

<b>COMMITTEE:</b>	<b>Cabinet</b>
<b>DATE:</b>	<b>6<sup>th</sup> March 2002</b>
<b>SUBJECT:</b>	<b>Seafront Byelaws</b>
<b>REPORT OF:</b>	<b>Director of Planning, Regeneration and Amenities and Director of Tourism and Leisure</b>
<b>Ward(s):</b>	Meads, Devonshire, Roselands and St Anthony's
<b>Purpose:</b>	To seek Members approval to amend the Byelaws relating to Promenades and the Byelaws relating to Public Walks and Pleasure Grounds.
<b>Contact:</b>	Peter Padget, Engineering Manager, Telephone 01323 415235 or internally on extension 5235.
<b>Recommendations:</b>	<b>That the Council formally resolve to adopt the byelaws.</b>

<b>1.0</b>	<b><u>Background</u></b>
1.1	The Council made new general byelaws for the seafront gardens and promenades in 1995.
1.2	On 29 <sup>th</sup> September 1997 Environment Committee considered a report on a proposal to extend application of these byelaws to Sovereign Park and the Eastern Parade.
1.3	A section of the promenade adjacent to the Wastewater Treatment Works is on land that is not owned by the Council and this led to difficulties in the amendments proposed in the report of 29 <sup>th</sup> September 1997 receiving formal approval from the Home Office.

1.4	These difficulties have finally been resolved and an Application for the Confirmation of Byelaws ("Promenade Byelaws" and "Pleasure Grounds Byelaws" ) has now been submitted to the Department for Transport, Local Government and the Regions (DTLR) under their Fast Track Scheme.
1.5	DTLR has indicated that, subject to the consideration of any objections to the proposed amendments, both the "Promenade Byelaws" and the "Pleasure Grounds Byelaws" will be confirmed if they are formally adopted by the Council.
<b>2.0</b>	<b><u>Amended Byelaws</u></b>
2.1	The complete text of the proposed amendments to the byelaws is attached as Appendices 1A and 1B.
2.2	Amending these byelaws to include the additional areas detailed in Appendices 1A and 1B will ensure that there is a consistent set of byelaws covering all seafront promenades and pleasure grounds.
2.3	The proposed amendment concerning the definition of model aircraft is required by DTLR as this is consistent with a requirement contained within "Model Byelaws" used by the DTLR as a standard.
<b>3.0</b>	<b><u>Consultations</u></b>
3.1	Consultation required by the law was carried out before the general byelaws were made in 1995.
3.2	Southern Water Services, who own the land that the promenade adjacent to the Wastewater Treatment Works sits upon, have been consulted and have confirmed that they have no objection to the proposals.
3.3	The British Model Flying Association has been consulted and has no objection to the proposed byelaws.

3.4	Further consultation is required through public advertisement when the Council has agreed to amend the byelaws which are required to be formally sealed. Any representations received following advertisement are referred to DTLR, prior to confirmation of the byelaws by DTLR.
<b>4.0</b>	<b><u>Human Resource and Financial Implications</u></b>
4.1	The Parades Inspector will normally undertake enforcement of these byelaws. Last Summer an additional budget allocation was approved to employ additional seafront attendants to assist the Parades Inspector in enforcing the byelaws.
4.2	Following confirmation of Byelaws by DTLR and prior to their application additional signage will be required advising of the Byelaws. The costs for signage will be met from existing budgets.
<b>5.0</b>	<b><u>Environmental, Youth and Anti-Poverty Implications</u></b>
5.1	There are no significant environmental and youth implications that arise from this report. There are no anti-poverty issues arising from this report.
<b>6.0</b>	<b><u>Summary</u></b>
6.1	The byelaws are required to assist in meeting the Council's Corporate Aims of making Eastbourne a safe place, a place to enjoy and a place for everyone. In particular they assist in reducing the fear of crime and ensuring quality places for relaxation and play.
6.2	The amendments to the existing byelaws are required in order to ensure a consistent approach in application of the byelaws to all areas of promenade and seafront pleasure grounds from Holywell through to Langney Point.

<p><b>Peter Padget</b></p> <p><b>Engineering Manager</b></p>	
<p><b>Background Papers:</b></p> <p>The Background Papers used in compiling this report were as follows:</p> <p>Byelaws Relating to Promenades - 21<sup>st</sup> July 1995</p> <p>Byelaws Relating to Public Walks and Pleasure Grounds - 21<sup>st</sup> July 1995</p> <p>Environment Committee report - 29<sup>th</sup> September 1997</p> <p>Letter from Southern Water dated 31 August 2001</p> <p>Letter from British Model Flying Association dated 8 January 2002</p> <p>To inspect or obtain copies of background papers please refer to the contact officer listed above.</p>	

APPENDIX 1A

EASTBOURNE BOROUGH COUNCIL

### BYELAWS RELATING TO PROMENADES

Made by Eastbourne Borough Council under Section 83 of the Public Health Acts Amendment Act, 1907 with respect to promenades in the Borough.

The byelaws made by **EASTBOURNE BOROUGH COUNCIL** on 19<sup>th</sup> April 1995 and confirmed by the Secretary of State for the Home Department on 21<sup>st</sup> July 1995 are hereby amended as follows: -

#### Byelaw 12(3)

In byelaw 12(3) the definition of "model aircraft" is amended to read as follows:-

"model aircraft" means an aircraft which either weighs not more than 7 kilograms without its fuel.

#### Byelaw 13

In byelaw 13, the words "Groyne 60" are amended to read "Groyne 56".

## Schedule

The Schedule is amended as follows:-

(1) In (b) after "also known as" insert the words:

"Madeira Walk" or

(2) At the end of the Schedule insert the following:

(f) All interconnecting access drives, ramps, staircases and planted areas linking between King Edwards Parade, Middle Parade and Western Parade.

(g) The promenade and access road at Fisherman's Green Car Park, including the connecting path from Royal Parade, between the tennis courts.

(h) The timber ramp at groyne 64.

(i) Eastern Parade from groyne 64 opposite Channel View Road to the end of the Parade opposite Atlantic Drive, including the promenade leading from Royal Parade between Fort Fun and Monarch House and the promenade leading from Royal Parade between Fort Fun and Fort Fun Car Park.

Given under the Common Seal of )

**EASTBOURNE BOROUGH COUNCIL** )

this day of )

2002 )

Mayor

Authorised Signatory

APPENDIX 1B

## EASTBOURNE BOROUGH COUNCIL

### BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS and OPEN SPACES

Byelaws made by Eastbourne Borough Council under Section 164 of the Public Health Act, 1875 with respect to public walks and pleasure grounds in the Borough.

The byelaws made by **EASTBOURNE BOROUGH COUNCIL** on 19th April, 1995 and confirmed by the Secretary of State for the Home Department on 21st July, 1995 are hereby amended as follows:-

#### Byelaws 15(3)

In byelaws 15(3) the definition of "model aircraft" is amended to read as follows:-

"model aircraft" means an aircraft which either weighs not more than 7 kilograms without its fuel;

## Schedule

The Schedule is amended to include the following ground:

Name of Ground

Position

Sovereign Park as hatched in black on the Prince William Parade  
plan attached to these byelaws

Given under the Common Seal of )

**EASTBOURNE BOROUGH COUNCIL** )

this day of )

2002 )

Mayor

Authorised Signatory