

**Agenda Item No:** 6

**Report to:** Charity Committee

**Date of Meeting:** 30 June 2014

**Report Title:** Seafront Byelaw Review

**Report By:** Virginia Gilbert  
Head of Amenities, Resorts and Leisure

---

### **Purpose of Report**

The report summarises the range of current byelaws that are relevant to the seafront, including land owned by the Foreshore Trust and provides a context for their review. It also details the specific activities for inclusion in the draft model byelaw.

---

### **Recommendation(s)**

- 1. That the Charity Committee support a review and replacement of our many, old existing byelaws with the model byelaws, tailored for Hastings' requirements.**
- 2. That Charity Committee support the recommendations of the Zoning Working Group to include the general activities listed in the proposed model byelaws within this report.**

---

### **Reasons for Recommendations**

The current range of existing byelaws for the seafront and foreshore are outdated and in some cases irrelevant. A preliminary review has been undertaken and we are proposing to adopt modern model byelaws with modifications for additional activities we wish to include.

The report sets out the detail of the activities to be included in the model byelaws for onward informal and formal consultation. Although the Foreshore Trust does not have the power to make byelaws the Council is consulting with the Charity Committee to seek its support as landowner and major stakeholder.

---

## Introduction

1. A working group of the Coastal User Group has been looking at the management of coastal leisure activities for some time. The objective has been to try and improve safety for all beach users, reduce potential conflict between different user groups and to encourage a more even spread of activities.
2. The working group has included representatives from beach hut users, fishing clubs, wind surfers & kite surfers, swimmers & voluntary lifeguards, commercial fishermen, HBC Councillors and officers.
3. This has considered a range of options to try and influence behaviour and where certain activities take place including revisions to signage, pre-arrival information on the HBC 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.
4. An initial assessment of our current byelaws has shown that they can be difficult to understand for members of the public, have inappropriate levels of penalty and in some cases are no longer relevant.
5. Discussion with the Chief Legal Officer and research with other coastal authorities has revealed that it is a relatively straightforward process to review and rationalise the existing range of outdated byelaws. This would replace them with two Model Byelaws that cover the whole range activities arranged in a Byelaw for Promenades and a Byelaw for the Seashore. Both of these would have an impact on land owned and managed by the Foreshore Trust.

## Current Situation

6. The existing byelaws for the promenade and seashore are summarised below:
  - Parades, Stades, Foreshore and Sands 1885, penalty £5 - covers various activities behaviour(including fighting and indecent posture!), performance etc.
  - Navigation of Sailboards 1987, penalty £100 - covers windsurfing
  - Seaside Pleasure Boats 1967, penalty £20 - covers various boating
  - Public Bathing 1956, penalty £5, - covers bathing huts, red flag safety system
  - Selling & Hawking 1906, penalty £5 - covers trading
  - Skateboarding 1990, penalty level 2 - covers skateboarding, rollerskating, (Legal to confirm current levels)
  - Littering 1928, penalty 40 shillings
  - Danger, Obstruction or Annoyance to persons using the promenade 1964, penalty £5 - covers vehicles, trailers
  - Wireless Sets etc. 1963, penalty £5 - covers amplified noise nuisance

- Street Collections 1981, penalty tbc
- Waterclosets, Urinals, Lavatories, penalty - covers charges or public toilets
- Fishmarket 1956, penalty £5 - fish processing and sales
- Stade or Stonebeach 1897, penalty 40 shillings - covers fishing industry
- (previous dog control and street drinking byelaws have been superceded and revoked)

## Proposed Review

7. The review involves consultation including with the Foreshore Trust as an additional landowner and Coastal User Group. This would be followed by extensive informal consultation with sports, leisure and other user groups and other relevant local organisations including disability groups.
8. The draft byelaws would then be advertised and consulted on formally before final approval and adoption by the Council. A more detailed programme is detailed in appendix A.
9. Each of the two byelaws covering the Promenades and Seashore would need to define the areas that the byelaws apply to through both description and accompanying map/plan. The map will be drawn up once the principle of each of the items to be included has been agreed.
10. It is proposed that they would include the following:-

## Proposed Byelaws for Promenades (Prohibitions)

**Cycling** - No person shall without reasonable excuse ride a cycle on the promenade except where there is a right of way or a designated route for cycles.

**Motor vehicles** - No person shall without the consent of the Council drive or bring a motor vehicle or trailer onto the promenade except on any part of the promenade where there is a right of way for that class of vehicle.

**Public Shows and Performances** - No person shall without prior consent deliver any lecture, sermon or speech or perform any music or hold any entertainment except in a designated area for such performances. No person shall use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart.

**Trading** - No person shall without prior consent and relevant licences:-

- (a) Sell or hawk any food or drink
- (b) Advertise or solicit custom for any service
- (c) distribute handbills, circulars or advertisements

Or in such a manner as to cause obstruction or annoyance to any person on the promenade.

Skateboarding, wheel based activities etc. - No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles on the promenade except in designated areas (it is proposed that the designated areas are the same as those allowed for cycling but this will be consulted on). No person shall skate, slide or ride on rollers or other self-propelled vehicles on the promenade in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the promenade.

Protection of Flower Beds and Planting - No person shall walk on or ride 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
- (c) Any area of the promenade set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Erection of Structures - No Person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure on the promenade. No person shall without consent , remove from or displace any barrier, post or seat or any part of any structure or ornament or any notice or flag displayed by or on behalf of the Council or any other competent authority.

Removal of Signs and Structures & Interference with Lifesaving Equipment - No person shall, except in the case of emergency, remove from or displace any sign, structure or life-saving appliance or other public rescue equipment provided by or on behalf of the Council or other competent authority on the promenade.

Obstruction of a Council officer in execution of their duties - No person shall on the promenade:-

- (a) Obstruct any officer of the Council in the proper execution of their duties
- (b) Obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council

## **Proposed Byelaw for the Seashore**

Sand lines - No sandlines shall be laid in such a position as to be likely to cause injury to any person using the seashore and all sandlines shall be visibly marked

Public Shows and Performances - No person shall without prior consent deliver any lecture, sermon or speech or perform any music or hold any entertainment except in a designated area for such performances. No person shall use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart.

Trading - No person shall without prior consent and relevant licences:-

- (a) Sell or hawk any food or drink
- (b) Advertise or solicit custom for any service
- (c) distribute handbills, circulars or advertisements

Or in such a manner as to cause obstruction or annoyance to any person on the promenade.

Fires - No person shall on the seashore light a fire, or place throw or drop a lighted match or any other thing likely to cause a fire. Byelaw shall not apply:-

- (a) In a designated area for barbeques, to the lighting or use in such a manner as to safeguard against damage or danger of a properly constructed camping stove or barbeque in such a manner as to safeguard against damage or danger
- (b) To the lighting of the fire on the seashore with the consent of the Council.

Parties - No person shall hold a party on the seashore without the consent of the Council (in the model byelaw 'party' means an event attended by 15 or more people at which music will be played)

Boats - No person shall except in cases of emergency or by prior consent of the Council launch, land or use craft (requires further definition) in the following restricted areas:-

- (a) Stade Fishing Beach (with the exception of Registered Fishermen)
- (b) Pelham Beach (area to be defined on map)
- (c) Marina Beach (area to be defined on map)

No person shall exceed 8 knot speed within defined areas (area to be defined on map as per current arrangements)

Camping - Unauthorised erection of structures, camping

- (1) No person shall on the seashore, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping.
- (2) The byelaw (1) shall not apply to personal windbreaks and sunshades

Removal of Signs and Structures & Interference with Lifesaving Equipment - No person shall, except in the case of emergency, remove from or displace any sign, structure or life-saving appliance or other public rescue equipment provided by or on behalf of the Council or other competent authority on the promenade.

Obstruction of a Council officer in execution of their duties - No person shall on the promenade:-

- (a) Obstruct any officer of the Council in the proper execution of their duties
- (b) Obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council

11. Both byelaws would also include the exclusions of HBC officers undertaking the execution of their duties.
12. We would also propose offences against the byelaws to be liable to a fine not exceeding level 2 on the standard scale (£500)
13. The adoption of the model byelaws would confirm the revoking of previous relevant byelaws.

## Recommendations

14. That the Charity Committee support a review and replacement of our many, old existing byelaws with the model byelaws, tailored for Hastings' requirements.

15. That Charity Committee support the recommendations of the Zoning Working Group to include the general activities listed in the proposed model byelaws within this report.

---

**Wards Affected**

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

---

**Area(s) Affected**

Central Hastings, East Hastings, South St. Leonards

---

**Policy Implications**

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

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

---

**Background Information**

Appendix 1 - Timetable

---

**Officer to Contact**

Nick Sangster  
nsangster@hastings.gov.uk  
01424 451138

---

## Appendix A

Zoning Working Group	Agree general range of byelaws for inclusion	20.11.13
Coastal User Group	Report on process and proposal to adopt model byelaws and revoke existing	11.03.14
Zoning Working Group	Produce draft byelaw (including areas) preparation by Legal Services	25.03.14
Coastal User Group	Informal Consultation on proposed byelaws	10.06.14
Charity Committee	Informal Consultation on proposed byelaws	30.06.14
Informal Consultation	Website – Public Meetings – Write to clubs -	01.07.14 – 30.09.14
Zoning Working Group	Assess feedback received and adapt draft byelaw if necessary	Mid October 2014
Cabinet	Seek support for final version of model byelaws	01.12.14
Charity Committee	Seek support for final version of model byelaws	08.12.14
Full Council	Byelaws are made	17.12.14
Formal advertising	4 week period in local papers / website. Public feedback direct to DCLG	01.01.15 – 31.01.15
HBC write to DCLG	Advise of intention to make byelaws, process to date and formal advertising period.	01.01.15 – 31.01.15
Remains on deposit DCLG write and advise of any objections	For a further month These need to be dealt with to the satisfaction of DCLG	01.02.15 – 28.02.15 March 2015
Effective date	Byelaws take effect	01.04.15