
BOROUGH OF DARLINGTON

BYELAWS

WITH RESPECT TO

HOUSING AMENITY AREAS

Made under Section 23 of the Housing Act 1985 by the Council of the Borough of Darlington with respect to housing amenity areas held by the Council by the virtue of Section 12 of the Housing Act 1985.

1. Throughout these Byelaws, the expression “the Council” means the Council of the Borough of Darlington, the expression “housing amenity area” means the parcels of land held by the Council by the virtue of Section 12 of the Housing Act 1985, which are not covered by buildings or included in the curtilage of a building forming part of a highway, and the expressions “motorcycle, motor vehicle” and “trailer” shall have the same meaning as in Section 185 of the Road Traffic Act 1984.
2. An act necessary to the proper execution of his duty in a housing amenity area an Officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these Byelaws.
3. A person shall not in a housing amenity area:-
 - (a) wilfully damage or interfere with the grass or other surface of the land or with anything growing or planted or placed thereon;
 - (b) drive or park on the housing amenity area or part thereof any motor vehicle, motorcycle, trailer or caravan.
 - (c) play or practise any ball game or other game where signs prohibiting same are placed in a conspicuous position on or near the housing amenity area;
 - (d) wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the housing amenity area, or wilfully obstruct, disturb or interrupt an Officer of the Council in the proper execution of any work in connection with the laying out or maintenance of the housing amenity area;
 - (e) bring or cause to be brought onto the housing amenity area, or ride or cause to be ridden thereon any bicycle, tricycle or skateboard.
4. Every person in charge of a dog (other than a registered blind person in charge of a dog) which is in one of the housing amenity areas referred to in the Schedule to these Byelaws who, without reasonable excuse, fails to remove forthwith from the grounds any faeces deposited by the dog shall be guilty of an offence.

5. For the purposes of compliance with Byelaw 4, the following provisions shall apply:-
 - (a) it shall be a sufficient removal from the housing amenity areas if the faeces are deposited in a receptacle within the housing amenity area which has been provided for that purpose by the Council;
 - (b) without prejudice to the generality of the foregoing, it shall not be a reasonable excuse that a person in charge of a dog did not have with him any means of removal of the faeces.
6. (1) For the purposes of these Byelaws, the Keeper of the dog shall be deemed in charge thereof, unless the Court is satisfied that at the time when the dog fouled the housing amenity area, it had been placed in or taken into the charge of some other person.

(2) In paragraph (1) above, “the Keeper” shall include the owner of the dog or any person who habitually has it in his possession.
7. Notice of the effect of Byelaw 4 shall be given by signs placed in conspicuous positions on or near each of the housing amenity areas referred to therein.
8. Any person offending against these Byelaws shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

SCHEDULE

1. Bishop’s Close Recreation Ground.
2. Firthmore Estate, Holgate Moor Green Play Area including the area to the rear of the Community Centre.
3. Belsay Walk Play Area.
4. Middleton St. George (Haxby Road).
5. Arkle Crescent Childrens Play Area, Skerne Park Estate.

Given under the Common Seal of the Council of the Borough of Darlington this 11th day of January 1990.

THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF DARLINGTON was hereunto affixed)
in the presence of :-)

(Signed) Barrie Lamb
Mayor

(Signed) H R C Owen
Chief Executive

DET 118D

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment and shall come into force on 1st February, 1991

Signed by authority
of the Secretary of State
8th January 1991

Denise Lamb
An Assistant Secretary
in the Department of the
Environment