> |
| <p>No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.</p> | <p>How do I get consent from the Council?</p> | <p>Consent might be generally given or can be specifically requested by contacting the Parks service on bristolparks@bristol.gov.uk or calling 0117 9223719.</p> | |
| <p>No person shall obstruct:</p> <p>(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.</p> | | | <p>This byelaw will apply to all sites where byelaws are made</p> |

| Byelaw | Potential questions arising | Communications messages | How and where byelaw will apply |
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| It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty. | | | This byelaw will apply to all sites where byelaws are made and has the effect of making lawful the normal proper operation of the parks by the Council and others acting under contract on its behalf that might otherwise be an offence |
| Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable. | | | This byelaw will apply to all sites where byelaws are made. |
| Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale | <p>How big is the fine?</p> <p>Will I get a Fixed Penalty Notice?</p> | <p>The maximum fine is currently £500. In addition anybody convicted can be ordered to pay a victim surcharges, as well as possibly being ordered to pay some or all of the prosecutor's legal and investigative costs.</p> <p>No, the ability to issue a Fixed Penalty Notice does not currently apply. Other alternatives to prosecution are available, such as the giving of a simple caution that can be referred to in court in future if convicted of further offences.</p> | This byelaw will apply to all of the sites in the schedule. |