

# CHAPEL-EN-LE-FRITH PARISH COUNCIL



TOWN HALL  
CHAPEL-EN-LE-FRITH  
HIGH PEAK, DERBYSHIRE, SK23 0HP

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Office Hours: Monday-Friday 9.00 to 12.30

26 January 2021

Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Parish Council to be held on **Wednesday 2<sup>nd</sup> February 2022 at 6.45pm.**

**The meeting will be held in the Main Hall of Chapel-en-le-Frith Town Hall**

## AGENDA

After apologies for absence have been given, the business to be transacted will be as follows: -

1. Declaration of Interests.
2. Dispensations.
3. Variation of Business.
4. Police matters.
5. Open Forum – Public Participation.
6. To receive the Minutes of the Full Council Meeting held on 5 January 2022.
7. To receive the minutes of the meeting to discuss the Councils budget held on 19 January 2022.
8. To consider any matters arising from the above Minutes.
9. To agree the 2022/23 Precept.
10. Outstanding actions from previous meetings.
11. South Head Drive Play Area.
12. To agree amendments to Committee Terms of Reference.
13. To agree the Councils Procurement Policy.
14. Memorial Park By-Laws.
15. Motion from Councillor Chantler – Use of Social Media by Councillors.
16. Motion from Councillor Chantler to split the work of Amenities and ring fencing budgets.  
I propose that we split the work of Amenities to news committees:-

Clerk to the Council – Suzan E. Stockdale

These new committees will be

1. Parks and green spaces including allotments

2. Regeneration of the area including tourism (This to include all other developments other than parks and green spaces).

Further that we agree a proportion of the agreed budget to be ring fenced for each committee for the financial year.

Any Capital expenditure over £5,000 will need to be discussed at a full council meeting and voted on.

17. To agree a budget for HR support.

18. Schedule of Accounts presented for payment.

19. Correspondence

- Letter from Friends of Chapel Station.

20. Any Other Business (For discussion only)

21. Press Releases.

- Shop front grants

22. Date and place of next meeting.

23. To resolve to exclude the press and members of the public under the Public Bodies (Admission to Meetings) Act 1960.

- Update on Court proceedings in respect of Chapel Memorial Park.
- Investigation into complaint made about a member of staff.

Yours sincerely,



Mrs SE Stockdale  
Clerk to the Council

## CHAPEL-EN-LE-FRITH PARISH COUNCIL

### MINUTES OF THE FULL COUNCIL MEETING HELD ON 5 JANUARY 2022

- Meeting Held:** Tuesday 5 January 2022  
Held in the Main Hall of the Town Hall, Chapel-en-le-Frith.
- Present:** Councillor M Chantler in the Chair  
Councillors M Barton, DePee, N Gourlay, N Hill, T Saxby,  
C Sizeland, Mrs S Walters and S Young.
- In Attendance:** Mrs S E Stockdale – Clerk to the Council  
Sgt A Harrison  
PCSO L Baker
- Apologies accepted:** Councillor J Adshead and A Beswick.
- Apologies noted:** None.

There were no members of the public present at the meeting.

#### **22/401        Declarations of Interest**

The following declarations of interest were made:

Councillors receiving an allowance declared their eligibility to receive a Councillor Allowance which will be discussed under agenda item 13.

Councillor Sizeland declared an interest in agenda item 14 as his wife is the Chair of the Chapel-en-le-Frith Mobile Physiotherapy Service.

Councillor Young declared an interest in agenda item 14 as he is the Borough Council appointee on the Chapel-en-le-Frith Mobile Physiotherapy Service.

#### **22/402        Dispensations**

Two dispensations have been granted to Councillor Sizeland.

#### **22/403        Variation of Business**

None.

**22/404 Police Matters**

Sgt Harrison advised members that a new beat Officer has been appointed and will be covering the Parish, together with a new PCSO. The Police are looking to engage better with Parish Councils in the coming year and are seeking accommodation for staff locally. Members were in agreement that the Town Hall could be made available.

Sgt Harrison was asked for an update on the proposed Police Hub.

Councillor Sizeland declared an interest and left the room.

Sgt Harrison has no further information on the Police Hub and the Clerk was asked to contact the Police and Crime Commissioner for clarification if the proposed Hub is still being considered.

At present there are no custody facilities in High Peak and prisoners are being taken to Greater Manchester or Ripley.

The local Beat Team can be made available to meet with Councillors to look at local issues.

A meeting has taken place with British Transport Police to look at reports of anti-social behaviour at Chapel station.

At the December meeting of the Council anti-social behaviour outside the Co-op in Chapel-en-le-Frith was raised and there have been no reports to the Police in the last 28 days.

There have been a number of assaults in and around licensed premises and the Police have been working with licensees.

A campaign is being launched around the issues of domestic violence.

Following a discussion it was agreed that the Council will work together with the Police to consider engagement with young people and it was agreed that Councillor Depee and Hill will make a personal approach to local businesses to see how they may be able to assist. PCSO Baker indicated that he would liaise with the Council on this and it was noted that Derbyshire County Council will be able to assist with safeguarding advice.

**ACTION:** The Clerk to contact the Police and Crime Commissioner.  
Councillor DePee and Hill to make contact with local businesses and liaise with PCSO Baker.

**22/405 Public Participation**

There were no members of the public present at the meeting.

**22/406 Minutes of the Full Council meeting held 7 December 2021**

Minutes numbered 22/351 to 22/373 were presented.

**RESOLVED:** That the Chairman be authorised to sign the Minutes as being a true and correct record.

**22/407 Matters arising from the minutes**

22/364 – The Clerk reported that Wain Homes have agreed to draw up documents in respect of the land transfer in Whitehough.

22/368 – Councillor Saxby advised that he had spoken to some groups who use a PA system and it would be more effective to rent a PA for specific events. He will pass on details to the Clerk of suppliers of PA systems to rent.

It was reported that the British Legion nationally will not be organising road closures in 2022 and will looking to Parish and Town Councils to take this on.

**ACTION:** Assistant Clerk to contact the local branch of the British Legion to confirm this. To apply for the necessary road closures in Chapel-en-le-Frith and Dove Holes in liaison with the Police.

**22/408 Outstanding Actions from previous meetings**

Councillor Young advised that he had discharged his action to contact the CVS who have agreed to organise a local services event later in the year. Councillor Young was asked to speak to the Leisure Centre to discuss the possibility of holding the event in the car park and grassed areas.

**ACTION:** Councillor Young to make contact with Chapel Leisure Centre.

There was a discussion on outstanding actions relating to:

- Implementation of the SHIFT report
- Shelter for teenagers in the Memorial Park
- Repairs to the skatepark surface
- Repairs to the Solar light in the Memorial Park
- Annexe roof

**RESOLVED:** That the first item on the agenda for all committees at their next and subsequent meetings will be to review the outstanding actions.

**ACTION:** Clerk and Assistant Clerk to note when preparing committee agendas.

**22/409 South Head Drive Play Area**

Councillor Sizeland reported that joint survey by Barratt Homes and High Peak Borough Council has been completed and he will report back to the next meeting.

**22/410 Anti-Social behaviour and youth provision (Minute 22/354)**

It was agreed that this matter had been fully discussed under Police matters.

**22/410 Presentation of Community Awards**

It was agreed that a date for the presentation be circulated to members for a Saturday in January covid measures allowing.

**ACTION:** The Clerk to circulate a date to Members.

**22/411 To agree to move any allowances that Councillors have indicated that they do not wish to take to S137 grants and consider making additional grants.**

**RESOLVED:** That members contact the Clerk in writing to confirm if they wish to take an allowance and if they do not want to take an allowance to nominate a charity they would wish the Council to consider making a grant to in lieu of their allowance.

**22/412 Motion from Councillor Chantler to increase the amount paid as an annual allowance to Councillors to £199.64 from April 2022.**

Councillor Chantler formally proposed the motion which was seconded by Councillor DePee.

Councillor Sizeland proposed an amendment that the increase in the amount paid as an annual allowance to Councillors is £150.00 from April 2022. There was no seconder for the amendment.

Councillor Young proposed an amendment that the increase in the amount paid as an annual allowance to Councillors is £240.00 from April 2022. There was no seconder for the amendment.

Councillor Gourlay requested a recorded vote.

**FOR**

Councillor Barton  
Councillor Chantler  
Councillor DePee  
Councillor N Hill  
Councillor T Saxby  
Councillor Mrs S Walters  
Councillor S Young

**AGAINST**

Councillor N Gourlay

**ABSTENTION**

Councillor C Sizeland

**RESOLVED:** That the Clerk advise the Remuneration Panel at High Peak Borough Council and ask them to consider the proposed increase to Councillor Allowances.

**ACTION:** Clerk

**22/413** To consider the grant application received from Chapel-en-le-Frith Mobile Physiotherapy Service.

**RESOLVED:** That a grant of £200 be made to the Chapel-en-le-Frith Mobile Physiotherapy Service.

Councillor Sizeland left the room whilst this agenda item was discussed.

**22/414** To agree match funding of £5,000 for the Police and Crime Commissioners anti-social behaviour grant.

**RESOLVED:** That the Council agrees match funding of £5,000 towards the Police and Crime Commissioners anti-social behaviour grant.

**22/415** To agree a revised quote from AC Ventilation.

**RESOLVED:** To accept the revised quote of £11,612 plus VAT for a new ventilation system in the Annexe of the Town Hall and two new and two replacement fans for the Main Hall of the Town Hall.

**ACTION:** The Clerk to place the order.

**22/416** Motion from Councillor Chantler – to agree changes in the membership of the Personnel Committee and other Committees.

**RESOLVED:** That all members of the Council are automatically members of all the committees of the Council.

**22/417** Queens Jubilee Working Group. (Amenities minute 22/386)

**RESOLVED:** That Councillor Hill will speak with local businesses to ascertain if they are planning any events or would be interested in helping to organise an event and report back to the next Full Council meeting.

**22/418**      **Motion from Councillor Sizeland – The Parish Council resolves to place walk leaflet dispensers on a suitable location outside the Town Hall and on the Memorial Park Notice Board.**

**RESOLVED:**    That the leaflet dispensers be put in place and that the Amenities Committee considers a replacement notice board for the Memorial Park.

**22/419**      **To agree shop front grants.**

Members were provided with details of businesses who had applied and were eligible for a shop front grant.

**RESOLVED:**    That the eligible businesses be offered a grant of 66% towards the cost of a replacement shop front and or associated works.

**ACTION:**        The Clerk to write to the businesses to offer the grant.

Councillor Mrs Walters left the meeting at 8.50 hours.

**22/420**      **Banking update.**

Members were provided with information from the Working Group who are recommending that the Council open accounts with Unity Bank and the Cambridge Building Society to safeguard the Councils funds.

**RESOLVED:**    That the Clerk be authorised to open accounts with Unity Bank and the Cambridge Building Society.

**ACTION:**        Clerk

**22/421**      **Insurance complaint update.**

Members were provided with an update from AXA following a complaint made. AXA have acknowledged that they have exceeded the timescale to respond but will endeavour to do so by 21<sup>st</sup> January 2022. The Council have the option of contacting the Financial Ombudsman due to the response not been made in the proper timescales.

**RESOLVED:**    That the matter be referred to the Financial Ombudsman and AXA advised accordingly.

**ACTION:**        Councillor Sizeland to provide information to the Clerk to enable the matter to be reported.



**22/422          Schedule of Accounts presented for payment.**

Bankline payments were presented amounting to £34,512.92.

That the authorised signatories approve the payments on Bankline and the accounts to which they relate be paid electronically.

The Clerk was asked to provide details of the cost of the play equipment inspection for 2020/21.

**22/423          Correspondence**

- Updated Tree Preservation Order Bowden Hall
- Street Trading Application Barmoor Clough

The Clerk left the meeting while the Council discussed a confidential item.

**22/424          Any Other Business**

None.

**22/425          Press Releases**

Councillor Gourlay agreed to write a press release as Councillor Mrs Walters had indicated that she would be leaving the house due to relocation.

**ACTION:**          Councillor Gourlay

**22/426          Date for budget meetings**

It was agreed that the budget meetings will be held on Wednesday 19<sup>th</sup> January 2022, commencing at 18.45 hours.

**22/427          Date and place of next meeting.**

It was agreed that the next Full Council Meeting will be held on Wednesday 2 February 2022, commencing at 18.45 hours in the Main Hall of Chapel-en-le-Frith Town Hall.

The Chairman closed the meeting at 21.40 hours.

CHAIRMAN



**CHAPEL-EN-LE-FRITH PARISH COUNCIL**

**Minutes of the Meeting of the Planning Committee held on the  
5<sup>th</sup> January 2022  
In the Main Hall, Town Hall, Chapel-en-le-Frith**

**Present:** Councillor Mrs S Walters in the Chair  
Councillors Barton, Chantler, DePee, Hill and Saxby.

**In Attendance:** Mrs. S Stockdale - Clerk

**Apologies accepted:** Councillor Beswick

**Absent:** None.

**22/394 Public Speaking**

There were no members of the public present.

**22/395 To receive the minutes of the meeting held on 23<sup>rd</sup> November  
2021**

Minutes numbered 22/333 to 22/340 were presented.

**RESOLVED:** That the Chairman of the committee be authorised to sign the Minutes as being a true and correct record.

**22/396 Plenary Powers**

Applications seeking Planning Permission or Approval to carry out developments at locations within the Parish.

The Committee considered in turn two applications to carry out developments within the Parish and it was **RESOLVED:** That the following comments be sent to the relevant Planning Authority.

**HPK/2021/0706**

The Old Town Bakery, Kings Arms Hotel, Market Place, Chapel-en-le-Frith

Freestanding steel framework complete with tensioned fabric roof to accommodate seating and tables.

No objection.

**HPK/2021/0710**

Denhills, Ashbourne Lane, Chapel-en-le-Frith

Replacement existing dwelling with house and garage.

No objection.

**22/397 Appeals**

APP/H1033/D/21/3285866 – 9 Hayfield Road, Chapel-en-le-Frith

**22/398 Notifications**

**Permission**

HPK//2021/0597 – 7 Netherfield Road, Chapel

HPK/2021/0575 – 27 Woodlands Road, Chapel

HPK/2021/0554 – 19 The Crescent, Chapel

**Refusal**

None.

**22/399 Correspondence**

None.

**22/400 Any Other Business (For discussion only)**

The Chairman advised that this would be her last meeting and that a new Chairman would have to be elected at the February meeting.

The meeting closed at 18.45 hours.

CHAIRMAN

**Minutes of the Meeting to discuss budgets for the Amenities Committee,  
Communications Committee, Finance and Town Hall Committee  
Held on Wednesday 19 January 2022 at 18.45 hours  
In the Main Hall of the Town Hall, Chapel-en-le-Frith**

**Present:** Councillor M Chantler in the Chair  
Councillors Barton, DePee, N Gourlay, N Hill, T Saxby,  
C Sizeland and S Young

**In Attendance:** Mrs SE Stockdale - Clerk of the Council

**Apologies:** None

Two members of the public were present from 19.30 hours.

**22/430                      2022/23 Budgets**

It was agreed that the Clerk should write to High Peak Borough Council regarding the Parks and Open Spaces Grant as this has not been increased in line with inflation.

The Solicitor and Barrister fees have been paid by the Council in relation to the recent Court case. The amount the Court will award in costs is still awaited. It was agreed when costs are received the money will be earmarked for projects in the Memorial Park.

It was suggested that the Amenities Committee could consider a garage and wash off area in the Memorial Park for machinery.

The Amenities Committee should also look at landfill tax grants as match funding for projects in the Memorial Park.

It was agreed that any Allowances not claimed by Councillors should be moved to the S137 grant budget.

An increase in the Town Hall hiring rates from 1 April 2022 was agreed:

**Commercial Rate**

Main Hall £20 per hour

Annexe £13 per hour

Joint hire rate £30 per hour

**Charitable Rate**

Main Hall £17 per hour

Annexe £10 per hour

Joint hire rate £25 per hour

The Council Tax Support Grant has been confirmed at £6,662

There has been an increase in the Council Tax Base from 3465 to 3515.

Councillor Gourlay proposed a 5% increase in the Precept which was seconded by Councillor Chantler.

Councillor DePee proposed a 3% increase in the Precept which was seconded by Councillor Saxby.

Councillor Young proposed a 2% increase in the Precept which was seconded by Councillor Barton.

Councillor Sizeland proposed a 3.8% increase in the Precept and there was no seconder.

2 votes were cast in support of a 5% increase.

3 votes were cast in support of a 3% increase.

2 votes were cast in support of a 2% increase.

**2022/23 Budget**

	<b>Income</b>	<b>Expenditure</b>
Amenities Committee	60348	106468
Communications Committee		1500
F & GP Committee	110	125875
Town Hall Committee	35900	64682
	96358	298525
	<b>202617</b>	
Less Council Tax Support Grant	6662	
Precept	<b>195505</b>	
Parish Rate on a Band D property	£55.62	

**RESOLVED:** That the 2022/232 Precept be set at £195,505 subject to receiving grants of £56,726 and £6,662.

The following changes to the Earmarked Reserves were recommended and will be presented to the Full Council.

New allotment land £7,000 to be earmarked for running of allotments.

Regeneration £10,400. £2,000 to be earmarked for the distribution of tourist information.

Tree maintenance and plants £3,150 to be earmarked towards the cost of tree sculptures.

Heritage Lottery match funding £5,665 to be earmarked towards the cost of CCTV in the Memorial Park.

Chaplain Honorarium £200 to be moved into the General Reserve.

Members Allowances £900 to be moved to S137 grants.

Leisure Centre contribution not invoiced £6,500 to be earmarked towards outdoor exercise equipment.

Councillors Allowances £630 to be moved to S137 grants.

Special Project £5,405 to be earmarked towards the cost of a new trailer.

There being no further business the Chairman declared the meeting closed at 21.30 hours.

CHAIRMAN

**2022/23 Budget**

	<b>Income</b>	<b>Expenditure</b>
Amenities Committee	60348	106468
Communications Committee		1500
F & GP Committee	110	125875
Town Hall Committee	35900	64682
	96358	298525
	<b>202617</b>	
Less Council Tax Support Grant	6662	
Precept	<b>195505</b>	
Parish Rate on a Band D	55.62	



AMENITIES	INCOME			EXPENDITURE			Variance 2021/22	Estimate 2021/22	Variance 2021/22	Budget 2022/23	
	Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Budget 2021/22	Actual Y.T.D.	Estimate 2021/22					
Grant H P B.C.	56726	56726	56726								
Ground Staff costs				56726							
N.I. Parks							40000	30085	40115	115	41000
Grounds/Buildings Mtnce							2500	1862	2500	0	2500
Footpath Maintenance							5200	5350	7000	1800	7000
Bowling Club	1182						4000		0	-4000	4000
Bowling Green				1205							
Football Pitch							350		350	0	350
New Litter Bins											
Tree Cutting/Planting											
Street Planters/Hanging Bskts	14	14	14				500		500	0	500
Plants/Shrubs		2000	2000	2000			500		500	0	500
Nannys Well							1000	1429	2975	1975	1000
Play Equipment & New							200		200	0	200
New Equipment							4000	1906	4000	0	4000
Protective Clothing/Eqmt							1500	237	500	-1000	500
Equipment Maintenance							200	355	355	155	250
Tractor Road Insurance							2000	1794	2000	0	2000
Fuel							700	895	895	195	900
Heating/Lighting Costs	200		200				1200	1055	1200	0	1250
Telephone							850	818	1100	250	1100
Trade Refuse							300	225	300	0	300
Parish Notice Boards							1050	1057	1057	7	1080
Minor Maintenance Grant		675	675	675			0		0	0	1000
Christmas Trees							3000	3341	3341	341	3500
New Christmas lights							1000		0	-1000	500
	58122	59415	60797	2675	60131		70050	50409	69563	-487	73430

Service	Budget	Actual	Estimate	Variance	Budget	Budget	Actual	Estimate	Variance	Budget
	2021/22	Y.T.D.	2021/22	2021/22	2022/23	2021/22	Y.T.D.	2021/22	2021/22	2022/23
G & S Memorial Trust						1	1	1		1
Seats/Repairs										
Bus Shelters/Repairs						100	225	260	160	250
Licence						180		180		180
Sundries						0				0
Pension						600	412	600		
War Memorials										
Leys Allotments						72		72		72
Courses Allotments	127	127	127		127					
Dove Holes Allotments	90	80	80	-10	90					
Allotment Competition										
Grit bins/Litter bins						2000		2000	85	100
CCTV specification and upgrade of electrical supply - Memorial Park										2000
Memorial Park equipment/legal costs						58240	53670	58240		28435
Footpaths Working Group						61192	54308	61438	245	33038
	58122	57415	58797	675	60131	70050	50409	69563	-487	73430
Total	58339	57622	59004	665	60348	131243	104717	131001	-242	106468

COMMUNICATIONS	INCOME						EXPENDITURE					
	Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Variance 2021/22	Budget 2022/23		Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Variance 2021/22	Budget 2022/23	
Service												
Publicity & advertising							0					
Website							1000	1059	1059	59	1000	
Distribution							750	400	400	-350	500	
							1750	1459	1459	-291	1500	

<b>ADMINISTRATION</b>											
<b>INCOME</b>											
Service	Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Variance 2021/22	Budget 2022/23	<b>EXPENDITURE</b>					
						Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Variance 2021/22	Budget 2022/23	
Chairman's Allowance						300	300	300		300	300
Members Allowance						0	252	840	840	1200	1200
Traveling Expenses						550	138	425	-125	550	550
Election Expenses						8200	0	8200		5000	5000
Chaplain Honorarium											
Staff costs						37850	26550	36850	-1000	38050	38050
Payroll						1550	1154	1550		1600	1600
National Insurance - Office						3250	1884	3000	-250	3000	3000
Training						1000	765	1000		1000	1000
Telephone Office						2000	1608	2000		2000	2000
Office Copier	100	40	75	-25	75	800	195	800		800	800
IT						3500	2855	3800	300	3800	3800
Stationery						250	522	522	272	400	400
Postage						500	231	300	-200	300	300
Audit Fee						750	749	750		765	765
Bank Interest	190	24	35	-155	35						
Autopay/Bankline fees							224	300	300	300	300
Subscriptions						1375	1256	1375		1400	1400
Legal Fees/Valuation											
Health & Safety						850	406	850		850	850
Sundry Expenses						300	765	765	465	400	400
Regeneration						5000		5000		5000	5000
Neighbourhood Plan	290	64	110	-180	110	69025	39854	69627	602	67715	67715

Service	Budget	Actual	Estimate	Variance	Budget	Budget	Variance	Estimate	Estimate	Variance	Budget
	2021/22	Y.T.D.	2021/22	2021/22	2021/22		2021/22	2021/22		2021/22	2021/22
Honorary Townsman					100			0		-100	0
Leisure Facilities					6700			0		-6700	6700
Grants General					1000			1600		600	1000
Chapel Churchyard					700			700			500
Chapel Methodist Churchyard					200			200			200
Dove Holes Churchyard					200			200			200
Dove Holes Methodist Cyard					200			200			200
Insurance					16950			17758		808	18110
Pension Contribution					600			412			17000
Community Awards								225		225	250
Covid Grants		8000	8000	8000							
Staff Training											3000
Education											5000
Community Hub development											6000
Total	290	8000	8000	8000	26650	21295	21483	21483		-5167	58160
	290	64	110	-180	69025	39854	69627	69627		602	67715
	290	8064	8110	7820	95675	61149	91110	91110		-4565	125875

TOWN HALL										
INCOME					EXPENDITURE					
Service	Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Variance 2021/22	Budget 2022/23	Budget 2021/22	Actual Y.T.D.	Estimate 2021/22	Variance 2021/22	Budget 2022/23
Library Rent	8500	6375	8500		8500					
Library Service Charge	6000	4350	4350	-1650	4500					
Casual Lettings		1135								
Slimming World		1650								
Yoga		570								
HPBC		133								
Ladies Choir		390								
Jujitsu		660								
Chapel Garden Club		20								
WI		60								
Pilates		485								
Buddhist		182								
	10000	5285	6775	-3225	10000					
Staff costs						21000	15927	21235	235	21660
N.I.C.						600	492	653	53	660
Business Rate						8100	6071	8094	-6	8260
Heat & Light						6800	4037	6800		6800
Trade Refuse						475	475	475		485
Water & Sewerage						1200	208	500	-700	1200
Repairs						4500	1716	4500		4500
Heating Maintenance						2000	1209	2000		2000
Equipment Maintenance						400	218	400		400
	24500	21295	19625	-4875	23000	45075	30353	44657	-418	45965

Service	Budget	Actual	Estimate	Variance	Budget	Actual	Estimate	Variance	Budget
	2021/22	Y.T.D.	2021/22	2021/22	2022/23	Y.T.D.	2021/22	2021/22	2022/23
Portable Testing						187	187	-80	250
Clock						217	217	-18	235
Lift Expenses						1450	1450		1450
Door Maintenance						340	340		340
Chairmans Board						38	70	32	50
Cleaning Materials						110	135	25	150
Window Cleaning						200	180	50	250
Toiletries/Mops/Dusters						250	277	27	250
New fire extinguishers									
New Cleaning Equipment									
Structural Reports									
Legal Fees									
Licence Fees						180	180		180
Sundry Expenses						50	50		50
Rent of premises	12900	9675	12900		12900				
47/49 Repairs/Water						500	500		500
47/49 Letting expenses									
47/49 Planning Permission									
47/49 Legal Expenses									
Town Hall Forecourt									
Landlords Gas Check						100	90	-10	100
Loan repayments						6912	6912		6912
Town Hall Reserve						5000	5000		5000
Pension						600	600		0
Roof repairs						1000	1000		1000
Magnetic door closers						1000	1000		1000
Main Hall ventilation						1000	1000		1000
	12900	9675	12900		12900	19232	19258	26	18717
	24500	20885	19625	-4875	23000	45075	30353	-418	45965
Total	37400	30560	32525	-4875	35900	64307	63915	-392	64682





**Terms of Reference**  
**Personnel Committee**

The Personnel Committee is responsible for staffing matters.

**Delegation**

1. Chapel-en-le-Frith Parish Council has agreed to adopt the Personnel Committee Terms of Reference at its meeting held on XXXXXXX and has recorded the decision under minute number XXXXX.
2. Chapel-en-le-Frith Parish Council will consider reviewing the Terms of reference annually.
3. The Council has delegated powers to the Personnel Committee to spend within any agreed budget heads. There is no provision delegated for virement between budget heads as that has to be agreed by the Full Council.
4. Any decisions made by the Personnel Committee cannot be implemented until they have been ratified by the Full Council.

**Procedures**

1. The Personnel Committee will operate within Chapel-en-le-Frith Parish Councils Standing Orders.
2. At the first meeting of the committee after the Annual Meeting of the Council, it shall elect a Chairman and Vice Chairman for 12 months.
3. The Personnel Committee will submit its minutes of meetings, including decisions for ratification and adoption at the next Ordinary Meeting of the Council.
4. The Personnel Committee will submit a draft budget and/or project considerations for the forthcoming financial year for inclusion in the budget setting process, to the Finance Committee.
5. Should the Personnel Committee wish to co-opt non-voting members this will be subject to approval by the Full Council.

**Meetings**

1. The Personnel Committee will meet as required.
2. All Councillors will be members of the Committee. The quorum shall be three Councillors.
3. The Public and Press may not be admitted to these meetings as 'In accordance with s1 (2) of the Public Bodies (Admission to Meetings) Act 1960 the Press and Public be excluded from the meeting during consideration of these items due to the confidential nature of the item'

## **Terms of Reference**

The functions of the Committee will be:

1. To be responsible for the employment and welfare of all employees
2. To review staffing structures and levels taking into account recommendations from other Committees of the Council and make recommendations.
3. To agree contracts of employment, job descriptions, person specifications for new staff.
4. To review staff salaries and terms and conditions and make recommendations to the Full Council
5. To form a recruitment panel for the interviewing of new staff which will consist of three members of the Council. (Hillingdon Authority judgement)
6. To hear formal grievances from staff
7. To seek advice from the DALC HR advisor and Rradar when appropriate

Adopted: XXXXXXXXXXXX

**Terms of Reference**  
**Communications Committee**

The Communications Committee is responsible for the management of the Council Communications budget and any external Communications funding.

**Delegation**

1. The Council has delegated powers to the Communications Committee to spend within the agreed budget heads. There is no provision delegated for virement between budget heads as that has to be agreed by the Full Council.
2. The Council may ask the Communications Committee to issue public statements (i.e. press releases). To aid efficient communication, such statements may be agreed informally (e.g. via email) by the Chair and members of the committee without calling a committee meeting. All statements must be approved by the Clerk before release.
3. Chapel-en-le-Frith Parish Council will review the Terms of Reference annually.

**Procedures**

1. The Communications Committee will operate within Chapel-en-le-Frith Parish Council's Standing Orders.
2. At the first meeting of the committee after the Annual Meeting of the Council, it shall elect a Chairman for 12 months.
3. The Communications Committee will submit a draft budget and/or project considerations for the forthcoming financial year for inclusion in the budget-setting process, to the Finance Committee.
4. The Communications Committee may co-opt non-voting members.

**Meetings**

1. The Communications Committee will aim to meet four times a year.
2. All members of the Council will be members of the Committee. The quorum of a meeting will be three.
3. There will be an agenda item allowing the public to speak at the start of each meeting

**Functions of the Committee**

The functions of the Committee will be:

1. Manage the Council's Communications budget.
2. Publish and distribute printed material.
3. Improve the Council's website.
4. Oversee the Council's social media presence.

5. Improve the Council's branding and design.
6. Decide the content of the Council's noticeboards.
7. Write public statements, including statements to the press.
8. Promote tourism in the Parish.
9. Help local groups to promote events.
10. Encourage public participation in Council meetings.

Last Revised: 18 May 2021

## CHAPEL-EN-LE-FRITH PARISH COUNCIL

### PLANNING COMMITTEE TERMS OF REFERENCE

- 1.1 The Planning Committee shall consist of all members of the Council
- 1.2 The Planning Committee shall elect its own Chairman and Vice-Chairman.
- 1.3 The Planning Committee shall have full delegated authority to discuss and debate all those planning applications seeking planning permission or approval to carry out developments at locations within the Parish of Chapel-en-le-Frith.
- 1.4 Members of the Planning Committee are expected to familiarise themselves with applications on the agenda prior to the meeting.
- 1.5 All decisions made by the Planning Committee shall be recorded by the Clerk or Assistant Clerk along with reasons for those decisions.
- 1.6 Any recommendations concerning planning applications, along with the reasons for those decisions, shall be sent to High Peak Borough Council as soon as possible after the meeting of the Planning Committee.
- 1.7 The agenda for each Planning Committee and a list of applications shall be posted on the council's notice board, website and Facebook page.
- 1.8 The decisions for planning applications made by the Planning Committee shall be posted on the Council's website and Facebook page before the full minutes are ratified at the next Planning Committee meeting.
- 1.9 The Planning Committee shall be responsible for updating the Neighbourhood Plan. The committee may form a subcommittee for that purpose and co-opt non-voting members to that subcommittee to help prepare the plan. The Planning Committee will present the Neighbourhood Plan to the Parish Council for its approval.

### AT EACH MEETING, THE PLANNING COMMITTEE SHALL:

- 2.1 Receive notification of permissions and refusals made by the High Peak Borough Council in response to applications for planning consent.
- 2.2 Receive notification of any appeal made in response to a refusal of a planning application.
- 2.3 The Planning Committee may decide to apply to be represented at any appeal hearing.
- 2.4 Consider any examples of planning non-compliance and may wish to request the attendance at a future meeting of the Planning Committee of an officer of High Peak Borough Council to respond to examples of non-compliance that the Planning Committee has reported.
- 2.5 Consider correspondence relating to planning matters.

### PUBLIC ATTENDANCE

- 3.1 Any member of the public can attend any Planning Committee meeting and is allowed to speak, for a period up to three minutes, either for or against any application that is about to be considered by the Planning Committee.

## **ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE PLANNING COMMITTEE**

**4.1 'The agenda for each planning meeting will be distributed to all members of the Council, allowing Councillors who are not members of the Planning Committee to choose to attend Planning Meetings in order to speak, for a period up to three minutes, either for or against any application that is considered by the Planning Committee, particularly those that may be contentious.'**

**Last Revised: 18 May 2021**

## **Terms of Reference**

### **Amenities Committee**

The Amenities Committee shall manage, maintain, and improve the parks, allotments, and open spaces in the Parish and conserve the environmental heritage for the benefit of future generations.

The committee shall produce plans for the parks, allotments, and open spaces, owned or managed by the Parish Council and shall operate within its budget and be financially accountable.

#### **Delegation**

1. The Council has delegated powers to the Amenities Committee to spend within the agreed budget heads. There is no provision delegated for virement between budget heads as that has to be agreed by the Full Council.
2. Chapel-en-le-Frith Parish Council will review these Terms of Reference annually.

#### **Procedures**

1. The Amenities Committee will operate within Chapel-en-le-Frith Parish Councils Standing Orders.
2. At the first meeting of the committee after the Annual Meeting of the Council, it shall elect a Chairman and Vice Chairman for 12 months.
3. The Amenities Committee will submit a draft budget and/or project considerations for the forthcoming financial year for inclusion in the budget-setting process, to the Finance Committee.

#### **Meetings**

1. The Amenities Committee will aim to meet at least six times a year.
2. All members of the Council will be members of the Committee. The quorum shall be three Councillors.
3. There will be an agenda item allowing the public to speak at each meeting.

#### **Terms of Reference**

The functions of the Committee will be:

1. To oversee the management of all Parks and Open spaces owned or managed by the Council.
2. To consider a rolling programme of improvement and refurbishment of play equipment and to ensure that safety inspections are carried out monthly, with any concerns being actioned.
3. To oversee the operation of the ground maintenance, including the purchase of equipment.





4. To receive reports of Health and Safety inspections.
5. To oversee allotment provision in the Parish and undertake an annual inspection of allotment sites.
6. Consider capital projects for the improvement of any Parks and Open Spaces and submit these to the Finance Committee.
7. Have responsibility for the maintenance and management of the following Councils assets:
  - War Memorials
  - Buildings in the Memorial Park and the Bowling Green
  - Dove Holes Allotments
  - Courses Allotments
  - Leys Allotments
  - Bus Shelters
  - Public Seats
  - Notice Boards
  - Nanny's Well
  - Street Planters and hanging Baskets
8. To arrange the lighting of the National Beacon on Eccles Pike
9. To provide public Christmas trees around the Parish and arrange lighting ceremonies.

Revised: 18 May 2021



## **Terms of Reference**

### **Finance and Town Hall Committee**

The Finance and Town Hall Committee is a Standing Committee of the Council.

#### **Delegation**

1. Chapel-en-le-Frith Parish Council has agreed to adopt the Finance and Town Hall Committee Terms of Reference at its meeting held on XXXXXXXXXXXX and has recorded the decision under minute number XXXXXX.
2. Chapel-en-le-Frith Parish Council will review the Terms of reference at the Annual Meeting of the Council.
3. The Council has delegated powers to the Finance and Town Hall Committee to spend within the agreed budget heads. There is no provision delegated for virement between budget heads as that has to be agreed by the Full Council.

#### **Procedures**

1. The Finance and Town Hall Committee will operate within Chapel-en-le-Frith Parish Councils Standing Orders and Financial Regulations.
2. At the first meeting of the committee after the Annual Meeting of the Council, it shall elect a Chairman and Vice Chairman until the next Annual Meeting of the Council.
3. The Finance and Town Hall Committee will submit a draft budget and/or project considerations for the forthcoming financial year for inclusion in the budget setting process.
4. The Finance and Town Hall Committee will consider draft budgets presented by the Amenities Committee and Communications Committee as part of the Precept setting process.
5. The Precept cannot be agreed by the Finance and Town Hall Committee and is subject to ratification by the Full Council, annually in February.
6. The Clerk will be responsible for Governance which will be scrutinised by the Finance and Town Hall Committee.
7. The Finance and Town Hall Committee shall ensure that the Council maintains adequate levels of Insurance cover.
8. The Finance and Town Hall Committee will set a budget for training annually which the Personnel Committee will oversee and review annually.
9. The Finance and Town Hall Committee may co-opt non-voting members.

#### **Meetings**

1. The Finance and Town Hall Committee will aim to meet six times in the municipal year.
2. All Councillors will be members of the Committee. The quorum shall be five Councillors.
3. There will be an agenda item allowing the public to speak at the start of each meeting.

## **Terms of Reference**

The functions of the Committee will be:

1. To ensure that the Council operates sound financial and risk policies in line with Standing Orders and Financial Regulations.
2. To set the Parish Precept annually no later in February.
3. To consider applications for grant aid to local organisations.
4. To ensure the Council has adequate Insurance.
5. To ensure that claims are made for the recovery of VAT.
6. To consider the Councils Risk Register.
7. To ensure that the Council complies with the Freedom of Information Act 2000.
8. To oversee the management of the Town Hall and 47/49 Market Street, Chapel-en-le-Frith
9. To consider and prepare a rolling 5 year plan for maintenance of the property.
10. To identify capital projects and make recommendations to the Full Council.
11. To meet all relevant health and safety requirements including those for visitors, hirers and staff.
12. To receive reports of Health and Safety inspections.
13. To provide adequate training to council staff.

Adopted: XXXXXXXXXXXXXXXXXXXX

## **Chapel-en-le-Frith Parish Council Bye-Laws for the Memorial Park**

Bye-laws made under Section 164 of the Public Health Act, 1875, by the Parish Council of Chapel-en-le-Frith in the County of Derbyshire with respect to the Memorial Park, Chapel-en-le-Frith.

1. Throughout these bye-laws the expression 'the Council' means the Parish Council of Chapel-en-le-Frith, in the County of Derbyshire, and the expression 'the ground' means the Memorial Park, Chapel-en-le-Frith.
2. An act necessary to the proper execution of his duty on the ground by any 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 bye-laws.
3. The War Memorial Park shall be opened at the hour of 8 o'clock in the forenoon and shall be closed at one hour after sunset of every day throughout the year. Provided that this bye-law shall not be deemed to require the War Memorial Park to be opened and closed at the hours prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council may close such ground to the public.
4. On any day on which the Memorial Park is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed by the foregoing bye-law.
5. 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 onto the ground any beast of draught of burden or any cattle, sheep goats or pigs.
6. A person shall not, except in the exercise of any lawful right or privilege, bring to cause or be brought onto the ground any barrow, truck, machine or vehicle other than:-
  - a. a wheeled bicycle, tricycle or other similar machine.
  - 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.
7. A person shall not, except in the exercise of any lawful right or privilege, ride any bicycle, tricycle or other similar machine on any part of the ground.

8. A person shall not affix any bill, placard or notice to or upon any tree, or to or upon any part of a building, seat or other erection on the ground.

9. A person shall not on the ground remove, or displace any soil or plant.

10. A person shall not, except in the exercise of any lawful right or privilege, have in his possession while he is on the ground, any firearm unless it is so covered with a securely fastened gun cover that can not be fired. In this bye-law the expression 'firearm' means any lethal barrelled weapon of any description from which any shot, bullet or missile can be discharged. This bye-law shall apply to all parts of the land except any part thereof which is a public right of way.

11. A person shall not on the ground discharge any missile to the danger of any other person in the ground.

12. a. A person in the ground shall not release any power driven model aircraft for flight, or control the flight of such an aircraft.

b. A person shall not cause any power driven model aircraft to take off or land in the ground.

In this bye-law 'model aircraft' means an aircraft which either weighs not more than 5Kgs, without it's fuel or is, for the time being 'exempted' (as a model aircraft) from the provisions of the Air Navigation Order and 'power driven' means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

13. Where the Council set apart any part of 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, 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 in the ground may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the ground - a person shall not in any space elsewhere in the ground play or take part in any game so specified in such manner as to exclude persons not playing or taking part in the game from the use of such space.

14. 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:-

a. not play on the space any game other than the game for which it is set apart.

- b. In preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the ground by other persons.
- c. when the space is already occupied by other players not begin to play thereon without their permission.
- d. 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.
- e. Except where the exclusive use of the space has been granted by the Council for a match in which he is taking part, not use the space for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.

15. 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 causes makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the ground.

16. A person who has attained the age of fourteen years shall not in the ground on any Sunday throughout the year, play or take part in any ball game before the hour of 10.30 in the forenoon or after the hour of 8.00 in the afternoon. Provided that the bye-law shall not apply to any person who, being bona fide in charge of a child under fourteen years, plays or takes part in any ball games with the child.

17. A person shall not in the ground, except as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building or other structure. Provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, fence, rail, pole, tent, booth, stand, building or other structure, upon such occasion and for such purpose as specified in the application.

18. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the ground unless such dog be and continues to be controlled by means of a leash or a proper and sufficient chain

19. A person shall not by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, tape recorder or similar instrument, make, cause or suffer to be made any noise which is so loud or so continuous or so repeated as to give reasonable cause for annoyance to other persons in the ground.

20. A person shall not in the ground hold or take part in any public meeting.
21. A person shall not take part in any musical concert, public show or any other entertainment in the ground. Provided that this bye-law shall not apply to any persons taking part in a band show, musical concert or any other entertainment held in the ground in pursuance of an agreement with the Council
22. A person, who has attained the age of fourteen years, shall not use any apparatus, which by a notice affixed on or near thereto has been set aside by the Council for the exclusive use of persons under the age of fourteen years.
23. A person shall not in 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 any work in connection with the laying out or maintenance of the ground.
24. Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding £50.
25. Every person who shall infringe any bye-laws for the regulation of the ground may be removed therefrom by any Member of the Council or Officer of the Council, or by any Constable in any one of several cases hereinafter specified, that is to say:-
- a. where the infraction of the bye-law is committed within the view of such Member, Officer or Constable, and the name and residence of the person infringing the bye-laws are unknown to and cannot readily be ascertained by such Member, Officer or Constable.
  - b. Where the infraction of the bye-law is committed within the view of such Member, Officer or Constable, and, from the nature of such infraction or from any other fact of which such Member, Officer or Constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for the belief that the continuance in the ground of the person infringing the bye-law may result in another infraction of a bye-law, or that the removal of such a person from the ground is otherwise necessary as a security for the proper use and regulations thereof.



Given under our hands and seals this 5<sup>th</sup> day of May 1981.

(Signed) H LOMAS

(Signed) W J AYRES

Members of Chapel-en-le-Frith Parish Council

The foregoing bye-law(s) are hereby confirmed by the Secretary of State and shall come into operation on the 28<sup>th</sup> day of July 1982.

Signed by authority of the Secretary of State.

G I de DENEY

An Assistant Under-Secretary of State

Home Office

London SW1

14 July 1982



**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.

## **BYELAWS (ENGLAND)**

### **Introduction**

1. This Legal Topic Note will outline the nature and use of byelaws together with information about the procedure to be followed for their creation, amendment or revocation. There are two different procedures, the standard procedure and the alternative procedure and which to use is determined by the type of byelaw (see paragraph 8 below).
2. A byelaw has been judicially defined as “an ordinance affecting the public or some portion of the public, imposed by some authority clothed with statutory powers, ordering something to be done or not to be done and accompanied by some sanction or penalty for its non-observance” (*Kruse v Johnson [1898] 2 QB 91*). A byelaw is therefore a valid law that supplements, but does not replace, the general law. A byelaw is only valid in the area of the authority making it.
3. A byelaw can only be made by a person or body with statutory powers to make the byelaw; as a general rule, private individuals, bodies or associations have no such powers.

### **Desirability of Byelaws**

4. Before making a byelaw, it is recommended that a parish council first considers whether there are other methods of controlling an undesirable activity.
5. For example, section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”), a district council, county council in an area where there is no district council and a London Borough Council have powers to make a public spaces protection order (“PSPO”) to prohibit specific activities which are detrimental to the local community's quality of life such as drinking in public, begging, or dogs not kept under control. A principal authority which has made PSPO(s) must publish them on its website and display them on or adjacent to the public place(s) to which they relate (Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection

Orders) Regulations 2014). The 2014 Act makes it an offence for a person not to comply with PSPO. If a byelaw prohibits an activity which is also regulated by a PSPO then the byelaw has no effect in the area of the PSPO (s. 70 of the 2014 Act).

More information about PSPOs in relation to the control of dogs in public places is available in Legal Topic Note 17 – Control of Dogs.

6. Using another example of when a byelaw may not be effective is where a council can take practical steps to control or deter unwanted activity. For example, the placing of a low fence or whitened stones around an open space may deter car parking far more effectively than a byelaw.
  
7. A local council should therefore consider making byelaws as a last resort.

### **Powers of Parish Councils**

8. A parish council has powers to make byelaws in relation to the following matters (standard procedure)

<b>Function</b>	<b>Power</b>
Provision of public conveniences	Section 87, Public Health Act 1936
Managing mortuaries and post-mortem rooms provided by the council	Section 198, Public Health Act 1936
Regulating the letting for hire of pleasure boats in a park or pleasure ground provided or managed by the council.	Section 54, Public Health Act 1961
Regulating parking places for bicycles and motor cycles provided by the council	Section 57(7), Road Traffic Regulation Act 1984

(Alternative procedure)

Function	Power
Regulating public walks or pleasure grounds provided by the council or to the cost of which the council has contributed	Section 164, Public Health Act 1875
Regulating an open space or burial ground owned or controlled by the council	Sections 12 and 15, Open Spaces Act 1906
Regulating baths, washhouses, swimming baths and bathing places under the council's management	Section 223, Public Health Act 1936
Regulating public bathing in the area	Section 231, Public Health Act 1936
Regulating swimming baths and bathing places not managed by the council and which open to the public at a charge	Section 233, Public Health Act 1936
Regulating Markets	Section 60, Food Act 1984

9. Model byelaws and guidance that are relevant to parish councils have been issued by the Department of Communities and Local Government (DCLG). They can be found at:  
<https://www.gov.uk/government/collections/model-byelaws>.
10. It is possible to make byelaws which are not included in the models but, where appropriate, the 'confirming authority' (Secretary of State) must ensure that the proposed byelaw passes the tests described in paragraph 15 below.
11. A parish council which owns common land may grant a right of public access by deed and may obtain from the Secretary of State for the Environment an Order of Limitations which imposes conditions on the exercise of the right (s.193, Law of Property Act 1925). Breach of an Order of Limitations is an offence. In effect, therefore, such an Order operates in the same way as a byelaw.

### Procedures for Making Byelaws

12. The standard procedure for making byelaws is set out in s.236 of the Local Government Act 1972 ("the 1972 Act"). The 'confirming authority' for parish councils in England is the Secretary of State. The alternative procedure is set out in s.236A of the 1972 Act and The Byelaws (Alternative Procedure) (England) Regulations 2016 (2016

Regs). The appendix to this LTN contains two flowcharts for the making of byelaws in England. One flowchart is for the standard procedure and is one for the alternative procedure.

13. A council should carefully consider the relevant guidance and model byelaw before proceeding to make byelaws (see paragraph 9 above). Parish councils should send draft or sealed byelaws and any queries to DCLG, 2 Marsham Street, London, SW1P 4DF.
14. The procedure for amending or revoking byelaws is the same as for making them except that for a revocation under the alternative procedure there is no procedure for submitting the proposed revocation to the Secretary of State (Regs 13 to 17 2016 Regs).

### **Validity of Byelaws**

15. A byelaw is valid provided that it is –
  - a) Within the powers of the authority making it, i.e. it must be within the limits of the authorising statute;
  - b) Certain, i.e. it indicates clearly what action is required or prohibited;
  - c) Not contrary to the general law, i.e. it must not be inconsistent with the general law;
  - d) Reasonable, i.e. the byelaw-making authority must act in a reasonable manner, in good faith and on correct grounds.
16. Examples of byelaws (not involving local councils) which have been held invalid by the courts are –
  - An enabling power to make a byelaw relating to the removal of dust, ashes etc, did not authorise a byelaw which required occupiers of premises to remove snow from paths;
  - A byelaw 'that no person shall wilfully annoy any passengers in a street' was void for uncertainty because it did not describe in sufficient detail the activity it sought to prohibit;
  - A byelaw prohibiting betting in public places was void the general law permitted such betting subject to specified conditions; and



- A building byelaw requiring open space to be provided at the rear of every new building was unreasonable.

### **Enforcement of Byelaws**

17. A failure to obey a byelaw is a criminal offence. As with other crimes, an offender should normally be reported to the police, although it may often be appropriate first to ask the offender not to repeat the offence. Anecdotal evidence gathered by NALC suggests that the police are often reluctant to prosecute the breach of a byelaw. This is partly because of the difficulty of getting evidence. If a council reports a breach to the police it should also give them the names of any witnesses who are prepared to attend court to give evidence. In any event, a parish council can bring proceedings under s.222 of the 1972 Act whether or not it has made the byelaw in question. Should a council decide to prosecute it will normally be well advised to instruct a solicitor to represent it. Further details in respect of councils' powers to commence proceedings are set out in LTN 15 (Legal Proceedings).
18. A prosecution for breach of a byelaw or an Order of Limitations (paragraph 11 above) must be taken in a magistrates' court, and proceedings must begin no later than 6 months after the date of the breach.

### **Penalty for Infringement of Byelaws**

19. The normal penalty for infringing a byelaw is a fine. S.237 of the 1972 Act provides that the maximum fine is the sum fixed by the enactment empowering the making of the byelaw or, if no sum is so fixed, the sum of £50. For a continuing offence, an offender may in addition be fined up to £5 a day for each day that the offence continues after conviction (s.237, the 1972 Act).
20. Generally, the maximum penalty for breach of a car parking order is a fine at level 3 on the standard scale (currently £1000); for breach of an Order of Limitations (paragraph 11 above) it is a fine at level 1 on the standard scale (currently £200).
21. Byelaws may sometimes provide for enforcement by an alternative method, e.g. removal from the place to which the byelaw applies.
22. If the penalty provided by the byelaws is not adequate an injunction may be obtained from a civil court to stop further breaches of the byelaws. Thus in *A.G. v. Harris*

[1960] 3 All ER 207, H was convicted some 70 times for selling flowers on the highway. The maximum fine was then £2 and H was willing to pay it. Since the fine was clearly inadequate to deter H, an injunction was obtained, prohibiting him from continuing to trade on the highway. Breach of an injunction is a contempt of court for which imprisonment or a fine can be imposed.

### **Byelaws and Local Government Reorganisation**

23. Where a parish boundary is altered, Article 41 of the Local Government Area Changes Regulations 1976 confirms that any byelaw in force in the local council area before boundary change:

- is effective in the new area; but
- does not apply to any area no longer in the parish.

### **Byelaws for Good Rule and Government**

24. District councils have power to make 'byelaws for good rule and government and suppression of nuisances' (s.235, the 1972 Act). Such byelaws may extend to the whole of a district and may affect public behaviour on land or premises not owned or controlled by the district council (e.g. byelaws to control straw and stubble burning). By contrast byelaws made by parish councils can only be made in respect of and for premises which they own or control subject to two exceptions:

- regulating public bathing (s. 231, Public Health Act 1936); and
- regulating swimming baths and bathing places not managed by the council and which open to the public at a charge (s. 233, Public Health Act 1936).

25. A district council must notify a parish council if it proposes to make byelaws regulating:

- Hackney carriage licences (s.171(4) Public Health Act 1875, Part 002 Town Police Clauses Act 1847 and s.76 Public Health Act 1925)
- Seashore and promenade activities (ss.82 and 83 Public Health Acts Amendment Act 1907) and
- Naming of streets (s.160 Public Health Act 1875, s.2 Public Health Acts Amendment Act 1907 and ss.18 and 19 Public Health Act 1925).

**Other Legal Topic Notes (LTNs) relevant to this subject:**

<b>LTN</b>	<b>Title</b>	<b>Relevance</b>
15	Legal Proceedings	Sets out the powers which enable councils to commence legal proceedings.
17	Control of Dogs	Explains the powers of principal authorities to use Public Space Protection Orders (PSPOs) to control dogs in public spaces.
18	Local Councils' Powers to Provide Parking Spaces	Sets out the powers of councils to make byelaws in respect of parking.
19	Unauthorised parking on private land	Sets out the law on stopping vehicles parking without permission.
20	Markets and Other Events	Sets out the powers of councils to operate Markets.
71	Naming and Numbering of Streets	Sets out the obligations on district councils with regard to street naming and numbering.

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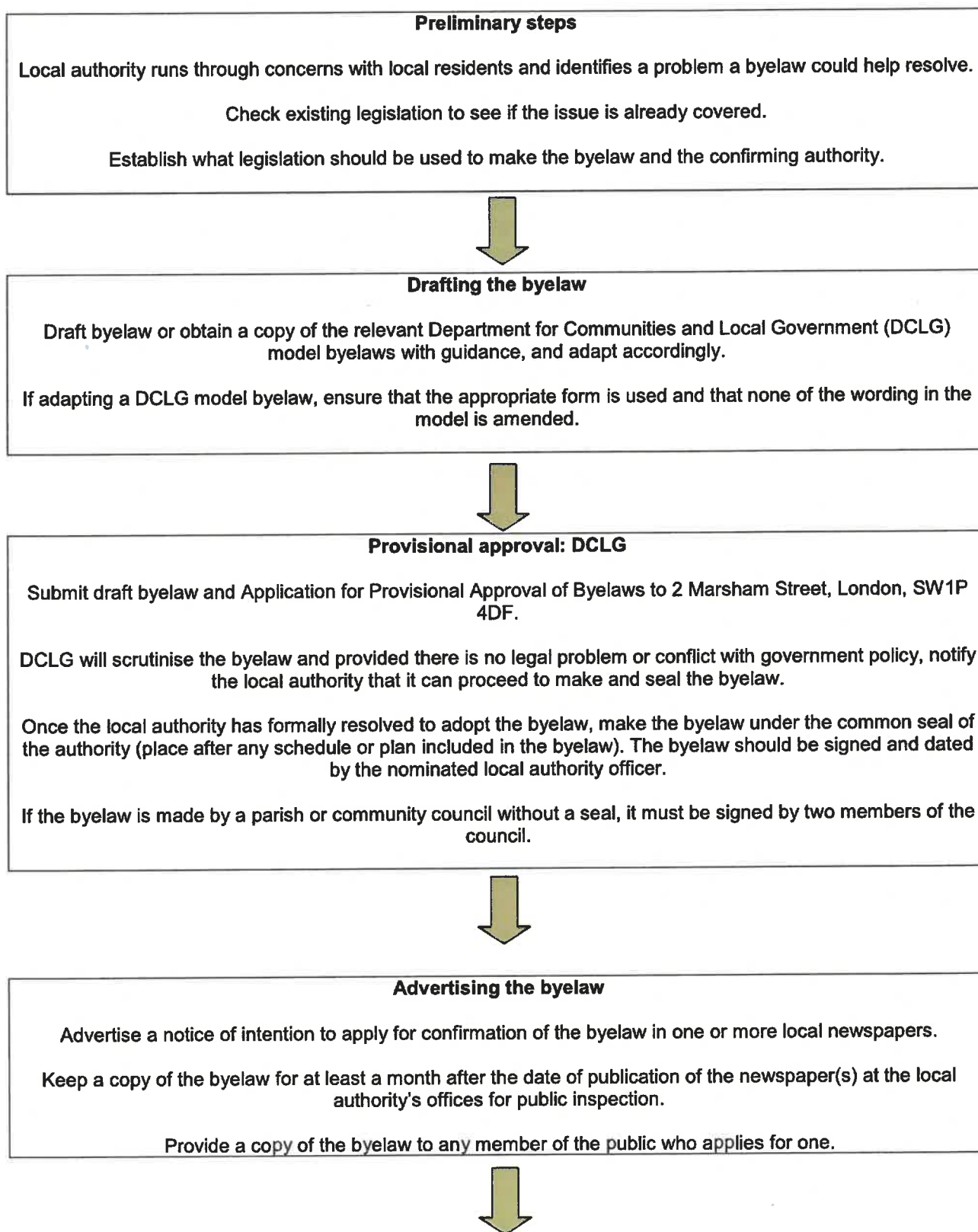
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*This LTN was last updated in April 2016.*

## Byelaws standard procedure: flowchart



**Confirmation by DCLG**

Apply to the DCLG for confirmation once the byelaw has been made available for inspection for at least one month.

Application should include:

- Two sealed copies of the byelaw.
- A copy of the newspaper(s) or a photocopy of the relevant advertisement of the byelaw.
- A covering letter providing responses to any objections received by the DCLG during the application period and any requests for the byelaw to be enforced at an earlier date, accompanied by reasons.



**Contentious applications: public inquiry**

Where objections have been raised to the byelaw, a public inquiry may be ordered before confirming the byelaw.



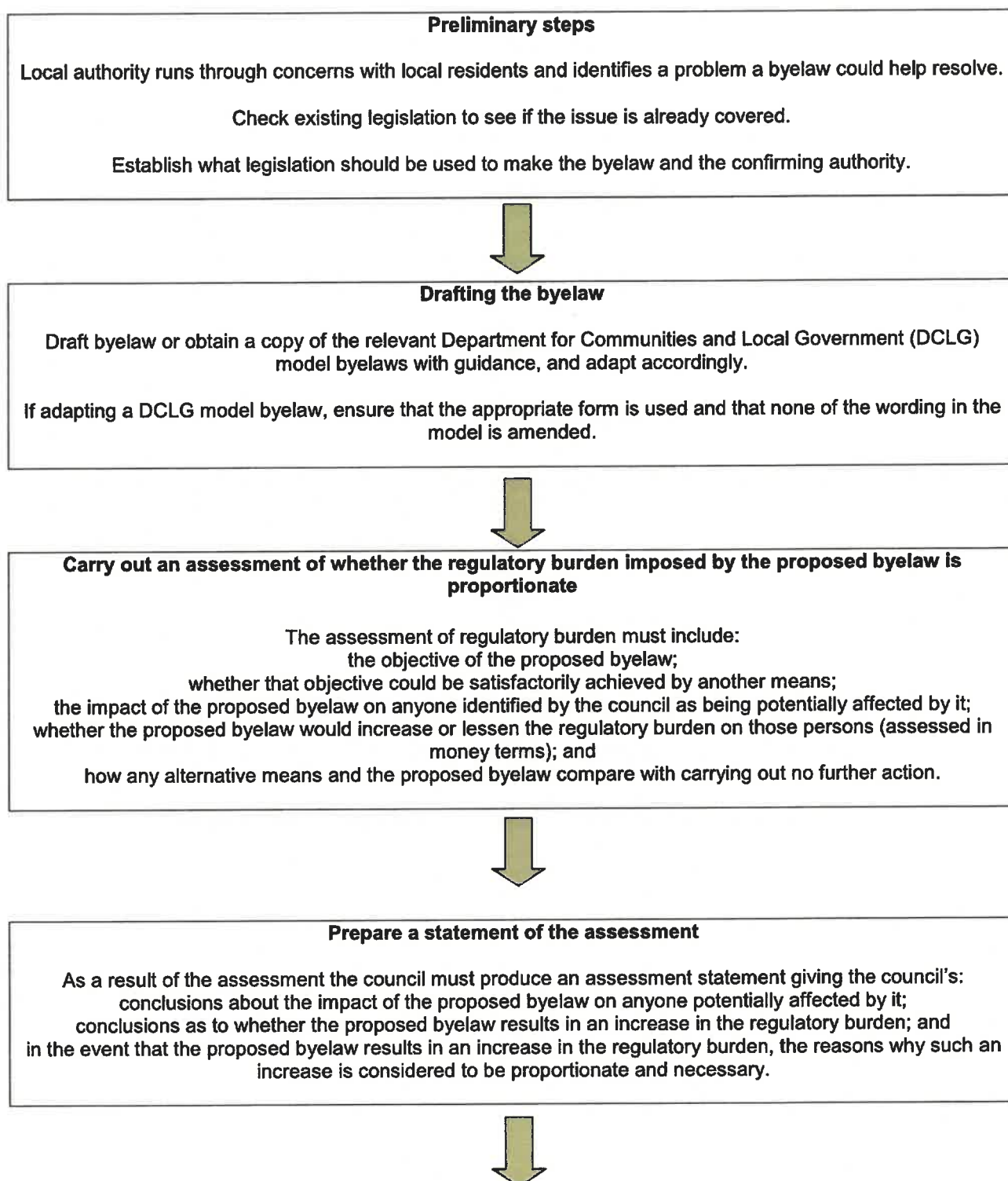
**Approval by Secretary of State**

Secretary of State confirms approval and returns byelaw to the local authority.

Secretary of State fixes a date on which the byelaw will come into force (normally one month from confirmation).

Copy of confirmed byelaw made available for public inspection at the offices.

## Byelaws alternative procedure: flowchart



**Publish the assessment statement**

The council must publish the statement on its website (if it has one); and publicise it in such manner as it considers is likely to bring the statement to the attention of persons who live in its area or may otherwise be affected.



**Submit proposed byelaw to Secretary of State (Optional)**

Once the assessment statement has been prepared the council *may* apply to the Secretary of State for approval of a scheme (approval is not mandatory). The application for approval must contain:

- the draft byelaw;
- the assessment statement; and
- a report setting out:
  - the enabling power under which the byelaw is to be made;

that the procedure for making the byelaw is that specified in The Byelaws (Alternative Procedure) (England) Regulations 2016;

- the purpose of and need for the byelaw, which must include, but need not be limited to, the objective of the proposed byelaw;
  - the extent of the objective including its geographical extent;
  - the measures, if any, the council has taken to address the objective;
- the council's reasons for considering why the proposed byelaw fulfils the necessary objective and confirmation that the proposed byelaw is not solely intended to protect persons from the consequences of their own action;
- the reasons for considering that the byelaw is reasonable in its proposed application, which must include, but need not be limited to why any sanction specified in the proposed byelaw is necessary and proportionate;
- the extent (if any) to which any other enactment already fulfils the purpose identified and explaining why, notwithstanding that enactment, the relevant authority believes there is a need for the byelaw;
  - where that does not apply, that the byelaw does not conflict with any existing enactments;
  - whether the relevant authority has revoked or is revoking any byelaw;
- whether the council intends to make use of any model byelaw and if so what (if any) adjustments to the model byelaw are proposed and confirmation that the council has followed the guidance accompanying the model byelaw;
  - by reference to a map where necessary, the land to which the byelaw, if made, will apply;
  - the extent of the consultation that has been undertaken and the result of that consultation; and
- a summary of any objections made in response to that consultation and the council's response to such objections, to include copies of all correspondence dealing with the objections.



**Response by Secretary of State**

The Secretary of State must respond in writing to an application within 30 days of which the application being submitted to the Secretary of State. The Secretary of State may allow the council to make the byelaw; send an acknowledgement to the council stating that the Secretary of State will issue a substantive response as soon as practicable; or refuse to give permission to make the byelaw.



**Publication of the proposed byelaw**

Where the council decides to propose the making of the byelaw they must publish a notice of the proposal on its website (if any) and in one or more local newspapers circulating in the area in which is situated the land in respect of which the byelaw, if made, will apply; and publicise that notice in such other manner as it sees fit.

The notice must:

- identify the land to which the byelaw, if made, will apply;
- give a summary of its intended effect;
- give the address where the assessment report can be viewed (free of charge) at reasonable hours;
- give the address from which copy documents can be obtained (for a reasonable charge);
- give a period of at least 28 days for inspection and written representations and the postal or email address for representation.



**Written representations and decision**

Where the council receives any written representations within the period specified (at least 28 days) it must consider them before making any decision and no later than six months after the end of that period the council must decide whether to make the proposed byelaw with or without minor modification.



**Public copy of byelaw and notices**

- At least seven days before the day when the byelaw comes into force, the council must deposit a copy of the byelaw at its principal office;
- where practicable, place signs summarising the byelaw in conspicuous positions on or near the land in respect of which it applies;
- publish on its website (if any) a notice stating that the byelaw has been made; specify the date on which it comes into force;
- specify the place at which it may be inspected and copies obtained; and
- publicise the byelaw in such manner as it considers fit.



**Copy of the byelaw to/from District Council**

- A parish council must send a copy of its byelaw to the proper officer of the district council, and the proper officer of the district council must ensure that a copy is deposited with the public documents of the district.
- A district council must send a copy of its byelaw to the proper officer of every parish council that includes land in respect of which the byelaw applies or, where a parish does not have a parish council, to the chairman of the parish meeting, and the proper officer of the parish council or the chairman of the parish meeting must ensure that a copy is deposited with the public documents of parish.





**Making and effect of the new byelaw**

The byelaw must be made under the common seal of the council or, in the case of a byelaw made by a parish council not having a seal, under the hands and seals of two members of the council.

The byelaw comes into force 30 days after the date on which it is made unless a different date is specified in the byelaw.



**Public copy of byelaw**

A copy of the byelaw must be open to public inspection without payment at all reasonable hours and the council must provide a copy of the byelaw to any person on request and on payment of such reasonable charge as the council decides.



Social media has become an every-day communications tool for councillors and the people they represent, and the potential for councillors using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

In addition, it is a useful source of intelligence:

- People will talk about local issues, their concerns and interests.
- You can find out about breaking news, the latest research or publication or the latest policy announcements from organisations such as the LGA.
- People often have little understanding of the councillor role and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are similar to them.
- Residents can be made aware of and provide feedback to your work and campaigns, including mobilising support and interest and gathering followers.
- You can have conversations with people who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly (bearing in mind that you would then share equal responsibility in law for anything later seen to be untrue or defamatory)
- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release.

Councillors are personally responsible for the content they publish on any form of social media. Publishing an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if you pass on any similar untrue statements you receive.

Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.

You can make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. It is advisable to read the terms of service of any social media site accessed and make sure you understand their confidentiality / privacy settings.

Some councillors choose to have separate social media profiles for personal and council use. It is important to keep in mind, however, that even the strictest privacy settings is no guarantee for posts or actions to remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

The code of conduct for members and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a councillor, you are deemed to be acting in your “official capacity” and any conduct may fall within the code.

Twitter works differently than Facebook in many ways and allows different kinds of interactions. Facebook posts can be more informative because they do not have a limit to the number of characters. Twitter posts are limited to 280 characters and tend to have a shorter lifespan than Facebook posts.

When someone follows you on Twitter your posts will appear on their news feeds, giving them a real-time opportunity to comment on them. Abuse, harassment and intimidation can take place and escalate quickly. Twitter does not automatically remove abusive or threatening posts but there are actions you can take:

- Protect your Tweets so they will only be visible to your followers. You will have the choice to accept or decline people’s request to follow you.
- Filter Notifications - if you’re receiving unwanted replies or mentions from accounts you do not follow, you can filter the types of notifications you receive.
- Consider carefully what you post before doing it. With 250 characters available to explain often complex ideas, Twitter posts can easily be taken out of context.

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# Chapel-en-le-Frith Parish Council

## Social Media Policy

### 1. Introduction

The objective of this policy is to provide Councillors and staff an overview of Social Media and outline the Council's position on various aspects of their use. In addition, it includes guidelines on Officer and Councillor responsibilities when using such channels of communication.

### 2. Definition of Social Media

Social media is a term for websites based on user participation and user-generated content. They include social networking sites and other sites that are centred on user interaction.

- Social media has the following characteristics:
- Covers a wide variety of formats, including text, video, photographs, audio
- Allows messages to flow between many different types of device; PCs, phones and tablets (e.g. iPad)
- Involves different levels of engagement by participants who can create, comment or just view information
- Speeds and broadens the flow of information
- Provides one-to-one, one-to-many and many-to-many communications
- Lets communication take place in real time or intermittently

Examples of popular social media tools include, but are not limited to: Twitter, Facebook, Wikipedia, You Tube, Pinterest, Instagram LinkedIn. Groupings of interest are a natural feature of the development of such systems with people with similar interests being attracted to share information.

### 3. Pitfalls

Whilst these tools are very useful to share information quickly with other people, there are some pitfalls to be aware of:

- The information in most cases is shared in the public domain and can be viewed by anyone in the world. You do not even need to register in many cases to view the content. Registering is only required should you wish to participate and post to the site.
- Groups on specific themes can set up easily and posts then edited by the owners of that group to reflect their single interest, ensuring theirs is the only voice heard. There is no guarantee of truth and ill informed comment and gossip is as likely to be found there as useful information.
- The nature of these tools is that information is shared immediately and it is all too easy to respond instantaneously which can result in unintentionally inflaming a situation. Information can then be shared with other sites and be spread far beyond the intended audience. Friends of Friends may not be our Friends.

### 4. Purpose of the Policy

Social media provides the Council with the opportunity to communicate to a wide audience instantaneously on a range of subjects relating to its activities, providing updates, news, information and retweeting and 'sharing' relevant information from other sources. It also provides an opportunity

to communicate with the younger age group, the business community and hopefully the harder to reach groups. The Council will make use of approved social media tools to quickly disseminate information but carefully control its use in order to minimise the risks as stated above. In the first instance this will include facebook and twitter.

## **5. Aims and Objectives**

Social media can be used by the Council as an effective and measurable way to achieve resident engagement and attract publicity. The aim of this Policy is to ensure:

- Engagement with individuals and communities and successful promotion of Council based services through the use of social media
- A consistent approach is adopted and maintained in the use of social media
- That Council information remains secure and is not compromised through the use of social media
- That users operate within existing policies, guidelines and relevant legislation
- That the Council's reputation is upheld and improved rather than adversely affected
- That communication by use of social media is effective, timely, appropriate, useful, engages with a wider audience and utilises cross-promotion of other Council communication tools (e.g. website, quarterly magazine, linking facebook to twitter account etc)

Social media activity isn't something that stands alone, to be effective it needs to integrate as part of the general communications mix. Any planned campaigns, promotions and activities can be plugged in to social media platforms to increase reach and exposure.

## **6. Policy Statement and Purpose**

It is acknowledged that there is considerable potential for using social media which can provide significant advantages. The responsible, corporate use of social media is actively encouraged. The following applies equally to Officers and Members. This policy provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks. Users must ensure that they use social media sensibly and responsibly, and ensure that its use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

The following guidelines will apply to online participation and set out the standards of behaviour expected as a representative of Chapel-en-le-Frith Parish Council:

- Gain the permission from the copyright owner for the use of all photographs, video, audio and text intended to be used in social media posts.
- Be aware of and recognise your responsibilities identified in the Social Media Policy.
- Remember that you are personally responsible for the content you publish on any form of social media.
- Never give out personal details of others such as home address and telephone numbers.
- Ensure that you handle any personal or sensitive information in line with the Data Protection Act.
- Use a disclaimer. When using social media for personal purposes, you must not imply you are speaking for the Council. Avoid use of the Council e-mail address, logos or other Council identification.



- Make it clear that what you say is representative of your personal views only. Where possible, you should include a standard disclaimer, such as:
- It is an individual member's responsibility to declare pecuniary and non-pecuniary interests.
- All Parish Councillors need to be mindful of the information they post on social media sites and ensure personal opinions are not published as being that of the council.
- Know your obligations: you must comply with other Council policies when using social media. For example, you should be careful not to breach Council confidentiality and proprietary information policies.
- Show respect to all. You should be respectful of the authority and employees. Derogatory comments are always wrong.
- Use of the Parish Council's social media accounts must always reflect the Council's position/decisions on a matter and in no circumstances must it be used to express personal opinion, particularly when used by a Councillor. If unsure, say nothing.

Councillors are at liberty to set up accounts using any of the tools available but should ensure they are clearly identified as personal and do not in any way imply that they reflect the Council's view. Councillors should at all times present a professional image and not disclose anything of a confidential nature. Comments of a derogatory, proprietary or libellous nature should not be made and care should be taken to avoid guesswork, exaggeration and colourful language.

## **7. Responsibilities**

The Parish Clerk is the designated 'Council' owner and of the Council Social Media channels and disseminator of information agreed by the Council. However all must ensure they follow this policy. No account details may be changed without the permission of the Parish Clerk.

Individual Councillors are at liberty to set up their own accounts but they should ensure they comply with this policy. They may wish to consider placing a disclaimer on their social media sites. For example:

**"Statements and opinions here are my own and don't necessarily represent the Council's policies or opinions"**

## **8. Guidance for Councillors - social media and meetings**

The Council encourages Councillors to keep residents informed of Chapel-en-le-Frith issues and the use of social media can help with this, especially during official Council meetings. Below are some extra guidelines for Councillors to consider for the use of social media during meetings:

- The use of handheld devices should be limited to reference ie maps and local information. The use of such devices should not to interrupt or distract anyone taking part. Ensure the volume on all electronic devices is turned to 'mute'.
- Any use of social media during a meeting should be directed by the chairman during meetings.
- Remember that if you break the law using social media (for example by posting something defamatory), you will be personally responsible.

## **9. Social Media Strategy**

Social networks are rapidly growing in popularity and are used by all ages in society. The most popular social networks are web-based, commercial, and not purposely designed for Parish Council use.

For individuals, social networking sites provide tremendous opportunities for staying in touch with friends and family. For the Council the sites provide a modern alternative means to communicate with residents of the Parish. Facebook, for example, offers a rich platform allowing you to share unlimited content, including images and videos. Example activity:

- Share articles / blog posts / expertise
- Start discussions and ask questions to encourage interaction
- Create surveys to encourage participation from visitors
- Upload images and videos
- Generic news, factual information and what's happening in the area

One of the hallmarks of online networks is the ability to "friend" others – creating a group of others that share interests and personal news. Care should be exercised when accepting invitations to friend others within personal social networking sites. Friends will gain access to the Council's network of contacts on the site.

## **10. Good Practice for Councillors**

Good practice guidelines for the use of Facebook by the Council as a body or Councillors as individuals are:

- As a Parish Council, we have a professional image to uphold and how we conduct ourselves online impacts this image.
- It is the councillor's responsibility, at any given council meeting, to declare an interest as per their Code of Conduct and to act on that as per your standing orders including social media.
- Remember that people classified as "friends" have the ability to download and share your information with others.
- Post only what you want the world to see. It is not like posting something to your web site or blog and then realizing that a story or photo should be taken down. On a social networking site, basically once you post something it may continue to be available, even after it is removed from the site.
- Do not disclose confidential matters or criticise Council policies or personnel.
- Set your profile's security and privacy settings carefully. At a minimum, all privacy settings should be set to "only friends". "Friends of friends" and "Networks and Friends" open the content to a large group of unknown people.
- All activity on the Council facebook page must follow the Council's agreed statement of purpose and outcomes for the use of the networking tool.
- Do not post images that include young people without parental permission.
- Pay close attention to the site's security settings and allow only approved personnel full access to the site.
- Do not use commentary deemed to be defamatory, obscene, proprietary, or libellous. Exercise caution with regards to exaggeration, colourful language, guesswork, obscenity, copyrighted materials, legal conclusions, and derogatory remarks or characterizations.
- Weigh whether a particular posting puts your effectiveness at Chapel-en-le-Frith Parish Council at risk.
- To reduce security risks, do not install any external applications that work with the social networking site. Examples of these sites are calendar programs and games.
- Maintain updated anti-virus and malware protection to avoid infections of spyware and adware that social networking sites might place on your computer.
- Be careful not to fall for phishing scams that arrive via email or on your wall, providing a link for you to click, leading to a fake login page.

- If you find information on the social networking site that falls under the mandatory reporting guidelines then you must report it as required by law. Please stay informed and cautious in the use of all new networking technologies.

## **11. Other Social Media**

At this stage it is not intended to use any other forms of social media for official use by Chapel-en-le-Frith Parish Council. However this could be open to review in the future. Councillors are entitled to use any form of social media they wish to but must abide by this policy at all times when so doing.

Agreed: 5 February 2019  
Retracted November 2020

