

## **The Byelaws (Alternative procedure) (England) Regulations 2016 (The Regulations)**

### **Statement of the Assessment of regulatory burden imposed by proposed Seashore Byelaws by Gosport Borough Council (the Council)**

The Council has undertaken an assessment of whether the regulatory burden imposed by the proposed Seashore Byelaws is proportionate. In carrying out this assessment the Council engaged in a public consultation exercise to ensure it was in possession of the views of persons likely to be affected by the proposed Byelaws about matters of relevance to such an assessment. In undertaking its assessment the Council considered material, such as the outcome of its consultations undertaken in 2020 and 2021 together with the views of its Community Board and Full Council. The Community Board considered the views of respondents to the 2020 public consultation and discussed issues such as seashore boundaries and considered the designation of exempt areas at meetings. The process of public engagement was the Council's way of ensuring that Gosport's seashore can be managed through a scheme of regulation that reflects the better regulation principles of being reasonable, necessary and proportionate to achieve a legitimate aim. The Council is supporting its proposed Seashore Byelaws with comprehensive communications and enforcement strategies.

The assessment covered all of the matters required under Regulation 6(2)(b) of the Regulations, namely:

- clarification of the objective which the proposed byelaw is seeking to achieve;
- identification of any alternative means for securing the objective intended to be secured by the proposed Seashore Byelaws;
- whether the objective intended to be secured by the proposed Seashore Byelaws could be satisfactorily secured by alternative means;
- the impact of the proposed Seashore Byelaws on all persons identified by the authority as being potentially affected by them;
- whether the result of the proposed byelaw would increase or lessen the regulatory burden on persons potentially affected by the proposed Seashore Byelaws, insofar as possible expressing that increase or reduction in monetised form; and
- how these alternative means and proposed Seashore Byelaws compare with carrying out no further action.

In addition to those required matters the Council assessed whether extending the Seashore Byelaws to all of the seashore under its control would be necessary and proportionate. There was consideration that the Seashore Byelaws should operate on grounds only where there is a record of official complaint to the Council or Police about one or more of the behaviours that can

be controlled by the Seashore Byelaws and the issue of Jet Ski's was discussed. However having considered the wide ranging issues and the practicalities of enforcement and so as to ensure clear communication with the public the Council considered it to be reasonable an proportionate to apply the Seashore Byelaws to the whole defined seashore area and facilitate certain activities in clearly marked areas. The proposed Seashore Byelaws are considered to be limited and focused and it is considered that the benefit of the better regulation this offers considerably outweighs any adverse impact on any individuals who might otherwise cause their anti- social behaviour to be displaced to unregulated areas of the seashore thereby resulting in time trouble and expense of further enactments which is considered to be excessively bureaucratic given the limited scope of the Seashore Byelaws that are proposed.

In order to ensure the Seashore Byelaws continue to operate proportionately the Council will strive to grant a wide range of general consents for relevant Seashore Byelaws. This will enable regulated activity to take place without the need to seek specific consent from the Council. This will operate in a similar fashion to general consents in other regulatory regimes, such as permitted development in planning law, where, providing citizens act within the parameters laid down in the general consent, specific application for consent is not required. This approach is considered to reflect flexibility and freedom from disproportionate regulation.

This statement records in the following paragraphs the conclusions reached in relation to the matters specified in regulation 6(4)(a)(i)-(iii), namely:

1. The Council's conclusions as to the impact of the proposed Byelaws on persons potentially affected by them;
2. The Council's conclusions as to whether the proposed Byelaws result in an increase in the regulatory burden; and
3. Why such an increase is considered to be proportionate and necessary.

#### **1. Conclusions as to the impact of Seashore Byelaws on persons potentially affected by them.**

Please also refer to Appendix A – Impacts and Regulatory Burden(s) by Byelaw.

The Council has been able to measure this predominantly through two public consultations in 2020 and 2021 achieving 69 and 447 individual responses respectively. Both consultations were promoted to residents, seashore users, community groups, local and national specific interest groups, the city's Partnerships and its equalities communities. Links to the consultations were put on the Council's website and members bulletins.

The outcome of the 2020 consultation was subsequently assessed publicly by the Council's Community Board. That consultation was used to identify specific areas where changes could be incorporated into the proposed Seashore Byelaws. A general comments section was used and a dedicated e-mail address was set up. The Second consultation in 2021 was used so as to garner public opinion on the final draft Seashore Seashore Byelaws prior to submission to the Secretary of State Department and was tailored accordingly to identify quantifiable support.

Both consultation processes clearly demonstrate public support for the proposed Seashore

Byelaws in Gosport.

a) 2020 public consultation outcomes:

- i. 39 of respondents supported the introduction of the proposed Seashore Byelaws. Of these the positive impacts acknowledged were:
- ii. 30% of respondents did not support the introduction of the Seashore Byelaws.
- iii. There was an open comment section within the 2020 consultation and a summary of the comments received are attached to this report as Appendix B. These comments have been incorporated into Appendix A along with the Council's responses. There were questions as to the maps and where the Seashore Byelaws applied. This led to clearer maps being drawn up to a larger scale. Once the Seashore Byelaws are in place there will be further identification of restricted zones and permitted activity zones, such as Jet Ski launching and BBQ's and permitted parking areas etc. Clarification of times for launching of jet skis, Clarification of parking near Stoke Lake.
- iv. There was a request to include tombstoning in the Seashore Byelaws to prevent young people endangering their lives, but this was not included due to disproportionate impact on enforcement, given that a tombstoner would already be in the water once the offence had been committed resulting in difficulties evidentially. Further there were alternative ASB powers that could be applied as well as police dispersal power
- v. There was a complaint from a resident that there were dogs off their leads and on the shingle. This was not included further in the Byelaw as the Council has PSPO in place currently to tackle that issue. Further there was a complaint regarding cyclists using the no cycling paths and children accessing restricted areas. These are issues that will be enforceable once the Seashore Byelaws are in force.
- vi. It appeared that the comments were either from people who were unsure or had misinterpreted the Seashore Byelaws. Others had suggestions of further enforcement issues and also requested stricter enforcement measures.

b) 2021 public consultation outcomes

- i. 447 respondents completed the online consultation.
- ii. Appendix C shows the consultation responses for each of the proposed bylaws.
- iii. Overall 53.91% of people agreed that the Seashore Byelaws would protect the environment, 48.66% agreed that the Seashore Byelaws would make the seashore more family friendly. 47.76% believed that the Seashore Byelaws would have a deterrent effect and 54.14% believed the Seashore Byelaws would penalise those who misused the seashore. 53.23% felt the Seashore Byelaws would make the seashore safer and overall 52.9% of respondents were in support of the Seashore Byelaws.

The Council judges the 2020 and 2021 public consultation outcomes demonstrate seashore users will experience a positive impact from amended Seashore Byelaws.

**2. Will there be an increase in the Regulatory Burden as a result of the proposed Byelaws and if so is it considered proportionate and necessary.**

The Seashore Byelaws would give the police and authorised Council officers the power to take enforcement action against people who contravene the Seashore Byelaws. The Council would need to act proportionately and with regard to its Enforcement Policy.

The enforcement policy is founded on a proportionate, incremental approach. The overwhelming majority of issues reported to the authority are dealt with through early, informal interventions and words of advice. It remains our approach that issues affecting users of our seashore will be tackled in the same way and only where more robust enforcement is appropriate will we use the range of tools and powers at our disposal to tackle the negative effects of anti-social conduct.

The Seashore Byelaws will complement other interventions available to the Council and are considered to sit well with the enforcement approach set out in the Council's policy.

The Council's enforcement policy can be found online at <https://www.gosport.gov.uk/media/2562/Generic-Enforcement-Policy/pdf/genericenforcementpolicy.pdf?m=637171204771870000>

Of course, the potential for prosecution in an appropriate case remains and having a criminal record is a significant impact for the individual concerned, however this is balanced against the overwhelmingly positive impact on seashore users of being able to enjoy the spaces knowing there is a means of enforcement that is fit for purpose should other users not comply with the law.

Appendix A provides a summary of the regulatory impact on the Seashore Byelaws and makes reference to the fact that in some cases activities can take place subject to the obtaining of the Council's relevant consent and in other cases there are designated areas for specific activities. The main focus is to ensure the safe and responsible use of the seashore area to facilitate enjoyment by legitimate users. Appendix A also incorporates the survey and consultation responses where specific comments were received and the Council's replies to the same.

The Seashore Byelaws introduce no new charging powers as such. The ability to charge for use of the seashore depends on other legislation. Whether or not particular activities are subject to a charge is a matter for the democratic process and can be subject to change.

Currently the Council charges for some activities by way of issuing licenses at a fee. Licenses for events or activities such as the use of drones is not a means of generating revenue under the Seashore Byelaws, as these licenses and consents are available in general from the Council throughout the Borough where permitted and these are considered on an individual basis subject to relevant insurances and risk assessments.

The advantages of making new Seashore Byelaws to complement powers in the 2014 Anti-Social Behaviour, Crime and Policing Act were presented to the Community Board and Full Council as part of the general Seashore Byelaws reports. The regulatory burden identified therein and within this report is considered to be both reasonable and proportionate and further still necessary in pursuit of a legitimate aim that is in the general public interest; namely the regulation of the seashore in a way that brings to an end the nuisance and other anti-social

behaviour by the few that has spoiled their enjoyment by many.

Doing nothing at all is not a reasonable option. Issues raised by local residents and seashore users regarding anti-social behaviour in a number of areas including the unauthorised launching of jet ski's is something that has needed to be addressed for some time. Police were limited in being able to take effective enforcement action in many cases because of the lack of comprehensive Seashore Byelaws. Further other enforcement avenue's such as Community Protection Notices (CPN's) had been considered but were not logistically practical given the requirement to serve warning letters prior to a CPN and the difficulty with identifying and re-identifying individuals without CCTV footage thereby imposing a greater burden on both Council officers and the police.

### **3. Why such an increase is considered to be proportionate and necessary.**

The support for amending the existing Seashore Byelaws and the evidence from public enquiries and complaints demonstrates both a need and an expectation that the Seashore Byelaws will be used by the authority to prevent and tackle the issues faced at the seashore leading to the conclusion that their amendment is proportionate. Further as many of the Seashore Byelaws are no longer relevant the amendment is also necessary so as to ensure that the Seashore Byelaws inforce are relevant and enforceable.

The existing Seashore Byelaws have been in force since 08<sup>th</sup> January 1958 and are at the very least out of date but clearly much of the restrictions are either no longer applicable or are unenforceable. Further the penalty imposed is limited in the existing Seashore Byelaws and is also out of date. There had been a suggestion during the consultation that the penalty should be given in monetary value but it was considered that this would also lead to enforcement becoming influenced by financial factors. By referring the penalty to a standard level as used in the magistrates courts and legislation there would be certainty even if the fine values changed in time as the Seashore Byelaws will referred to the level of the fine not its value.

The proposed Seashore Byelaws will provide clarity and reduce ambiguity whilst improving enforceability without increasing regulatory burdens disproportionately.

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<b>Byelaws proposed in consultation</b>	<b>Concerns about potential impact identified by public consultation</b>	<b>Council response</b>	<b>Assessment of regulatory burden</b>	<b>Assessment whether regulatory burden is proportionate and necessary</b>
<p><b>FISHING</b> No person shall fish from the seashore in such a manner as to cause danger, obstruction or annoyance to any person using the seashore</p>	<p>There was a request to included the use of certain nets such as eel nets, trawl nets as there had been incidents in the past involving nets. Further there was a request that this include provision that all lines and materials used to be removed taken home and safely disposed of.</p>	<p>It was not considered proportionate to list all the types of fishing equipment as the byelaws clearly refers to not causing danger, obstruction or annoyance. As such it would not matter which equipment was being used if the above applied, where as listing the equipment would potentially exclude enforcement of some activites which otherwise would fall within the Byelaw. The requirement to remove equipment was again already covered by existing legislation regarding littering and there was no need for further amendment.</p>	<p>Fishing is not prohibited and can still be undertaken so long as it is done safely.</p>	<p>No additional regulatory burden</p>
<p><b>SANDLINES</b> No sandlines shall be laid in such a position as to be likely to cause injury to any person using the seashore, and all sandlines shall be visibly marked.</p>	<p>1. Fishing should include all lines and materials used to be removed and safely disposed of.  2. Clarification of what is a sandline</p>	<p>1. Any remaining lines would be classified as litter and can be dealt with under other powers. The byelaw deals with hidden lines such as sandlines.  2. Sandlines were clarified in the council meeting as being a fishing term where lines were left in the sand to be collected later. Members determined to keep this in the byelaws.</p>	<p>Sandlines are not prohibited so long as used safely and visibly</p>	<p>No additional regulatory burden</p>
<p><b>BAIT DIGGING</b></p>			<p>Clear prohibition</p>	<p>Proportionate and necessary and follows model byelaws</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>(1) No person shall dig for fishing bait within the restricted area.</p> <p>(2) No person shall dig for fishing bait for commercial purposes except with the consent of the Council.</p>				
<p><b>HORSE RIDING</b> No person shall break in or ride or drive any horse or other animal on the seashore.</p>	<p>There was a comment that a resident was not in support of banning all access to the shore for horse and ponies. This should be amended to permit access under controls amend the original ( no person shall ride or lead a horse or pony on the seashore in such a manner as to cause danger or annoyance to another person</p>	<p>Given the predominant users of the seashore and the difficulty in policing the area it would be disproportionate to allow this activity. Further the model byelaws have been used.</p>	<p>Clear prohibition</p>	<p>Proportionate and necessary and follows model byelaws</p>
<p><b>CYCLING</b> (1) No person shall without reasonable excuse ride a cycle on the seashore except where there is a right of way for cycles or a designated route for cycles.  (2) Where cycling is permitted on any part of the seashore by byelaw no person shall cycle between the hours of dusk to dawn without adequate lights enabling</p>	<p>There was a complaint that there were numerous cyclists who chose to ride along the lower promenade in defiance of the No Cycling signs painted on the walkways.</p>	<p>This will be enforceable once the proposed byelaws come into place.</p>	<p>Cycling is not prohibited so long as done in approved cycle paths, designated cycle routes and rights of way. Further the requirement of adequate lights is reasonable. New cyclepaths are being proposed as part of the consultation with HCC and this will promote cycling in designated areas.</p>	<p>No additional regulatory burden and follows model byelaws. Further the clear signposting of cycle routes will assist in regulation and enforcement.</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>them to see and be seen indicated by notices conspicuously displayed on the seashore.</p> <p>(3) Outside the designated areas, no person shall cycle on the seashore</p>				
<p><b>MOTOR VEHICLES</b>                  (1) No person shall without reasonable excuse propel or drive any motor car or motor vehicle, moped or motorcycle or electric scooter on the seashore</p> <p>(2) No person shall without reasonable excuse park for any period of time any vehicle, including cars, campervans, motorhomes unless parking in designated areas suitable for those vehicles.</p>	<p>1. There was a request for mopeds to be included.                  2. There was a request for the places to park to be identified</p>	<p>1. These have been included                  2. The Gosport Borough Council Car Parking Order sufficiently provides for designated parking areas and penalties for contravention so this was no included in the Byelaws so as to avoid duplication.</p>	<p>Reasonable excuse would include emergency vehicles etc but all other parking or use of motor vehicles is prohibited unless in designated areas.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>PUBLIC SHOWS AND PERFORMANCES</b>                  (1) No person shall deliver any lecture, sermon or speech or perform any music, or</p>	<p>There was concern that some local schools base part of their curriculum in outdoor settings including the beach.</p>	<p>There are existing provisions for such organised events and a blanket ban is not proposed.</p>	<p>Not a blanket ban and the council is able to consent to proposed activities with prior notice having</p>	<p>No additional regulatory burden and follows model byelaws.</p>



**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>hold any entertainment without the consent of the Council except in a designated area for such performances.</p> <p>(2) No person shall use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart.</p>			<p>undertaken the relevant risk assessments.</p>	
<p><b>GAMES</b></p> <p>(1) No person shall on the seashore play or participate in any game or sport so as to cause danger, obstruction or annoyance to any person.</p> <p>(2) Where the Council has set aside a designated area for a particular sport or game, no person shall participate in that game or sport except in the designated area.</p> <p>(3) No person shall obstruct any person from using a designated area</p>			<p>Not a blanket ban, and activities are permitted in designated areas so long as done so safely.</p>	<p>No additional regulatory burden and follows model byelaws.</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>for the purpose for which it is set aside.</p>				
<p><b>BEGGING, TOUTING, TRADING ETC</b>          (1) 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; or          (d) beg          (2) in such a manner as to cause obstruction or annoyance to any person on the seashore.</p>			<p>No blanket ban but officers would be able to make assessments as to whether the activity causes obstruction or annoyance.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>FIRES</b>          (1) No person shall:          (a) light a fire; or          (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or          (c) release a lighted sky lantern into the atmosphere.          (d) light a BBQ unless in a designated area and</p>	<p>There was a request for BBQ’s to be added into the Byelaws separately as there were identified dangers of hot coals.</p>	<p>The draft byelaws were amended to include prohibition of BBQ’s except for in designated areas.</p>	<p>There are designated areas for BBQ. Fires on the beach are a significant risk to all users of the seashore and this prohibition is proportionate and reasonable. Sky lanterns pose a further risk as there is no control over where they will land in itself causing further risk of harm and injury.</p>	<p>No additional regulatory burden and follows model byelaws.</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>subject to byelaw 12(2)(b)                  (2) Byelaw 12(1) shall not apply to:                  (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or                  (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues</p>				
<p><b>PARTIES</b>                  (1) No person shall hold a party on the seashore without the consent of the Council.                  (2) In byelaw 13(1), “party” means an event attended by 15 or more people at which music will be played.</p>	<p>There was a comment that a large family group could exceed 15 and why was this figure selected.</p>	<p>This was the wording taken from the model byelaw. The officers would of course be able to exercise some discretion where appropriate but there is not a blanket ban in any event.</p>	<p>No blanket ban and there is a process for obtaining consent.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>AIRCRAFT</b></p>			<p>No blanket ban and there is a process for</p>	<p>No additional regulatory burden</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>(1) No person shall except in cases of emergency start, take, off or land an aircraft on any part of the seashore except on such part as—          (a) is designated by the Council for the starting, taking off or landing of aircraft; and          (b) is licensed by the Civil Aviation Authority as an aerodrome.</p>			<p>licensed activities in designated areas.</p>	<p>and follows model byelaws.</p>
<p><b>DRONES</b>          (1) No person shall without a valid license start, take-off, operate or land a drone on any part of the seashore.          (2) In byelaw 15(1) a drone is any unmanned aerial vehicle(s) (UAVs) or unmanned aircraft system(s) (UASs)</p>			<p>No blanket ban and there is a process for licensed activities.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>PERSONAL WATER CRAFT / JET SKIS (PWC)</b>          (1) No person shall launch a PWC from the seashore except in the designated areas marked.</p>	<p>1. There was a query regarding confirmation of timings for the restriction as the proposed byelaws stated Sunset and 8am.          2. There was a request for the inclusion of personal water craft so as to tie in</p>	<p>1. Timings have been clarified and the byelaw is proposed to be in force 24 hours <b>except</b> in designated areas where it is in force during Sunset and 8am.          2. Personal Water Craft was added for clarity</p>	<p>No blanket ban and there is a process for activities in designated areas so long as done safely.</p>	<p>No additional regulatory burden and follows model byelaws.</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>(2) Where launching a PWC is permitted on any part of the seashore by byelaw 16(1), no person shall do so between Sunset and 8am as indicated by notices conspicuously displayed on the seashore</p> <p>(3) In any event no person shall launch a PWC in such a manner as to cause danger, nuisance or annoyance to any other person on the seashore</p>	<p>with the terminology of the Queens Harbour Master</p>			
<p><b>KITES AND KITE BUGGIES</b> No person shall on the seashore fly any kite, set up kitesurfing equipment, practice kitesurfing 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 seashore.</p>	<p>There was a request to include a prohibition on kitesurfing.</p>	<p>Given than kitesurfing occurs on the water and cannot be regulated by the Council this was not included in the Byelaws, but the setting up of kitesurfing equipment on the seashore was incorporated.</p>	<p>No blanket ban, so long as done safely.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>UNAUTHORISED ERECTION OF STRUCTURES</b> (1) No person shall erect or place on the seashore</p>			<p>No blanket ban and consent can be obtained from the council using the council process for such. The</p>	<p>No additional regulatory burden and follows model byelaws.</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>any booths, tents, sheds, stands, stalls, shows, exhibitions, swings, roundabouts, or any other structure, whether fixed or movable without the consent of the Council, except in a designated area for such structures.</p> <p>(2) Byelaw 18(1) shall not apply to the use of personal windbreaks.</p>			<p>use of personal windbreaks often used as sun protection by families using the seashore is not prohibited.</p>	
<p><b>REMOVAL OF SIGNS AND STRUCTURES</b> No person shall without reasonable excuse remove from the seashore 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</p>			<p>Given that amongst other things the council will display signs of important information for the public as well as identifying designated activity areas this is both necessary and proportionate.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>INTERFERENCE WITH LIFE-SAVING APPLIANCES</b> No person shall except in case of emergency remove from the seashore or displace any</p>			<p>Necessary and proportionate.</p>	<p>No additional regulatory burden and follows model byelaws.</p>

**APPENDIX A - Impacts and Regulatory Burden(s) by Byelaw incorporating relevant public comments and council response**

<p>life-saving appliance provided by or on behalf of the Council or any other competent authority.</p>				
<p><b>OBSTRUCTION</b>          No person shall on the seashore—          (1) obstruct any officer of the Council in the proper execution of his duties,           (2) obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council.</p>			<p>Necessary to facilitate enforcement.</p>	<p>No additional regulatory burden and follows model byelaws.</p>
<p><b>TRESPASS</b>          No person shall encamp or reside on the seashore</p>			<p>Proportionate and reasonable.</p>	<p>No additional regulatory burden and follows model byelaws.</p>

## APPENDIX B - 2020 CONSULTATION RESPONSES

<b>SEASHORE BYELAW PUBLIC CONSULTATION ANALYSIS</b>	
1.	<p>Survey Monkey</p> <ul style="list-style-type: none"><li>• A survey posted on the GBC Website attracted 69 responses</li><li>• The question posed was” Do you agree with the proposed Seashore Byelaw”</li><li>• 39 responded Yes, and 30 responded No.</li><li>• 36 responders added comments</li></ul>
2.	<p>Email</p> <ul style="list-style-type: none"><li>• An email address was created that attracted 6 responses</li></ul>
3.	<p>Issues mentioned in more than 3 responses</p> <ul style="list-style-type: none"><li>• Pointless/unnecessary and draconian</li><li>• BBQs- too heavy handed, need to have more conditions to control use or designated areas for use.</li><li>• Ambiguous points/badly worded/ open to interpretation especially the right not to be annoyed</li><li>• “Unauthorised erection of a structure” clarification required as small tents can provide shelter to children from UV rays and fishermen</li><li>• Cycling should be allowed but introduce designated cycle lanes and/or speed limits and more enforcement.</li><li>• Balloons to be added to lanterns as not permitted</li><li>• Motor vehicle updated to include electric scooters</li><li>• Littering offences to be added, specifically fishing detritus</li><li>• Bait digging should be allowed as a sustainable use of the seashore</li><li>• Stricter messages regarding dog free areas/dogs on leads/dog control</li><li>• Clearer maps, larger scale, identify restricted zones</li><li>• Clarification of times for launching of jet skis</li><li>• Clarification of parking near Stoke Lake</li></ul>

RAW DATA



## APPENDIX B - 2020 CONSULTATION RESPONSES

Question: ARE YOU IN SUPPORT OF THE PROPOSED SEASHORE BYELAWS – YES OR NO - PLEASE COMMENT.

1. N There are no existing problems with any of the things listed, this is just pointless.
2. Y Releasing Chinese lanterns is not permitted which is good. Please include releasing balloons.
3. N .1 Bait digging - sea anglers are often seen digging for bait at low water to use in their days fishing. This would appear to be a sustainable use of the seashore. 9.1 Public shows and performances - Some local schools base part of their curriculum in outdoor settings including the beach. Nurseries and childcare providers also safely take their charges to the beach to experience the great outdoor environment on our doorstep. We should be encouraging our children to grow with an appreciation and understanding of this wonderful environment. 12.2 Fires - Banning the use of properly constructed camping stoves and BBQs at the beach is a very heavy handed approach. I understand the risk posed by disposable BBQs, particularly when they are not disposed of correctly. However, use of a small camping stove or a portable (as opposed to disposable) BBQ shows no intent to leave hot embers behind and greatly reduces the risk of uncontrolled fires. Additionally, use of such portable stoves is generally permitted in other outdoor settings such as moorland, hills and mountains. 16.1 Personal watercraft - In particular sea kayaks, paddle boards and windsurfers are often launched from whichever part of the seashore is closest to where the user is parked or has walked from their home and the launching and recovery of such craft should not be restricted solely to the slipways that are areas busier with powered craft. 17 Kites and kite buggies - The kite surfers are bullhead do not cause any nuisance and the outright ban on kites is again a very heavy handed approach. Children love to fly kites and a quiet spot on the beach is a wonderful place to do so. 18.2 Unauthorised erection of structures - surely personal tents or shelters should be added to the exceptions alongside windbreaks. Sea anglers often use the shelters to extend their fishing against inclement weather (They also often use camping stoves for a hot drink or snack), parents and other beach users will often erect beach shelters that are more substantial than a windbreak to provide shelter from the wind/sun/rain and is a normal part of beach usage. Bylaw 22 prevents such shelters being used for residing on the seashore
4. N I'll erect a small tent to give young children shade.
5. N The promenade should allow bikes.
6. N We all need these open spaces to exercise and get through lockdown. Parties and group gatherings are already illegal. All other outdoor activities are essential for physical and mental health and wellbeing.
7. Y With ref to motor vehicles - does this include Electric Scooters? which are currently banned from use in most areas. If so should the wording be updated to state this specifically? Section 9 & 11 - does not mention the rights or restrictions to sports clubs, such as boot camps using the area. should this be included? section 21 - in sub section 1 there is a male inference of "his", should this not be a unisex inference of "Their" Also i believe it would be worth including Magnet Fishing as a prohibited activity. Streetscene were asked at least once over the summer if we permit this in any open water including Stokes bay, Haslar bridge and Alver lake, we stated no at the time but to have it confirmed in by laws would make it more legally sound i believe. Brief investigation at the time suggested this activity is banned in most places across the UK including English Heritage sites, it is akin to metal detecting and in former military areas such as Gosport could be dangerous.
8. N Please add dog prohibition in this as well.
9. N The cycling rules at paragraph 7 are ridiculous. I have lived near Stokes Bay for 15 years and both adults & children ride bikes along the promenade every day. You have "No Cycling" painted on the

## APPENDIX B - 2020 CONSULTATION RESPONSES

- ground at access points and they are ignored. Either police the behaviour or delete the signs & paint a cycle lane along the length of the prom from GAFIRS to Bayside.
10. Y Who is going to enforce this, as a regular walker along the sea shore the only council worker seen is the guy who empties the bins.
  11. N Many of the clauses state that if something is done to the "annoyance" of anyone then one would be in breach of the byelaw. if for instance I am fishing and someone is annoyed then I am breaking the law. This needs to to be reworded.
  12. N 7. The seashore where permitting should have a designated cycle path. The non cycling bye law does not include skate boarding, roller blading/skating, scooters or clearly define ages. According to the current directive, If a family visits the promenade Stokes Bay children must not dismount. This is not practical or easily manageable. Most promenades in the uk have cycling lanes. Why not apply a speed limit
  13. Y Item 18 - 2) reference to windbreaks should include sunshades - the Council needs to encourage protection from UV rays. Most are a standard size and even gazebo type ones can be less territorial than the erection of multiple windbreaks.
  14. Y Dogs on leads may be needed now as a number of times the dog free area has been ignored.
  15. Y With addition of a no fishing area covering 100m to the west of the GAFIRS lifeboat station slipway during the operating hours of Stoked watersports. This would hopefully stop the ignorant abusive fisherman who on a couple of occasions this summer set up rods and lines right on top of the area used to launch and recover the SUP's and kayaks. And the bullied/shouted at any of the Stoked customers that ended up near the lines!
  16. N Too much restriction.
  17. N On 'the unauthorised erection of an any structures' a lot of fisherman set up a small fishing shelter during the winter months, much like a small tent, I don't see a problem with this, Also I don't see a problem with horses as long as they ridden in a safe and responsible manner.
  18. N Please consider adding:- - no helium balloons to be launched from seashore (danger to sealife & wildlife) - no inflatable toys or airbeds to be used from seashore unless tethered by a line to the shore or a person on tge shore. Amend to - Erect tents, gazebos, shelters for the purpose of overnight accommodation Reason for clarification is that as global warming increases tents, shelters or gazebos to protect people & youngsters from UV rays will become commonplace in the UK. Addition - BBQs must be used off the ground with no contact with grass, shingle, sand or mud. BBQ coals must be extinguished with water before disposal.
  19. Y I think it would be an excellent idea to allow cycling on the prom in winter months as it has been successful in other seaside towns.
  20. N It is not clear if any by-laws have changed since the previous edition.
  21. N A number of points are ambiguous and restrictive 15, 16 and 17 in particular. Either badly worded intentionally or or subtly malignant.
  22. N Why should anglers not be allowed to go fishing and dig the bait they are using????
  23. N I would like to see more cycle lanes and access to share the water front with pedestrians please
  24. Y Having recently moved here and enjoyed the walks during lockdown I have been disappointed by the number of bicycles along the sea front. Pedestrians are social distancing and the cycles just plough through the middle even though they shouldn't be there. There are clear markings. Is this enforced at all? Thank you
  25. N I mostly agree, however cycling should not be banned altogether. My two advices are for Lee-On-The-Solent promenade: 1. Let younger children to ride small bikes. 2. Let adults ride a bike with limited

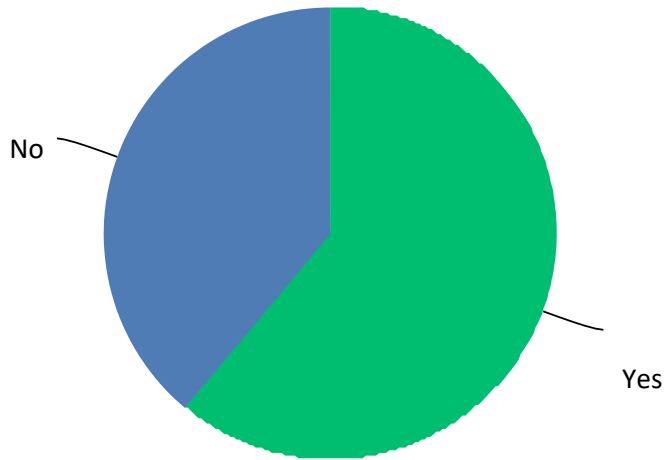
## APPENDIX B - 2020 CONSULTATION RESPONSES

speed on the rocklands parallel with the paved promenade. Both of the above with limited speed and yield to all pedestrians and with a requirement to consider to avoid cycling when the promenade is too busy.

26. Y Sounds as though it is protecting nature
27. N I believe there needs to be an easier position on the lighting of BBQ's on the beach are in Lee, this is an activity that happens frequently during the summer season and makes the beach an attraction. Can there be conditions on allowing this to happen or have designated areas for which I do not believe there are.
28. N A fishing shelter would not be permitted by law 18, which is laughable. Also where is the restricted zone for personal bait collection exactly? It is not clear
29. N Outdoor sports should be welcome such as kite flying,,
30. N Consider the no fishing clause (I'm not an angler, so don't care about fishing) what I do object to is the right to be annoyed or offended, the limitations are too ambiguous, and nobody should have the right to not be annoyed enshrined in law. Be more specific.
31. Y What about littering offences, including those committed by people fishing?
32. Y Dear Sir/Madam, Please confirm my interpretation of clause 17. KITES AND KITE BUGGIES is correct. This clause states.... 'No person shall on the seashore fly any kite, set up kitesurfing equipment, practice kitesurfing 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 seashore' My interpretation of this is that it is permissible to fly a kite provided one does not cause danger, nuisance or annoyance to any other person on the seashore, and therefore responsible kite flying is permitted. I'm sure you'll agree that there is no finer sight than to see youngsters, especially young children with their parents, flying kites along the coastline. If my interpretation is incorrect then please change my answer to question 1 of this survey to NO. Would you please let me know your opinion on this. I await your advice. With kind regards, Colin Sisk 19 Selsey Avenue, PO12 4DJ (colin.sisk01@gmx.com) .
33. Y Some amendments seem necessary: 7.(1) "reasonable excuse" Who decides what is reasonable. If it is to be the Council, then please clearly state it. For example: "reasonable excuse, as solely determined by the Council" 8.(1) "reasonable excuse" - see comments for 7.(1) 11.(2) This is not a separate clause. It should be added to 11.(1) 16.(2) "no person shall do so between the hours of 8am to Sunset" seems incorrect. Should it be "no person shall do so between the hours of Sunset to 8am" ?
34. N This seems to be aimed at anyone having fun in a public space. These amendments are both unnecessary and draconian. There will soon be little the public can do without facing a fine at the whim of a council appointed compliance officer.
35. N Wholly unnecessary.
36. Y Good manners in keeping tidy and taking your own rubbish home with you

Q1 FISHING No person shall fish from the seashore in such a manner as to cause danger, obstruction or annoyance to any person using the seashore Do you support the above proposed byelaw Y/N

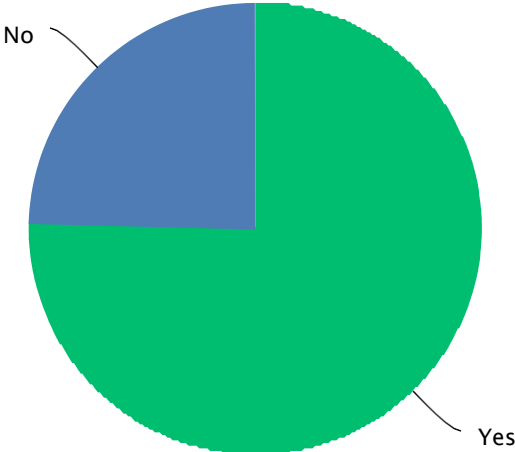
Answered: 447 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	61.07%	273
No	38.93%	174
TOTAL		447

Q2 SANDLINES No sandlines shall be laid in such a position as to be likely to cause injury to any person using the seashore, and all sandlines shall be visibly marked. Do you support the above proposed byelaw Y/N

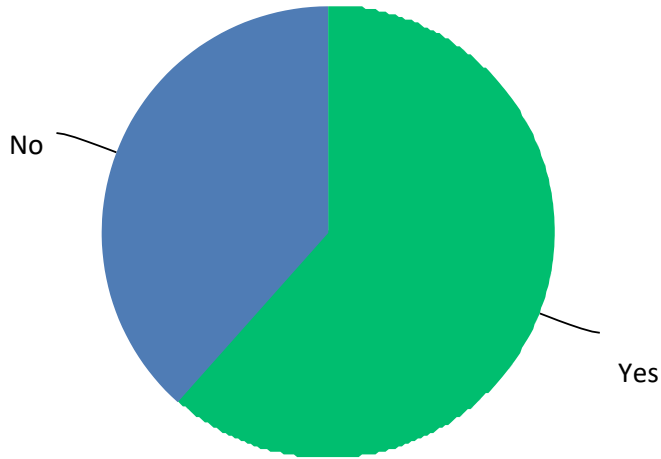
Answered: 443 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	75.40%	334
No	24.60%	109
TOTAL		443

Q3 BAIT DIGGING (1) No person shall dig for fishing bait within the restricted area. (2) No person shall dig for fishing bait for commercial purposes except with the consent of the Council. Do you support the above proposed byelaw Y/N

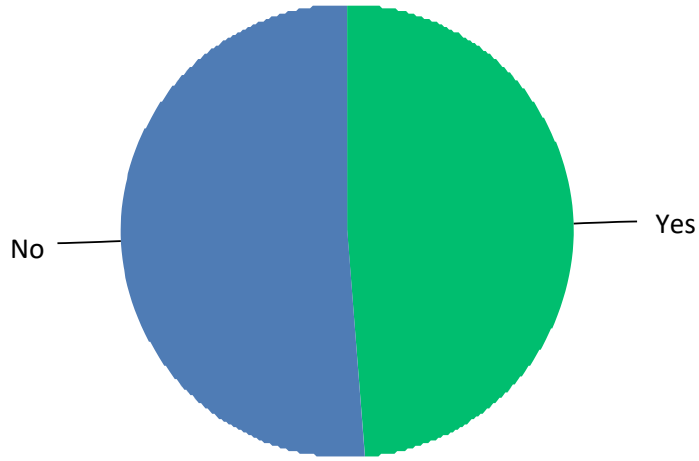
Answered: 445 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	61.57%	274
No	38.43%	171
TOTAL		445

Q4 HORSE RIDING No person shall break in or ride or drive any horse or other animal on the seashore Do you support the above proposed byelaw Y/N

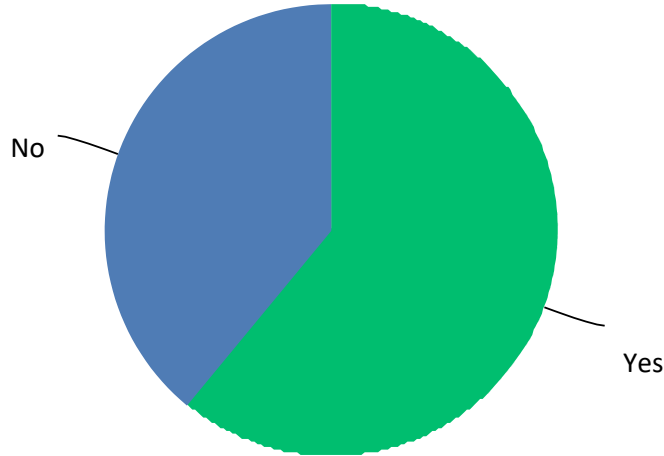
Answered: 447 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	48.77%	218
No	51.23%	229
TOTAL		447

Q5 CYCLING (1) No person shall without reasonable excuse ride a cycle on the seashore except where there is a right of way for cycles or a designated route for cycles. (2) Where cycling is permitted on any part of the seashore by byelaw no person shall cycle between the hours of dusk to dawn without adequate lights enabling them to see and be seen indicated by notices conspicuously displayed on the seashore. (3) Outside the designated areas, no person shall cycle on the seashore Do you support the above proposed byelaw Y/N

Answered: 446 Skipped: 2

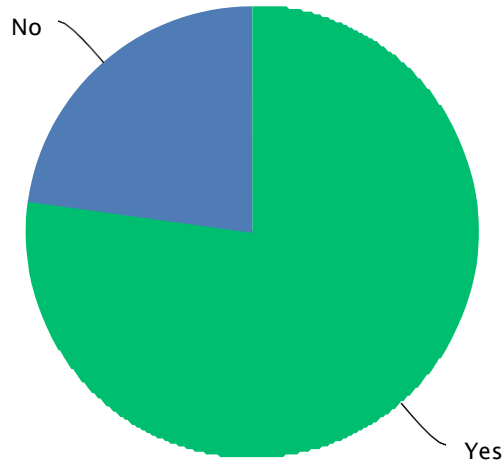


ANSWER CHOICES	RESPONSES	
Yes	60.99%	272
No	39.01%	174
TOTAL		446



Q6 MOTOR VEHICLES (1) No person shall without reasonable excuse propel or drive any motor car or motor vehicle, moped or motorcycle or electric scooter on the seashore (2) No person shall without reasonable excuse park for any period of time any vehicle, including cars, campervans, motorhomes unless parking in designated areas suitable for those vehicles Do you support the above proposed byelaw Y/N

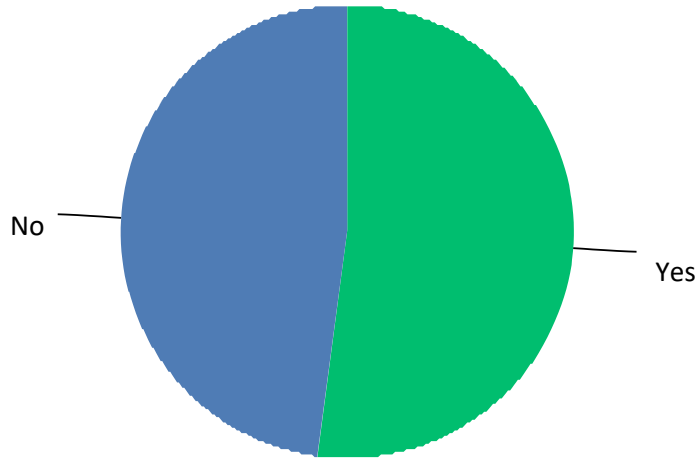
Answered: 447 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	77.18%	345
No	22.82%	102
TOTAL		447

Q7 PUBLIC SHOWS AND PERFORMANCES (1) No person shall deliver any lecture, sermon or speech or perform any music, or hold any entertainment without the consent of the Council except in a designated area for such performances. (2) No person shall use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart. Do you support the above proposed byelaw Y/N

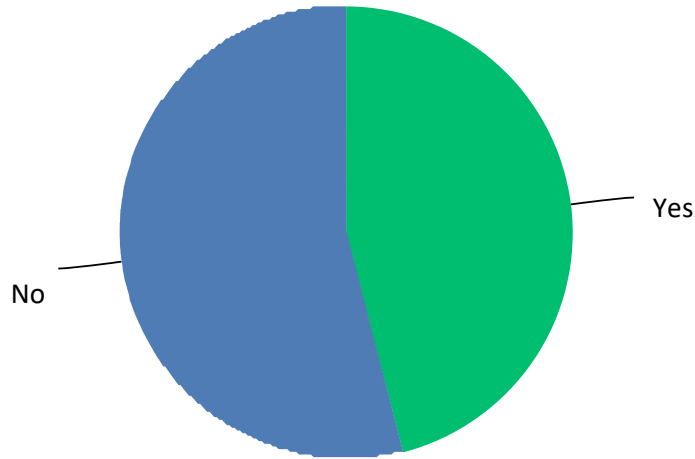
Answered: 447 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	52.13%	233
No	47.87%	214
TOTAL		447

Q8 GAMES (1) No person shall on the seashore play or participate in any game or sport so as to cause danger, obstruction or annoyance to any person. (2) Where the Council has set aside a designated area for a particular sport or game, no person shall participate in that game or sport except in the designated area. (3) No person shall obstruct any person from using a designated area for the purpose for which it is set aside. Do you support the above proposed byelaw Y/N

Answered: 446 Skipped: 2

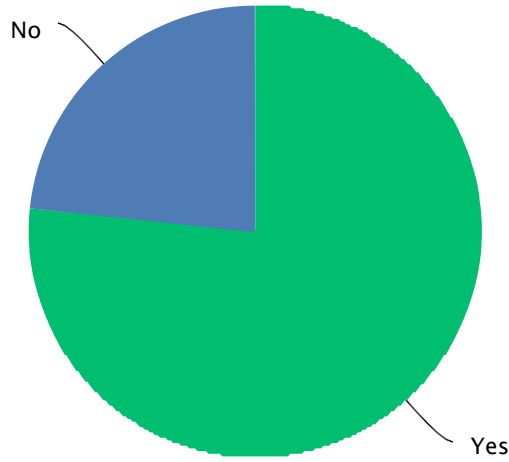


ANSWER CHOICES	RESPONSES	
Yes	45.96%	205
No	54.04%	241
TOTAL		446

Q9 BEGGING, TOUTING, TRADING ETC (1) 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; or (d) beg (2) in such a manner as to cause obstruction or annoyance to any person on the seashore. Do you support the above proposed byelaw

Y/N

Answered: 446 Skipped: 2



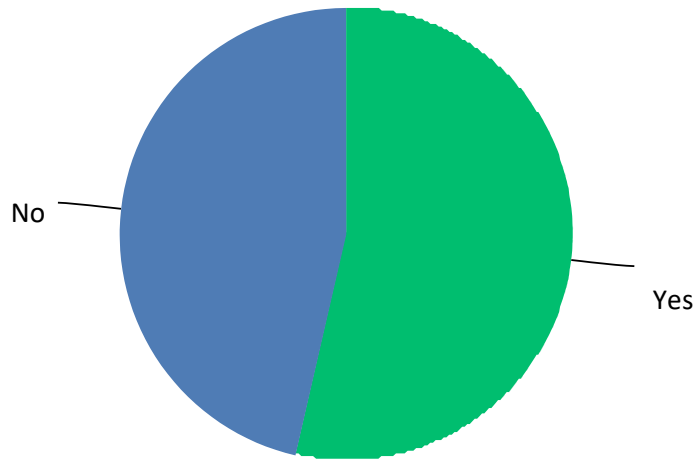
ANSWER CHOICES	RESPONSES	
Yes	76.68%	342
No	23.32%	104
TOTAL		446

Byelaws

Q10 FIRES (1) No person shall: (a) light a fire; or (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or (c) release a lighted sky lantern into the atmosphere. (d) light a BBQ unless in a designated area and subject to byelaw 12(2)(b) (2) Byelaw 12(1) shall not apply to: (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues

Do you support the above proposed byelaw Y/N

Answered: 444 Skipped: 4



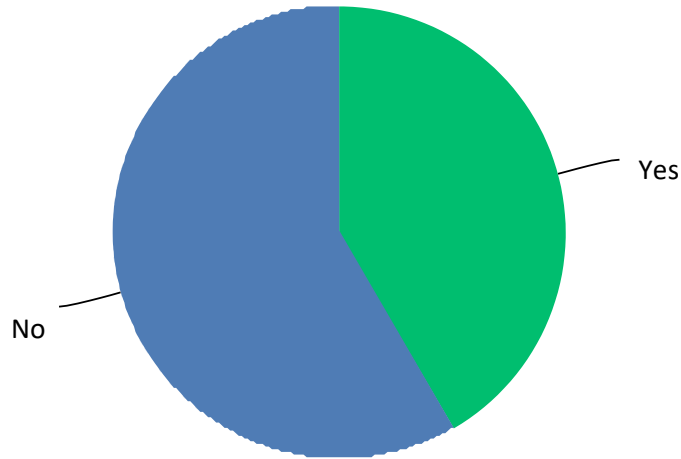
ANSWER CHOICES	RESPONSES	
Yes	53.60%	238
No	46.40%	206
TOTAL		444

Byelaws

Q11 PARTIES

(1) No person shall hold a party on the seashore without the consent of the Council.  
(2) In byelaw 13(1), "party" means an event attended by 15 or more people at which music will be played. Do you support the above proposed byelaw Y/N

Answered: 445 Skipped: 3

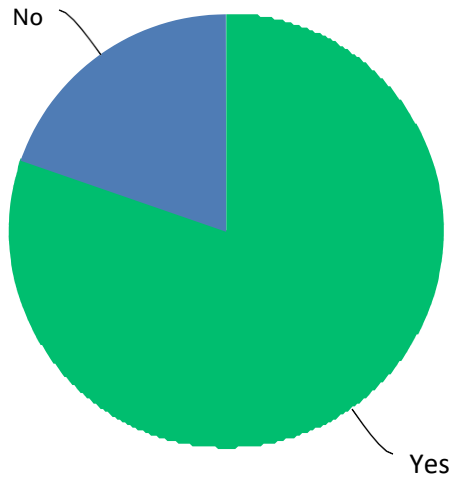


ANSWER CHOICES	RESPONSES	
Yes	41.57%	185
No	58.43%	260
TOTAL		445

Byelaws

Q12 AIRCRAFT (1) No person shall except in cases of emergency start, take, off or land an aircraft on any part of the seashore except on such part as— (a) is designated by the Council for the starting, taking off or landing of aircraft; and (b) is licensed by the Civil Aviation Authority as an aerodromeDo you support the above proposed byelaw Y/N

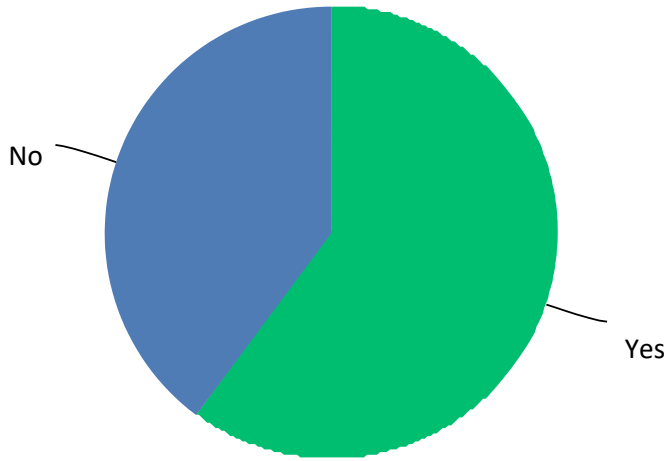
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ANSWER CHOICES	RESPONSES	
Yes	80.31%	359
No	19.69%	88
TOTAL		447

Q13 DRONES (1) No person shall without a valid license start, take- off, operate or land a drone on any part of the seashore. (2) In byelaw 15(1) a drone is any unmanned aerial vehicle(s) (UAVs) or unmanned aircraft system(s) (UASs) Do you support the above proposed byelaw Y/N

Answered: 447 Skipped: 1



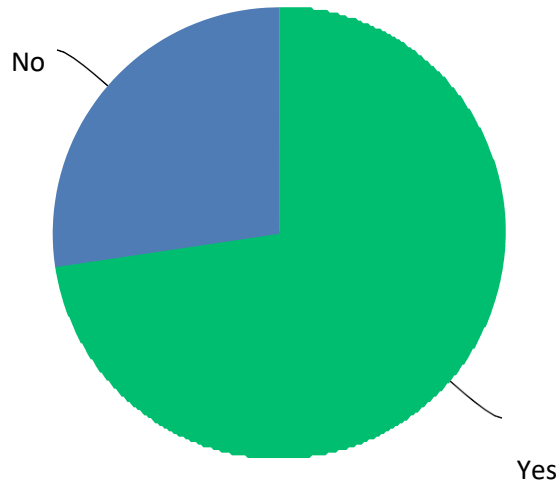
ANSWER CHOICES	RESPONSES	
Yes	60.18%	269
No	39.82%	178
TOTAL		447



Byelaws

Q14 PERSONAL WATER CRAFT / JET SKIS (PWC) (1) No person shall launch a PWC from the seashore except in the designated areas marked. (2) Where launching a PWC is permitted on any part of the seashore by byelaw 16(1), no person shall do so between Sunset and 8am as indicated by notices conspicuously displayed on the seashore (3) In any event no person shall launch a PWC in such a manner as to cause danger, nuisance or annoyance to any other person on the seashore Do you support the above proposed byelaw Y/N

Answered: 446 Skipped: 2

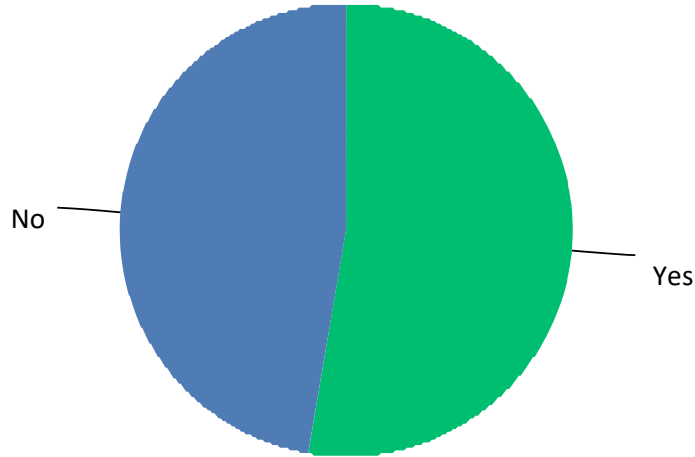


ANSWER CHOICES	RESPONSES	
Yes	72.65%	324
No	27.35%	122
TOTAL		446

Byelaws

Q15 KITES AND KITE BUGGIES No person shall on the seashore fly any kite, set up kitesurfing equipment, practice kitesurfing 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 seashore Do you support the above proposed byelaw Y/N

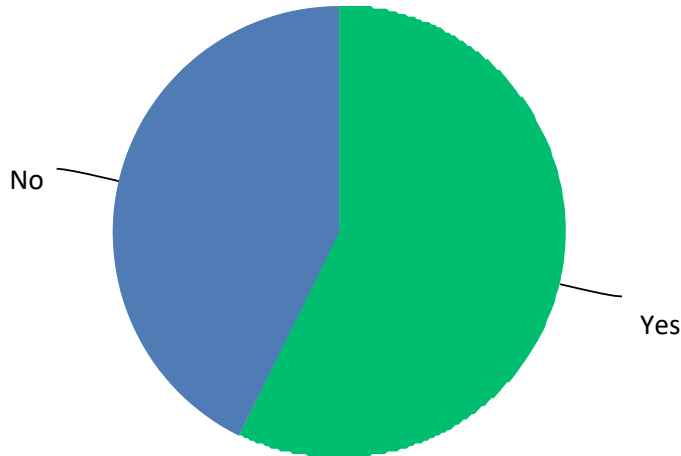
Answered: 446 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	52.69%	235
No	47.31%	211
TOTAL		446

Q16 UNAUTHORISED ERECTION OF STRUCTURES (1) No person shall erect or place on the seashore any booths, tents, sheds, stands, stalls, shows, exhibitions, swings, roundabouts, or any other structure, whether fixed or movable without the consent of the Council, except in a designated area for such structures. (2) Byelaw 18(1) shall not apply to the use of personal windbreaks. Do you support the above proposed byelaw Y/N

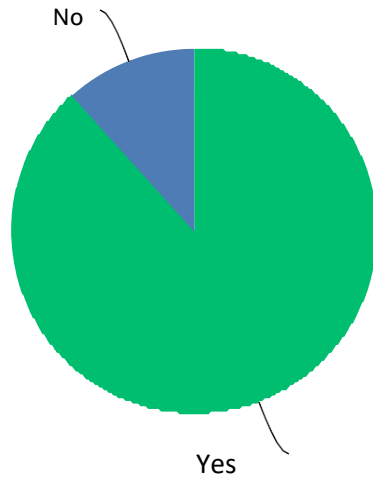
Answered: 445 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	57.30%	255
No	42.70%	190
TOTAL		445

**Q17 REMOVAL OF SIGNS AND STRUCTURES** No person shall without reasonable excuse remove from the seashore 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 Do you support the above proposed byelaw Y/N

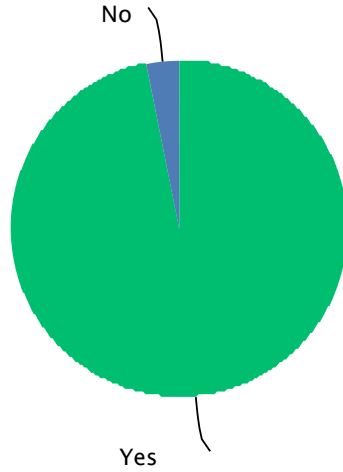
Answered: 446 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	88.34%	394
No	11.66%	52
TOTAL		446

**Q18 INTERFERENCE WITH LIFE-SAVING APPLIANCES** No person shall except in case of emergency remove from the seashore or displace any life-saving appliance provided by or on behalf of the Council or any other competent authority. Do you support the above proposed byelaw Y/N

Answered: 446 Skipped: 2

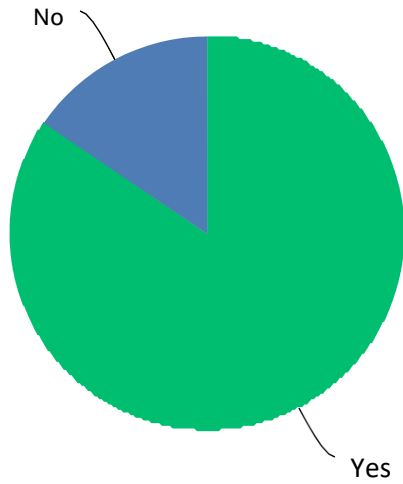


ANSWER CHOICES	RESPONSES	
Yes	96.86%	432
No	3.14%	14
TOTAL		446

Byelaws

Q19 OBSTRUCTION No person shall on the seashore— (1) obstruct any officer of the Council in the proper execution of his duties, (2) obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council Do you support the above proposed byelaw Y/N

Answered: 445 Skipped: 3

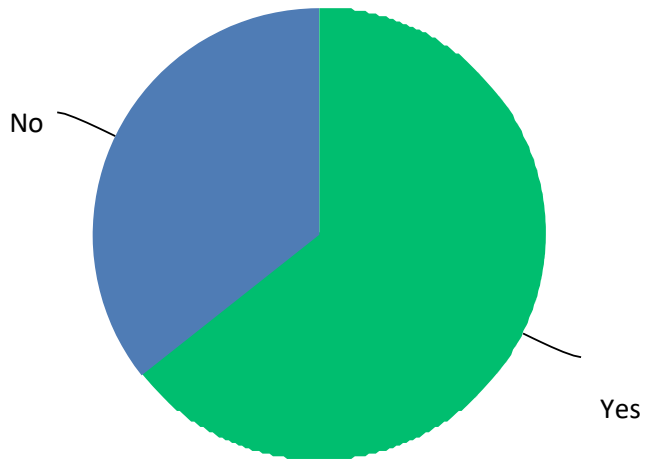


ANSWER CHOICES	RESPONSES	
Yes	84.49%	376
No	15.51%	69
TOTAL		445

# Byelaws

Q20 TRESPASS No person shall encamp or reside on the seashore Do you support the above proposed byelaw Y/N

Answered: 446 Skipped: 2

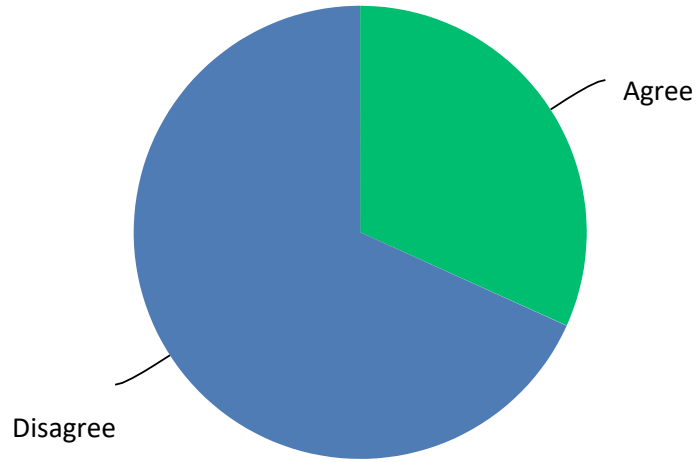


ANSWER CHOICES	RESPONSES	
Yes	64.35%	287
No	35.65%	159
TOTAL		446

# Byelaws

Q21 Confirm whether you agree or disagree with the following statement  
The proposed byelaws will increase the number of people using the seashore

Answered: 444 Skipped: 4

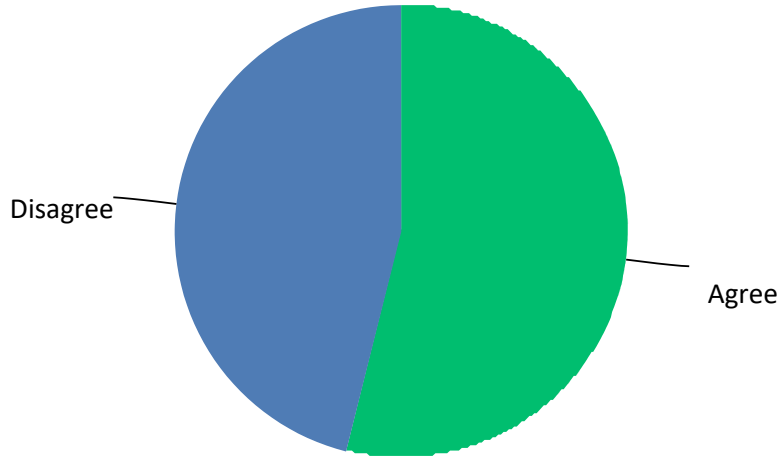


ANSWER CHOICES	RESPONSES	
Agree	31.76%	141
Disagree	68.24%	303
TOTAL		444



Q22 Confirm whether you agree or disagree with the following statement The proposed byelaws will protect the environment

Answered: 447 Skipped: 1

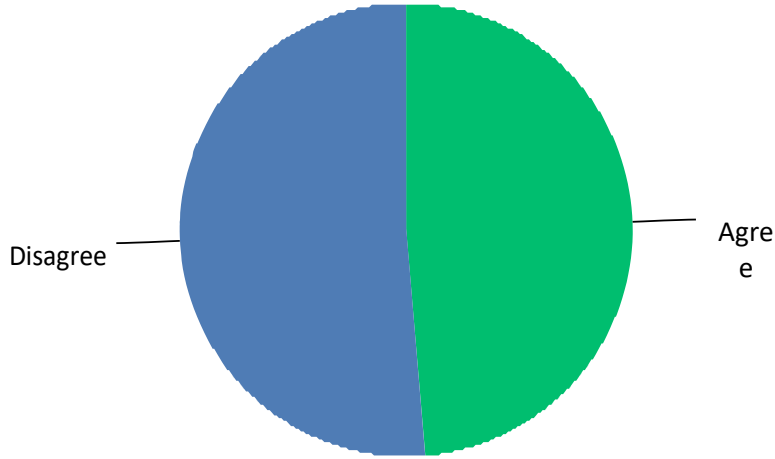


ANSWER CHOICES	RESPONSES	
Agree	53.91%	241
Disagree	46.09%	206
TOTAL		447

# Byelaws

Q23 Confirm whether you agree or disagree with the following statement The proposed byelaws will make the seashore more family friendly

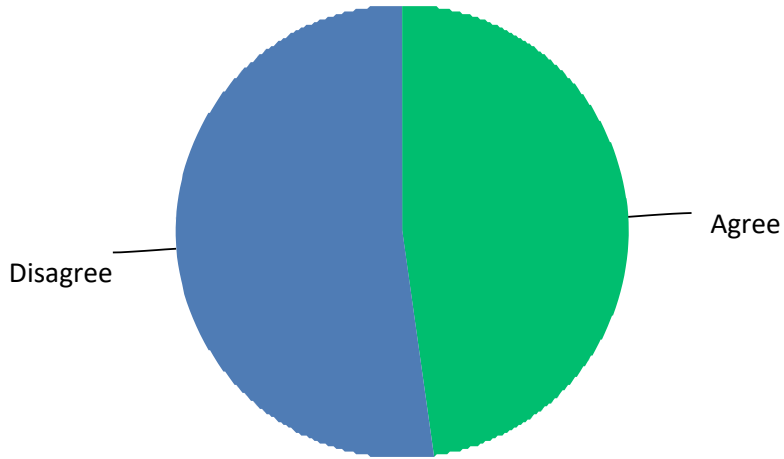
Answered: 448 Skipped: 0



ANSWER CHOICES	RESPONSES	
Agree	48.66%	218
Disagree	51.34%	230
TOTAL		448

Q24 Confirm whether you agree or disagree with the following statement The proposed byelaws will deter people who want to misuse the seashore

Answered: 446 Skipped: 2

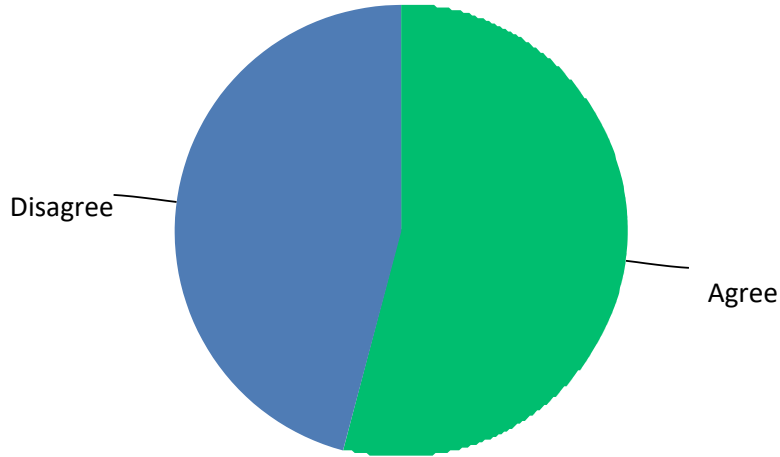


ANSWER CHOICES	RESPONSES	
Agree	47.76%	213
Disagree	52.24%	233
TOTAL		446

# Byelaws

Q25 Confirm whether you agree or disagree with the following statement The proposed byelaws will penalise people who misuse the seashore

Answered: 447 Skipped: 1

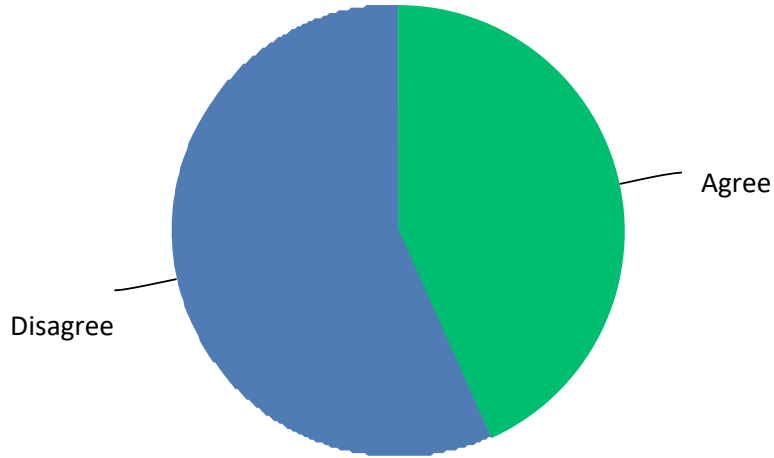


ANSWER CHOICES	RESPONSES	
Agree	54.14%	242
Disagree	45.86%	205
TOTAL		447

# Byelaws

Q26 Confirm whether you agree or disagree with the following statement The proposed byelaws will make the seashore cleaner

Answered: 446 Skipped: 2

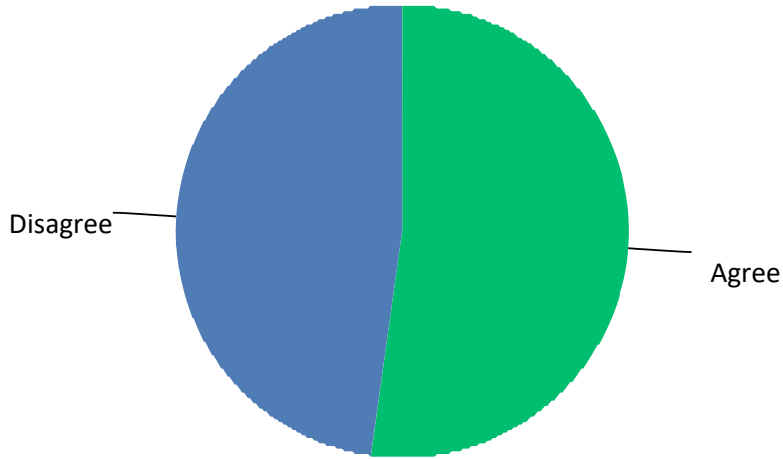


ANSWER CHOICES	RESPONSES	
Agree	43.27%	193
Disagree	56.73%	253
TOTAL		446

# Byelaws

Q27 Confirm whether you agree or disagree with the following statement The proposed byelaws will make the seashore safer

Answered: 448 Skipped: 0

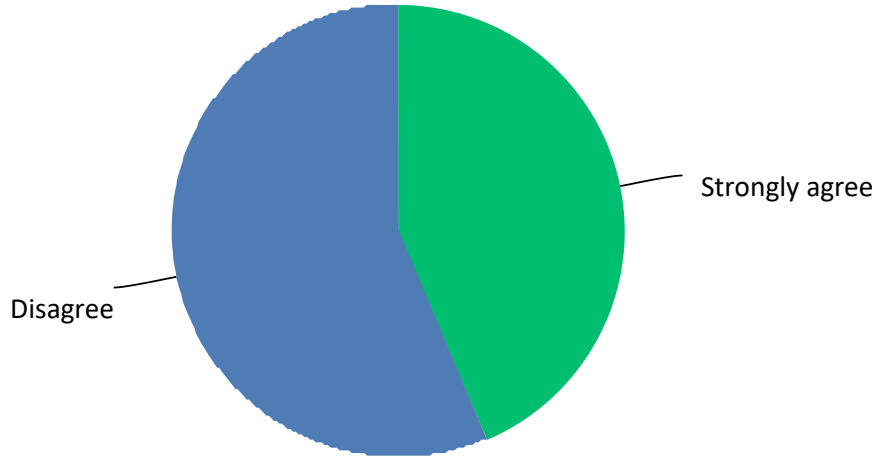


ANSWER CHOICES	RESPONSES	
Agree	52.23%	234
Disagree	47.77%	214
TOTAL		448

# Byelaws

Q28 Confirm whether you agree or disagree with the following statement  
The proposed byelaws will make the seashore better for everyone

Answered: 445 Skipped: 3

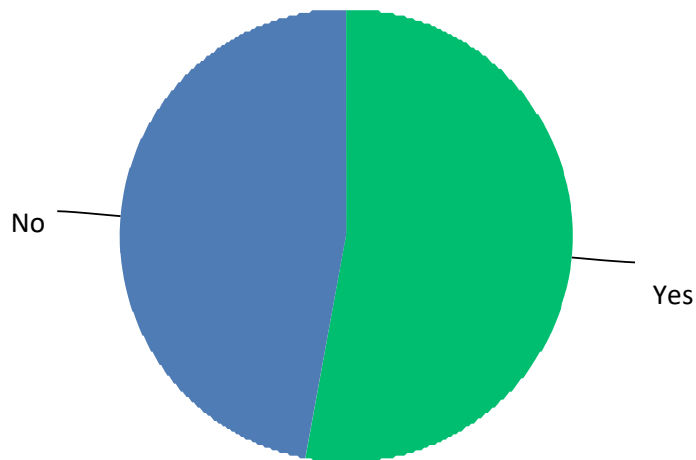


ANSWER CHOICES	RESPONSES	
Strongly agree	43.60%	194
Disagree	56.40%	251
TOTAL		445

# Byelaws

Q29 Overall are you in support of the proposed seashore byelaws?Y/N

Answered: 448 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	52.90%	237
No	47.10%	211
TOTAL		448