

Southend-on-Sea Borough Council

Department of the Chief Executive

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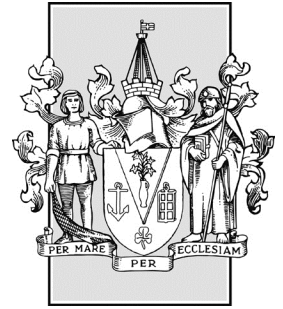
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Dear Councillor

CABINET - TUESDAY, 28TH MARCH, 2017

Please find enclosed, for consideration at the special meeting of the Cabinet taking place on Tuesday, 28th March, 2017, the following report(s) that the Chairman has agreed to be considered at this meeting as an urgent additional item.

Agenda No Item

5. **Revocation of Pier Cycling Byelaw (Pages 1 - 6)**
Report of Deputy Chief Executive (Place)

Yours faithfully

Tim Row

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Southend-on-Sea Borough Council

Report of Deputy Chief Executive (Place)

to

Cabinet

on

28 March 2017

Agenda
Item No.

5

Report prepared by Scott Dolling, Director for Culture,
Tourism and Property

Revocation of Pier cycling byelaw

Place Scrutiny Committee

Executive Councillor: Councillor Ann Holland

Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To consider whether there is a need to revoke byelaw 18 of the Council byelaws regulating and governing the riding or use of bicycles or other wheeled vehicles on Southend Pier ("byelaw 18") (Appendix 1).

2. Recommendations

- 2.1 **Authorisation be given to prepare all necessary draft orders, to undertake consultation and to seek the confirmation of the Secretary of State for the Department of Communities and Local Government where required to enable members to decide whether or not to revoke byelaw 18.**

3. Background

- 3.1 Southend Pier is operated by the Council and is subject to byelaws regulating and governing Southend Pier dated the 28th April 1892.
- 3.2 Byelaw 18 restricts the use of bicycles or other wheeled vehicles on the Pier.
- 3.3 At the time of the byelaw being established there was open public access to the Pier and as such control of such vehicles would have required byelaws to enforce control.
- 3.4 With the pier entry gates and arrangements now in place, control of access by such vehicles can be completely managed by the Council without the need for the byelaw.
- 3.5 Authorised users of bicycles on the Pier such as the RNLI who have been allowed use to attend emergencies are technically in breach of the byelaw. This has not caused any difficulty but demonstrates the current byelaw anachronism.

- 3.6 Transport options are also hampered as a result of this bylaw. During 2016 the Pier trains were unable to operate and restrictive byelaws prevented some options from being considered. Future commercial opportunities on the Pier involving wheeled transport is also expanded by removing the bylaw.
- 3.7 The objective of revoking bylaw 18 is to permit in certain cases cycles or other wheeled vehicles on the Pier such as cycles used by R.N.L.I as above, Rickshaws and other conveyances so authorised. Such user is currently in breach of bylaw 18 and cannot be achieved short of revoking the bylaw. It is not considered the impact of revoking bylaw 18 will affect the regulation and governance of the Pier or the enjoyment of the Pier by visitors or occupiers. The regulation and governance of the above is more easily controlled by the Council as set out in clause 3.4

4. Other Options

- 4.1 Amending the bylaws would require involvement with DCLG. The controls provided as a result of this bylaw are able to be managed independently as stated in this report.

Leaving the bylaws in place results in restrictive practices and places RNLI in breach if using cycles to attend emergency call-outs.

5. Reason for Recommendation

- 5.1 The bylaws are obsolete and unnecessary and the provisions within them can now be managed by the Pier's entry arrangements separately.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

Safe – the RNLI attending call-outs without breaking bylaws would be removed
Prosperous – the ability to set up rickshaw trading will improve the visitor offer and provide potential new income

6.2 Financial Implications

There are no financial implications for the council

6.3 Legal Implications

As described above

6.4 People Implications

No people implications

6.5 Property Implications

No property implications

6.6 Consultation

The proposed revocation will need to be publicised for minimum 28 days.

6.7 Equalities and Diversity Implications

None.

6.8 Risk Assessment

N/A

6.9 Value for Money

N/A

6.10 Community Safety Implications

RNLI access to the pier head by bicycle currently breaks the byelaws.

6.11 Environmental Impact

Cycling used as part of the visitor offer / safety regime may reduce use of the train in certain circumstances.

7. Background Papers

None

8. Appendices

Appendix 1 shows the historic byelaw

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17. A person shall not play upon any musical instrument, or sing, or dance, or preach, or address any assembly, or give any lecture or performance, or hold any meeting upon any part of the Pier ; provided always that this prohibition shall not apply in any case in which upon application to them the Local Board may grant permission to any person to do any of the acts or things aforesaid. Playing musical instruments, &c.

18. A person shall not, on any part of the Pier, ride or use any bicycle or velocipede, or wheel any other carriage, except a perambulator or an invalid chair drawn by hand, and provided with indiarubber tires to the wheels. Bicycles, &c.

19. A person shall not place or leave any invalid chair upon any part of the Pier unattended. Invalid chairs

20. A person (other than a passenger going to or coming from any vessel) shall not bring on the Pier any dog, unless the same is carried during the whole time that such dog is on the Pier, or, in the case of such passenger, unless such dog is carried or is held by a leash not more than 6 feet long. Dogs.

21. A person shall not discharge any stone, stick, or other missile on or from the Pier, or wilfully obstruct, disturb, interrupt, or annoy any person in the proper use of the Pier. Throwing stones, &c.

22. A person shall not do any act on the Pier which shall be likely to cause injury, or which may occasion damage, danger, or discomfort to any person on or near the Pier. Acts likely to cause injury to the person.

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