

# Public Document Pack



**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

## LATE REPORTS & SUPPLEMENTARY INFORMATION

Council

Wednesday, 12 July 2006

*The following reports were received too late to be included on the main agenda for this meeting. They are now enclosed, as follows:*

Agenda Item Number	Page	Title
14	1 - 8	BYELAWS SECOND SUPPLEMENTARY REPORT

This page is intentionally left blank

**COUNCIL****BYELAWS – FURTHER SUPPLEMENTARY INFORMATION  
12TH JULY 2006****Report of Head of Legal and Human Resources****Promenade Byelaws**

Discussions with the Department for Communities and Local Government have been continuing, and on the 11th July, the Department confirmed that the Council could include a byelaw to prohibit cyclists from causing danger or annoyance, as requested by Council at its last meeting.

In addition, the Department requested a further amendment to byelaw 3 – motor vehicles, which now removes any reference to slipways, and simply provides that a person who drives or brings a motor vehicle onto the Promenade with the consent of the Council is exempt from the general prohibition. This will still provide the Council with the control that it seeks in order to regulate the use of the Promenade and slipways, and the Department believes that the plainer wording will be easier for people to understand.

A copy of the revised byelaws is attached.

Members will note that the Department has also made minor drafting changes in the title, preamble, and in the interpretation, application, flowerbed, obstruction, penalty and revocation clauses.

At the time of writing this update, the Head of Legal and Human Resources has raised queries with the Department concerning reference to and the colouring of the map, and the date of confirmation of the existing byelaws which are to be revoked. These are very minor issues.

However, if the Department has not responded in full to these inquiries by the time of the meeting, it is recommended that Council resolve that the Byelaws, as attached, be made, but that the Head of Legal and Human Resources be authorised before the sealing of the byelaws to make any minor drafting alterations that may be agreed with the Department for Communities and Local Government but that do not alter the substance of the byelaws.

Head of Legal and Human Resources  
11th July 2006

This page is intentionally left blank

**LANCASTER CITY COUNCIL**  
**BYELAWS FOR MORECAMBE PROMENADE**  
**ARRANGEMENT OF BYELAWS**

1. Interpretation
2. Application
3. Motor vehicles
4. Trading
5. Skateboarding, etc
6. Cycling
7. Kites and kite-buggies
8. Fires
9. Camping
10. Protection of flowerbeds and plants
11. Unauthorised erection of structures
12. Removal of signs and structures
13. Interference with life-saving appliances
14. Obstruction
15. Savings
16. Penalty
17. Revocation

Byelaws made under section 83 of the Public Health Acts Amendment Act 1907 by Lancaster City Council for the prevention of danger, obstruction, or annoyance to persons using the esplanades or promenades.

### **Interpretation**

1. In these byelaws:

“the Council” means Lancaster City Council;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

(a) the unladen weight of which does not exceed 150 kilograms,

(b) the width of which does not exceed 0.85 metres, and

which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person;

“promenade” means Morecambe Promenade as shown in the map to these byelaws;

“motor vehicle” means a mechanically propelled vehicle other than an invalid carriage;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more other persons pulling or pushing the vehicle.

### **Application**

2. These byelaws apply to Morecambe Promenade which is shown coloured red on the attached map

### **Motor vehicles**

3. No person shall without reasonable excuse drive or bring a motor vehicle or trailer onto the promenade except—

(a) on any part of the promenade where there is a right of way for that class of vehicle; or

(b) with the consent of the Council.

### **Trading**

4. No person shall—

(a) sell or hawk any article or any food or drink;

- (b) advertise or solicit custom for any service; or
- (c) distribute handbills, circulars or advertisements,

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

**Skateboarding, etc.**

- 5. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles on the promenade in such a manner as to cause danger or give reasonable ground for annoyance to other persons using the promenade.

**Cycling**

- 6. No person shall cycle on the promenade in such a manner as to cause danger or give reasonable ground for annoyance to other persons using the promenade.

**Kites and kite-buggies**

- 7. No person shall on the promenade fly any kite or ride or drive any vehicle powered by a kite in such a manner as to cause danger, nuisance or annoyance to any other person on the promenade.

**Fires**

- 8. (1) No person shall on the promenade light a fire, or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 8(1) shall not apply to the lighting of a fire on the promenade with the consent of the Council.

**Camping**

- 9. No person shall on the promenade without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

**Protection of flowerbeds and plants**

- 10. No person shall walk on or ride over—
  - (a) any flowerbed, shrub or plant;
  - (b) any ground in the course of preparation as a flowerbed or for the growth of any tree, shrub or plant; or

- (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.

**Unauthorised erection of structures**

- 11. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure on the promenade.

**Removal of Signs and Structures**

- 12. No person shall, without reasonable excuse, 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 on the promenade.

**Interference with Life-saving Appliances**

- 13. No person shall, except in case of emergency, remove from or displace any life-saving appliance provided by or on behalf of the Council or other competent authority on the promenade.

**Obstruction**

- 14. No person shall on the promenade —
  - (a) obstruct any officer of the Council in the proper execution of his duties;
  - (b) obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council.

**Savings**

- 15. It shall not be an offence under these byelaws for an officer of the Council to do anything necessary to the proper execution of his duty or for any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of that contract.

**Penalty**

- 16. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Revocation**

- 17. The byelaws relating to the promenade which were made by Lancaster City Council on 26th April 1978 and confirmed by the Secretary of State for the Home Department on 1st October 1978 are revoked.

:



GIVEN under the Common Seal of the Lancaster City Council this            day of  
Two thousand and six

**THE COMMON SEAL** of the  
**LANCASTER CITY COUNCIL**  
was hereunto affixed in the  
presence of:

Corporate Director

This page is intentionally left blank