

APPENDIX 'E'

NEWCASTLE
UNDER-LYME
BOROUGH COUNCIL

B/F 29/8/96
R

F.R. HARLEY, LL.B., Solicitor,
Head of Legal and Administrative Services

When calling or telephoning
please ask for
Mr. P.R. Washington
Direct line or ext
2217
My ref
PRW/JWJ-R68

County Clerk & Chief Executive,
Staffordshire County Council,
DX.712320,
STAFFORD 5.

Your ref
4/MWB/jsy/19/11/166

acknowledged
1/7/96

27th June 1996

Dear Sir,

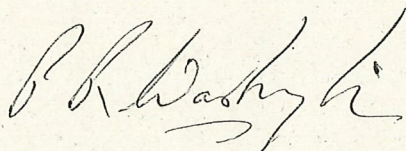
Re: Alleged Public Footpath between Keele Road
and Paris Avenue, Westlands, Newcastle-under-Lyme

I refer to your letter dated 24th June together with enclosures.

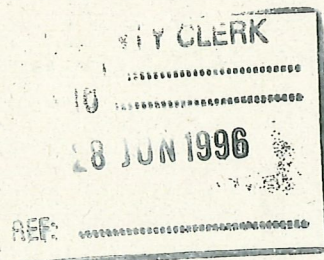
I have passed the matter of the questionnaire on to Mr. Stone in my Council's Technical Services Department together with a request that he reply to you direct.

With regard to the byelaws I believe that the area of land is known as Butts Walks, Westlands. This land is referred to in the enclosed copy byelaws at Part 1 of Schedule 1 on page 6.

Yours faithfully,



for Head of Legal and
Administrative Services



BOROUGH OF NEWCASTLE-UNDER-LYME
PARKS, PUBLIC WALKS, PLEASURE GROUNDS, OPEN SPACES,
RECREATION GROUNDS AND PLAYGROUNDS

B Y E L A W S

made by the Borough Council of Newcastle-under-Lyme under Section 164 of the Public Health Act 1875, Section 15 of the Open Spaces Act 1906, and Sections 12 and 15 of the Open Spaces Act 1906, with respect to Parks, Public Walks, Pleasure Grounds, Open Spaces, Recreation Grounds and Playgrounds vested in or maintained by the Council.

1. Throughout these byelaws the expression "the Council" means the Borough Council of Newcastle-under-Lyme in the County of Stafford, and the expression "the ground" means, except where otherwise stated or inconsistent with the context, each of the grounds named in the First Schedule to these byelaws.

2. An act necessary to the proper execution of his duty in 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. (i) This byelaw shall apply only to the following grounds:

Acacia Avenue Playground, Knutton; Bradwell Lodge Grounds; Castle Street/York Street Playground, Newcastle; Chesterton Memorial Park; Clough Hall Park, Kidsgrove; Orme Road Playground, Newcastle; Queen Elizabeth Park, Newcastle; Roe Lane Playing Fields, Clayton; Silverdale Central Park; Westlands Sports Ground; and Wolstanton Tennis Courts and Bowling Green.

(ii) The ground shall be opened at the hour of 8 o'clock in the forenoon every day and shall be closed at dusk every day throughout the year; provided always that this byelaw shall not be deemed to require the ground to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council close the ground to the public.

(iii) On any day on which the ground is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed in the foregoing byelaw.

4. A person shall not in the ground

(i) wilfully, carelessly or negligently soil or defile any wall or fence in or enclosing the ground, or any

building, barrier, railing, post or seat or any erection or ornament in or on the ground.

(ii) wilfully, carelessly, or negligently remove or display any barrier, railing, 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.

(iii) climb any wall or fence in or enclosing the ground, or any tree or any barrier, railing, post, or other erection.

5. A person shall not bring or cause to be brought into the ground any cattle, sheep, goats, or pigs, or any beast of draught or burden, unless, in pursuance of any agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to do so.

6. A person shall not except in the exercise of any lawful right or privilege ride any horse in the ground other than in those parts of the ground known as Bathpool Park, Kidsgrove which are set aside for the purpose and indicated by notice conspicuously exhibited.

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

(a) a wheeled bicycle or tricycle or other similar machines;

(b) a wheelchair, perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid

Provided that where the Council set apart a space in the ground for the use of any class of vehicle, this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the ground of any vehicle of the class for which it is set apart.

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

8. A person shall not skate on rollers, wheels, or other mechanical contrivances in the ground to the danger or annoyance of any other person using the ground.

9. A person who brings a vehicle into the ground shall not wheel or station it over or upon -

(i) any flower bed, shrub, or plant, or any ground in course of preparation as a flower bed or for the growth of any tree, shrub, or plant

(ii) any part of the ground where the Council by a notice board affixed or set up in some conspicuous position in the ground prohibit its being wheeled or stationed.

10. (i) A person shall not cause or suffer any dog or other animal belonging to him or in his charge to enter or remain in the ground unless such dog or other animal be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal or waterfowl, and from entering any ornamental water.

(ii) A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in any part of the ground being a ground specified in Schedule II hereto.

11. A person shall not in the ground remove, or display any gravel, soil, or plant.

12. A person who has attained the age of 12 years shall not use any swing or other playground equipment or apparatus in the ground which by a notice affixed in a conspicuous position near thereto shall be set apart by the Council for the use of persons under the age of 12 years.

13. (i) A person shall not take part in any ball game in any of the grounds specified in Schedule III hereto.

(ii) A person shall not take part in any ball game in any of the grounds specified in Schedule IV hereto other than such game or games and in such part or parts of each of such grounds as may be specified by notice posted up therein and readily visible to members of the public.

(iii) A person shall not in the ground drive, pitch, chip or putt a hard golf ball except on such part or parts of the grounds as may be set apart by the Council as a golf course, putting green, or practice area.

14. (i) Where the Council set apart any such part of the ground as may be fixed by the Council and may be described in a notice board affixed or set up in some conspicuous position on the ground for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person on the ground may necessitate the exclusive use by the player or players of any space on such part of the ground - a person shall not elsewhere on the ground play or take part in any game so specified.

(ii) No unauthorised person shall commence to play on any golf course or putting green in the ground (unless he is the holder of a season or periodical ticket) until he has purchased from the officer of the Council in charge of such golf course or putting green a ticket entitling him to play which ticket shall be retained and shown on demand to any authorised officer of the Council.

15. A person resorting to the ground and playing, or taking part in any game for which the exclusive use of any space in the ground has been set apart shall -

(i) not play on the space any game other than the game for which it is set apart;

(ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the ground by other persons;

(iii) when the space is already occupied by other players not begin to play thereon without their permission;

(iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of any hour before the time fixed for the beginning of the match unless he is taking part therein.

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

17. Except with the consent of the Council a person shall not affix any bill, placard, or notice to or upon any wall or fence in or enclosing the ground, or to or upon any tree or plant, or to or upon any part of any building, barrier, or railing, or of any seat, or of any other erection or ornament in the ground.

18. A person shall not in the ground walk, run, climb, stand, sit or lie upon any flower bed, shrub plant, or tree or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant.

19. A person shall not in the ground

(i) bathe, wade or wash in any ornamental lake, pond, stream, or other water;

(ii) wilfully, carelessly, or negligently foul or pollute any such water;

(iii) without lawful excuse or authority kill, molest or wilfully disturb any animal, bird or fish, or engage in hunting, shooting or fishing or setting of traps or the laying of snares: provided that this byelaw shall not apply to any fishing which may be authorised by the Council.

20. A person shall not in the ground

(i) except with the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure;

(ii) sell or offer or expose for sale or let to hire or offer or expose for letting to hire any commodity or article, unless, in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire in the ground such commodity or article.

21. A person shall not in the ground wilfully obstruct, disturb, or annoy any other person in the proper use of the ground or wilfully 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.

22. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds.

23. 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 resident 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 grounds for belief that the continuance on the ground of the person infringing the byelaw may result in another infraction of the byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

24. The byelaws specified in Schedule V hereto are hereby repealed.

SCHEDULE 1

PART 1

**GROUNDS IN RESPECT OF WHICH BYELAWS ARE MADE
UNDER SECTION 164 OF THE PUBLIC HEALTH ACT 1875**

Arnold Grove Recreation Ground, Bradwell
Audley Walkway
Bradwell Lodge Grounds
Brampton Recreation Ground, Newcastle
Butts Walks, Westlands
Bathpool Park, Kidsgrove
Brampton Park, Newcastle
Chesterton Memorial Park
Clough Hall Park, Kidsgrove
Cotswold Avenue Recreation Ground, Knutton
Crackley Recreation Ground
The Dingle, Bradwell
Howard Place Recreation Ground, Westlands
Lyme Valley Park (part), Newcastle
Lyme Walk, Newcastle
Madeley Pool
Mill Street/Newcastle Street Recreation Ground, Silverdale
Oaklands Park, Porthill
The Parkway, Westlands
Park Site (Cheddar Drive) Recreation Ground
Priory Road Spinneys, Newcastle
Queen Elizabeth Park, Newcastle
Queens Gardens, Newcastle
Rotterdam Recreation Ground
Seabridge (Wye Road) Recreation Ground
Sheldon Grove Recreation Ground, Chesterton
Silverdale Central Park
Station Walks, Newcastle
Stubbs Walks, Newcastle
Thistleberry Parkway
The Wamey, Knutton
Westlands Sports Ground
Wolstanton Tennis Courts and Bowling Green

PART II

**GROUNDS IN RESPECT OF WHICH BYELAWS ARE MADE
UNDER SECTION 15 OF THE OPEN SPACES ACT 1906**

Clayton Lane/Stafford Crescent Open Space, Clayton
Dimsdale Walks
Lyme Valley Park (part), Newcastle
Northwood Lane Recreation Ground, Clayton
Springhead Open Space, Talke Pits
Whitehill Open Space, Kidsgrove
Whitmore Road/Seabridge Lane Open Space, Westlands

PART III

GROUNDS IN RESPECT OF WHICH BYELAWS ARE MADE UNDER
SECTIONS 12 AND 15 OF THE OPEN SPACES ACT 1906

Acacia Avenue Playground, Knutton
Ashbourne Drive Open Space, Silverdale
Ash Grove Open Space, Silverdale
Bentley Avenue Playground, Milehouse
Birchall Recreation Ground, Harriseahead
Bradwell Flats Open Space
Castle Street/York Street Playground, Newcastle
Dales Green Playground
Earls Drive Football Pitch, Clayton
Fox Gardens Playground, Talke
George Street Flats Open Space, Newcastle
Hereford Avenue Open Space, Clayton
Lincoln Avenue Playground, Clayton
Longbridge Hayes Playground
Lyme Valley Park (part) (including Lilleshall Road Play Area)
Newcastle
Marsh Avenue Playground, Newchapel
Mill Street Playground, Silverdale
Moran Road Playground, Knutton
Moreton Close Playground, Kidsgrove
Municipal Golf Course
Newchapel Recreation Ground
New Street Playground, Wolstanton
Orme Road Recreation Ground, Newcastle
Park Road Playing Fields, Silverdale
Pitgreen Lane Playground, Wolstanton
Red Street Recreation Ground and Playground
Roe Lane Playing Fields, Clayton
Romney Avenue Playground, Chesterton
Rydal Way Open Space Clayton
St. Giles Road Playground, Knutton
Silverdale Road Playground, Newcastle
Talke Road Football Field, Bradwell
Thames Road Playground, Clayton
Thompstone Avenue Playground, Lower Milehouse
Townfields Close Playground, Butt Lane

SCHEDULE II

GROUNDS FROM WHICH DOGS ARE PROHIBITED

Acacia Avenue Playground, Knutton
Birchall Playing Area, Harriseahead
Castle Street/York Street Playground, Newcastle
Lincoln Avenue Playground, Clayton
Orme Road Recreation Ground, Poolfields
Townfields Close Playground, Butt Lane

SCHEDULE III

GROUNDS IN WHICH BALL GAMES ARE PROHIBITED

Audley Walkway
Brampton Walks, Newcastle
Dimsdale Walks, Porthill
Lyme Walks, Newcastle
Oaklands Park, Porthill
The Parkway, Westlands
Priory Road Spinneys, Newcastle
Queens Gardens, Newcastle
Station Walks, Newcastle

SCHEDULE IV

GROUNDS IN WHICH THE PLAYING OF BALL GAMES IS RESTRICTED

Bradwell Lodge Grounds
Chesterton Memorial Park
Clough Hall Park, Kidsgrove
Howard Place Open Space, Westlands
Municipal Golf Course
Queen Elizabeth Park, Newcastle
Silverdale Central Park
Westlands Sports Ground
Wolstanton Tennis Courts and Bowling Green

SCHEDULE V

BYELAWS REPEALED

1. The byelaws relating to Brampton Recreation Ground; Brampton Walks, The Parkway; Queen Elizabeth Park, Pool Dam; Queens Gardens; Station Walks; Stubbs Walks; and Wolstanton Tennis Courts and Bowling Green made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 7th day of April 1955 and confirmed by the Secretary of State on the 31st day of May 1955.
2. The byelaws relating to Bathpool Park, Kidsgrove made by the Urban District Council of Kidsgrove on the 19th day of July 1956 and confirmed by the Secretary of State on the 31st day of August 1956.
3. The byelaws relating to Chesterton Memorial Park and Bradwell Lodge Grounds made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 21st day of June 1957 and confirmed by the Secretary of State on the 31st day of August 1957.
4. The byelaws relating to Crackley Recreation Ground made by the Mayor Aldermen and Burgesses of the

- Borough of Newcastle-under-Lyme on the 18th day of July 1961 and confirmed by the Secretary of State on the 5th day of October 1961.
5. The byelaws relating to Oaklands Park, Porthill made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 24th day of January 1963 and confirmed by the Secretary of State on the 26th day of March 1963.
 6. The byelaws relating to Brampton Park made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 24th day of January 1963 and confirmed by the Secretary of State on the 26th day of March 1963.
 7. The byelaws relating to Clough Hall Park, Kidsgrove made by the Urban District of Kidsgrove on the 6th day of January 1966 and confirmed by the Secretary of State on the 2nd day of March 1966.
 8. The byelaws relating to Lilleshall Road Recreation Ground and Children's Playground made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 30th day of June 1966 and confirmed by the Secretary of State on the 3rd day of October 1966.
 9. The byelaws relating to Open Spaces made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 24th day of July 1967 and confirmed by the Secretary of State on the 27th day of September 1968.
 10. The byelaw relating to Bathpool Park made by the Urban District Council of Kidsgrove on the 11th day of April 1968 and confirmed by the Secretary of State on the 27th day of June 1968.
 11. The byelaw relating to Bathpool Park made by the Urban District Council of Kidsgrove on the 15th day of November 1968 and confirmed by the Secretary of State on the 24th day of January 1969.
 12. The byelaw relating to Lilleshall Road Recreation Ground and Children's Playground; Open Spaces; Crackley Recreation Ground; and Oaklands Park, Porthill made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 14th day of May 1971 and confirmed by the Secretary of State on the 19th day of August 1971.
 13. The byelaw relating to Brampton Park; Chesterton Memorial Park and Bradwell Lodge Grounds; Brampton

Recreation Ground; Brampton Walks; The Parkway; Queen Elizabeth Park Pool Dam; Queens Gardens; Station Walks; Stubbs Walks; and Wolstanton Tennis Courts and Bowling Green made by the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 14th day of May 1971 and confirmed by the Secretary of State on the 19th day of August 1971.

THE COMMON SEAL of THE BOROUGH)
COUNCIL OF NEWCASTLE-UNDER-LYME)
was hereunto affixed the 5th)
day of December 1980)
in the presence of:-)

L.S.

J.J. Beech

Mayor

E. Wetherell

Secretary

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on 17th June 1981.

Signed by authority of the
Secretary of State

G.I. de DENEY
An Assistant Under Secretary
of State

L.S.

Home Office
LONDON, SW1

2nd June 1981

BOROUGH OF NEWCASTLE-UNDER-LYME

PARKS, PUBLIC WALKS, PLEASURE GROUNDS, OPEN SPACES,
RECREATION GROUNDS AND PLAYGROUNDS

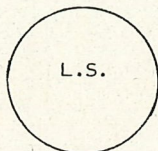
B Y E L A W

made by the Borough Council of Newcastle-under-Lyme under Section 164 of the Public Health Act 1875, Section 15 of the Open Spaces Act 1906, and Sections 12 and 15 of the Open Spaces Act 1906, with respect to Parks, Public Walks, Pleasure Grounds, Open Spaces, Recreation Grounds and Playgrounds vested in or maintained by the Council.

From and after the date on which this Byelaw shall come into operation, Byelaw 7(ii) of the Byelaws with respect to Parks, Public Walks, Pleasure Grounds, Open Spaces, Recreation Grounds and Playgrounds made by The Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme on the 5th day of December 1980, and confirmed by the Secretary of State on the 2nd day of June 1981, shall be and is hereby repealed and the following Byelaw shall be substituted therefor and shall be construed as one with the said Byelaws:

"A person shall not, except in the exercise of any lawful right or privilege, ride any bicycle or tricycle or other similar machine in any part of the ground: Provided that this prohibition shall not apply to any area, road, path or track within the ground as may be fixed by the Council and described in a notice board affixed or set up in some conspicuous position in the ground"

THE COMMON SEAL of THE BOROUGH)
COUNCIL OF NEWCASTLE-UNDER-LYME)
was hereunto affixed the 2nd day)
of August 1985 in the presence of:-)



(sgd) M.PLATT Mayor

(sgd) E.WETHERELL Secretary