

Summary of current byelaws and associated enforcement activity

Subject	Date introduced	Area covered	Content summary	Max penalty	Lead dept
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Parks and Open Spaces

Pleasure grounds Open spaces Disused burial grounds	1954	Brighton	Prohibitions and restrictions relating to, for example, climbing walls, bringing animals or vehicles, driving, parking, display of adverts, walking on grass, dogs, playing of games, trade stalls, bathing, public meetings	£200	City Parks
Public walks and pleasure grounds	1990	Hove	Prohibition against certain conduct and activities (e.g. playing of games or music, erection of stalls, booths etc) in specified recreation grounds, parks and gardens	£500	City Parks

Enforcement can be problematic due to:

- (a) the lack of consistency between the Brighton byelaw (1959) and Hove byelaw (1990).
- (b) certain types of anti-social behaviour commonly found in parks and open spaces (e.g. barbecues and riding of mini mopeds) not provided for in the Brighton byelaw, as the legislation is some 50 years old

Anyone found camping contrary to these byelaws is issued with a notice, requesting them to remove the tent, but also offering advice if the reason for camping is homelessness.

Where a particular form of anti-social behaviour is not covered by our byelaws, our park rangers can call on PCSOs or police officers to exercise their powers of confiscation, where necessary.

In many cases, rangers adopt a joint approach to enforcement, for example engaging the rough sleepers team where campers are homeless, or the anti-social behaviour team in the case of graffiti.

Main contact: Frances Chambers, Ranger Manager

Seafront

Vehicles on Undercliff Walk	1969	Brighton	No vehicle drawn by an animal or riding of pedal cycles permitted on the Undercliff Walk, except where the cycle is used for getting the rider to or from work located on or adjacent to the Undercliff Walk.	£200	Seafront (Sport & Leisure)
Seashore	1983	Brighton	Prohibition against holding shows, exhibitions, musical performances, touting, begging, playing football, bonfires, barbecues, to the annoyance or obstruction of any person using the seashore	£200	Seafront (Sport & Leisure)
Seafront lawns and esplanades	1992	Hove	Prohibition against certain conduct and activities (e.g. cycling, playing of games, lighting of fires) in specified areas	£500	Seafront (Sport & Leisure)
Beach	1987	Hove	On the specified areas of beach in Hove, a prohibition against erecting stands or stalls, driving/riding certain vehicles, playing recorded music, bringing dogs, playing games, except as permitted at certain times of the year and without annoying or obstructing others.	£500	Seafront (Sport & Leisure)
Fires on the beach	1996	Hove	No fires or fireworks permitted on the specified stretch of beach at Hove	£500	Seafront (Sport & Leisure)

Seaside boats and pleasure boats	2005	Brighton & Hove	Prohibition against the use of inboard and outboard motorboats at set times of the year and in specified areas of the sea off Brighton & Hove.	£1000	Seafront (Sport & Leisure)
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Main period of enforcement is May to September, when seafront is busiest. Core team of 8 officers are stretched, though, with 13 km of seafront to patrol and 8 million visitors in the locality over the period.

The byelaws most commonly breached relate to cycling on the esplanade and lighting of barbecues. An educative and informative, rather than punitive, approach is taken to enforcement.

Having only limited resources to patrol the area means seafront officers prioritising their work. In peak periods, responding to incidents requiring rescues or first aid, and dealing with lost children always come first.

Enforcement activity is concentrated on 'Seafront local action days' held once a month from May to September, where seafront and animal welfare officers join with local police in enforcing byelaws, particularly those relating to cycling and dogs (fouling and failure to keep on a lead). Police have power to issue on the spot fines to cyclists under road traffic laws.

Main contact: Viki Miller, Seafront Manager

Royal Pavilion, Museums and Libraries

Museums	1978	Brighton	Prohibitions regarding the conduct of visitors to museums in Brighton maintained by the council	£200	Royal Pavilion & Museums
Museum Gardens	1996	Hove	Prohibition against certain conduct and activities (relating, for example, to fires, metal detectors, model aircraft) at the Museum Gardens, New Church Road, Hove.	£500	Royal Pavilion & Museums
Libraries	1997	Brighton & Hove	Prohibition against specified conduct and activities in any fixed or mobile library provided by the council (e.g. no audible conversation, no unsupervised child, no staying behind after closing time).	£500	Royal Pavilion & Museums
Royal Pavilion Estate	1997	Brighton	Prohibition against certain conduct and activities (e.g. no touching of exhibits, chewing of gum, riding of certain vehicles, photography) in any area forming part of the Pavilion Estate	£500	Royal Pavilion & Museums

Low level enforcement by Royal Pavilion security staff to stop ball games in the Pavilion grounds. Conduct in libraries also enforced by gentle persuasion and polite requests (e.g. to ensure under eights are accompanied by an adult, and that everyone leaves at closing time).

Byelaw relating to museums in Brighton not actively used in recent years.

Main contact: Jan Cadge (for museums) and Sue Ingram (for libraries)

Hackney Carriages

Hackney carriage stands	1979	Hove	Provides for the location of hackney carriage stands in Hove, and their capacity	£200	Licensing
Hackney carriages	1999	Brighton & Hove	Provisions regulating – (i) display of licence numbers (ii) interior fittings and specification (iii) conduct of proprietors and drivers (iv) the fixing of rates or fares (v) property left in hackney carriages	£500	Licensing

The provisions relating to driver conduct are enforced, although not necessarily by invoking the byelaw itself. Other legislation and policies can be used to better effect. Depending on the seriousness of the offence, sanctions can range from a warning kept on file to a driver's hackney carriage licence being suspended or even revoked.

The byelaw relating to hackney carriage stands in Hove (1979) has effectively been superseded by traffic regulation orders and policies on sustainable transport.

Main contact: Tim Nichols, Head of Environmental Health & Licensing

Environmental Health

Hairdressers and barbers	1962	Hove	Duties re cleanliness of premises, utensils and staff	£200	Environmental Health
	1978	Brighton		£200	
Swimming baths	1981	Brighton	Prohibitions regarding the use of public swimming baths in Brighton	£200	Sport & Leisure
Touting and noise in streets	1998	Brighton & Hove	Prohibition against touting, shouting, singing, playing an instrument or recorded music in the street or other public place so as to cause annoyance or obstruction.	£500	Environmental Health
Acupuncture, tattooing etc	2005	Brighton & Hove	Regulations providing for the cleanliness of premises, fittings, instruments, materials, equipment and operators relating to the provision of acupuncture, electrolysis, tattooing, cosmetic piercing and semi-permanent skin colouring	£1000	Environmental Health

Environmental Health team visit premises before they open for the purposes of acupuncture tattooing or body piercing, and once those premises become established, to check for compliance with the relevant byelaw. Special events, such as the tattoo convention held every year at Brighton Racecourse, also visited to check for compliance.

For low level offences, enforcement consists of advice, the objective being to bring about an improvement in standards. If advice not heeded and/or offending behaviour continues, action is taken in accordance with the council's Licensing Enforcement Policy.

Others

Markets	1966	Brighton	Duties relating to use of market halls and market places, e.g. hours of trading, traffic obstructions, cleansing, noise	£200	Environmental Health
Boxing and wrestling entertainments	1979	Brighton	Provisions regulating the opening hours of premises offering boxing and wrestling entertainment; safe and secure access; prevention of nuisances; preservation of sanitary conditions and law and order	£200	Environmental Health
Funfairs	1993	Brighton	Regulation of opening hours; fire prevention, safe access, cleanliness, public safety	£1000	Environmental Health

Brighton & Hove Dog Control Orders (formerly byelaws relating to dogs)

1. Dogs on Leads Order 2009 – dogs must be kept on a lead on roads and seafront promenades in Brighton & Hove
2. Dogs on Leads by Direction Order 2009 – dog owners must comply with a direction given to them by an authorised officer to put and keep a dog on a lead in any public area of Brighton & Hove
3. Dogs Exclusion Order 2009 – no dogs permitted in specified public areas of Brighton & Hove (named children’s play areas, cemeteries, gardens and parks, beaches at given times of the year)
4. Fouling of land by Dogs Order 2009 – dog owners must clear up their dog’s faeces in all public areas of Brighton & Hove

Maximum penalty for failing to comply with any of the above Orders: £1000

With only 4 animal welfare officers available to cover the council’s 200 open spaces as well as its streets and beaches, further assistance was needed to enforce the dog control orders that came into force in January 2009.

Park rangers and seafront officers have been trained on the new orders and the issuing of fixed penalty notices, so that we now have 24 officers authorised and capable of carrying out enforcement.

Following their commencement, control orders were widely publicised, with the aim of making them self-enforcing wherever possible. Special attention was given to signage on the seafront to reinforce the ban on dogs from certain beaches from May to September. Also, small plastic warning signs have been stuck to lampposts in small areas following complaints about dog fouling or failure to keep dogs on a lead.

Practical difficulties with enforcement include:

- actually witnessing a person failing to clean up after their dog
- a suspected offender refusing to provide their name and address when requested by a council officer.

Because of difficulties such as these, only 3 fixed penalty notices have been issued under the dog control order regime (at the time of writing – early December 2009).

Main contact: Roy Pickard, Environmental Health Manager