

Open Report on behalf of Richard Wills, Executive Director for Communities

| | |
|------------|--|
| Report to: | County Council |
| Date: | 12 April 2013 |
| Subject: | Creation of Byelaws for Coastal Car Parks |

Summary:

To secure the Council's approval to create byelaws under section 164 of the Public Health Act 1875.

Recommendation(s):

That the Lincolnshire County Council byelaws for pleasure grounds, public walks and open spaces be made in the form attached to the report and that the Order is advertised and thereafter submitted to the secretary of state for confirmation.

1. Background

Lincolnshire County Council owns and manages (Countryside) six coastal car parks between Chapel St Leonards and Sandilands which are also in the Coastal Country Park. These are Chapel Six Marshes, Wolla Bank, Anderby Creek, Moggs Eye, Marsh Yard and Huttoft Car Terrace. With the exception of Anderby Creek all have been refurbished in the last 18 month by the Coastal Country Park.

There have been numerous complaints for several years from local residents and businesses, Parish Councils and visitors regarding trading and people living in the car parks in motorhomes. Attempts have been made to prevent these activities with little success.

Byelaws

With the assistance of Legal Services the appropriate byelaw legislation was identified as Section 164 of the Public Health Act 1875 and draft byelaws created (appendix A) based on available evidence.

At Huttoft Car Terrace, Marsh Yard, Moggs Eye, Anderby Creek, Wolla and Chapel Six Marshes the following Byelaws would apply;

No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the grounds between the hours of 10 p.m. and 6 a.m.

At Huttoft Car Terrace, Marsh Yard and Mogges Eye, the following Byelaw would apply;

No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Local residents, Parish Councils, Lincolnshire Police, District Councillors and County Councillors were consulted on the draft byelaws and all were supportive. The Department of Communities and Local Government has provisionally approved the byelaws, subject to Council approval.

Once the byelaws have been approved by the Council it will be necessary to advertise the decision, seal them and then formally apply to the Department of Communities and Local Government for confirmation.

Enforcement of Byelaws

It will be a criminal offence being liable on conviction to a maximum fine of £500. The byelaws also authorise officers of the council and the police to remove anyone breaching the byelaws from the site.

Financial and Resource Implications

The creation of byelaws would have minimal additional financial and resource implications.

The only set financial implication would be to advertise the new byelaws, estimated cost £300. There may be a financial cost should any be prosecuted for breaking the byelaws, but this cost be assessed on a case by case basis.

There are already resources tied up with on-going management of the car parks and it is not anticipated that the creation of byelaws will require more.

2. Conclusion

The creation of byelaws for the coastal car parks has the support of the local community, Parish Councils, and County Councillors and they have been approved by the Department of Communities and Local Communities. They will enable Lincolnshire County Council to tackle unauthorised overnight stays and trading improving them for local resident and tourists.

3. Legal Comments:

Lincolnshire County Council has obtained evidence sufficient to justify the creation of the byelaws. The byelaws have been provisionally approved by The Department for Communities and Local Government subject to the consideration of any objections they may receive. Statutory procedures will need to be followed to advertise the byelaw if made and to obtain confirmation from the Secretary of State.

The recommendations are lawful and within the remit of the Council.

4. Resource Comments:

Creation of these byelaws commit the Council to minimal expenditure. Any expenditure relates to the advertising of the byelaws and additional enforcement should that be necessary. All these costs will be funded from within the existing Environment, Planning and Customer Services revenue budget.

5. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This report has not been to scrutiny therefore no comments are available.

d) Policy Proofing Actions Required

N/A

6. Appendices

| | |
|---|--|
| These are listed below and attached at the back of the report | |
| Appendix A | Byelaws for pleasure grounds, public walks and open spaces - Provision of services |
| Appendix B | Byelaws for pleasure grounds, public walks and open spaces - Camping and overnight parking |
| Appendix C | Department of Communities and Local Government - Approval letter |

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Matthew Davey, who can be contacted on 01522 552349 or matthew.davey@lincolnshire.gov.uk.