



DEMOCRATIC AND ELECTORAL SERVICES

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Date: 25 November 2014 Direct Line: 01895 837225/837227

Dear Councillor

ENVIRONMENT POLICY ADVISORY GROUP – BACKGROUND PAPERS

The next meeting of the Environment Policy Advisory Group will be held as follows:

DATE: **WEDNESDAY, 3RD DECEMBER, 2014**

TIME: **6.00 PM**

VENUE: **ROOM 6, CAPSWOOD, OXFORD ROAD, DENHAM**

Please note that this meeting is not open to the public.

Only apologies for absence received prior to the meeting will be recorded.

Yours faithfully

Jim Burness

Director of Resources

To: The Environment Policy Advisory Group

Mr Naylor
Mr Bradford
Mr Clark
Miss Hazell
Mrs Plant
Mrs Royston
Mrs Wallis
Mr Walters



Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

BACKGROUND PAPERS

5. **Beaconsfield Old Town Common Land - Licences for use of Common Land**

(Pages)

Background Papers

(1 - 8)

The next meeting is due to take place on Wednesday, 18 February 2015

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A.

SOUTH BUCKS DISTRICT COUNCIL

COMMONS ACT 1899

(The Commons (Schemes) Regulations 1982)

FORM OF SCHEME

1. The pieces of land with ponds, streams, paths and roads thereon commonly known as Long Bottom (CL36); Council Hall (CL37); Davenies Barn (CL38); Candlemas Lane (CL39); Aylesbury End - West Side (CL40 and CL262); Windsor End - East Side (CL41); Windsor End - West Side (CL41); Wycombe End - North Side (CL262); Wycombe End - South Side (CL262); London End - North Side (CL262); and London End - South Side (CL262) and (CL41) situate in the Parish of Beaconsfield in the County of Buckingham and hereinafter referred to as "the Common" as shown on a plan sealed by, and deposited at the offices of the South Bucks District Council of Council Offices, Windsor Road, Slough in the Royal County of Berkshire hereinafter called "the Council" and thereon edged green and red being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.

2. The Council from time to time may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the Common, and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the Common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament and, may place seats upon and light the Common, and otherwise improve the Common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the Common or interfere with free access to any part thereof, and shall not erect upon the Common any shelter, pavilion, drinking fountain or other

building without the consent of the person or persons entitled to the soil of the Common and of the Secretary of State for the Environment. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall if necessary, hold the same enquiries as are directed by the Commons Act 1876(a) to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

3. The Council shall maintain the Common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.

4. The inhabitants of the neighbourhood shall have a right of free access to every part of the Common and a privilege of playing games and of enjoying other kinds of recreation thereon, subject to any byelaws made by the Council under this Scheme.

5. The Council may, with the consent of the person or persons entitled to the soil of the Common, and of the Secretary of State, (a) temporarily set apart and fence such portion or portions of the Common as it may consider expedient for the parking of motor and other vehicles, and (b) may make such charges for the use of such part as it may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwellinghouse as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as, are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

6. The Council may, for the prevention of nuisances and the preservation of order on the Common, and subject to the provisions of Section 10 of the Commons Act 1899, make, revoke or alter byelaws for any of the following purposes, namely:-

- (a) prohibiting any person without lawful authority from digging or taking turf, sods, gravel, sand, clay or other substance on or from the Common, and from

cutting, felling defacing or injuring any gorse, heather, timber or other tree, shrub, brushwood or other plant growing on the Common;

- (b) regulating the place and mode of digging and taking turf, sods, gravel, sand, clay or other substance and cutting, felling and taking trees or underwood on or from the Common in exercise of any right of common or other right over the Common;
- (c) prohibiting the injury, defacement removal or displacement of seats, drinking fountains, fences, noticeboards or any structures or works erected or maintained by the Council on the Common;
- (d) prohibiting any person without lawful authority from killing molesting or intentionally disturbing any animal, bird or fish or engaging in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
- (e) regulating or controlling the driving, drawing or placing upon the Common or any part thereof without lawful authority of any motor vehicle, motor cycle, carriage, cart, caravan, truck or other vehicle (including any aircraft), except in the case of an accident or other sufficient cause PROVIDED that nothing shall prejudice the property or rights of the Lord of the Manor or the lawful right of his tenants and servants to park a motor vehicle on that part of the Common situated at the Old Town of Beaconsfield, identified and registered as CL40, 41 and 262, provided that the motor vehicles shall be used and enjoyed in connection with their own personal use and not in connection with any trade or business;
- (f) prohibiting:-
- (i) the flying of any model aircraft
 - (ii) the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;
 - (iii) the flying of any glider or aircraft in such a manner as to be likely to cause undue

Appendix

interference with the enjoyment of the Common by persons lawfully on it;

- (g) prohibiting or, except in the case of a fair or market lawfully held, regulating the placing on the Common of any show, exhibition, swing, roundabout or other like thing but without prejudice to any property and rights of the Lord of the Manor;
- (h) regulating games to be played and other means of recreation to be exercised on the Common;
- (i) regulating assemblies of persons on the Common;
- (j) regulating the use of any portion of the Common temporarily enclosed or set apart under this Scheme for any purpose;
- (k) prohibiting or regulating the riding, driving, exercising or breaking in of horses without lawful authority on any part of the Common;
- (l) prohibiting any person without lawful authority from turning out or permitting to remain on the Common any cattle, sheep or other animals;
- (m) prohibiting any person from bathing in any pond or stream on the Common save in accordance with the byelaws;
- (n) prohibiting camping or the lighting of any fire;
- (o) prohibiting or regulating any act or thing which may injure or disfigure the Common, or interfere with the use thereof by the public for the purposes of exercise and recreation;
- (p) authorising any Officer of the Council, after due warning, to remove from the Common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme;
- (q) prohibiting any person on the Common from selling or offering or exposing for sale or letting to hire or offer or exposing for letting to hire, any commodity or article unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege such as the holding of a lawful market or fair on the Common;

(r) prohibiting the fixing of bills, placards or notices on trees, fences, erections or noticeboards on the Common;

(s) prohibiting the hindrance or obstruction of an Officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

7. Copies of all byelaws made under this Scheme shall be displayed on noticeboards placed on such parts of the Common as the Council think fit.

8. The Council shall have power to repair and maintain the existing paths and roads on the Common, other than highways repairable by the inhabitants at large and to set out, construct and maintain or authorize the construction and maintenance of such new paths and roads on the Common as appear to the Council to be necessary or expedient.

9. Nothing in this Scheme or any byelaw made under it shall prejudice or affect any property or right of the person entitled as Lord of the Manor or otherwise to the soil of the Common, or of any person claiming under him, which is lawfully exercisable in, over, under or on the soil or surface of the Common and this shall also include any rights in connection with game, or with mines, minerals or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the Common or the lawful use of any highway or thoroughfare on the Common, or affect any power or obligation to repair any such highway or thoroughfare.

10. Printed copies of this Scheme shall be available for sale at the Offices of the Council for such reasonable price as the Council may determine.

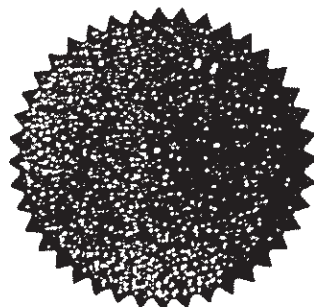
11. The Commons Scheme made by the Beaconsfield Urban District Council on Tuesday 28th November, 1911 is hereby revoked.

THE COMMON SEAL of the SOUTH BUCKS DISTRICT COUNCIL was hereunto affixed in pursuance of a Resolution and at a meeting of the Council held on 16th October, 1984

[Handwritten signature]

Chairman

[Handwritten signature]
Secretary



SOUTH BUCKS DISTRICT COUNCILByelaws under a scheme approved under the Commons Act 1899

COMMONS ACT 1899

BYELAWS MADE BY THE SOUTH BUCKS DISTRICT COUNCIL UNDER THE COMMONS ACT 1899, WITH RESPECT TO COMMON LAND

1. In these byelaws the expression "the council" means the South Bucks District Council; the expression "the commons" means the pieces of land, with the ponds, streams, paths and roads thereon commonly known as Long Bottom (CL36), Council Hall (CL37), Davenies Barn (CL38), Candlemas Lane (CL39); Aylesbury End - West Side (CL40 and CL262), Windsor End - East Side (CL41); Windsor End - West Side (CL41), Wycombe End - North Side (CL262), Wycombe End - South Side (CL262), London End - North Side (CL262) and London End - South Side (CL262 and CL41) situate in the Parish of Beaconsfield in the county of Buckinghamshire and referred to as the commons in the scheme for the regulation and management of such commons made by the Council under the Commons Act 1899, on the 16th day of October 1984, and the expression "the scheme" means the scheme for the regulation and management of the commons hereinbefore referred to.
2. No person shall on the commons remove or displace any soil or plant.
3. No person shall without reasonable excuse remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the commons.
4. a) No person shall without lawful excuse or authority on the commons kill, molest or intentionally disturb any animal, bird or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.
b) This byelaw shall not prohibit any fishing which may be authorised by the Council.
5. i) No person shall on the commons sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire such commodity or article.
ii) No person shall without the consent of the Council erect a tent or use any vehicle, including a

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caravan, or any other structure for the purpose of camping on the commons except on any area which may be set apart and indicated by notice as a place where camping is permitted.

6. No person shall on the commons, 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, rail, fence, pole, tent, booth, stand, building, or other structure, upon such occasion and for such purpose as are specified in the application.

7. No person shall on the commons, except in the case of accident or other sufficient cause, take off, fly or land any glider, manned or unmanned weighing in total more than 4 kilogrammes or any other aircraft manned or unmanned weighing in total more than 4 kilogrammes.

8. No person shall light a fire on the land, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

9. No person shall, to the danger or annoyance of any other person on the commons, throw or discharge any missile.

10. No person shall, except in pursuance of a lawful agreement with the Council, turn out or permit any animal to graze on the land.

11. Where the Council set apart any such part of the commons as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position on the commons, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person on the commons 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 commons - a person shall not in any space elsewhere on the commons play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.

- 12. No person shall, except in the exercise of any lawful right or privilege, ride or break in a horse on the commons.
- 13. No person shall on the commons:
 - a. intentionally obstruct any officer of the Council in the proper execution of his duties;
 - b. intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - c. intentionally obstruct any other person in the proper use of the common, or behave so as to give reasonable grounds for annoyance to other persons on the common.

PENALTIES

- 14. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding ~~one hundred pounds~~ LEVEL 2 ON THE STANDARD SCALE.
- 15. An officer of the council may, after due warning, remove from the commons any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of the foregoing byelaws.

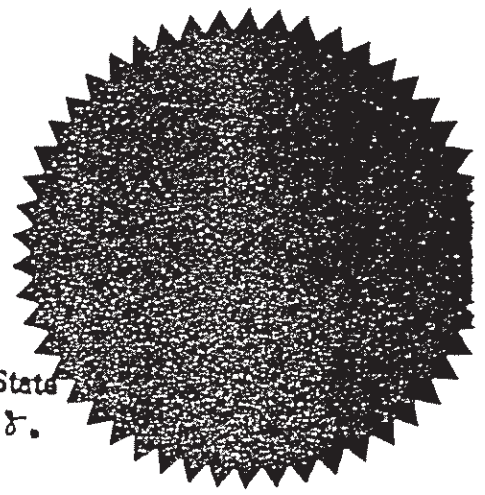


The Common Seal of the Council was hereunto affixed in the presence of

Chairman *Rosalind K. Wingard*

Deputy District Secretary *G. J. Blair*

6TH JULY 1988.



The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 9TH day of December 1988.

Signed by authority of the Secretary of State

C. L. Scoble

C. L. SCOBLE

An Assistant Under-Secretary of State

JB3ABT