

Report to: Council

Date of Meeting: 24 February 2016

Report Title: Byelaws for the Promenade and Seashore

Report By: Monica Adams-Acton
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Purpose of Report

Draft byelaws for Promenades and the Seashore were submitted to the Department for Communities and Local Government (DCLG) on the 24th September 2014 for provisional approval. A change in legislation has necessitated the DCLG clearing their backlog so that provisional approval is soon to be received.

Recommendation(s)

- 1. Council approve the making and adoption of the Byelaws for Promenades and the Byelaws for the Seashore.**

Reasons for Recommendations

The Byelaw (Alternative Procedure)(England) Regulations 2016 will come into force on 3 March 2016. This means that the Byelaws need to be sealed before that date to ensure that they can follow the process under Section 236(4) Local Government Act 1972

Introduction

1. A working group of the Coastal User Group was tasked with a review of the management of coastal leisure activities in 2013. It considered a range of options to try and influence behaviour and the location of certain activities including revisions to signage, pre-arrival information on the Hastings Borough Council and other websites, direct liaison with groups and clubs and also suggested a review of the current byelaws that are relevant to our promenade and seashore.
2. An assessment of existing byelaws confirmed they were difficult to understand for members of the public, had inappropriate levels of penalty and in some cases were no longer relevant. Discussion with the Chief Legal Officer and research with other coastal authorities revealed that it was a relatively straightforward process to review and rationalise the existing range of outdated byelaws, and to replace them with two Model Byelaws that cover the whole range activities arranged in separate Byelaws for Promenades and for the Seashore.

Consultation

3. Initial internal consultation within Hastings Borough Council , with the Foreshore Trust as an additional landowner and through the Coastal User Group was undertaken in 2014 and the proposed revisions fully supported.
4. This was followed by extensive informal consultation with sports, leisure and other user groups and relevant local organisations. Specific copies were sent to all emergency services including Coastguard and RNLI and to local disability groups.
5. Wider public consultation was carried out between 05.09.14 and 26.10.14, this included full copies of the draft byelaws and maps being made available and promoted on the Council's website, Facebook page and Twitter. Hard copies were deposited in the Council's Information and Contact Centres. It was also sent by eBulletin to 800+ voluntary and community groups
6. The results of the consultation and our responses were sent to the Department for Communities and Local Government (DCLG) in September 2014, as part of our application for provisional approval.
7. Despite persistent attempts throughout the past 15 months we have not been able gain confirmation of provisional approval from the DCLG although we are now told that we should be receiving this on 19 February 2016

Timetable

8. We have only recently been advised that imminent changes in legislation to byelaws mean that we need to seek urgent approval from Council that they make and adopt the two Byelaws affected. If not we would have to start again from the beginning under the new provisions.
9. Once the decision to make and adopt the Byelaws is made they will be sealed before the 3 March 2016. Then the Council will give public notice of the Council's

intention to apply for formal confirmation of the Byelaws from the DCLG. The public notice will give the address of the DCLG in the notice so that objectors can give their comments to the DCLG. It is likely that the DCLG will confirm the Byelaws after the end of the month consultation period. The byelaws should then become effective one month afterwards unless the DCLG state an effective date for the byelaws. It is hoped that as the DCLG have given provisional confirmation they will give formal confirmation.

Wards Affected

Castle, Central St. Leonards, Old Hastings, West St. Leonards

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

Additional Information

Byelaws for Promenades (and associated maps)
Byelaws for Seashore (and associated maps)

Officer to Contact

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