

LYME REGIS TOWN COUNCIL

BYELAWS WORKING GROUP

MINUTES OF THE MEETING HELD ON WEDNESDAY 4TH JUNE 2008

Present:

Chairman: Cllr S. Williams (elected at this meeting)

Councillors: Mrs. B. Austin, K. Hitchcock, Ms. S. Holman, O. Lovell and P. Williams

Officers: Mr. M. Lewis (Town Clerk), Miss V. Stickler (Admin. Officer) and Mr. C. Mitchell (Enforcement Officer)

Guests: Mr. M. Conroy (Kitson & Trotman Solicitors)

Election of Chairman

Cllr Mrs. B. Austin proposed Cllr S. Williams, seconded by Cllr K. Hitchcock and AGREED. There being no further nominations, Cllr S. Williams was duly elected as Chairman.

Apologies

Apologies for absence were received from Cllr Mrs. A. Bradbury and Cllr D. Cozens.

Declarations of Interest

There were no declarations of interest made.

Matters arising from the minutes of the previous meeting held on 8th October 2007

The Town Clerk explained that with such a long gap since the last meeting, the minutes had been attached merely as an aide-memoir for the present discussion.

To consider the draft ‘Dogs Exclusion (Winter) Lyme Regis Order 2008’ and the criteria for its introduction

The Mayor, Cllr Ms. S. Holman and the Town Clerk welcomed Mr. Chris Mitchell, the new Enforcement Officer to the meeting.

The Town Clerk introduced the proposed ‘Dogs Exclusion (Winter) Lyme Regis Order 2008’ previously distributed to members. The existing WDDC order excludes dogs from the main beach during the period of 1st May to 30th September. In the past the Town Council has requested an extension of this order to cover April and October, but with no real progress on this through WDDC. Since completion of the new beach, which was not now washed by the tide as previously, the Town Council, concerned for public health, sought to enact its own order to exclude dogs from the beach all year round.

In discussion with officers of the District Council, the advice was that the Town Council should introduce an order from 1st October to 30th April to make it in effect an all year restriction when combined with the WDDC order. Mr. Conroy had confirmed that the Town Council was able to proceed on this basis. The Town Clerk and Mr. Conroy opened the discussion.

Mr. Conroy advised that the order would indeed ban dogs from the beach, but that there was already a separate order to deal with dogs fouling on the beach. The Town Clerk commented that there was

also a WDDC order applying all year for dogs to be on leads in designated areas of the town, so the proposed 'Dogs Exclusion Order' would not apply to either of these issues. A public consultation was mandatory, and consequently the Town Council had to be very clear as to why the order was needed.

Members discussed why it had been believed that the order was needed but then discounted these concerns as they were catered for within the existing orders. It was concluded that year-round exclusion of dogs on the beach was therefore unnecessary without a clear reason that could be proved to the satisfaction of the public. It was however agreed that as the main tourist season has extended significantly, that an extension to the existing order should again be pursued.

Mr. Conroy advised members that the schedule of applicable areas under the existing WDDC 'Dogs on Leads' order does not include the main beach. The Mayor, Cllr Ms. S. Holman therefore proposed the order be extended to include the beach to aid the work of enforcement officer dealing with the problem of dogs not under control, fouling on the beach.

The Chairman implied that Seaton and Weymouth had banned dogs from the beaches all year round. Members suggested that the local councils be approached to find out how the need for the orders had been substantiated.

Cllr O. Lovell suggested that the Town Council organised a public meeting with dog owners to discuss the proposed order extensions. The Mayor, Cllr Ms. S. Holman suggested that the invitation be extended to any interested persons and that it would be publicised through the Town Council newsletter and the local press. The Town Clerk agreed that the argument for the extensions could be explained in the newsletter and then notice given of a public meeting. Cllr P. Williams suggested that the community are invited to vote through the newsletter to include those that could not attend the meeting. It was suggested that the meeting be held at the Woodmead Halls.

The Town Clerk informed members that DEFRA advise it can take 60 to 90 days to enact a proposed order. Cllr O. Lovell suggested that a recommendation be made to the Policy Committee on the 18th June to seek the Town Council's support and that in the meantime, further research was conducted, including consulting with Seaton and Weymouth.

Therefore, Cllr O. Lovell proposed to recommend to the Policy Committee that the Town Council organise a public consultation with the prospect of asking WDDC for an extension of one month on either end of the existing 'Dogs Exclusion Order' (to cover 1st April to 31st October), and an amendment of the dogs on leads order to include the main beach. This was seconded by the Mayor, Cllr Ms. S. Holman and was AGREED with Cllr K. Hitchcock voting against the proposition.

The Town Clerk had asked the District Council to consider issuing Mr. Mitchell with a fixed penalty book, as arranged under a previous appointment, to allow him to enforce the WDDC dog control orders and thereby supplement the work of WDDC dog wardens. The Mayor, Cllr Ms. S. Holman added that the role of the Enforcement Officer and the orders that he could enforce, would be discussed at the next Policy Committee meeting on the 18th June 2008.

To review progress on the introduction of byelaws

Mr. Conroy distributed copies for discussion of the amended draft byelaws which were based on the standard documents issued by the DCLG (Department of Communities and Local Government).

Mr. Conroy advised that all three of the draft byelaws included a clause entitled 'Savings' which meant that otherwise proscribed activities could take place within a contract or concession awarded by the Town Council. It was agreed to amend 'contract with the Town Council' to 'consent from the Town Council' in these clauses.

Members agreed, on the suggestion of Mr. Mitchell, that fixed penalties be issued rather than prosecution described in the draft byelaws. Mr. Conroy agreed to investigate this as a possibility.

Mr. Conroy agreed, on the request of Cllr P. Williams, to include a clause excluding “public shows and performances” (as Seashore draft byelaws 8.1 and 8.2) to all of the byelaws which would cover busking. The ‘Savings’ clause would mean that the Town Council could give permission for performances to take place.

(a) Pleasure grounds, public walks and open spaces

The Town Clerk advised that the Town Council had existing sets of byelaws for the Langmoor and Lister Gardens, dating from around 1919 and 1964 respectively, so these were very out of date, but that Mr. Conroy was investigating how these could be revoked to enact the new byelaws.

The ‘Waterways’ section of the draft byelaws would be removed as it did not apply to Lyme Regis.

(b) Promenades

The Town Clerk advised that the proposed byelaws would apply to Marine Parade and Cart Road.

Members discussed the phrase “reasonable excuse” which featured in the draft byelaws and agreed on advice from Mr. Conroy that this meant that the offending person would have to make their excuse to the Enforcement Officer who would then use his discretion as to whether this was acceptable. In respect to cycling (3.1), this meant that Lifeboat crew members and Police officers could ride their cycles on the promenades in the event of an emergency and needing quick access.

Members also considered the phrase “to cause danger, nuisance or annoyance” in the draft byelaws as ‘nuisance’ was considered to be difficult to define.

Members discussed if chairs placed on the promenade were covered by the draft byelaws, as they are not counted as a structure.

(c) Seashore

Mr. Conroy agreed to add a clause for “no vehicles on the seashore at any time without reasonable excuse” and to look at including a restriction on the launching of personal craft such as jet skis from Monmouth Beach.

Members agreed to refer in the schedule identifying the beaches to which the byelaw would apply according to the appropriate designation on Ordnance Survey maps. The foreshore would also be included at Monmouth Beach, as unusually the Town Council owned this.

(d) Members discussed what the next steps would be in the development of the draft byelaws. Mr. Conroy advised that he would make the proposed amendments to the documents as discussed and forward them to the Town Clerk to take to the Policy Committee. He hoped that these could be drawn up before the Policy Committee meeting of the 18th June 2008. He would also send the amended byelaws to his contact at the DCLG for advice.