

BODY	COUNCIL
DATE	22 July 2015
SUBJECT	Amendment to Byelaws relating to Promenades
REPORT OF	Senior Head of Regeneration, Planning and Assets

Ward(s) All

Purpose

- To inform Members of progress in implementing their decision to amend the byelaw covering cycling that is one of the set of Byelaws relating to Promenades.
- To inform Members of the Secretary of State for Communities and Local Government's decision to grant provisional approval to amend this cycling-related byelaw.
- To seek Members' authority formally to amend the byelaw.

Contact Lisa Rawlinson, Head of Regeneration and Planning Policy,
1 Grove Road, Eastbourne
Tel no: (01323) 415250
E-mail: lisa.rawlinson@eastbourne.gov.uk

Recommendations

- That Council authorises the Assistant Director of Corporate Services (Legal and Democratic) for the shared Lewes and Eastbourne Legal Services to make and seal the Amending Byelaw in the Department for Communities and Local Government's (the 'DCLG') provisionally approved format.
- That Council grants delegated authority to the Senior Head of Regeneration, Planning and Assets to respond to any queries that may be raised with the Council by the DCLG, following any representations being made to the DCLG during the period of public consultation after the byelaw is made by the Council and before it is confirmed by the DCLG.

1.0 Introduction

1.1 Having considered a long and detailed report on the necessary legal processes in March 2014, Cabinet agreed in principle (subject to agreement by the Secretary of State for Communities and Local Government) that the cycling-related promenade byelaw should be amended. The making and

amendment of byelaws is a function reserved to Full Council.

1.2 In addition to their in-principle decision, Cabinet recommended that Full Council should authorise Officers to take all necessary steps to seek and obtain approval from the Secretary of State for an amendment to the byelaw, to enable the Council to allow, where appropriate, both unsegregated as well as segregated shared use of the seafront by cyclists and pedestrians.

1.3 Thereafter, at a meeting of Full Council on 7th May 2014, Members resolved that Officers be authorised to take all necessary steps to seek and obtain approval from the Secretary of State for an amendment to the relevant byelaw. The minute of this decision was:

Resolved: *(By 17 votes to 2 with 6 abstentions) That officers be authorised to take all necessary steps to seek and obtain approval from the Secretary of State for Communities and Local Government to an amendment to the current byelaw to enable the Council to allow, where appropriate, both un-segregated as well as segregated shared use of the seafront promenade by cyclists and pedestrians.*

1.4 Following this decision, in July 2014, the Council submitted an application to DCLG seeking approval to amend the byelaw. The application provided details of the extensive consultation that had been undertaken with stakeholders and the community and in particular with disability groups, on the proposed priority cycle routes which included the seafront route between the Wish Tower and Fisherman's Green.

1.5 Part way through the process of liaising with DCLG over the making of the necessary amendment to the byelaw to bring the Full Council's decision into effect, the DCLG amended (and considerably complicated) their own provisional approval procedure to make it equivalent in complexity to that required for a much more wholesale overhaul of a set of byelaw provisions. They apologised to the Council officers for the inevitable extra work and time that this would require, but did point out that this would at least demonstrate a robust approach on their part to the process of them being able to give provisional approval. The more detailed Application, supporting detail and copies of papers relating to the consultation that had taken place were provided to DCLG in October 2014.

1.6 A number of questions were then asked and requests for clarification made by DCLG, with a good deal of lengthy correspondence being entered into between themselves and the Council's officers.

1.7 The Department has subsequently confirmed that the application has been carefully considered in line with their scrutiny role and that, based upon the draft amending byelaw submitted to the Department, provisional approval for the amendment has been granted. A copy of the byelaw amendment in

the form given provisional approval by the DCLG is attached as an Appendix to this report. The DCLG indicated, when giving approval, that with the coming general election and what they considered to be a "purdah" period in relation to themselves and this matter, they would not be able to give further consideration to the next stage in the process – the confirmation by them of the byelaw when made – until after the election.

- 1.8 As stated above and in the previous reports, the amendment to the byelaw will enable the Council to permit and control cycling, where appropriate, along the whole length of the promenade within the Borough, either in an exclusive cycle-lane or on an unsegregated, shared-use basis. As with other authorities, it would then be possible for the Council to decide to have, as circumstances from time to time dictate, some stretches of the promenade where cycling remains banned, some where it is permitted in a lane and others where pedestrians and cyclists mingle together.

2.0 Next Steps

2.1 Legal

- 2.1 .1 Following approval from Council to the making of the amended byelaw, the Council will make it, seal it, advertise it and notify the public of its intention that the DCLG will confirm the amendment and will state that the amendment will be placed on deposit for inspection. The public will be informed that they have a month to make any representations to the Secretary of State, prior to the DCLG hopefully confirming the Amending Byelaw.

- 2.1.2 DCLG would normally notify the Council of any representations they receive and may well ask the Council to comment on them. At the end of the representation period, the DCLG will consider whether to confirm the amendment. DCLG will consider any objections and the Council's responses to them. If satisfied, they will confirm the byelaw, attest their confirmation of it and give a commencement date, which is usually a calendar month after the date of confirmation.

- 2.1.3 This fairly lengthy process is designed to ensure that the need for a byelaw amendment has been carefully considered, all relevant people have been consulted and that their views have been taken into account.

2.2 Operational and Strategic

- 2.2.1 In March 2014, Cabinet agreed in principle that subject to the agreement by DCLG that the byelaw could be amended, that the seafront cycle route along the promenade between the Wish Tower and Fisherman's Green could be taken forward by East Sussex County Council to detailed design. This detailed design is now almost complete and a combined Stage 1 and Stage 2 Safety Audit has also taken place. The proposals for the route will include

improvements to the area outside the Pier and adjacent to the Redoubt. They will also include new code of conduct signs (signs which advise users on how best to share the route) and 'share with care' signs, to raise the awareness of cyclists, pedestrians and other users of each other.

2.2.2 East Sussex County Council have confirmed that the works are likely to be carried out next year.

2.2.3 In terms of future strategy, East Sussex County Council have also confirmed that they intend to update the adopted Cycling Strategy either later this year or early next year, to include walking. This will ensure alignment with the Government's Draft Cycling Strategy and the proposed Walking and Cycling Infrastructure Investment Plan. This update would be subject to consultation with Officers, Members and key stakeholders.

3.0 Financial Implications

3.1 The costs associated with amending the byelaw will be met from within existing service budgets.

4.0 Conclusion

4.1 The Secretary of State for Communities and Local Government has granted provisional approval to an amendment to the cycling-related byelaw which forms part of Eastbourne Borough Council's Byelaws relating to Promenades. Members are asked to agree the recommendations at the beginning of this report.

Background Papers:

- A Healthy Cycling Plan for Eastbourne (Sustrans – 1994)
- East Sussex County Council - Cycling Strategy (2009)
- Cabinet Report dated 14 July 2010
- Cabinet Report dated 15 December 2010
- Cabinet Report dated 13 July 2011
- Cabinet Report dated 8 February 2012
- Eastbourne Cycling Strategy (2012)
- East Sussex County Council's Report to Lead Cabinet Member for Transport and Environment 18 March 2014
- Cabinet Report dated 19 March 2014
- Full Council Report dated 7 May 2014
- Application to DCLG dated 14 May 2014
- DCLG provisional approval letter dated 26 March 2015

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.