

Date: 18 September 2023  
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## OVERVIEW & SCRUTINY PANEL

26 SEPTEMBER 2023

A meeting of the Overview & Scrutiny Panel will be held at **7.00 pm on Tuesday, 26 September 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Fellows (Chair); Councillors: D Green (Vice-Chair), Austin, Bright, Britcher, Currie, d'Abbro, Davis, Farooki, Kup, Paul Moore, Packman, Pope, Wing and Worrow

## AGENDA

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS** (Pages 3 - 4)  
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 14)  
To approve the Minutes of the Overview and Scrutiny Panel meeting held on 20 July 2023, copy attached.
4. **CABINET MEMBER PRESENTATION BY THE LEADER - UPDATE ON THE PLANNING ENFORCEMENT REVIEW**
5. **HEALTH & SAFETY POLICY** (Pages 15 - 56)
6. **THREE YEAR EXTENSION OF THE DOG PUBLIC SPACE PROTECTION ORDER** (Pages 57 - 134)
7. **REVIEW OF OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2023/24** (Pages 135 - 144)
8. **FORWARD PLAN AND EXEMPT CABINET REPORT LIST** (Pages 145 - 156)

Item  
No

Subject



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## **Do I have a Disclosable Pecuniary Interest and if so what action should I take?**

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

## **Do I have a significant interest and if so what action should I take?**

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

## **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

## **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

## OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 20 July 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Phil Fellows (Chair); Councillors D Green, Austin, Bright, Britcher, Currie, Davis, Farooki, Kup, Paul Moore, Packman and Wing

**In Attendance:** Councillors Everitt and Whitehead

### 455. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Worrow;  
Councillor Pope;  
Councillor d'Abbro.

### 456. DECLARATION OF INTERESTS

There were no declarations made at the meeting.

### 457. MINUTES OF PREVIOUS MEETING

Members agreed that the minutes be amended to add the wording that the Panel was dissatisfied with the current scrutiny review scoring matrix and that the matrix should be reviewed at an appropriate time.

Subject to the above amendments, Councillor Paul Moore proposed, Councillor Kup seconded and Members agreed the minutes to be a correct record of the Panel meeting held on 30 May 2023.

### 458. CABINET MEMBER PRESENTATION - LEADER'S PRESENTATION ON THE VISION FOR THE COUNCIL

During his presentation on the vision for the Council, Councillor Everitt, Leader of the Council made the following points:

- This was a good time to be in administration;
- There were a number of significant Levelling Up Fund investment projects which would have a lasting benefit for the district;
- The current administration would be carrying forward some of the ideas from the previous Cabinet;
- The Leader was full of optimism about the future for the Council. He said that officers have had to deal with some of the most difficult circumstances the Council has had to go through. However new senior officers were coming to join the Council and that would help deliver on the organisation's work;
- The current Cabinet had the experience to steer the Council through a number of key investment projects;
- Providing affordable housing was a key priority for the Council with plans to increase council housing stock by 400 units over the next four years;
- Full credit should be given to the Housing and Finance teams for putting together the proposals for housing;

- Managing the public realm would be one of the priority areas of focus as this reflects on the Council;
- In pursuit of that aim, additional street cleaners would be employed to be assigned to two teams of four individuals working across all residential areas in the district from Mondays to Fridays;
- A new Head of Cleansing would be joining the council shortly;
- Cabinet was delivering on its promises;
- Cabinet would also be reviewing the process for asset disposal and a new Head of Legal and Monitoring Officer would be looking at this issue, when they join the Council;
- Cabinet would be looking to addressing issues of deprivation and opportunities in Ramsgate and Margate;
- The Leader would work on building good Member/Officer working relationships;
- The Council would need to ensure that climate change issues were factored in its decisions;
- A new Climate Change Cabinet Advisory Group (CAG) had been set up to lead on advising the administration. A lot of work had been carried out by a previous CAG;
- Cabinet would look at opportunities for collaborative work across the region and would work with KCC to lobby on climate emergency issues.

Members asked questions and made comments as follows:

- One Member said that they were concerned about the quality and viability of projects due to inflation;
- Could cross funding of projects be permitted under the Levelling up Funding?
- Could Members be advised of where the RoRo funding accounts were?
- The recruitment of new staff for the Street Cleansing team was good news. Since it was just two teams, residents would need to be patient for their turn to get their streets cleaned. Will the activities of these teams be scheduled across the district?
- There used to be schedules for street cleansing in Ramsgate. It was hoped that this approach would return;
- The update regarding TDC working with other Councils on issue affecting the region was welcome news;
- One Member asked the Leader what he hoped to have happened to poverty in the district in four years' time;
- Another Member asked if there would be dialogue with residents to inform them about street cleansing coming to their communities and could there be any communication about that initiative;
- Was building council houses a better option to buying from developers?
- It was welcome news that Cabinet viewed street cleansing as a priority area of focus. Here was a need for joined up thinking between the Street Cleansing and Street Scene teams;
- Had the Council done any cost benefit analysis regarding the use of portable toilets against refurbishing toilets in Margate?
- One Member said that the Port was small and that Berth 4/5 was still not operational. They also said that Bretts had not put in a planning application for the development of the Port site. They further said that with this in mind, it was worrying that the Council was investing in the Port through the LUF but it would be for little return. There was a need to scrutinise background work done to inform the decision regarding project work at the Port;
- Another Member said that the subject of the youth of Thanet was of great interest to Members. They further asked where issues regarding the local youth lay in the vision of the current Cabinet to ensure opportunities for them;

- Would the Leader give the Panel a commitment that Cabinet would not allow waste to be shipped through the Port under its watch?
- Could Cabinet allocate additional resources to the Enforcement team to increase their capacity on monitoring fly tipping in the district?
- Could the issue regarding toilets being closed too early be looked into?
- Working closely with parish and town councils was a good thing. Could this approach be encouraged among officers including officers responding timeously to correspondence from the parishes?
- When would the report on collaborative working between TDC and parish and town councils be considered by Cabinet?
- Were there any plans for further supporting volunteer groups to continue to maximise output?

Councillor Everitt responded as follows:

- A lot of the questions were outside the context of the presentation
  - Cabinet was confident that an operator for the Port would be identified;
  - Council had invited expressions of and a good number had been received. Member were requested to be patient with the process;
  - The street cleansing in residential areas would prioritise those areas that had been identified as requiring priority attention. Funding would be from the base budget and this was a sustainable approach. It was hoped that residents would see an improvement;
  - Council on its own would not be able to resolve all issues, but the LUF investment would go a long way to tackling some of the deprivation issues;
  - Communities were excited by the proposals that had been put forward by the Council;
  - Street cleansing resources would not be apportioned equally among the 23 wards as some wards required more resources than others;
  - It would be Council's wish to build its own housing units. However, the Council would need to find the land and 40% subsidy. The Council was purchasing housing that the Housing Associations did not want;
  - Toilets were a priority for Cabinet. Condition survey had been conducted on all the toilets and a report was going to be considered at the Cabinet meeting in September;
- 
- It was understandable that there was some scepticism among Members on whether the Council would find an operator for the Port. Numerous approaches had been made by a number of organisations to operate the Port and the Cabinet was confident that an operator would be found;
  - Last time around the Council was unable to find an operator because there was not the kind of infrastructure like there was now at the Port;
  - Under new arrangements the risk would be transferred to the operator, unlike before;
  - The introduction of the youth Council was a very good idea and Cabinet was keen to continue with that initiative to be led by Council Heather Keen;
  - Cabinet would ensure that the port would not be used to transport waste;
  - Closure of toilets had to do with the sequencing of the closing schedule which ensures that busiest locations would be closed last;
  - Fly tipping was a major challenge and Cabinet would be reviewing this area;
  - Collaborative working with parishes was the Cabinet's current direction of travel;
  - The Leader was enthusiastic about harnessing volunteer groups but the challenge was who would continue with their work when they stopped.

The Chair thanked the Leader of Council for the presentation and Members noted the report.

**459. PURCHASE OF 42 HOMES AT SPITFIRE GREEN FOR AFFORDABLE RENT**

Bob Porter, Director of Place introduced the report Councillor Whitehead, Deputy Leader and Cabinet Member for Housing also made introductory remarks. They made the following points:

- Council had considered the report on proposals for the development of 400 housing units to be delivered over a period of the next four years;
- 40% of the funding for this development would come from the housing subsidy Right to Buy receipts or S106 Agreements;
- The council did not want to compete with housing associations in developing housing in the district but complement them by taking on taking on development that associations considered not viable;
- There were 1,604 households on the housing register, but the number of those who actually need affordable housing was much higher;
- Regeneration without affordable housing would cause displacement;
- The Housing Department had a very good record of delivering. The Council would be using previously unused S106 Agreement funding to deliver 400 units over the next four years;
- TDC was picking up those housing development projects that were considered small by Housing Association;
- 60% of the funding for this development would be from HRA borrowing. This was a sustainable and necessary step;
- Credit should go to the Housing and Finance teams for putting together this proposal.

Members asked questions and made comments as follows:

- This was an important issue for the district. How many of the households on the housing register were actual families?
- How much of an impact will this development bring to families in the district;
- Was the priority of this Council to build on brownfields?
- Would any of the properties to be built accessible for use by people with disability or the aged?
- Would solar systems and other energy efficient systems be installed on these properties?
- Would the new development be built in one location or around several sites across the district?
- How many houses did the Council lose from its stock to Right to Buy purchases?
- This was good news. With the continued rise in the cost of living, would the Council be able to adjust year on year to keep affordable housing accessible to deserving persons?
- Members were proud to support this proposal when it was presented at Full Council on 13 July 2023. Had any study been made on affordable housing in the district?
- There was a Rise team to support residents who might need support. However, was there a holistic approach to tenancy management?

Mr Porter and Councillor Whitehead responded as follows:

- Single people were the largest group of individuals on the housing register and half of them were in temporary accommodation;
- It was always the Council's priority to build on brown fields;



- The steer to build on agricultural land was coming from the central government. Although the Council did not agree with that approach, it had to work within the confines of permitted policy;
- The Council always ensured that all its new development was adaptable for use by individuals with disability or elderly people. The Council promoted a lifetime access to homes approach;
- New development also prioritised energy efficient buildings and would therefore incorporated as many measures as were possible;
- The Council projected the number of houses lost to right to buy to fall this year. Income generated from rent collected was important to Council's ability to develop more housing;
- Cabinet preferred genuine affordable housing where the rent should be below or at the same level as the housing allowance. At the moment the allowance was below affordable housing rent;
- Temporary accommodation was a huge cost to the Council. That money could have been used for housing development;
- In addition to the work done by the Rise team, the Financial Wellbeing team also worked to support residents with their housing support needs.

There being no further comments, Members noted the report.

**460. LOCAL AUTHORITY HOUSING FUND: PURCHASE OF 9 HOMES**

Bob Porter, Director of Place introduced the report Councillor Whitehead, Deputy Leader and Cabinet Member for Housing also made introductory remarks. They made the following points:

- Council had considered the report on proposals for the purchase of 9 housing units to be purchased from central government grant which would contribute to 60% of the purchase costs;
- 40% of the funding for these units would come from the housing subsidy Right to Buy receipts or S106 Agreements;
- This was an important addition to the Council's housing stock;
- The resettlement of refugees from Afghanistan and Ukraine had not been focused. In some cases, it had led to homelessness;
- These units would provide housing for refugee families for three years and thereafter the units would become part of the Council's stock;
- This was a significant contribution to affordable housing in the long term.

Members asked questions and made comments as follows:

- Members were supportive of this initiative. These families had gone through traumatic experiences. Was there any health wellbeing support being provided to them?
- Were these families allowed to work to make a contribution to the district?
- Before there was any formal support for the refugee families there was a community support group in Ramsgate which provided some support to these families. This was a very useful group;
- It was important for the press release to be put out in a proper context regarding this proposal in order to address those who say, "what about us."
- One Member asked what would happen to these families' housing situation after three years of receiving housing support from the Council.

Mr Porter and Councillor Whitehead responded as follows:

- There were no restrictions to the working status of the refugee families;

- Working with KCC, the Council had provided financial support to these families. This support came with the right to work in the economy, once they had been approved by the Home Office;
- The Ramsgate social group was supported by one of the Council staff who had been recruited to provide support to Ukrainian families;
- 9 units were 0.12% of the Council housing stock, but contributed in a significant way. This was part of the Council providing for all people. This was how Council would want communities to be treated by others if there were similar circumstances;
- There were two types of tenancy; licence tenancy and lifetime tenancy. These families would qualify for either of those at the end of the three years.

There being no further comments, Members noted the report.

#### **461. LEVELLING UP FUND AND MARGATE TOWN DEAL PROJECTS UPDATE**

Louise Askew, Head of Regeneration and Growth made a presentation to the Panel and highlighted points:

- The Levelling Up Funds (LUF) that were awarded to the Council were through competitive bidding;
- It was hoped that these projects would create jobs and provide opportunities for young people;
- The Regeneration team was working with the Border Force to ensure that the Port of Ramsgate had the right facilities. This included working with different stakeholders to ensure mooring facilities were appropriate;
- The team was also working with key stakeholders and organisations to ensure that the Green Campus creates space for organisations to grow;
- An application to the Seafood Infrastructure Fund to add to the existing Levelling Up Fund fishing facility was unsuccessful. The existing project will provide the fishing fleet with the processing plant required to add value to local fishing activities. The Thanet Fishermen's Association was a key stakeholder in developing the existing project;
- Work was planned on the Clock House and Pier Yard to extend the ground floor to create a food and beverage offer. A full application was going to be submitted to the National Lottery Heritage Fund following a successful expression of interest. The challenge of working on heritage building was value engineering such properties;
- With regards to the Access to Opportunities projects the High Street Fund element would be delivered in the town centre with the Future High Street Fund project; and an extension to the Newington Community Centre would deliver a kitchen through the Levelling Up Fund;
- The creative sector was growing but faced a challenge to access sites. The Margate Creative Land Trust was therefore set up to create opportunities for the sector to access building/sites for to support the creative industries;
- The Team was hoping to submit a bid for a development grant for the Theatre Royal to the National Lottery Heritage Fund;
- It was great that the district had received government capital funding, which has not happened at such levels of funding for a long time;
- Now the challenge was accessing revenue funding for these projects;
- The Diversifying Heritage Asset: included £4 million for Destination Dreamland: which would go a long way towards making the site fit for purpose and would be directly matched by the site owners;
- Winter Gardens: Condition surveys had been conducted on the site and an agent had been identified to market the site.

Members asked questions and made comments as follows:

- When the time was right would the Regeneration team arrange community engagements for the Coastal Wellbeing projects to share information with local communities on the current projects the Council was implementing?
- Why was the Council still at this stage of the project implementation two years after the start? It was important for the Council to continue with community engagement activities to keep residents informed about LUF projects;
- Members congratulated the Regeneration team for bringing in large amounts of money into the district;
- Could Members of the Panel have access to the timelines for the different projects the Council was implementing so that they could follow the progress?
- Smart Boys, Clock House, Newington Community Centre and the Fisheries Facility would each need an operator. Had any sustainability studies been done to check if each of these projects were viable in the long term?
- It was good to know that the Cadets would still be able to access the sea;
- How were community projects that got funded through retrospective grant payments managing as it was difficult to raise revenue?
- Was there going to be funding for the refurbishment of the Winter Gardens?
- Could the business case for the Dreamland be shared with the Panel?
- What was the current update regarding the Margate Digital LUF project?
- What was the Council relationship with GRASS?
- What was the impact of the LUF and Margate Town Deal projects on the local economy?
- Would there be another round of LUF?

The Chair advised Members that the Panel could invite some of the third party organisations in receipt of government funding to attend Panel meetings and discuss their experiences with Members.

Louise Askew responded as follows:

- A community engagement event was held at the Turner Contemporary at the early stages of developing the business cases for the Margate Town Deal;
  - The team would need to have something tangible to showcase to residents;
  - The team was working on putting clear timelines together for the projects;
  - When the Council submitted bids for the various projects there were only two officers in the team. The team had since grown in number and this was going to help speed up project implementation;
  - Due to inflation, some of the project proposals have had to be reviewed. That is why they were at this stage of implementation;
  - The community engagement event held at the Harbour this week had attracted about 300 people;
  - The Future High Street Fund project would commence in the Autumn;
  - More simplified timelines for project implementation would be drawn up and shared with Members;
  - The sustainability of projects had been looked into and it was noted that some of these projects had synergy that their management could be brought together. The Team was still working on the issue;
- 
- In April 2022, approval for funding was given to third party community organisations. Internal and External Auditors were monitoring the performance of these projects;
  - Grant Agreements had been signed with third party delivery organisations that included the Margate Creative Land Trust;

- Retrospective funding was not always applied to all projects. Town Deal projects nationally were predominantly being delivered by the local councils or other big organisations;
- Access roads: The team was commissioning a roads access study that would determine how these roads could best be developed;
- A study had been conducted on the evening and night time economy and is being finalised. It would be added online and shared with Members;
- Information relating to the Destination Dreamland project would be added to the Council website;
- Margate Digital Campus: The Council was working with the EKC Group and Homes England. Lease agreements needed to be agreed with the council, the LUF Department, EKC Group, Department of Education and Homes England;
- Skate Park: the Skate Park team were planning engagement activities;
- It was too early to make a judgement on the impact of these projects on the local economy;
- There was no announcement as yet as to whether there would be another round of LUF. It had been intimated but the Council was not sure when that would be.

The PowerPoint slides that were used for the presentation are attached as an annex to this minute item.

Members noted the update report.

## **462. REVIEW OF OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2023/24**

Members made comments regarding the finalised Panel work programme for 2023/24 as follows:

- One Member expressed dissatisfaction at the efficacy of the matrix used to prioritise the scrutiny review topics and indicated that the priority list should enable Members to include on the list and review all externally funded council projects at every Panel meeting;
- Councillor Davis proposed that a review of the current Council's Planning Enforcement Protocol be among the first three topics to be tackled. There was no seconder for this proposal;
- Another Member requested to review health and wellbeing issues affecting the local communities;
- One Member advised that the Planning Enforcement Protocol review would be better dealt with as a review than a one off officer report;
- However, Members agreed to receive an officer report on the Planning Enforcement Protocol advising the Panel on the progress regarding the previous review on the subject. This report might lead to a proper review;
- Members also agreed to review the scoring matrix at a future meeting.

Councillor Kup proposed, Councillor Green seconded and Members agreed to review the following scrutiny topics in this order:

1. Impact of Tourism;
2. Fly tipping and abandoned vehicles;
3. Grant finding review;

and further agreed the membership of the Tourism Review Working Party as follows:

Councillor Austin;  
Councillor Kup;  
Councillor Green;

Councillor Packman;  
Councillor Britcher.

**463. FORWARD PLAN AND EXEMPT CABINET DECISION LIST**

Members noted the report.

Meeting concluded: 10.00 pm

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## The Health and Safety Policy

**Overview and Scrutiny Panel** 26 September 2023

**Report Author** Stewart Bundy, Health & Safety Compliance Officer

**Portfolio Holder** Cllr Rob Yates, Cabinet Member for Corporate Services

**Status** For Recommendation

**Classification:** Unrestricted

**Key Decision** Yes

**Reasons for Key** Significant effect on the operation of TDC activities across the whole district

**Previously Considered by** Presented to CMT on 1st August 2023

**Ward:** N/A

### Executive Summary:

The policy has been presented for review as there has been a substantive change to the content of the policy, which requires approval by the Corporate Management Team as stated in the current policy.

The reason for the review is as follows:

- Chief Executive endorsement/signature
- Senior Management Restructure;
- Corporate health and safety responsibility changes,
- Corporate health and safety committee restructure; and
- Legal Compliance:
  - Ensure the policy complies with the latest health and safety legislation, regulations, and standards relevant to the organisation and location.
  - Identify any new legal requirements that have been introduced since the last policy review:
  - Legislative updates to management standards linked to the policy.

CMT recommended that the policy should go to the Overview and Scrutiny Panel for comment and recommendation to the Cabinet.

### Recommendation(s):

Overview and Scrutiny Panel is being asked to comment on policy and recommend to Cabinet.

## Corporate Implications

### Financial and Value for Money

There are no direct budgetary implications arising from the approval of the updated policy. The implementation of the updated policy across the organisation will ensure the Council uses its resources efficiently and effectively and crucially manages its exposure to risk.

### Legal

The Health and Safety at Work Act 1974, section 2 (3) places a duty on the Council as an employer to ensure that a Health and Safety Policy is in place for managing health and safety across the organisation and that this be documented and shared with employees to ensure understanding and compliance with the expectations set out within it.

The Management of Health and Safety at Work Regulations 1999 impose further responsibilities on organisations to have in place effective arrangements for the management of health and safety.

The production and implementation of a Health and Safety Policy is a statutory requirement. It is vital that such a Policy exists to ensure legislative compliance with all relevant health and safety legislation. The updated health and safety policy will enable the councils to comply with its legal obligations under the Act with clear benefits namely:-

- Keeping staff and service users safe.
- Demonstrates a documented commitment to ensure compliance with relevant legal requirements.
- Offers clarity of expectations placed on different member and officer cohorts across the Council.
- Provides a framework for setting and reviewing Health and Safety objectives.
- Ensures all employees understand their obligations.
- Ensures all those in a managerial or supervisory role understand their obligations.
- Enables participation, consultation and communication with officers and stakeholders alike.
- Sets the framework for continual improvement of health and safety across the Council.

### Risk Management

The Health and Safety Policy review involved several steps to ensure a comprehensive assessment of the policy's effectiveness and compliance. Below is a general outline of the review procedure:

- Review the existing Health and Safety Policy in detail to understand its scope, objectives, and provisions.
- Identify any previous recommendations or action items that were not fully addressed.



- Ensure the policy complies with the latest health and safety legislation, regulations, and standards relevant to the organisation and location.
- Identify any new legal requirements that have been introduced since the last policy review.
- Consult with the health and safety committee, and management, to gather feedback on the current policy's strengths and weaknesses.
- Benchmarking other similar councils' health and safety policies to identify areas where the policy can be enhanced to align with leading practices.
- Clearly outline any changes made to the policy and the reasons behind them.
- Present the reviewed Health and Safety Policy to management and relevant stakeholders for approval.
- Implement the approved policy updates and communicate the changes to all employees and stakeholders.
- Regularly assess the policy's impact, make necessary adjustments, and schedule the next policy review.

## Corporate

Health and safety is considered a fundamental aspect of the corporate priorities for TDC. When health and safety are integrated into corporate priorities, it can lead to significant benefits, including improved employee well-being, reduced accidents and incidents, increased productivity, and enhanced reputation.

## Equality Act 2010 & Public Sector Equality Duty

The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristics. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures.

[Equality Impact Assessment \(Corporate Health & Safety Policy\) 230718](#)

## Corporate Priorities

This report relates to the following corporate priorities: -

- *Health & Safety and well-being of staff*

## 1.0 Introduction and Background

1.1 The report is being brought to the Overview and Scrutiny Panel to comment and forward recommendations to Cabinet for decision. The current policy is out of date and requires a review under the current policy section 8.2; Monitoring and Review of the Policy which states that:

- This policy will be refreshed on an annual basis and reviewed on a three-yearly cycle. Minor alterations to the policy can be approved by the Strategic Director of Communities, Operational & Commercial Services in consultation with the Council's Health and Safety Committee. Any substantive

alterations to the content of the policy will be approved by the Corporate Management Team;

- A further Equality Impact Assessment will be completed if there is a major revision of this policy, which requires it to go to CMT

## 2.0 The Current Situation

2.1 The policy has been presented for review as there has been a substantive change to the content of the policy, which requires approval by the Corporate Management Team as stated in the current policy.

2.3 The reason for the review is as follows:

- Chief Executive endorsement/signature
- Senior Management Restructure;
- Corporate health and safety responsibility changes,
- Corporate health and safety committee restructure; and
- Legal Compliance:
  - Ensure the policy complies with the latest health and safety legislation, regulations, and standards relevant to the organisation and location.
  - Identify any new legal requirements that have been introduced since the last policy review.

## 3.0 Options

3.1 The Panel could recommend that Cabinet approves the proposed Health and Safety Policy before the Corporate Management Team issues the policy to staff and publishes it.

3.2 The Panel could recommend further amendments to the proposed Health and Safety Policy attached as Annex 1 to the report before Cabinet makes a final decision.

Contact Officer: Stewart Bundy Health & Safety Compliance Officer  
Reporting to: Mattew Sanham Head of Finance & Procurement

### Annex List

Annex 1: Policy Document with amendments  
Annex 2: EIA Document

### Background Papers

#### [HSE Guidance](#)

TDCMS170115 Trees and Hedges  
TDCMS170601 Suspicious Package/Terrorist Incident  
TDCMS170801 Electrical Safety (Public Buildings)  
TDCMS170801 Fire Safety

TDCMS180801 Lone Working  
TDCMS190201 Health Surveillance  
TDCMS190415 Memorial Stability  
TDCMS191011 Playgrounds  
TDCMS200801 Gas Safety (Public Buildings)  
TDCMS201010 Noise at Work  
TDCMS210505 Work-Related Stress  
TDCMS211011 Asbestos  
TDCMS211011 Legionella and Water  
TDCMS220801 Hand Arm Vibration  
TDCMS220906 Health & Safety Audit

## **Corporate Consultation**

**Finance:** Chris Blundell (Director of Corporate Services - Section 151)

**Legal:** Sameera Khan, Interim Head of Legal & Monitoring Officer

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# Thanet District Council

## Corporate

## Health & Safety Policy

~~Incorporating Workplace Health and Wellbeing~~  
**Incorporating Workplace Health and Wellbeing**

**July 2023 Version 4**

Health & Safety at Work etc., Act 1974 Section 2(3) Management of Health and Safety at Work Regulations 1999 Regulation 5

# Agenda Item 5

## Annex 1

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A copy of this Policy shall be brought to the attention of all employees. This Policy supersedes the previous Policy and shall be reviewed annually or revised as necessary in light of operational or strategic developments.

# Contents

<b>1.0</b>	Introduction	<b>5.19</b>	Disabilities
<b>2.0</b>	Health & Safety Policy Statement	<b>5.20</b>	New and Expectant Mothers
<b>3.0</b>	Health & Safety Policy	<b>5.21</b>	Noise
<b>4.0</b>	Organisational Responsibilities	<b>5.22</b>	Personal Protective Equipment and Respiratory Protective Equipment
<b>5.0</b>	Management Standards	<b>5.23</b>	Risk Assessment
<b>5.1</b>	Health and Safety System	<b>5.24</b>	Safety Representatives and Safety Committees
<b>5.2</b>	Asbestos	<b>5.25</b>	Safety Signs and Signals
<b>5.3</b>	Construction Work (CDM)	<b>5.26</b>	Security Threats
<b>5.4</b>	Control of Contractors	<b>5.27</b>	Smoke-Free Workplace
<b>5.5</b>	Control of Substances Hazardous to Health	<b>5.28</b>	Stress
<b>5.6</b>	Display Screen Equipment	<b>5.29</b>	Training and Induction
<b>5.7</b>	Electricity	<b>5.30</b>	Transport Safety
<b>5.8</b>	Employability Skills - Work Placements	<b>5.31</b>	Vibration
<b>5.9</b>	Fire Safety	<b>5.32</b>	Violence
<b>5.10</b>	First Aid and Medical Attention	<b>5.33</b>	Volunteers
<b>5.11</b>	Gas Safety	<b>5.34</b>	Wellbeing & Occupational Health
<b>5.12</b>	Incident Reporting and Investigation	<b>5.35</b>	Work at Height
<b>5.13</b>	Induction	<b>5.36</b>	Work Equipment
<b>5.14</b>	Infection Control	<b>5.37</b>	Workplace Welfare
<b>5.15</b>	Legionella	<b>6.0</b>	Role and Function of the Health and Safety Committee
<b>5.16</b>	Lifting Operations and Lifting Equipment	<b>7.0</b>	Trade Union Health and Safety Representatives
<b>5.17</b>	Lone Working	<b>8.0</b>	Corporate Management Team
<b>5.18</b>	Manual Handling		

# Health and Safety Policy

## 1.0 Introduction

It is the main priority for Thanet District Council to create a safe working environment for all employees, contractors and members of the public by following legal requirements and best practices in relation to occupational health and safety management.

The Council will risk-assess its activities, provide suitable competency-based training wherever it is necessary, and encourage all employees, contractors and volunteers to develop and support a positive safety culture.

The Corporate Health and Safety Policy for Thanet District Council is applicable across the entirety of its undertaking as an employer and service provider. The scope of this Policy statement, organisational responsibilities and arrangements in relation to health and safety within the Council will cover the Council's role as

- a major employer
- a major purchaser of services and goods from other organisations
- The Council's role as landlord

## 2.0 Health And Safety Policy Statement

Thanet District Council is committed to protecting the health, safety and welfare of its staff, contractors and anyone affected by its activities. The Chief Executive and the Director for Health and Safety accept that they have ultimate responsibility for the delivery of an outstanding Health and Safety Culture within the Council. It is their intention that the Council will set an example of how to deliver the highest standards of Health and Safety effectively and encourage other organisations with whom we work to strive for the same. Elected Members of Thanet District Council will support the principles of this policy in the Council's approach to managing health and safety.

The Corporate Management Team (CMT) collectively and explicitly accepts responsibility for health and safety and as a result has set up and empowered the Corporate Health and Safety Committee to which it has delegated a series of responsibilities.

The role and function of the Council Health and Safety Committee are to support the Corporate Management Team with the responsibility to administer and positively monitor the implementation of the Council's Health and Safety Policy. The Health and Safety Committee will also take the necessary action to ensure that all Council Services apply the Council's Health and Safety Policy appropriately.

TDC will make every effort to maintain and advance its positive health and safety culture by creating an environment with fairness and clear lines of responsibility at its core. Effective reporting of all incidents is central to ensuring the health and safety of all persons affected by TDC's activities. TDC will promote a fair working environment where employees are not afraid of blame but are encouraged to report incidents and near misses to prevent serious incidents in future.

By investing in training and innovative communication systems TDC will ensure an effective exchange of ideas - a process led by management and staff who are the main source of information allowing continuous improvement of health and safety in the Council.

We recognise that the provision of safe equipment, systems and procedures are not sufficient if the culture doesn't encourage healthy and safe working. Therefore proactive management of and involvement in health and safety by all staff at each level of the organisation is fundamental to ensuring the Council's successful health and safety culture. Collaboration and cooperation between employees, contractors and the public is also a key factor in the management of health and safety and will be promoted at every level to ensure the successful operation of our organisation.



TDC's culture is based on planning, implementation and review which means we will measure our performance and failures and learn from them to allow progress and improvement. This in turn will allow staff and contractors to fully understand and appreciate safety standards and procedures leading to a safe working environment for all.

The health and safety policy is unlikely to be successful unless it actively involves everybody at work. We all have an individual responsibility to ensure our own safety and to avoid doing anything that will put others at risk.



~~Madeline Homer~~ Colin Carmichael  
Chief Executive

~~January 2022 - August 2023~~ August 2023

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### 3.0 HEALTH AND SAFETY POLICY

It is the policy of Thanet District Council to safeguard the Health, Safety and Welfare of its employees and all persons likely to be affected by its undertakings.

The Council accepts the aims and provisions of the Health and Safety at Work Act 1974, and the Management of Health and Safety at Work Regulations 1999 and aims to comply with all other relevant statutory obligations.

#### The Council is committed to

- **Developing a positive** health and safety culture in all undertakings which secure the commitment and participation of all employees;
- **Assessing the risks** to the health and safety of its employees, contractors, volunteers and to anyone else who may be affected by its undertakings with the aim of eliminating or controlling the hazards /risks, so far as is reasonably practicable;
- **Making arrangements** for the effective planning, organisation, control, monitoring and review of the preventive and protective measures identified as being necessary by the health and safety risk assessments;
- **Providing information**, instruction, training, and supervision to employees and others as is necessary to implement and maintain high standards of health and safety;
- **Establishing arrangements** for making sure safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances, so far as is reasonably practicable;
- **Provision and maintenance** of a working environment for employees that is safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work, so far as is reasonably practicable;
- **Developing procedures** for Joint Consultation with Employees or their Representatives;
- **Where any service** of the Council enters into an arrangement on Partnership Working, an agreement must be reached, prior to commencement, with all partners to determine how Health and Safety will be managed and the standards to be met. As a minimum standard, the Council's policies and arrangements for securing health and safety will be maintained; and
- **The Council aims** to promote positive policies regarding health and safety at work. Each employee, regardless of status, is responsible for strictly adhering to the Council's policies and procedures that are identified in documentation held at designated Council establishments.

### 4.0 ORGANISATION RESPONSIBILITIES

#### 4.1 Chief Executive

The Chief Executive has ultimate responsibility for all Health and Safety issues within the Council and will provide effective leadership and direction for the implementation of this policy. The Chief Executive will make sure, via the Corporate Management Team, that responsibilities are met and that adequate resources are made available to enable this policy to be implemented.

#### 4.2 Strategic Director of Corporate Services & Section 151 Officer Corporate Director

The strategic Director of Corporate Services & Section 151 Officer nominated by the Chief Executive for health and safety and is directly accountable, has responsibility for administering and positively monitoring the implementation of the Council Health and Safety Policy. A Health and Safety Report will be published on a quarterly basis to the Corporate Management Team through the corporate compliance report.

The nominated strategic Director of Corporate Services & Section 151 Officer will make sure, without detracting from the primary responsibility of the Service Director, provide Heads of Service, Managers and Supervisors, the provision of competent technical advice and support on Health and Safety matters through the Council Health and Safety Committee. The Council Health and Safety Officer will provide competent advice/assistance within the meaning of the Management of Health and Safety at Work Regulations.

### 4.3 Strategic Directors

The strategic Director of each Council department has overall responsibility for implementing this Policy within their Service. They will ensure the ongoing maintenance of their Service's Health and Safety Management Standards and that appropriate measures are in place to make sure that the information contained within it is available throughout their Service.

The Service's Health and Safety Management Standards will contain details of the management, organisation and responsibilities for Health and Safety and detail the service's specific arrangements to comply with Council policy. Through these Management Standards, the Strategic Director's responsibility for Health and Safety is shared. This means that Directors, Heads of Service, Managers and Supervisors within their areas of responsibility will be accountable for the health and safety of employees and/or other persons who may be affected by the Service's undertakings.

The Strategic Director nominated for health and safety by the Chief Executive will lead on all health and safety issues, but each Strategic Director is responsible to the Chief Executive for the implementation of this policy within the services for which they have strategic management responsibilities and will:

- Provide effective leadership and direction to ensure the policy is implemented;
- Provide ongoing commitment and leadership to continuous improvement in health, safety and wellbeing.
- Assist with the development of the collective vision and direction necessary to comply with relevant statutory provisions and follow best practice.
- Ensure that Heads of Service, or others directly reporting to them, are provided with appropriate support, training, guidance and resources to enable them to discharge their health and safety duties.
- Ensure that adequate information is given to Councillors so that health, safety and welfare issues are considered as part of their decision-making process.
- Ensure that the arrangements in place to ensure the health and safety of those within their service area are working, kept up to date and known to those within their service area
- Ensure all contractors and partners are properly appointed and managed to ensure that they are carrying out the work on behalf of the Council in a safe manner in accordance with legislation and this policy.
- Ensure that there is an effective decision-making process for dealing with emergencies and for providing leadership and adequate personnel and arrangements to ensure that it is managed correctly.

### 4.4 Head of Service or Manager reporting directly to a member of CMT

Heads of Service, or Managers, who are directly accountable to the Chief Executive, or a Strategic Director, will:

- Provide effective leadership and direction to ensure the policy is implemented;
- Have overall responsibility for implementing and coordinating the Service's Health and Safety Organisation and Arrangements.
- Make sure the provision of adequate financial resources for Health and Safety Management;
- Make arrangements to ensure the ongoing development and implementation of a Health and Safety risk assessment strategy that meets the requirements of the Council's Health and Safety Policy as it relates to their Service activities. The risk assessment strategy will ensure that Line Management identify the relevant preventive and protective measures required to make sure the safety of employees and anyone else who may be affected by the Service activities;
- Make arrangements for implementing the health and safety control measures which follow the risk assessment strategy. The Service management will ensure that the Service develops a Health and

Safety Plan annually in conjunction with the Council Health and Safety Committee, based on the further actions identified within the risk assessments, to make sure that measurable planned progress to implement the additional control measures required. These Health and Safety Plans will be submitted for consideration to the Council Health and Safety Committee. The arrangements will cover the Plan, Do, Check, Act approach to managing health and safety and make sure that the preventive and protective measures identified are in place, working effectively and regularly monitored;

- Make arrangements to make sure that all employees, including temporary workers, and volunteers are familiar with the Health and Safety Policy and that they are provided with relevant information and training on the use of equipment, plant, substances and machinery and are competent in their jobs to avoid risks;
- Make arrangements to make sure that where their service is entering into an arrangement on Partnership Working, that agreement is reached, prior to commencement, with all partners to determine how Health and Safety will be managed and the standards to be met. As a minimum standard, the Council's policies and arrangements for securing health and safety will be maintained; and
- Make arrangements for a Service Health and Safety Committee structure to facilitate joint employee/employer participation and collaboration on health and safety matters in all service areas.
- The Head of Service is appointed to have overall responsibility for implementing and coordinating the Service's Health and Safety organisation and arrangements and will advise the Council's Health and Safety Officer at the earliest opportunity of significant business changes or practices likely to impact the Council's Health and Safety Management System.

**4.5 Heads of Services and Managers with property responsibilities:**

- Ensure that any property, equipment (including machinery and tools), or other assets within their range of services are managed to ensure that they are safe and comply with all the statutory requirements and manufacturers' instructions. Where medical surveillance is required, ensure that HR is informed and records kept of all tests and checks as required by legislation.
- Ensure that the structure and services of all workplaces occupied by the staff within their service comply with the provisions of the Workplace (Health, Safety and Welfare) Regulations and accompanying Approved Codes of Practice.
- Ensure that all construction and maintenance work (permanent and temporary) complies with the Construction (Design and Management) Regulations and has the appropriate duty holders appointed, including any work delegated to partners/contractors as the ultimate responsibility is with the owner of that site and activity.
- Provide basic information to visitors to ensure their health and safety while in Council buildings.
- Ensure all relevant statutory notices and health and safety information are displayed as appropriate and all health and safety notice boards in each building are kept up to date.
- Liaise with partners/contractors to ensure that all statutory duties to ensure the safety of the Council's properties/land, including tests, inspections, repairs, and replacements to property, plant and equipment are being undertaken and that all records held are up to date and in place.
- Ensure that appropriate fire safety and other inspections are carried out for each site so that appropriate actions are taken to ensure the safety of those on the site at any time.
- Ensure that there is an effective evacuation procedure and adequate numbers of trained personnel for each building under their responsibility to ensure the safety of all employees and the public in the event of an emergency.
- Ensure that all emergency evacuation drills are carried out in accordance with legal requirements.
- Ensure that any first aid rooms, within the area of their responsibility, are regularly checked and first aid stocks replenished.

**4.6 All Managers, Team Leaders, Supervisors etc.**

All Managers, team leaders, supervisors etc. are responsible for:

- Suitable and sufficient risk assessments are undertaken for all work-related activities undertaken by their staff.

- Safe systems of work and procedures are developed and implemented.
- That they encourage and support active communication and cooperation between management and employees.
- Health and safety training needs are identified and staff receive appropriate training.
- Resources are made available to provide adequate supervision and instruction to staff to the level identified in the risk assessment.
- Staff are kept updated and informed about health and safety issues that may affect them and encouraged to develop a positive and proactive safety culture.
- Work equipment is suitable for the task for which it is being used. That it is properly maintained and where appropriate routinely and regularly inspected and tested.
- Accidents and incidents within their areas of control are reported and adequately investigated in order to establish the root causes and to enable measures to be introduced to prevent re-occurrence.
- Formal procedures are in place for the selection, approval and monitoring of contractors.
- Where buildings or premises are shared with another user, the health and safety responsibilities are clarified and agreed upon.
- Health and safety records such as premises inspections are maintained and made available for audit.
- Action is taken over any wilful disregard of the Council's health and safety policy, procedures and arrangements by any employee.

### **4.7 Health & Safety Manager – this role is responsible for;**

#### **4.7 Employees**

#### **The Health and Safety at Work etc. Act 1974 states that:**

*“It shall be the duty of every employee while at work to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.” “As regards any duty or requirement imposed on their employer or any other person by or under any of the relevant statutory provisions, cooperate with them, as far as is necessary to enable that duty or requirement to be performed or complied with.” “No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions.”*

#### **All employees, regardless of status, must observe the following:**

- Act in a responsible manner at all times;
- Familiarise themselves with this Health and Safety Policy;
- Take reasonable care to avoid injury to themselves and others;
- Commit to making sure they are fit for their role, by making sure they are well enough and informing their manager if not;
- Report to their supervisor all hazards which they cannot eliminate or control themselves;
- Use correctly all work items (including Personal Protective Equipment) provided by the Council in accordance with the training and the instructions they receive to enable them to use the items safely;
- Accept the need for safety training;
- Request/discuss safety training with their line manager when they feel their skills need updating;
- Report all accidents, incidents or near misses to their supervisor;
- Inform their line manager of any aspects of their health or medical treatment, which may affect their ability to carry out their duties safely or need adjustments made;
- Seek first aid treatment for any injury sustained at work;
- Work safely and do not remove any safety device/guard provided for the safety of themselves and others;
- Ensure that when driving while at work that they are fit to do so, have completed the drivers' risk assessment, have business insurance and drive in a safe and proper manner in accordance with legislation and the Council's Driving Policy;
- Co-operate in joint consultation on Health and Safety matters;

- Cease any work activity or leave any work area where the employee or their representative believes there is serious/imminent danger to themselves or others. No disciplinary action will be taken against an employee who reasonably ceases a work activity for health and safety reasons; and;
- Co-operate directly and fully with any investigation into the circumstances of any incident in which they are involved.

#### **4.7 Disciplinary Procedures**

Disciplinary action may be initiated against all employees who knowingly violate or fail to implement safety procedures or standards or fail to use Personal Protective Equipment or equipment provided for their safety. The Council's Code of Conduct and Disciplinary Procedures will be followed.

#### **5.0 Management Standards**

Where major risks or hazards are identified Council-wide, the Council Health and Safety Committee will develop Service Health and Safety Management Standards which will contain detailed information, and where necessary support specific guidance documents, to enable Council services to comply with these Health and Safety Management Standards.

The Management Standards documents will set out the relevant Council policy objectives and provide a reference for legal obligations. The documents will clearly set out the responsibilities of Council Managers through the provision of detailed advice on best practices and the Council Management System control arrangements. The documents will be produced by the Council Health and Safety Committee in consultation with appropriate Service personnel.

The Health and Safety Management Standard documents will be Service-specific and will have a direct influence on the implementation of other Council policies. They will be provided for health and safety topics that require management action, risk assessment provision and associated Health and Safety management system documentation.

Where they are provided it is the intention that these documents will provide a standard of control to be achieved through the service-specific risk assessments. The specific service assessments can where necessary implement further controls or take any such alternative action which will achieve the same level of control in their specific circumstances. Where this is the case then the rationale for the actions taken should be fully documented in the risk assessment process.

The Health and Safety Management Standards will be produced for inclusion within web-based software Health and Safety pages, electronic access will be provided and printed copies with infographics will be provided upon request. Each Service may provide additional Management Standards pertaining to any activity which is particular to their own Service. Details of all Service Management Standards will be stated within their specific Service Health and Safety System Management Standard.

#### **5.1 Health and Safety System**

Our organisation is using web-based software to help us manage Health & Safety and other aspects of our business.

The Health and Safety System provides detailed information on the Service Health and Safety management structures and specific roles and responsibilities.

#### **5.2 Asbestos**

The Council acknowledges the health hazards arising from exposure to Asbestos and will protect those employees and other persons potentially exposed to Asbestos as far as is reasonably practicable. Exposure will be minimised through the use of proper control measures and work methods supported by the training of employees. Each Service Director who is responsible for the management of their premises will appoint a person responsible for coordinating the control and management of Asbestos with the responsibility for dealing with all matters involving Asbestos within the Service.

No work shall commence on Asbestos material or materials thought to contain Asbestos until it is sampled and an assessment of the potential exposure of employees and others, as a result of that work, is undertaken. A suitable plan of work shall be made before work commences.

### **5.3 Construction Work (CDM)**

Heads of Service whose Service is involved in construction work will take appropriate steps to make sure that such work is planned in accordance with relevant standards or statutory provisions (principally the CDM Regulations). They must also make sure that all persons at all levels are competent to carry out their duties.

Employees must be provided with the necessary information relating to any risks arising out of the work, the preventive or protective measures to be taken, and the procedures required in the event of serious or imminent danger.

The Construction, Design and Management Regulations place duties on clients, CDM designers, contractors, principal contractors and the self-employed, all of whom are required to work together in order that health and safety are incorporated into projects as early as possible. These members of the construction team must also make sure that safety management systems are established to control all project activities.

These Regulations also contain specific provisions relating to how all construction work is carried out. Inter-Service organisation and arrangements must be in place to make sure that relevant duties are allocated to competent persons where a Council service performs a multi-functional role for CDM (i.e. any combination of the following duty holders - Client, Designer, and Contractor or Principal Contractor). The competent person must be provided with adequate resources to carry out those duties. Arrangements must be in place to make sure duties are clear, concise and there is no ambiguity between duty holders.

The Council will provide all available information about the condition of any premises under its control at or on which construction work is to be carried out.

The Council will ensure that any work planned will be in accordance with any relevant or statutory provisions and that the necessary information relating to risks arising out of the work will be provided.

### **5.4 Control of Contractors**

The Council through the provisions detailed in the Service Contractors Management Standards document will make sure that all contractors working on Council premises are properly vetted from a health and safety perspective.

The Council will monitor the activities of contractors on-site to minimise the risks presented to employees and to other persons on-site or within Council buildings including members of the public.

The Council Health and Safety Committee meets on a quarterly basis to discuss policy, the ongoing management of contractors working on Council premises, reported incidents and contractor's performance.

### **5.5 Control of Substances Hazardous to Health**

Heads of Service shall have procedures in place to make sure that no work is carried out which is liable to expose any employees or others to any product, chemical or substance hazardous to health unless a suitable and sufficient assessment of the risks created by that activity and of the steps needed to reduce the risks has been made.

Exposure to hazardous products, chemicals or substances will either be prevented or, where this is not reasonably practicable, adequately controlled. Measures introduced to control exposure will be maintained, examined and tested to ensure their continued effectiveness.

Personal protective equipment will be provided only as a last resort means of controlling exposure to substances.

Information, instruction and training will be given to employees exposed to substances hazardous to health.

## 5.6 Display Screen Equipment

~~All workstations must satisfy the minimum requirements of legislation and employees must be aware of how to set up their workstations to enable them to work safely. All employees who regularly use display screen equipment are required to carry out the online DSE risk assessment initially and as required by their manager due to changes in the workstation or ongoing reviews to ensure they are comfortable and using this equipment correctly. Employees must ensure they take appropriate breaks. Where display screen equipment is utilised by Council employees a workstation assessment with regard to the use of display screen equipment will be carried out on the E-learning system or on standard DSE assessment forms and reviewed in accordance with the Service DSE Management Standard.~~ All workstations must satisfy the minimum requirements of legislation and employees must be aware of how to set up their workstations to enable them to work safely. All employees who regularly use display screen equipment are required to carry out the online DSE risk assessment initially and as required by their manager due to changes in the workstation or ongoing reviews to ensure they are comfortable and using this equipment correctly. Employees must ensure they take appropriate breaks.

~~The above arrangements cover whether you work in an office or at home.~~ The above arrangements cover whether you work in an office or at home.

Managers must ensure that each staff member using display screen equipment completes the online DSE risk assessment initially and on an ongoing basis. Where issues in the assessment are identified, the manager will arrange, with the help and support of their trained DSE assessor or Occupational Health assessor, to supply any equipment etc. that is identified to make the workplace safe.

Employees designated as 'users' will be entitled to eyesight tests if requested/required and corrective appliances specifically necessary for DSE work.

## 5.7 Electricity

The Council will make sure that all electrical equipment and systems are properly constructed, installed and maintained and that installations are suitable for the environment in which they are used.

Suitable protective equipment will be provided where necessary and maintained in good condition. Work on electrical equipment and systems can be hazardous and Service Management will, therefore, reduce the risks, as far as is reasonably practicable.

All persons carrying out electrical work will be competent for the tasks assigned to them.

All fixed electrical systems and portable appliances utilised by employees will be inspected and tested at statutory intervals.

## 5.8 Employment Skills - Work Placements

The Council recognises its responsibility to make sure that young people are protected at work from risks to their health and safety. This will be achieved through specific measures included within the risk assessment process. The Council's duty of care extends into the work experience or vocational training placement of any school student and places an obligation on the Council to make sure that any placement made under either of these initiatives is without significant risk to the health, safety or welfare of the student. This will be achieved through the risk assessment process.



### 5.9 Fire Safety

The Council's first objective with regard to fire safety is fire prevention through the systematic application of the fire management measures detailed in the Service Fire Management Standards.

Each Council premise will maintain a fire register detailing the monitoring arrangements, maintenance arrangements and managerial responsibilities for the control of fire within the premises.

**Should a fire break out all Council premises will have arrangements in place to make sure that:**

- **Fire** can be detected in a reasonable time and people can be warned reliably;
- **People** who may be in the building can get out quickly and safely;
- **Staff** in the building know what to do if there is a fire, that all premises have suitable and sufficient emergency procedures;
- **There are** an appropriate number of trained fire wardens available in accordance with the emergency procedures, and
- **There are** adequate supplies of first aid fire equipment available.

### 5.10 First Aid and Medical Attention

First aid requirements will be identified through a risk assessment process to make sure the adequacy and appropriateness of first aid personnel, equipment and facilities.

Sufficient numbers of trained First Aid personnel and equipment to deal with injuries, accidents and ill health will be provided by each service. To this end, the Council will provide information and training on First Aid to employees to make sure that statutory requirements and the needs of the organisation are met.

It is the responsibility of departmental managers to make arrangements for sufficient members of staff to be trained in first aid. Those employees who obtain First Aid certificates are to be given the opportunity to attend refresher training. Details of first aiders' certificates are to be kept on their individual training records.

### 5.11 Gas Safety

This policy sets out the minimum requirements for the safe installation and use of gas appliances, fittings and pipework in all Council premises. In particular, it outlines the requirements for services to have adequate arrangements in place for responsibilities, record keeping, inspection, maintenance, repair, competence and training. It also includes information for emergencies and unsafe situations.

### 5.12 Incident Reporting and Investigation

The Council's incident reporting procedure, as detailed in the relevant Management Standard document, must be followed at all times. Every Council premises or section should have ready access to a Council accident book and incident report forms (electronic or paper).

#### **Accidents**

An accident is defined as "An unplanned event that causes injury to persons, damage to property or a combination of both"

All accidents & near misses must be reported to the Departmental Manager/Supervisor and entered into the Electronic Accident book at the time of the accident.

Accidents that occur off-site must be recorded in the Accident Occurrences book at the location. The details must also be entered into the Council's accident system by a supervisor. Only Supervisors and Managers are to make entries on the Accident System.

**Near Miss**

A near miss is defined as “An unplanned event that does not cause injury but could have done so” All near misses or damage, are to be reported to the Departmental Manager/Supervisor to enable them to investigate the causes and to prevent re-occurrence.

**RIDDOR 13**

Under the requirements of RIDDOR 2013 (Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013) where an accident occurs causing loss of life, a specified major injury or condition, or an employee being away from his place of work for over 7 days the reporting authorities must be informed by a “responsible person”. A ‘responsible person’ means the employer, the self-employed or the person or people in control of a working premise.

All RIDDOR reportable incidents must be notified to the Council Health and Safety Committee within the detailed timescales. The Council Health and Safety Officer will make arrangements to make sure that reportable incidents are reported to the Health and Safety Executive.

Suitable arrangements will be put in place to inform the appropriate Trade Union or Employee Representative of reported incidents.

Service management has the responsibility to conduct an appropriate investigation of all accidents, dangerous occurrences or near misses with the objective of identifying the root cause and the appropriate steps needed to prevent a recurrence. In addition, the Health and Safety Officer from the Council Health and Safety Committee may further investigate serious accidents/incidents and make recommendations to prevent a recurrence.

**5.13 Induction**

Appropriate health and safety inductions are the best way of complying with a number of legislative requirements for information provision.

Under the *Health and Safety at Work Act 1974, s. 2(2)(c)* there is a duty for employers to provide 'such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees. This is further reinforced by *the Management of Health and Safety at Work Regulations 1999* which identifies situations where health and safety training is particularly important, for example when recruiting a new employee. Health and safety inductions are a significant component of the council's health and safety management system. The induction process forms a useful part of the means of promoting a positive safety culture and effectively demonstrating the organisation's commitment to health and safety, which is particularly important to a new starter. The health and safety induction is one of the first indications to the new starter of the attitude of the company, toward health and safety and the timing, conduct and content of the induction can present the first indication of the organisation's safety culture.

**5.14 Infection Control**

The Council recognises the benefits to staff and service users of controlling infections in the workplace. This will be addressed through all workers adopting appropriate precautions, consistently and responsibly in their day-to-day practices.

The precautions developed through risk assessment should largely prevent the spread of the majority of infections, particularly blood-borne viruses, such as Hepatitis B, Hepatitis C and Human Immunodeficiency Virus (HIV) as well as bacterial infections such as MRSA.

**5.15 Legionella**

The Council recognises the risk of infection from Legionella bacteria and will take all reasonable steps to implement an appropriate health and safety management system for water systems within Council premises to ensure that the necessary measures to prevent, or adequately control, the risk from exposure to Legionella bacteria. The council will, therefore:-

- Put procedures in place to control and minimise these risks.
- Ensure that all work undertaken and procedures adopted are, as a minimum, in accordance with the Approved Code of Practice.
- Provide information, guidance and training for managers responsible for premises and other key managers to ensure they are aware of their role with regard to this policy.
- Promote good system design to reduce the risk of legionella bacteria multiplying.
- Promote good maintenance procedures to reduce the risk of legionella bacteria multiplying.
- Have procedures in place to deal swiftly with any indication that the control measures implemented are not working effectively.
- Ensure that it has competent advice readily available to resolve any issues including the services of competent, specialist contractors to assist to meet its obligations.

### 5.16 Lifting Operations and Lifting Equipment

The Council recognises that it has a duty to reduce the risks to employees and others from lifting operations. In order to assist the Council in discharging this duty, all Services must make sure that all lifting equipment provided for use at work is:

- **Strong and stable** enough for the particular use and marked to indicate safe working loads;
- **Positioned** and installed to minimise any risks;
- **Used safely**, i.e. the work is planned, organised and performed by competent people; and
- **Subject** to ongoing thorough examination and, where appropriate, inspection by competent people.

### 5.17 Lone Working

The Council recognises that lone workers face particular difficulties and will not require an employee to work alone where a risk assessment considers there is an unacceptable risk and will make sure that all lone workers are appropriately trained, receive regular supervision and are instructed in all matters relating to their health and safety at work.

### 5.18 Manual Handling

The Council recognises that manual handling is one of the most common causes of absence through injury in the workplace and must be avoided, so far as is reasonably practicable.

Where it is not possible to eliminate manual handling, assessments will be undertaken to determine the level of risk. Suitable controls will be introduced, to reduce the risk of injury, including the risk of repetitive strain injury, to the lowest extent reasonably practicable, including training, mechanical aids, automation, redesigning the system of work or even the workplace itself.

In most cases manual handling assessments will be incorporated into generic risk assessments, however, a specific Manual Handling Assessment will be carried out when required.

### 5.19 Disabilities

Reasonable adjustment will be made to meet the needs of employees with disabilities in line with the various regulations. Employees should discuss their needs with their line manager or HR as soon as possible to enable suitable arrangements, facilities etc. to be put in place. Where their health condition or impairment could affect their ability to evacuate the premises safely they should discuss with their line manager so that they can make the necessary arrangements.

### 5.20 New and Expectant Mothers

The Council recognises the risks associated with working operations that may pose a risk to a new or expectant mother or to that of her baby and will ensure that decisions on how to manage those risks are made in an informed, rational and structural manner as determined by a specific Risk Assessment. This will ensure the workplace/activities are:

- Safe, i.e. the work is planned, organised and performed by competent people; and
- Subject to ongoing thorough examination and, where appropriate, inspected by competent people;
- Risk assessment form available on the internal web-based Health & Safety System

### 5.21 Noise

The Council will take all reasonable steps necessary to make sure that the risk of hearing damage to employees who work with noisy equipment or in a noisy environment is reduced to a minimum. Noise assessments will be carried out to estimate the magnitude of the problem.

Methods of reducing noise levels and/or exposure times will be implemented as alternatives to personal protective equipment. Ear defenders will be provided only as a last-resort means of controlling exposure to noise.

Services management will provide adequate training. In particular, all employees who are subject to high levels of noise will be provided with readily understood information about the harmful effects of noise and what they must do in order to protect themselves and meet the requirements of Council policy.

Where it is required by risk assessment, the Service will make arrangements for employees to be included in a Health Surveillance Programme provided by the Council's Occupational Health provider.

### 5.22 Personal Protective Equipment and Respiratory Protective Equipment

The Council accepts that the use of Personal Protective Equipment (PPE) and Respiratory Protective Equipment (RPE) is a last resort, and is committed to continuing to seek and introduce alternative methods for reducing risks as far as is reasonably practicable.

The Council will provide suitable and sufficient PPE/RPE where risks cannot be removed or adequately controlled by other means.

When PPE/RPE is to be provided as a control measure, Services are instructed, in consultation with employees and their representatives, to carry out a full assessment in accordance with the Service PPE/RPE Management Standard to determine its suitability, its compatibility with other items of PPE/RPE, provide adequate storage, provide adequate training, ensure adequate maintenance arrangements and that it is provided at no cost to the employee.

An employer cannot ask for money from an employee for PPE/RPE, whether it is returnable or not. This includes agency workers if they are legally regarded as our employees. If employment has been terminated and the employee keeps the PPE/RPE without the employer's permission, then, as long as it has been made clear in the contract of employment, the employer may be able to deduct the cost of the replacement from any wages owed.

### 5.23 Risk Assessment

Risk Assessments will be conducted for all activities within the Council and will be reviewed on an ongoing basis.

The Council risk assessment process which includes management system documentation, trained risk assessors and consultation with all stakeholders is aimed at providing effective risk control for all significant hazards.

Management Standards documents on significant hazards, for example, lone working are available to inform the process.

### **5.24 Safety Representative and Safety Committees**

The Council acknowledges the importance of employee involvement in health and safety matters and the importance of the positive role played by safety representatives. As such, the Council will provide the facilities and assistance that safety representatives will reasonably require in order to carry out their functions.

### **5.25 Safety Signs and Signals**

All safety signs and any safety signals used (for example, for reversing of vehicles) within Thanet District Council will comply with the Health and Safety (Safety Signs and Signals) Regulations.

Appropriate safety/warning signs must be provided and maintained, where any risks identified by the risk assessment required under the Management of Health and Safety at Work Regulations cannot be controlled by other means.

### **5.26 Security Threats**

All staff are responsible for the security of their building which should include bomb threats, fires, intruders, and other potential security issues, for example, firearms and weapons attacks. The specific responsibilities and procedures to be implemented are detailed within the Service Management Standard.

### **5.27 Smoke-Free Workplace**

The smoke-free workplace legislation seeks to guarantee employees the right to work in the air free of tobacco smoke. The requirements of the Management of Health and Safety at Work Regulations and the Workplace (Health, Safety and Welfare) Regulations also place stringent requirements on employers to assess risks and make sure that non-smokers are protected from the dangers of tobacco smoke whilst at work. This also precludes the use of electronic cigarettes within the workplace.

Smoke-free Legislation: The Health Act 2006: Smoking has been prohibited by law in virtually all enclosed and substantially enclosed work and public places throughout the United Kingdom. Smoke-free legislation in England forms part of the Health Act.

Under the Health Act, "substantially enclosed" means premises or structures with a ceiling or roof (including retractable structures such as awnings) and where there are permanent openings, other than windows or doors, which in total are less than half of the area of the walls. So, for example, bus stops can be required to be smoke-free if the shelter is substantially enclosed. The law also applies to workplace vehicles that are used by more than one person at any time.

Heads of Service, Managers and Supervisors will be responsible for enforcing the smoke-free workplace policy within their respective areas. It is the responsibility of employees to comply with the terms and conditions of the Policy.

### **5.28 Stress**

The Council recognises that whilst a degree of pressure can be a positive force at work, excessive pressure can have a negative effect on health and on performance at work.

The Council is committed to promoting good health at work and providing suitable support mechanisms for employees suffering from the effects of stress.

Council Services will identify stressful jobs and situations, through risk assessment, with the objective of reducing harm from stress, as far as is reasonably practicable.

The Council will make sure, so far as is reasonably practicable, that excessive pressure is eliminated from the work environment, and that the necessary risk assessments are completed and acted upon in the case of workplace stressors.

To assist in this process the council will:

- provide suitable support mechanisms for employees suffering from the effects of stress;
- encourage a working environment where employees who feel they are suffering from the effects of stress can approach their managers in confidence, in order that necessary support mechanisms can be put in place;
- encourage a culture where stress is not seen as a sign of weakness or incompetence;
- ensure adequate rehabilitation of employees returning to work after periods of absence due to stress;
- offer suitable training to enable employees and managers to recognise symptoms of stress, the effects of stress at work, effective communication, handling difficult situations, time management and employee relations;
- undertake general health promotion activities within the workplace; and where employees are suffering from stress, the council will provide the necessary mechanisms to promote a return to full health as quickly as possible. Employees are encouraged to seek assistance from any one of the following:
  - Line Manager;
  - Senior Manager;
  - and Employee Assistance Programme (EAP).

Any contact will be dealt with in complete confidence. Employees will be offered any relevant counselling, help with stress reduction techniques and a full appraisal of their work situation.

## 5.29 Training

The Council recognises and accepts that for health and safety training to be successful; its role within the Council must be understood. Training is provided as identified through the risk assessment process, not just to satisfy legal requirements, but also to drive and support the Council Health and Safety Management System.

The training offered by the Council Health and Safety Committee, for example, Health and Safety Management Training and also hazard-specific training such as manual handling, fire warden, display screen equipment assessors etc., provides staff that have key Health and Safety responsibilities with the knowledge, skills and aptitudes to perform their duties successfully.

Service management will make sure that all new employees joining the service and all employees commencing work in an area where they may be exposed to new risks are given appropriate induction training. New employees are known to be more likely to have accidents than those who have had time to recognise the hazards of the workplace.

Formal health and safety training is a legal requirement and will form part of all Council service induction programmes.

## 5.30 Transport Safety

Workplace transport is the second biggest cause of fatal accidents in British workplaces, killing hundreds and injuring thousands of people every year. The vast majority of these accidents are preventable. The Council is committed to doing all that is reasonably practicable to make sure high standards of health, safety and welfare for all employees and others who may be affected by Council activities when vehicles are used as part of the work.

~~The transport policy comes under the umbrella of the council's health and safety policy framework. The purpose of this policy is to enable the council to meet its obligations to ensure compliance with the statutory~~

~~legal requirements whilst protecting our employees and third parties, so far as is reasonably practicable, from all occupational road risks associated with work-related driving.~~

The transport policy comes under the umbrella of the council's health and safety policy framework. The purpose of this policy is to enable the council to meet its obligations to ensure compliance with the statutory legal requirements whilst protecting our employees and third parties, so far as is reasonably practicable, from all occupational road risks associated with work-related driving.

Managing workplace transport safety usually involves controlling a wide range of interlinked matters including Vehicle Safety, Driving, Loading/Unloading, Towing, Vehicle Operation etc.

Service management will provide and maintain safe and healthy working conditions for all employees and provide the necessary information, instruction, training and supervision required for this purpose.

### **5.31 Vibration**

The Council recognises that occupational exposure to vibration can cause discomfort and adverse health effects. The Council will comply with the Control of Vibration at Work Regulations by identifying and assessing the magnitude of existing vibration risks and implementing control measures to eliminate or reduce those risks, as far as is reasonably practicable.

Service management will have a strict purchasing strategy in relation to any tools and equipment, which may expose employees to vibration. In addition, the Head of Service will make sure that competent persons are designated to assess the vibration levels of work equipment (including existing work equipment or sample equipment being assessed for purchase) to make sure that vibration levels fall within safe limits.

Where it is required by risk assessment, the service will make arrangements for employees to be included in a Health Surveillance Programme provided by the Council's Occupational Health provider.

### **5.32 Violence**

The Council does not accept that it is part of any employee's duty to be subjected to verbal abuse, threats or physical assault.

The Council in providing services to the community expects that members of the public will treat its employees with courtesy and respect and equally expect employees to show courtesy and respect to members of the public.

It should be made clear to all clients, customers and service users of Council facilities and services that violent or aggressive behaviour will not be tolerated and that any assaults on Council employees will, in all appropriate circumstances, lead to a Police investigation and possible criminal proceedings.

Employees are encouraged to report incidents of violent behaviour to which they have been subjected to their manager/supervisor who will discuss/investigate the incident and, where possible, take action to prevent a recurrence. The action is taken or the action proposed should be recorded using the online incident form.

All employees will receive appropriate safeguarding training related to their duties to make sure they have the skills and knowledge to perform their duties.

### **5.33 Volunteers**

Volunteers provide an essential service to the Council and any activity carried out by volunteers must be properly risk assessed with safety arrangements put in place and adequate support and training provided to these persons.

Volunteers also have a duty of care to themselves and others and must cooperate with the Council's representative(s) and carry out their tasks in the manner prescribed by the Council and report any health and safety concerns to that person.

### **5.34 Wellbeing & Occupational Health**

The authority is committed to protecting and promoting the health, safety and well-being of all its employees and volunteers. A happy and healthy workforce will deliver a better and more efficient public service.

Employee health, safety and well-being is everyone's responsibility, therefore it is the responsibility of all employees, managers and Occupational Health providers, to work together to deliver the Council's commitment to improving employee health, safety and well-being.

There are sound legal, economic and moral reasons for looking after the health, safety and well-being of employees, and the health and safety of anyone else affected by the work of the Authority.

All managers must meet legal duties and avoid unnecessary ill-health, accidents, additional costs, penalties and damage to the Council's reputation. Managers at all levels have influence over and impact on the health, safety and well-being of employees. In certain circumstances, managers are required to refer an employee to Occupational Health for medical advice on how best they can support their employees to enable them to deliver their work potential. The desired outcomes include that all employees are enabled to engage in productive work, as far as reasonably practicable, in an environment and culture in which their health is protected, regular attendance at work is supported, work-related health risks are adequately controlled and good health is promoted.

### **5.35 Work at Height**

Work at height is the single biggest cause of workplace deaths and one of the main causes of major injury.

Service management shall identify through risk assessment all areas of the Service operations where employees are expected to work at height and comply with the Work at Height Regulations in so far as:

- Avoiding work at height where they can;
- Use work equipment or other measures to prevent falls where they cannot avoid working at height;
- Where they cannot eliminate the risk of a fall, use work equipment or other measures to minimise the distance and consequences of a fall should one occur.

### **5.36 Work Equipment**

All Council services are required to develop their work equipment purchasing and associated arrangements in respect of the Provision and Use of Work Equipment Regulations in conjunction with the council's procurement policies.

Services management must make arrangements for assessing the suitability of work equipment with respect to its initial integrity, the place where it will be used and the purpose for which it will be used.

Services management must make arrangements for suitable maintenance, inspection, information, instruction and training.

Services management must also make specific provisions for conformity with legislative requirements, specific dangers, markings and warnings and mobile work equipment.

### **5.37 Workplace Welfare**



The Council will make sure that a safe working environment is maintained in each area under its control through the maintenance of an effective monitoring regime that should include Health and Safety Inspections and Audits.

Services must also make provision for a number of additional specific requirements relating to the subject headings in their Service Workplace Management Standard, for example, maintenance of the workplace, equipment, devices and systems, the conditions of floors and traffic routes, falls or falling objects; organisation of traffic routes, home working etc.

The Council is committed to reducing the number of slip and trip accidents as part of a national strategy to reduce occupational injuries and ill health as well as to meet Council targets for reductions in accidents.

The Council recognises its responsibility to make sure that young people are protected at work from risks to their health and safety. This will be achieved through specific measures included within the risk assessment process.

## 6.0 THE ROLE AND FUNCTION OF THE HEALTH AND SAFETY Committee

The role and function of the Council Health and Safety Committee is to support the Corporate Management Team with the responsibility to administer and positively monitor the implementation of the Council's Health and Safety Policy. The Health and Safety Committee will also take the necessary action to ensure that all Council Services apply the Council's Health and Safety Policy appropriately.

This includes:

### 6.1 Health and Safety Service Provision

- **Developing** Council Health and Safety Policy and advising on Service Management Standards, Guidance Documents and the Council Health and Safety Management System;
- **Monitoring** the implementation and application of the Council Health and Safety Policy, reporting to strategic Directors/Heads of Service on any matters requiring action;
- **Assisting** with the development, implementation and application of Service Health and Safety Management Systems as detailed in their Service Health and Safety Management Standard. Providing advice and support to management to enable them to meet their Health and Safety responsibilities;
- **Advising** Council Services on new legislation, regulations, and codes of practice and guidance notes relevant to their operation. Providing advice and support in the formulation and implementation of safe systems of work, Health and Safety Management Standards and Health and Safety Guidance documents;
- **Monitoring** the assessment of risks to the health and safety of employees and others who may be affected by the Services work activities, for example, Noise, COSHH, Vibration, etc.;
- **Monitoring** the implementation of control measures which follow on from the risk assessment programme i.e. the planning, organisation, control, monitoring and review of the Health and Safety Management System;
- **Delivering** Health and Safety Training for all levels of employee and any specialised training where required;
- **Advising** Elected Members in relation to Health and Safety Matters;
- **Promoting** Health and Safety education programmes to develop Health and Safety awareness at all levels within the Council;
- **Making sure** that appropriate accidents/incidents within Council Services are reported to the enforcing authority. Providing statistical analysis on reportable accidents occurring within Council; and
- **Liaison** with outside bodies such as the Health and Safety Executive, Kent Fire and Rescue, Institute of Occupational Safety and Health, Insurance Company / Broker etc.

### 6.2 Powers of the Council's Health and Safety Officer

To effectively implement the provisions of the Council Health and Safety Policy the Council Health and Safety Officer will have the following powers:

- The right to enter any Council premises at any time if it is safe to do so;
- To inspect and audit all Council premises;
- In the event of a major incident/accident to require that plant and equipment is not disturbed, to enable measurements, statements, photographs and any other relevant information to be collated;
- To take away or impound any, machine, substance or product which is required to complete an investigation;
- To issue an inspection report which should be implemented in situations where the Council Health and Safety Officer is of the opinion that a breach of statutory requirements or Council Policy has or is likely to take place;
- Where, in the opinion of the Council Health and Safety Officer, there is an immediate risk of serious personal injury, then the officer in consultation with management will take action requiring the immediate cessation of any activity;
- Where a Council Health and Safety Officer is of the opinion that a building or structure is a serious danger to employees or others, then the officer in consultation with management will take action which may include the temporary closure of a premise in extreme situations;
- To require those with possible knowledge or information relevant to an investigation, to give that knowledge/information either verbally or in a written statement. The Council Health and Safety Officer has the discretion to allow another to be present during questioning and the taking of a written statement;
- To inspect and take copies of books or documents required as part of the investigation in compliance with the data protection act; and;
- To require assistance within a person's limits of responsibility/authority.

### 6.3 Health and Safety Monitoring

The ~~strategic Director of Corporate Services & Section 151 Officer Director of Communities Commercial & Operational Services~~ **strategic Director of Corporate Services & Section 151 Officer** will ensure that the Health and Safety performance within Council Services is effectively monitored and improved on an ongoing basis.

Regular programmed premises audits and inspections will be conducted by the Council Health and Safety Committee on an ongoing basis as detailed within the Health and Safety Management Standards for each Service.

Relevant management information collated from the completed audit documents will be presented at the Council Health and Safety Management Committee meetings to provide oversight of the Health and Safety Management System across the services.

### 7.0 Trade Union Health And Safety Representatives

The Council recognises the importance of employee involvement in Health and Safety matters and the positive role played by Trade Union Safety Representatives appointed under the Health and Safety at Work Act 1974, Safety Representatives and Safety Committees Regulations 1996 and the Management of Health and Safety at Work Regulations 1999.

It is the Council's intention to provide such facilities and assistance so that Safety Representatives can reasonably carry out their functions.

### 7.1 Arrangements for Consultation and Co-operation for the Health and Safety of Workers

- **Management must** consult with safety representatives over issues related to Health, Safety and Welfare and provide the information Safety Representatives require in order to carry out their functions, for example, on Risk Assessment, Personal Protective Equipment, Work Equipment, Respiratory Protective Equipment etc.;

- **Safety Representatives** are required to give the management reasonable notice of their intention to carry out inspections, to provide written reports following such inspections and to adhere to the Council's procedures when disputes over Health and Safety issues arise;
- **Management must** give careful consideration to the movement of Safety Representatives from their work location. This would include exploring all other available options before the employee is moved for operational reasons;
- **Management must** consult with Safety Representatives prior to employees moving into a new office/premises/location to ensure that the Safety Representatives can comment on the standard of the new premises with particular reference to the welfare facilities and health and safety measures;
- **Management must** cooperate with Safety Representatives in the completion of Council Safety Representative Inspection Reports. It is most important that managers take a proactive role in dealing with the matters brought to their attention via safety inspection forms and that they conform to the necessary time scales, and
- **Management within** each service must make arrangements to establish and actively encourage a Service Health and Safety Sub - Committee structure to facilitate consultation and co-operation on Health and Safety matters in some service areas for example operations or a contractor's forum.

## 7.2 The Function of Safety Representatives

The functions of Safety Representatives under the terms of legislation and as applied by this policy are:

- **To carry out** inspections of the workplace every three months or immediately following notifiable accidents or dangerous occurrences. It is important that management bring accidents to the attention of the Safety Representatives as soon as practicable;
- **To investigate** potential hazards and dangerous occurrences in the workplace and to examine the cause of accidents at the workplace;
- **To investigate** complaints by any employee they represent, relating to that employee(s) health, safety or welfare at work;
- **To bring** to the employer's notice, in writing, any unsafe or unhealthy conditions or working practices or unsatisfactory arrangements for welfare at work; and
- **To encourage** safe practices among the employees they represent.

## 8.0 Corporate Management Team

The role of the CMT is to ensure that the Council meets its statutory duties.

The Function / Remit of the Corporate Management Team:

- Examine Health and Safety statistics and identified trends within the Council;
- Examine reports on Key Performance Indicators;
- Discuss and validate Council Health and Safety Policy and Management System documents;
- Perform as the final arbitration point for issues referred from Corporate Health and Safety Committee;
- Review ongoing enforcement actions taken against the Council and set strategy;
- The initiation and monitoring of Health and Safety Strategies, Initiatives and projects; and
- The production and monitoring of Council Health and Safety Plan

### 8.1 The Role of the Health and Safety Officer

- Provide statistics and narratives on identified trends;
- Provide detailed information on relevant ongoing enforcement action;
- Provide detailed information on Health and Safety initiatives and progress with the Council Safety Plan;
- Provide Council Health and Safety Policy and Management standards for validation;
- Provide a report on Key Performance Indicators;

### 8.2 Monitoring and Review of the Policy:

- This policy will be refreshed on an annual basis and reviewed on a three-yearly cycle. Minor alterations to the policy can be approved by the ~~Strategic Director of Corporate Services & Section 151 Officer~~ ~~Director of Communities, Operational & Commercial Services~~ ~~Strategic Director of Corporate Services & Section 151 Officer~~ in consultation with the Council's Health and Safety Committee. Any substantive alterations to the content of the policy will be approved by the Corporate Management Team.
- A further Equality Impact Assessment will be completed if there is a major revision of this policy, which requires it to go to CMT.

**Document Control**

**Title/Version** Health and Safety Policy

**Owner** ~~Strategic Director of Corporate Services & Section 151 Officer~~ ~~Corporate Director – Communities – Operational and Commercial Services~~ ~~Strategic Director of Corporate Services & Section 151 Officer~~ – Chair of TDC Health and Safety Committee

**Date** **Review date**

**Approved**

**Reviewer** ~~Strategic Director of Corporate Services & Section 151 Officer~~ ~~Corporate Director – Communities – Operational and Commercial Services~~ ~~Strategic Director of Corporate Services & Section 151 Officer~~ – Chair of TDC Health and Safety Committee

**Date & by whom EIA Signed off**

**Revision History**

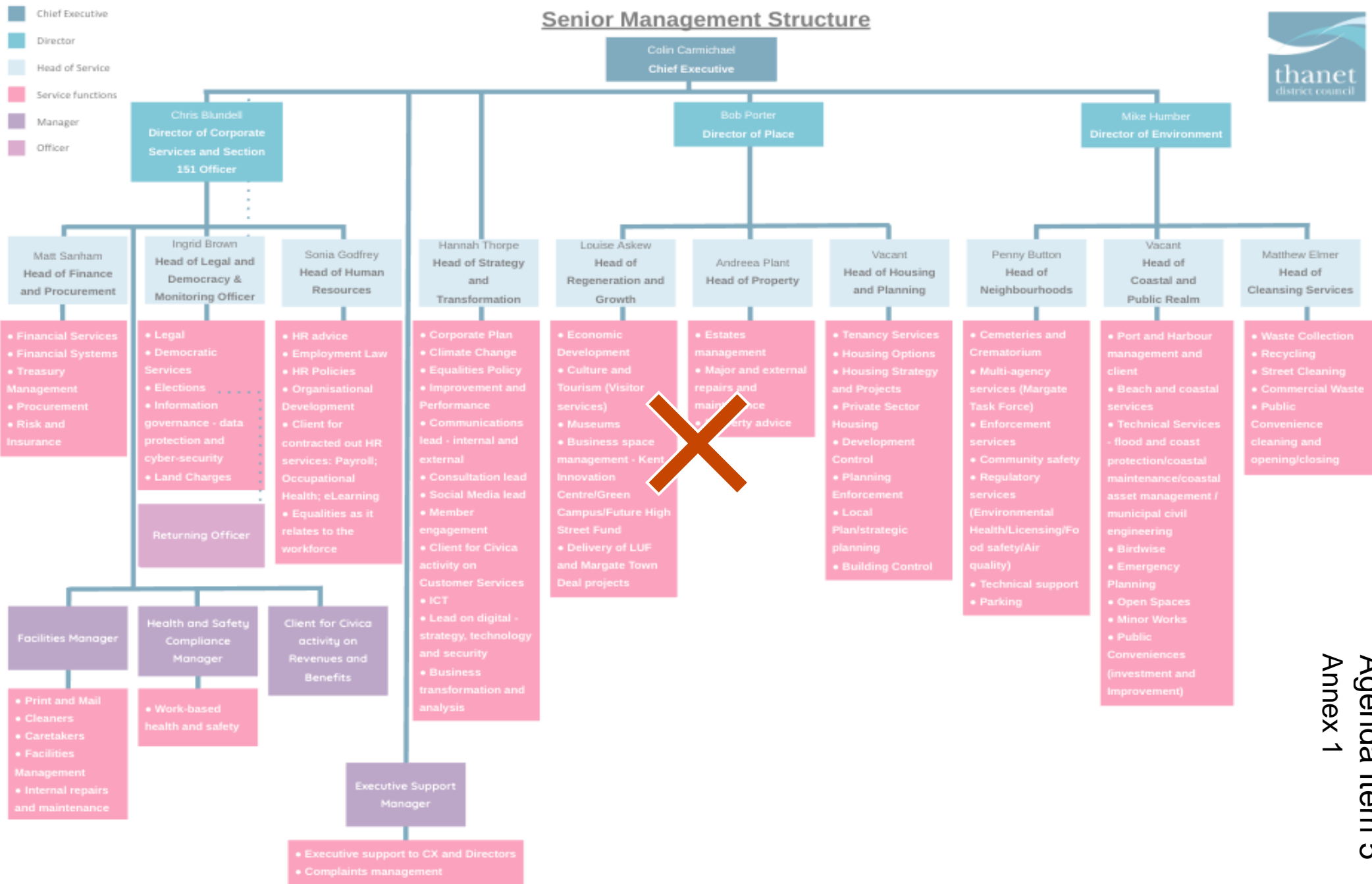
Date	Reviewer	Version	Description of Revision

**Appendices**

**Appendices**

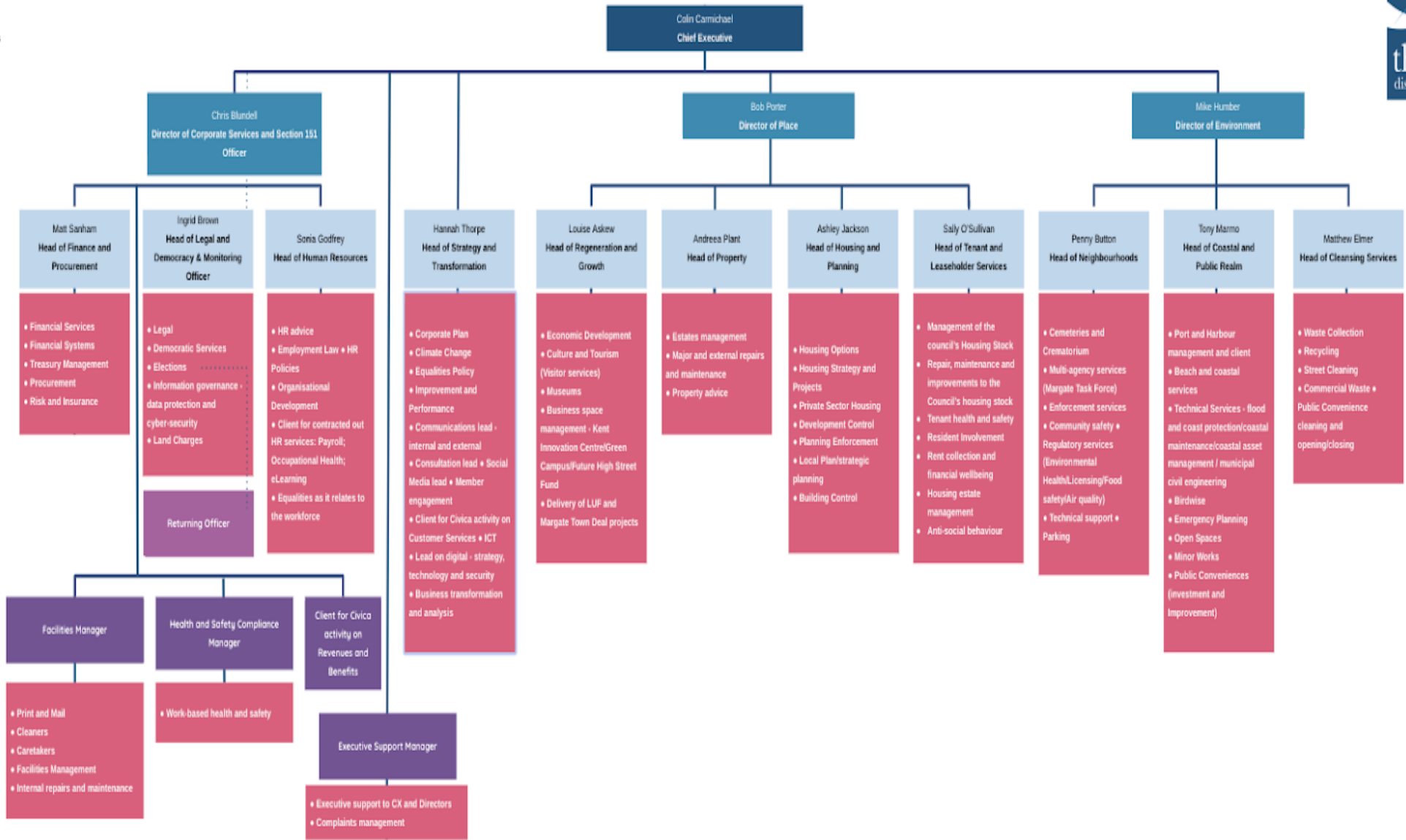
**Appendix 1 Structure of Senior Management**

# Senior Management Structure



## Senior Management Structure

- Chief Executive
- Director
- Head of Service
- Service functions
- Manager
- Officer



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Thanet District Council (TDC) Equality Impact Assessment

Step one: test for relevance

1 Person responsible for this assessment

Name:	Stewart Bundy (Health and Safety Compliance Officer)		
Job title:	Health and Safety Compliance Officer		
Phone:	Mob: 07881 319834		
Service area:	Operational Services	Date of assessment:	29/11/2023

2 Others involved in carrying out the analysis

Name:	Rebekah Sexton (Health & Safety Support Officer)
Name:	
Name:	

3. Description of strategy, policy, service, project, activity or decision

Title:	Corporate Health and Safety Policy
--------	------------------------------------

Is it new?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
A review of existing?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

3.1 Aims and objectives

**Consider:** what you are doing? why you are doing it? who will benefit?

The Health and Safety Policy updates and revises previous versions to reflect the current structure of the Council and to ensure compliance with recent health and safety guidance and best practice.

3.2 What outcomes are expected? Who is expected to benefit?

The policy sets out the Council's commitment to ensuring the highest standards of health, safety and wellbeing at all levels of the organisation and to ensure that Health and Safety is an integral part of our management culture. We will comply fully with all health and safety legislation.

## 4 Who is affected?

- 4.1 Which groups or individuals does the strategy, policy, service, project, activity or decision affect? For example, the Council, employees (including temporary workers), other public authorities, contractors, partner organisations, the wider community, others.

The policy covers all services of the Council and places responsibilities on the Chief Executive, Directors and Elected Members to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees and others who may be affected by the Council's work operations. All employees and everyone who uses Council services will benefit from the effective and efficient application of the Health and Safety Policy.

- 4.2 Does the strategy, policy, service, project, activity or decision relate to a service area with known inequalities? (Give a brief description).

This policy is for employees from and across all the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex and sexual orientation).

## 5 Equality Act 2010

How does the strategy, policy, service, project, activity or decision actively meet the public sector equality duties to:

**Eliminate unlawful discrimination** (including harassment, victimisation and other prohibited conduct)

The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristics. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures.

**Advance equality of opportunity** (between people who share a protected characteristic and people who do not share it)

The policy as a whole seeks to advance equality of opportunity for and between different protected groups.

**Foster good relations** (between people who share a protected characteristic and people who do not share it). Could it have an adverse impact on relations between different diverse groups?

The purpose and intended outcomes of the policy is to foster good relations between and across protected groups.

## 6 Priority

The following questions will help you to identify whether this 'service' is a high priority. Please answer all questions with particular reference to the protected characteristics; race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage and civil marriage/partnership and pregnancy and maternity.

# Agenda Item 5

## Annex 2

**Please provide a comment for each answer, providing evidence for your answer, regardless whether you have answered yes or no.**

Questions	Yes	No
1. Are there any particular groups who may have trouble accessing the 'service'?		No
<b>Comments:</b> All employees and everyone who uses Council services will benefit from the effective and efficient application of the Health and Safety Policy.		
2. Does your information suggest that some groups of people are less satisfied than others with this 'service'?		No
<b>Comments:</b> None known, that is specifically for a health and safety policy. The health and safety process involves the assessment of risk in relation to existing Council policies, plans and activities which are themselves subject to equalities assessments.		
3. Will this service have a significant impact on any of our residents?		No
<b>Comments:</b> The process of identifying and managing risk and taking steps to ensure the health and safety of people is continuous.		
4. Do you have any evidence that discrimination, harassment and/or victimisation could occur as part of this service?		No
<b>Comments:</b> Directors must ensure, so far as reasonably practicable, the health and safety and welfare at work of employees and of others who may be affected by Council work.		
5. Do you think the service will hinder communication and negatively impact relations between the organisation and its employees, residents, contractors or anyone else?		No
<b>Comments:</b> No, not at all		
6. Does this service need to improve the way in which it is communicated to people who have literacy, numeracy or any other access needs?	Yes	
<b>Comments:</b> Digitalisation is ongoing across the Councils services, however, many of our operational staff have literacy, numeracy needs, which has been raised by the H&S advisor to the Corporate Safety Group and additional support is being put in place to reduce or remove any potential negative impact(s), e.g infographics, group E-Learning.		
7. Does consultation need to be carried out?		No
<b>Comments:</b> The revised policy was developed in taking account of the feedback received from trade union representatives, staff safety meetings and from Service Directors. The draft policy was presented to the Council's Safety Committee on 29th of June 2023		

## Agenda Item 5

### Annex 2

In order to assess the priority of your **'service'** please complete the table below by adding up how many questions you answered yes to and following the appropriate action.

Priority	Number of questions answered 'yes'	Rating	Action
High	3 or more		Continue to section 2
Medium	1 to 2	1	Please provide evidence to any questions you answered 'yes' to in section 1. Test for relevance complete (sometimes a full assessment may be required).
Low	0		Test for relevance complete.

**If, following the completion of the test for relevance, a full assessment is not required, go straight to the declaration. If a full assessment is required, go to Step two: full equality impact assessment.**

**Step two: full equality impact assessment**

1 *Could the strategy, policy, service, project, activity or decision have a **negative, positive or neutral** effect on groups or individuals?*

**Consider:**

**What** you are doing?

**Why** you are doing it?

**How** you are doing it?

**Who** can access the service easily and who may not be able to access the service and **why**?

**The full analysis explores ways to reduce or eliminate barriers and/or negative impacts.**

Protected characteristics	N e g a t i v e	P o s i t i v e	N e u t r a l	Evidence/Reasoning  (Consider any barriers which will have negative impact and/or good practices giving positive impact)
<p><b>Age</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• The way younger and older people access services may be different</li> <li>• Use of technology</li> <li>• Child care/care of other dependant</li> <li>• Timings/flexibility, such as work patterns</li> <li>• Transport arrangements</li> <li>• Venue location</li> </ul>			<b>X</b>	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>
<p><b>Disability (Includes: physical, learning, sensory (deaf/blind), mental health)</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• Communication methods</li> <li>• Accessibility – venue, location, transport</li> <li>• Range of support needed to participate</li> <li>• Hearing Loops/Interpreters</li> <li>• Disability awareness training for employees</li> </ul>		<b>X</b>		<p><b>Recommendations:</b></p> <p>The policy will have a positive impact - in that it ensures staff have specialist equipment if needed because of a disability to carry out their roles.</p> <p>Where colleagues have a specific reasonable adjustment we work directly with the individual, to ensure that we are able to identify and remove any negative impact changes to their workspace they may potentially have.</p> <p>The policy ensures Personal Evacuation Plans are put in place for certain staff.</p>
<p><b>Race (Includes; gypsy, travelling, refugee and migrant communities)</b></p> <p><b>Consider:</b></p>			<b>X</b>	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>

<ul style="list-style-type: none"> <li>• The size of the BME communities that your service/project affects.</li> <li>• Language(s) spoken/understood.</li> <li>• Culture, such as hygiene, clothing, physical activities, mixed gender activities.</li> <li>• What access support can you offer?</li> </ul>			
<p><b>Religion, faith or belief</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• The diversity within the communities that your service/project affect</li> <li>• Prayer times, meal times, food (some religions do not eat meat), cultural habit or belief, religious holidays such as Ramadan</li> <li>• Awareness training for employees</li> </ul>		X	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>
<p><b>Pregnancy and maternity</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• Flexible hours of the service/project</li> <li>• Is there access to private area for breastfeeding mothers?</li> </ul>		X	<p><b>Recommendations:</b></p> <p>This policy has a positive impact on pregnant women - through the policy it ensures that the appropriate risk assessments etc are carried out by managers. This policy promotes that individuals will be supported by HR/Health &amp; Safety and their line managers during this period to determine any additional requirements. This will be on a case-by-case basis.</p>
<p><b>Gender</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• The impact on men and women</li> <li>• Child care/care of other dependant</li> <li>• Mixed/single gender groups/activities</li> <li>• Timing of services/projects</li> </ul>		X	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>
<p><b>Sexual orientation (Includes: lesbian, gay, bisexual)</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• LGB people should feel safe to disclose their sexual orientation without fear of prejudice</li> </ul>		X	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>

<ul style="list-style-type: none"> <li>• Make it clear you recognised civil marriage and partnerships</li> <li>• Awareness training for employees</li> </ul>				
<p><b>Transgender</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• Trans people should be able to disclose their gender identity without fear of prejudice</li> <li>• Making it clear you have a Trans policy and process</li> <li>• Awareness training for employees</li> </ul>			<b>X</b>	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>
<p><b>Marriage and civil marriage/partnership</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• All couples or partners, regardless of gender, should be able to access services</li> </ul>			<b>X</b>	<p><b>Recommendations:</b></p> <p>It is not considered that the policy will have the potential for impact on this protected group(s)</p>

<b>Outsourced services</b>	
<p>If your policy/process is partly or wholly provided by external organisations/agencies (such as Civica or Capita), please list any arrangements you plan to ensure that they promote equality and diversity. Include this in your improvement plan</p>	<p>That all reasonably practicable steps are taken to ensure the health, safety and welfare at work of all its employees and that the Council's responsibilities in respect of persons other than its employees are met.</p>
<b>Relations between different equality groups</b>	
<p>Does your assessment show that a strategy, policy or process may amount to potential adverse impact between different equality groups? If yes please explain how the improvement plan is going to tackle this issue</p>	<p>All employees and everyone who uses Council services will benefit from the effective and efficient application of the Health and Safety Policy.</p>
<b>Consultation responses</b>	
<p>Summary of replies from individuals and stakeholders consulted including any previous complaints on equality and diversity issues about the strategy, policy or process</p>	<p>The revised policy was developed in taking account of the feedback received from trade union representatives, staff safety meetings and from Service Directors.</p>

# Agenda Item 5

## Annex 2

Summary of recommendations		
Actions	By Who	By When

**Declaration**


I am satisfied that a Test for Relevance has been carried out on the matter named in this Analysis and conclude that a full Equality Impact Assessment **is not required**.

Yes  No

If you do not think that a full Equality Impact Assessment is required – please give your reasons:

I confirm that a full Equality Impact Assessment has been completed.

Yes  No

Signature of Head of Service:	Date: 18/07/2023
	

Recommendations agreed:	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Signed: (Director):	EIA date:
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## Extension of Dog Control Public Space Protection Order

<b>Meeting</b>	Overview and Scrutiny 26th September 2023
<b>Report Author</b>	Penny Button Head of Neighbourhoods
<b>Portfolio Holder</b>	Cllr Keen, Neighbourhoods
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Yes
<b>Reasons for Key</b>	Significant effect on communities
<b>Ward:</b>	All Wards

### Executive Summary:

The Public Space Protection Order for Dog Control was originally approved in October 2017 and was amended and extended in October 2020 for three years in accordance with the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

This extension expires in October 2023 and this report is requesting a further extension for 3 years until 25 October 2026 in accordance with Section 60 of the Act.

### Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

1. Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 19 October 2023.

### Corporate Implications

#### Financial and Value for Money

The extension of the Public Space Protection Order for Dog Control will not have an additional financial impact as the educational campaign, raising public awareness and signage are covered by existing budgets.

#### Legal

The Public Space Protection Order was made under the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

Section 59 of the Act gives the local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met. The local authority made the initial Order on the 25th October 2017.

Section 60 of the Act allows the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:

- occurrence or recurrence after that time of the activities identified in the order, or
- an increase in the frequency or seriousness of those activities after that time.
- An extension under this section—

(a) may not be for a period of more than 3 years;

(b) must be published in accordance with regulations made by the Secretary of State.

- A public spaces protection order may be extended under this section more than once.

## **Risk Management**

The Public Space Protection Order for Dog Control places restrictions on how open spaces can be used. The order bans dog fouling, restricts when dogs can be taken on open space and when they should be kept on leads. There is a risk that such an order could be subject to legal challenge, this is unlikely as this order has been in place for 3 years without challenge. Failure to extend this Order will put the viability of Thanet's blue flag awards at risk as control of dogs is one of the key criteria for the blue flag award.

## **Corporate**

The Public Space Protection Order for dog control supports the Council Corporate Statement 2019-2023 priority of Communities.

## **Equality Act 2010 & Public Sector Equality Duty**

Whilst the Public Space Protection Order applies to all and therefore does not discriminate against those with protected characteristics the statutory guidance associated with the enforcement of the order does recognise that certain protected characteristics should be considered when undertaking enforcement.

## **Corporate Priorities**

This report relates to the following corporate priorities: -

- *Communities*

## **1.0 Introduction and Background**

1.1 A Public Spaces Protection Order (PSPO) is not the same as a byelaw. PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. To justify a PSPO there has firstly to be evidence of a nuisance, and secondly that the effect (or the likely effect) of the activities is of a persistent nature making the behaviour unreasonable and rendering the notice justified.

1.2 It does this by imposing conditions on the use of that area, which apply to everyone. Orders are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from antisocial behaviour.

- 1.3 In 2017 Thanet District Council consulted on a new dog fouling and dog control Public Space Protection Order which covered dog fouling, dog exclusion and dog control, this was subsequently adopted 25th October 2017 and extended for three years until 25th October 2023.
- 1.4 Public Space Protection Orders are valid for 3 years after which they have to be extended. Such an extension can only be granted if criteria (See Annex 4) have been met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity.

## **2.0 The Current Situation**

- 2.1 The existing Public Space Protection Order has been in place since October 2020 following an agreed extension to the 2017 Order. This has continued to have a positive impact and helped prevent detrimental effects of the quality of the districts coastal water, the quality of cleanliness on Thanets 10 blue flag and seaside award winning beaches, protection of our coastline, cemeteries and playgrounds. The order has helped protect the diversity of bird populations and wildlife at Pegwell Bay upper chalk shore, mudflats and saltmarsh. The order has protected the quality of public health and welfare through enforcement which has been helping promote cleaner beaches, parks, churchyards and fenced playgrounds.
- 2.2 Residents and visitors have understood the traffic light system which controls dog exclusion areas, and the maps have been published on-site, on social media, websites and newspapers to show where you can walk your dog. Continuing with the current traffic light system will keep consistency of understanding and continue the clear message. Various residents and groups have shared the dog code and it has been used positively.
- 2.3 Every season dog code leaflets and signs are distributed to dog walkers, bay inspectors, tourist offices, beach shops, cafes and restaurants. Ensuring the traffic light system stays in use for a further three years will provide further consistency and ensure the understanding of the PSPO is further imbedded into the community.
- 2.4 Engagement, education and ultimately enforcement of the PSPO is required to ensure that it is followed. This will be undertaken by Thanet District Councils Foreshore Officers, Dog Warden Service, Enforcement Education Officer, PCSOs and other council authorised representatives. Targeted patrolling of problem areas to take place as at present, offering leaflets and advice to dog walkers. Fixed Penalty Notices to be issued immediately to dog fouling or dog control offenders, and to repeat offenders for dog exclusion zones. Education and advice through stencils and signage district initiatives to be continued as at present. Beach signs are clearly posted and available to view on the TDC webpage showing the PSPO Map, and are also present at every relevant bay and beach in the district.

## 3.0 Options –

- 3.1 Consider any representations to Cabinet in advance of its meeting on 19 October 2023.

## 4.0 Next Steps

- 4.1 This will now be taken to the 19th October 2023 Cabinet meeting for adoption.

Contact Officer: *Eden Geddes (Enforcement & Multi Agency Task Force Manager)*  
Reporting to: *Penny Button Head of Neighbourhoods*

### Annex List

*Annex 1: TDC Dog PSPO*  
*Annex 2: Blue Flag Criteria Criterion 23*  
*Annex 3: Section 60 of the Act*

### Background Papers

Title: [Original 2020 Public Space protection order](#)

### Corporate Consultation

**Finance:** *Chris Blundell (Director of Corporate Services - Section 151)*  
**Legal:** *(Sameera Khan - Interim Head of Legal & Monitoring Officer)*

The Anti-social Behaviour, Crime and Policing Act 2014  
The Public Spaces Protection Order – (Thanet District Council)  
2020

Thanet District Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on the 25 October 2020 for a period of 3 years.

**Offences**

**1. Fouling**

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

- a) has reasonable excuse for failing to do so;
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

**2. Leads by Order**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority they do not comply with a direction given to them by an authorised officer of the Authority to put and keep the dog on a lead unless

- a) has reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to wildlife or another animal.

### **3. Leads**

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in schedule 1, and 2 below they do not keep the dog on a lead unless

- a) has reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

### **4. Dog faeces Receptacle**

If within a public place in the administration area of the Authority a person who owns or is in in charge of a dog must have a suitable dog faeces receptacle to remove dog faeces, on their person, if the person does not have in their possession a suitable dog faeces receptacle, that person shall be guilty of an offence unless

- a) has reasonable excuse for failing to do so;
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

### **5. Exclusion**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in schedule 3 unless

- a) has reasonable excuse for failing to do so;
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## 6. Failing to protect wildlife

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority, they fail to protect wildlife by allowing dog(s) and humans to interfere with, trap or attempt to trap or snare, chase or disturb any wildlife on council owned or controlled land.

## 7. Exemptions

Nothing in this order shall apply to a person who –

a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948

b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance

c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

### For the purpose of this order –

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Thanet District Council who is authorised in writing by Thanet District Council for the purposes of giving directions under the Order.
- Each of the following is a “prescribed charity”

1. Dogs for the disabled (registered charity number 700454)
2. Support Dogs Limited (registered charity number 1088281)
3. Canine Partners for Independence (registered charity number (803680

## 8. Penalty

A person who is guilty of an offence under this order without reasonable excuse shall be liable a £100 on the spot (a 'Fixed Penalty Notice') or if it goes to court a summary conviction to a fine not exceeding level 3 on the standard scale

### Schedule 1

#### The Keeping of Dogs on a Lead between the hours of 10am to 6pm from 1st May to 30th September

This order applies to all land described below, which includes Blue Flag & Seaside Award beaches:

Location	Geographical Area
Louisa Bay	Broadstairs
Walpole Bay	Cliftonville
Westbrook Bay	Margate

### Schedule 2

#### The Keeping of Dogs on a Lead 24 hours a day all year round

This order applies to all land described below:

Location	Geographical Area
Pegwell Bay (Upper Chalk Shore)	Ramsgate
Ramsgate Cemetery	Ramsgate
St George's Church yard	Ramsgate
St Peter's Church yard	Broadstairs



Margate Cemetery	Margate
St John's Church yard	Margate
All Saints	Birchington

**Schedule 3**

**Dog Exclusion Areas**

**Seasonal exclusion of dogs from 1<sup>st</sup> May to 30<sup>th</sup> September**

<b>Location</b>	<b>Geographical Area</b>
Minnis Bay	Birchington
Viking Bay	Broadstairs
Margate Main sands	Margate
Ramsgate Main sands	Ramsgate

**Seasonal exclusion of dogs between the hours of 10am and 6pm from  
1<sup>st</sup> May to 30<sup>th</sup> September**

West Bay	Westgate
St Mildred's Bay	Westgate
Botany Bay	Broadstairs
Joss Bay	Broadstairs
Stone Bay	Broadstairs

**Ramsar & SSSI beach – All year round exclusion of dogs**

<b>Location</b>	<b>Geographical Area</b>
Pegwell Bay (mudflats & saltmarsh and upper chalk)	Ramsgate

**Designated Fenced children's play areas – All year round exclusion of dogs**

<b>Location</b>	<b>Geographical Area</b>
Princess Margaret Avenue	Ramsgate
Lancaster Gardens	Ramsgate
Stirling Way	Ramsgate

Nethercourt Park	Ramsgate
Coleman Crescent	Ramsgate
King George VI	Ramsgate
Boundary Road	Ramsgate
La Belle Alliance	Ramsgate
Conygham close	Ramsgate
Prestedge Avenue	Ramsgate
St Peters Recreation	Broadstairs
Jacky Bakers	Ramsgate
Courtstairs Park	Ramsgate
Warre Recreation	Ramsgate
Ellington Park	Ramsgate
Cliffsend Play area	Ramsgate
Minnis Bay	Birchington
Crispe Park	Birchington
Birchington Recreation	Birchington
Dane Park	Margate
Dane Valley Road	Margate

Agenda Item 6  
Annex 1

Laleham Road	Margate
Swinford Gardens	Margate
Northdown Park	Margate
Hartsdown Park	Margate
Garlinge Recreation	Margate
Tivoli Park	Margate
Lymington Road	Westgate

Viking Play area	Cliftonville
Dalby Square	Cliftonville
Memorial Park	Broadstairs
Pierremont Park	Broadstairs
Vincent Close	Broadstairs

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### BLUE FLAG BEACH CRITERIA AND EXPLANATORY NOTES 2017



#### INTRODUCTION

The Blue Flag programme for beaches and marinas is run by the international, non-governmental, non-profit organisation FEE (the Foundation for Environmental Education). The Blue Flag programme was started in France in 1985. It has been operating in Europe since 1987 and in areas outside of Europe since 2001, when South Africa joined. Today, Blue Flag has become a truly global programme with an ever-increasing number of countries participating in the programme.

The Blue Flag programme promotes sustainable development in freshwater and marine areas. It challenges local authorities and beach operators to achieve high standards in the four categories of: water quality, environmental management, environmental education and safety. Over the years, the Blue Flag has become a highly respected and recognised eco-label working to bring together the tourism and environmental sectors at local, regional and national levels.

The explanatory notes given in this document make up the common and shared understanding of the Blue Flag beach criteria and the requirements for the implementation thereof. The explanatory notes provide details on the measurement and management of compliance with the Blue Flag beach criteria.

The criteria are categorised as either imperative or guideline. Most beach criteria are imperative, i.e. the beach must comply with them in order to be awarded Blue Flag accreditation. If they are guideline criteria, it is preferable that they are complied with, but not mandatory.

It must be emphasised that the Blue Flag beach international criteria in this document are the minimum criteria. A national operator can choose to have stricter criteria to what is outlined here.

These beach criteria and explanatory notes are to be used by all Blue Flag applicants in order to understand the requirements that must be met before a beach can receive Blue Flag accreditation. For guidance purposes, this document should also prove valuable for the management of those beaches already accredited with Blue Flag status. The beach criteria and explanatory notes also serve as a guide for the National, Regional and International Blue Flag Juries when making decisions about a Blue Flag beach candidate.

During the Blue Flag season the flag must fly at the beach. The flag is both a symbol of the programme being run at the beach but also an indication of compliance. The flag may either be flown 24 hours a day during the Blue Flag season, or only during the hours when the beach meets all the Blue Flag criteria. In the case of the former, there must be adequate signage indicating the time when services (eg life-saving), and facilities (eg toilets) are in operation.

If a beach that has Blue Flag accreditation does not comply with the Blue Flag criteria, the flag may be permanently or temporarily withdrawn from the beach. There are several degrees of non-compliance:

1. A **minor** non-compliance is where there is a problem with only one criterion of minor consequence to the health and safety of the beach user or to the environment. When minor compliance occurs and can be immediately rectified, the flag is not withdrawn and the non-compliance is only registered in the control visit report. If however, a minor

# Agenda Item 6

## Annex 2

compliance cannot be fixed immediately, the beach is given 10 days in which to comply fully with all criteria. The flag is withdrawn until all problems are rectified and it is noted on the Blue Flag homepage.

2. **Multiple non-compliances** relates to non-compliance of two to three criteria but of minor consequence to the health and safety of the beach user or to the environment. When multiple non-compliances occur, the beach is given 10 days in which to comply fully with all criteria, the flag is withdrawn until all the problems are rectified and the homepage is updated accordingly.
3. **Major non-compliance** is where the beach does not comply with one or several criteria, the result of which can have consequence to the health and safety of the beach user or to the environment, as well as the general perception of the beach and therefore the Programme. When met with major non-compliance, the flag is withdrawn immediately and for the rest of the season. The site is registered as 'withdrawn' on the Blue Flag homepage, and the beach information board should clearly indicate that Blue Flag status has been withdrawn.

In all cases of non-compliance, the National Operator must immediately inform the local authority/beach operator about the observed areas of non-compliance. Information about the reason for a withdrawal of the flag must be posted clearly at the beach. The local authority/beach operator must inform the National Operator of re-compliance with the criteria and present the appropriate documentation needed. The flag can then be raised at the beach again. The National Operator should also consider a follow-up control visit to check that the beach does comply. In the event that the local authority/beach operator does not ensure and document re-compliance with the criteria within 10 days, the National Operator must ensure that the Blue Flag is withdrawn for the rest of the season at the beach.

In the event that conditions on the beach change and the flag has to be temporarily withdrawn, e.g. when climatic events cause damage to the beach or an emergency arises, the beach management must inform the National Operator that the flag has been temporarily withdrawn and the international website must be changed accordingly.

Apart from updating the Blue Flag homepage of the status of the beach, the National Operator must inform the International Coordination about the non-compliance. If the non-compliance is noted by an international controller, the National Operator has to give feedback to the International Coordination within 30 days.

The applicant for Blue Flag accreditation is the authority charged with responsibility for the beach. This may be a local municipality, private hotel, national park, or private beach operator. A beach may be eligible for Blue Flag accreditation if it is a designated bathing area and it has the necessary facilities and services to comply with the Blue Flag criteria.

A beach must be accessible in order to be eligible for Blue Flag accreditation. It is preferable that beach users be granted free access to a Blue Flag beach, i.e. to use the beach and its facilities without paying a fee. Blue Flag, however, recognises that at some beaches, e.g. private beaches, members of the public are charged a small, reasonable fee to access the beach. Other payments may be levied for services in the area, e.g. for parking or hiring of equipment.

FEE, and the National Operator in a country, reserves the right to refuse or withdraw Blue Flag accreditation from any beach where the local authority/beach operator is responsible for violations of national environmental regulations or otherwise acts in discord with the objectives and spirit of the Blue Flag programme. Blue Flag beaches are subject to announced and/or unannounced control visits by FEE International.

### **ENVIRONMENTAL EDUCATION AND INFORMATION**

Each beach must have at least one Blue Flag information board in place containing all the information as required by the criteria listed below. For long beaches it is recommended to install more than one Blue Flag information board (approximately one every 500 metres). All Blue Flag information boards must follow national standards with respect to information, content and design. These Blue Flag information boards must be in place at all Blue Flag beaches.

**Criterion 1. Information about the Blue Flag programme and other FEE eco-label must be displayed.**

Information about the Blue Flag programme must be displayed on the Blue Flag information board. The correct Blue Flag logo must be used, in accordance with the FEE branding guidelines. The essence of each of the four categories of the Blue Flag criteria must be explained in this information. The length of the Blue Flag season must also be included.

The information could furthermore be posted at other locations, e.g. at major access points, lifeguard stations, other beach facilities, or in parking areas. Tourist information offices should also have information about the Blue Flag programme.

Contact details for the local, national and international Blue Flag representatives should be posted as well.

In areas of international tourism, it is recommended that the information be provided in relevant languages.

In the event that the flag is temporarily withdrawn, information must be posted at the beach informing the public as to the reasons why the flag was withdrawn.

Blue Flag beaches must promote the Green Key programme as another eco-label run by FEE with a message such as: "Along with the Blue Flag, the Foundation for Environmental Education also develops another eco-label for accommodations: Green Key. Find more information at: [www.greenkey.global](http://www.greenkey.global) (or the national Green key website of the country)"

*Appendix B provides an example of how the Blue Flag information can be presented.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 2. Environmental education activities must be offered and promoted to beach users.**

Environmental education activities promote the aims of the Blue Flag programme by:

- increasing the awareness of, and care for, the local environment by recreational users and residents.
- training personnel and tourist service providers in environmental matters and best practice methods.
- encouraging the participation of local stakeholders in environmental management within the area.
- promoting sustainable recreation and tourism in the area.
- promoting the sharing of ideas and efforts between the Blue Flag programme and other FEE programmes (YRE, LEAF, Eco-Schools and Green Key).

# Agenda Item 6

## Annex 2

The planned environmental education activities for the coming season must be included in the application documents, as well as a report on activities carried out during the previous Blue Flag season (if applicable).

There must be at least five different activities offered in the municipality or community - preferably during the Blue Flag season. The activities should focus on the environment, environmental issues, Blue Flag issues or sustainability issues. At least some of the activities should be carried out at the beach and have a direct focus on the beach environment.

The education activities should be effective and relevant, and each year, the local authority should re-evaluate the activities that were implemented and work towards constantly improving them.

Where the planned environmental education activities are of interest to, and involve, the general public or beach users these activities must be promoted in good time to inform the public about these opportunities. Such activities could also be promoted on the Blue Flag information board, in other areas in the beach area, in local centres, in newspapers and other media.

The environmental education activities must be clearly disseminated to the public. Preferably, the activities should be posted on the common information board. However, dissemination could be an updatable list posted at the kiosk or clubhouse, an SMS service or other means of communication. Whatever the platform for dissemination is, it has to be stated on the information board where to find out more about the activities.

Local authorities/beach operators are encouraged to implement and/or support sustainable development projects in which public participation is a key element, e.g. Local Agenda 21 initiatives.

If specific sensitive natural areas (including Marine Protected Areas) exist near a Blue Flag beach (e.g. mangroves or sea grass beds), it is strongly recommended that some of the education activities address these sensitive natural areas.

Examples of good educational activities can be downloaded from the internal pages of the Blue Flag international website ([www.blueflag.org](http://www.blueflag.org)).

*Appendix C provides further background on the environmental education activities.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **Criterion 3. Information about bathing water quality must be displayed.**

Bathing water quality information must be displayed on the Blue Flag information board. It is recommended that a table or figure with easily identifiable symbols that correspond to the results be used. The information should also clearly explain how the water quality results relate to the imperative criteria for water quality, with specific reference to sampling frequency and the conditions under which Blue Flag status can be withdrawn.

The authority in charge of providing the bathing water quality results must do so shortly after the analysis so that the data can be updated regularly. It is the responsibility of the local authority to ensure that the beach operator/beach management posts the information no later than one month after the sampling date. The complete and detailed data must be made available by the local authority to anybody upon request.



# Agenda Item 6

## Annex 2

*Appendix D provides an example of how this information could be presented.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 4. Information relating to local eco-systems and environmental phenomena must be displayed.**

The aim of this criterion is to ensure that beach users are well informed and educated about relevant environmental phenomena (including valuable cultural sites/communities), local ecosystems and any sensitive areas in the surrounding environment so that they are encouraged to learn about and experience the environment in a responsible way.

Where appropriate, information about coastal zone ecosystems, wetland areas, unique habitats or any sensitive natural areas must be displayed at or close to the Blue Flag beach. The information should include details about the natural area and a code of conduct for visitors to the area. If the full information is not available on the Blue Flag information board, there should at least be a short notice on the board informing the public about the nearby sensitive area and where they can find further information.

Relevant environmental information could furthermore be displayed at tourist sites, at the natural areas, or in tourist information offices. The information can be published in tourist brochures, local newspapers or pamphlets created specifically for this purpose. In areas that are visited by a high number of tourists, it is recommended that the information be presented in more than one way, as listed above, and it should be presented in relevant languages.

In the case of sensitive underwater environments, specific information about these areas must be provided for divers and snorkelers.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 5. A map of the beach indicating different facilities must be displayed.**

A map showing the boundaries of the Blue Flag beach area and the location of key facilities and services must be posted on the Blue Flag information board. The map should be of good quality, easy to read and properly orientated.

Pictograms should preferably be used.

The required map elements (where applicable) should show the location of:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- “You are here” pointers</li> <li>- lifeguards or lifesaving equipment</li> <li>- the area patrolled (for beaches with lifeguards)</li> <li>- first aid equipment</li> <li>- telephones</li> <li>- toilets (including toilets for disabled people)</li> <li>- drinking water</li> <li>- car and bicycle parking areas</li> </ul> | <ul style="list-style-type: none"> <li>- authorised camping sites at/near the beach</li> <li>- recycling facilities</li> <li>- location of water sampling point(s)</li> <li>- access points and access for disabled persons</li> <li>- zoning (swimming, surfing, sailing, boating, etc.) where applicable</li> </ul> |
|--|---|

# Agenda Item 6

## Annex 2

- nearby public transport
- footpaths
- demarcation of Blue Flag area
- location of other information boards
- rivers and inflows
- local landmarks (where applicable)
- storm water outlets
- nearby natural sensitive areas, etc.
- direction (North)
- scale bar

For guidelines on the design and suitability of maps of Blue Flag beaches, visit [www.blueflag.org](http://www.blueflag.org).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **Criterion 6. A code of conduct that reflects appropriate laws governing the use of the beach and surrounding areas must be displayed.**

The code of conduct should address the activities of beach users and their conduct on the beach. The beach code of conduct must be displayed on the Blue Flag information board. The information could furthermore be posted at other locations, e.g. at all major entrance points, near to the issue concerned (i.e. a No Diving sign on a pier) or as information at the relevant sites. Internationally recognised symbols, e.g. pictograms should be used wherever possible.

The code of conduct should include rules about the presence of domestic animals, zoning, fishing, litter management, the use of vehicles, camping, fires, etc.

Laws governing beach usage and management should be available to the public at the office of the local authority/beach operator.

The period when the lifesaving equipment and/or lifeguards, and first aid are available must be clearly marked on the Blue Flag information boards and at the lifeguard station. An explanation of the emergency flag system in use must also be provided.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **WATER QUALITY**

The Blue Flag programme requires that beaches achieve excellent bathing water quality. The bathing water quality standards have been based on the most appropriate international and national standards and legislation.

Blue Flag is an international eco-label and it therefore has one minimum global standard for water quality. The standards described here for bathing water quality for beaches must be adopted unless stricter national standards are already in existence, e.g. testing for total coliform bacteria. In that case, the beach must comply with the more demanding national standards for bathing water quality.

#### **Criterion 7. The beach must fully comply with the water quality sampling and frequency requirements.**

A Blue Flag beach must have at least one sampling site and this must be located where the concentration of bathers is highest. In addition, where there are potential sources of pollution, e.g. near streams, rivers or other inlets, storm water outlets, etc. additional samples must be taken at these sites to provide evidence that such inflows do not affect bathing water quality.

Samples for microbiological and physical–chemical parameters must be taken.

Similarly, in the case of inland waters where the water is supplemented by outside sources during dry periods, the water quality of the outside source must meet the Blue Flag bathing water quality standards.

Samples should be taken 30 cm below the water surface except for the mineral oil samples that should be taken at surface level.

#### **How often a sample must be taken?**

There must be no more than 31 days between samples during the Blue Flag season. The Blue Flag programme does not accept applications from beaches, irrespective of the length of the Blue Flag season, where less than five samples have been taken. I.e. a minimum of five samples must be taken evenly spread out during the season. The first sample must be taken within 31 days before the official starting date of the Blue Flag season.

When sample results raise concern of a possible increase in levels of pollution, it is recommended to temporarily increase the sampling frequency in order to track any possible pollution incident.

In the event of short-term pollution, one additional sample is to be taken to confirm that the incident has ended. This sample is not part of the set of bathing water quality data. If necessary to replace a discarded sample, an additional sample is to be taken seven days after the end of the short-term pollution. Discounting of samples because of short-term pollution during the last assessment period is allowed for maximum 15% of the total number of samples provided for in the monitoring calendar established for that period, or one sample per bathing season, whichever is the greater.

When calculating 15% of the total number of samples provided for that period, the result must be rounded up or down.

The rule is:

Anything lower or equal to ,49 should be rounded down (for example: a result of 2,49 gives a possibility of discounting 2 samples).

Anything higher or equal to ,50 should be rounded up (for example: a result of 2,50 gives a possibility of discounting 3 samples).

Both the original and the re-samples have to be sent as a dispensation case to the International Jury for the evaluation (see Appendix A on dispensation cases).

In case of an oil spill, abnormal weather or other extreme factors which can have a serious adverse effect on the quality of the bathing water or the health of the bathers, the beach manager must temporarily take down the flag and clearly state the reason on the information board. It is recommended that the wording of this information is along the lines: "This beach has recently experienced abnormal weather/extreme factor. Swimming is not recommended at this time due to the possibility of pollution/danger to the bathers."

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 8. The beach must fully comply with the standards and requirements for water quality analysis.**

An independent person, officially authorised and trained for the task, must collect the samples.

An independent laboratory must carry out the analysis of the bathing water samples. The laboratory must be nationally or internationally accredited to carry out microbiological and physical-chemical analyses.

In the event that the sampler or the laboratory is not independent, at the time of application a dispensation must be requested and details provided as to why this is required, e.g. in some cases beaches are substantial distances away from the services necessary to meet this requirement.

**Methods of analysis:**

In the interest of increased quality and comparability of the bathing water quality data used for the evaluation of candidates for the Blue Flag, FEE finds that methods of analysis that ensure a certain trueness, reproducibility, repeatability and comparability between methods should be used. FEE follows European (CEN) or International (ISO) standards in its recommendations regarding parameters and acceptable methods of analysis.

Water quality results must be given to the National Operator as soon as they are made available but not later than one month after the sample has been taken.

A sampling calendar must be established prior to the start of the bathing season. Sampling must take place no later than four days after the date specified in the sampling calendar unless there are exceptional circumstances preventing this. In such a case, the National Jury must submit the beach as a dispensation case to the International Jury (see Appendix A for more information on dispensation cases).

**Sampling history:**

The water quality results for the previous four seasons must accompany all applications. In order to be eligible for the Blue Flag, the beach must show - through these reports - that the bathing

# Agenda Item 6

## Annex 2

water quality standards were met in the previous seasons.

For new countries or new beaches, results from a minimum of 20 samples taken within the proposed Blue Flag season must be available for Blue Flag accreditation to be considered. The sampling history may be taken in one Blue Flag season in order to be able to apply the following year. The applicant beach may also choose to take fewer samples and wait to apply when 20 samples have been collected (for example taking 10 samples in year 1, 10 more in year 2 and applying in year 3). Remember that a minimum of 5 samples has to be taken per Blue Flag season, and that the sampling frequency detailed in criterion 7 must be respected.

The water quality information of the current season must be posted on the Blue Flag information board, in accordance with Criterion 3. *See Appendix D for a recommendation for presenting water quality information on Blue Flag beaches.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 9. No industrial, waste-water or sewage-related discharges should affect the beach area.**

A bathing water profile must be compiled for every Blue Flag beach. A bathing water profile includes identification of potential sources of pollution, a description of the physical, geographical and hydrological characteristics of the bathing water, as well as assessment of the potential for cyanobacteria and algae formation.

It is recommended that there should not be any discharge of industrial, urban wastewater or sewage-related discharges into the Blue Flag area or immediate buffer zone/surrounding area. In the event that there are discharge points in the area of the beach, these must be documented at the time of application.

Where identified, combined sewage overflow discharges or other urban/industrial waste water discharges are within, or immediately adjacent to, the proposed award area, information to warn the public that there is an intermittent discharge which could, in the short term, impact the bathing water quality must be provided.

The collection, treatment and discharge of urban wastewater in the community must meet national/ international standards and comply with national/international legislation. For the countries in EU, there are requirements for the treatment and effluent quality given in the EU Urban Waste Water Treatment Directive (91/271/EEC). A number of new EU countries have been granted dispensation from the EU Directive. Regardless of national/ international standards and legislation, this waste-water or any discharges must not negatively affect the environment or compromise the water quality standards of a Blue Flag beach.

Regarding industrial pollution, notification must be given about industrial facilities and plants in the vicinity of the beaches stating their likely influence on the environment. Moreover, the appropriate authorities must confirm in writing that the area is being monitored to ascertain the environmental impacts of nearby industrial facilities and confirm that the facilities do not pose a public health risk or environmental hazard.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 10. The beach must comply with the Blue Flag requirements for the microbiological parameter Escherichia coli (faecal coli bacteria) and intestinal enterococci (streptococci)**

The microbiological parameters to be monitored are given below:

Parameter	Coastal and transitional waters Limit values	Inland waters Limit values
<b>Escherichia coli (Faecal Colibacteria )</b>	250 cfu/100 ml	500 cfu/100 ml
<b>Intestinal Enterococci (streptococci)</b>	100 cfu/100 ml	200 cfu/100 ml

- cfu = colony forming units (of bacteria)

**Accepted percentile:**

For the evaluation of an applicant beach the Blue Flag programme requires 95<sup>th</sup> percentile compliance of the above limit values. This is in accordance with the EU Bathing Water Directive 2006 as well as the recommendation of the World Health Organisation. The percentile has to be calculated for each parameter and also met for each parameter. For example, if the 95<sup>th</sup> percentile is below the limit values for Escherichia coli but not for Intestinal Enterococci then the beach cannot be awarded with the Blue Flag.

*Details on how to calculate the 95th percentile can be found in Appendix F. A calculation spreadsheet, however, is available on the internal pages of the Blue Flag homepage. All bathing water sample results should be entered into the spreadsheet and the percentiles will be calculated automatically. This sheet should be sent to the International Coordination with the application.*

For EU countries implementing the Blue Flag it is imperative that an applicant beach is classified as being 'Excellent'.

As stated previously, discounting of a sample may be considered in case of extreme (weather) conditions. Should this be necessary, applicant beaches must be sent in as dispensation cases. *See Appendix A for further details on dispensation cases.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 11. The beach must comply with the Blue Flag requirements for the following physical parameters.**

Water quality can also be affected by physical and chemical parameters such as oil and floatables:

- There must be no oil film visible on the surface of the water and no odour detected. On land the beach must be monitored for oil and emergency plans should include the required action to take in case of such pollution.
- There has to be an absence of floatables such as tarry residues, wood, plastic articles, bottles, containers, glass or any other substance.

Immediate action should be taken if abnormal changes are detected. This includes abnormal changes in the colour, transparency and turbidity of the water. Should physical and chemical

# Agenda Item 6

## Annex 2

pollution be detected repeatedly, the Blue Flag must be taken down for the remainder of the season and the beach will not be eligible for the Blue Flag the following year, unless the applicant fulfils the conditions for applying as a dispensation case.

Other tests can be conducted, such as the pH value of the water (its value ranges from 6 to 9 in most bathing waters).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**ENVIRONMENTAL MANAGEMENT**

**Criterion 12. The local authority/beach operator should establish a beach management committee.**

The beach management committee should be charged with ensuring compliance with all environmental management criteria, including Marine Protected Areas requirements if appropriate. The committee should consist of all relevant stakeholders at the local level. Relevant stakeholders could be a local authority representative, hotel manager, beach manager, lifeguard, educational representative, local NGO, and other stakeholders such as community representatives, special user groups, Marine Protected Area representative, etc.

The beach management committee should co-operate with and support the local authority/beach operator and could institute environmental management systems and conduct environmental audits of the beach and its facilities.

Where appropriate, a beach management committee may operate over a number of Blue Flag beaches within a local authority or an area/region, i.e. there is no need for a separate beach management committee for each individual Blue Flag beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
	All regions

**Criterion 13. The local authority/beach operator must comply with all regulations affecting the location and operation of the beach.**

Regulations pertaining to issues relating to coastal zone planning, environmental management, waste-water legislation, environmental legislation, and others must be met for the beach to receive and maintain Blue Flag status. The applicant must assure that the facilities and activities under its responsibility comply with these guidelines and/or regulations. The management of the beach location, facilities, beach operation and immediate surrounding area must comply with official development plans and planning regulations. The legislation may include regulations for land-use planning, sewage/industrial waste effluent discharge, environmental health regulations, conservation plans, operations licenses and permits, etc.

The location of facilities and use of the beach area and its vicinity must be subject to planning guidelines.

This includes environmental impact assessments. At the time of application for Blue Flag status, the applicant authority must provide written evidence from the planning department that all buildings on the beach meet local building regulations.

Existing beach facilities, construction and other use of the beach and its vicinity must be in compliance with laws regulating the use of the coastal zone or freshwater areas, including environmental conservation regulations. The back beach area including dunes, paths, and parking areas must be properly maintained according to coastal zone management principles.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	



### Criterion 14. Sensitive area management.

Some sites at/near the Blue Flag beach may be very sensitive and require special management. In these cases, the beach operator is strongly encouraged to consult an appropriate conservation organisation or expert for advice on how to manage these sites. Where areas require special management, at the time of application, the applicant must provide confirmation that this consultation has taken place and that a management plan will be implemented.

However, the sensitivity of certain areas may prevent them from being part of a Blue Flag beach or from having information posted at the beach directing people to the area. An increased number of visitors could endanger wildlife and/or habitats, e.g. using land space for the construction of facilities, parking, paths, etc. As a general rule, Blue Flag accreditation is only given to sites that can demonstrate management of visitors and recreational use that prevents long-term irreversible damage to the local natural environment.

If a Blue Flag beach is in or near a Marine Protected Area, it is necessary to consult with the MPA management in order to ensure compatible ecosystem conservation and biodiversity goals.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### Criterion 15. The beach must be clean.

The beach and surrounding areas including paths, parking areas and access paths to the beach must be clean and maintained at all times. Litter should not be allowed to accumulate causing these areas to become unsightly or hazardous.

The beach must comply with national guidelines or legislation concerning litter and waste management. Beach cleaning may be mechanical or manual, depending on the size, appearance, and sensitivity of the beach and its surroundings. In high use areas, where possible, occasional mechanical sieving and deep cleaning of the sand should be done to remove small particles such as cigarette butts, etc.

During storm water flows, the outlets and surrounding areas must be kept clean.

When cleaning the beach, this must be done with consideration for local flora and fauna, e.g. where turtles may have buried eggs in the sand. The use of insecticides or chemicals for cleaning the sand or surrounding environment is not allowed. The cleaning of Marine Protected Areas as well as sensitive areas (sand dunes, etc.), must be done in accordance with the laws and advice from the relevant authority.

For information about the management of algal waste and seaweed, refer to criterion 16.

To determine the cleanliness level of the beach, it is recommended that a Beach Litter Measuring system, or similar system, be used. (*See Appendix G for further details*).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 16. Algae vegetation or natural debris should be left on the beach.**

Algal vegetation is generally accepted as referring to seaweed. Seaweed and other vegetation/natural debris are natural components of both freshwater and marine ecosystems. These ecosystems must be considered as living and natural environments and not only as a recreational asset to be kept tidy. Thus, the management of seaweed or other vegetation/natural detritus on the shore should be sensitive to both visitor needs and biodiversity. Natural disposal by tides and waves at the beach is accepted, as long as it does not present a nuisance.

Vegetation should not be allowed to accumulate to the point where it becomes a hazard. Only if it is absolutely necessary should vegetation be removed, and then consideration should be given to disposing of it in an environmentally-friendly way, e.g. through composting or for fertilizer use. Wherever possible, environmental specialists should be consulted regarding the management of algal vegetation on the beach.

In some areas seaweed is dried on the beach for later use as fertilizer or dune stabiliser. While this good practice should not be discouraged it is also necessary to ensure that it does not create a nuisance for beach users.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 17. Waste disposal bins/containers must be available at the beach in adequate numbers and they must be regularly maintained.**

Waste disposal bins or litter-bins (preferably with covers) should be of a suitable design and appearance as well as functionality. It is recommended that bins made of environmentally friendly products are used, e.g. bins made of recycled composite plastics or wood.

There should be an adequate number of bins on the beach and they should all be regularly maintained, well secured, and spaced appropriately. Individual bin capacity, the number of users on the beach and how frequently the bins are emptied determine the number and minimum space between bins placed on the beach. During the peak tourist season, the spacing between bins and the frequency at which they are emptied should be increased as necessary.

In summary, when choosing and locating bins, the following factors should be considered:

- Bin capacity
- Environmentally friendly products
- Type and source of litter
- Volume of pedestrian traffic
- Servicing methods and intervals (including peak times)
- Local environment, e.g. winds, high tides, scavenging seagulls
- Accessibility, e.g. height, surface

The collected waste should only be disposed of in licensed facilities that are approved by authorities on the basis of environmental requirements. The duty of the community receiving the Blue Flag is to make sure that the waste is properly disposed.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

# Agenda Item 6

## Annex 2

**Criterion 18. Facilities for the separation of recyclable waste materials should be available at the beach.**

In the event that the community has a local recycling facility then containers must be made available at the beach for these materials, e.g. glass, cans, plastic, paper, etc. The receptacles should be properly designed and managed for the type of waste received, should be emptied regularly, and be well placed for accessibility.

The recycling facilities should accommodate the collection and separation of as many different types of materials as possible, three being the minimum.

On application, the local authority/beach operator must indicate whether the local authority has facilities for the recycling of waste. In the event that no such facilities exist, the applicant must apply for a dispensation from this criterion.

Blue Flag encourages all local authorities/beach operators to promote recycling and waste separation at the beach, even if the community does not have a local recycling facility.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 19. An adequate number of toilet or restroom facilities must be provided.**

The number of toilets/restrooms available at the beach must reflect the average number of beach visitors during the peak season, the length of the beach and the number and location of major access points.

The toilet or restroom facilities must be easy to locate through signage and through information on the map on the Blue Flag information board.

The presence of showers (on the beach or in the buildings), changing rooms and nappy changing facilities are furthermore encouraged. Restrooms/toilets may also be located in nearby shops, restaurants, cafeterias or other establishments open to the general public. There should also be facilities provided for disabled visitors (see criterion 32).

Toilet or restrooms facilities must be equipped with washbasins, soap and clean towels (paper or cloth) or a hand-dryer.

Access to the toilet/restroom facilities must be safe.

Consideration should also be given to the design and maintenance of these facilities. They should be well-integrated within the built and natural environment and they must be regularly maintained so as to present a well-maintained appearance and to prevent vandalism of buildings.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 20. The toilet or restroom facilities must be kept clean.**

The toilet/restroom facilities must be kept clean at all times. The frequency of checking and cleaning the facilities must reflect the intensity of use. Beaches with a high number of daily visitors must have their facilities checked and cleaned every day or several times a day. The use of environmentally friendly cleaning materials, soap and towels is recommended.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 21. The toilet or restroom facilities must have controlled sewage disposal.**

Sewage or effluent from the toilets must not enter the ground or the water untreated. In villages, communities, or in a municipality with sewage treatment facilities, the toilet facilities must be connected to the municipal sewer.

For facilities located outside of areas serviced by the municipal sewage system and/or remotely located beaches, individual treatment and regularly emptied holding tanks that prevent untreated sewage, effluent or seepage from entering the ground or the water - and which do not adversely affect the environment - are acceptable.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 22. On the beach there will be no unauthorised camping or driving and no dumping.**

Unauthorised camping, driving and dumping must be prohibited on the beach. There must be information about these restrictions displayed at the beach (as part of the code of conduct, Criterion 6).

Vehicles (except for those used for the purpose of cleaning and safety, e.g. for moving lifeguard equipment, or emergency vehicles) should not be allowed on Blue Flag beaches. For cases, however, where vehicles cannot be entirely prohibited, it must be adequately justified and they must be properly managed. Areas for driving and parking as well as car-free zones must be designated and whenever the situation requires it, police or traffic guards must control the beach. If vehicles are allowed they should be prohibited from entering the high water zone at any time. The majority of the beach should be designated entirely vehicle-free.

Where there are no physical barriers preventing access to the beach by vehicles and where there are problems with unauthorised vehicles, camping or dumping, bylaws should be put in place to prohibit these activities. Information about these by-laws should be displayed. The use of the beach or its nearby areas as dumps for litter and other waste is not accepted.

In the case of special events that involve the use of vehicles on the beach a special management plan must be drawn up and applied to prevent damage to the ecosystem, as well as risks to beach users. *See Appendix H for guidelines on events on Blue Flag beaches.*

Parking for emergency vehicles must be provided in close proximity to the beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 23. Access to the beach by dogs and other domestic animals must be strictly controlled.**

On Blue Flag beaches, dogs and pets are permitted in the parking areas, on walkways and promenades in the back beach area only - if permitted by the beach authorities as well as local and national legislation. Animals in these areas must be controlled. It is recommended that a Dog-Free Zone be created to prevent dogs and other animals from entering the main beach and swimming area - this excludes guides dogs for the visually impaired.

If the beach is patrolled by mounted police measures must be taken to ensure that no faecal matter contaminates the beach.

Wherever possible stray animals should be managed and systems should be in place to remove stray animals from the beach. Measures should also be put in place to prevent access to the beach by stray animals. In the event that stray animals are able to access the beach and cannot be controlled, it is recommended that the beach operator/local authority erect signs informing the public as to this fact. It is also recommended that information be displayed informing the public what to do should stray animals be seen on the beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 24. All buildings and beach equipment must be properly maintained**

Consideration should be given to the appearance of buildings and structures at the beach. They should be well integrated within the natural and built environment, should adhere to design standards and meet environmental and aesthetic requirements.

Equipment on the beach includes facilities or services not discussed in any other criteria, e.g. playgrounds and piers. Equipment must be regularly maintained and checked in order to ensure that it is safe to use. Consideration should be given to: the cleanliness of equipment, its condition, the environmental effects of paint and other materials used for maintaining the equipment/buildings and any potential risk associated with its deterioration and malfunction. Wherever possible, environmentally friendly products should be used.

To prevent access by the public, all construction work or hazardous structures must be fenced off. In the event that construction takes place during the Blue Flag season, all Blue Flag criteria must be met during the period of the construction. Also, the construction activities should not impact on beach users.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 25. Marine and freshwater sensitive habitats (such as Coral reefs or sea grass beds) in the vicinity of the beach must be monitored.**

If there is a sensitive habitat (such as coral reef or sea grass beds) located within 500 metres from any part of a Blue Flag beach, a monitoring programme must be established to monitor the health of the habitat (coral reef or sea grass beds) at least once a season.

An expert organisation or relevant authority must be consulted regarding the monitoring and management of this sensitive area.

# Agenda Item 6

## Annex 2

The “Reef Check” Coral Reef Monitoring Programme could be used. See *Appendix H* for further details of the Reef Check monitoring system.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions where applicable.	

### **Criterion 26. A sustainable means of transportation should be promoted in the beach area.**

This criterion refers to all actions that

- encourage public and collective transport.
- encourage bicycling, bike renting and facilities for bike parking.
- support plans to organise traffic and reduce the peak traffic periods.
- develop pedestrian access.

The Blue Flag programme encourages the promotion of alternative means of transportation, e.g. beach shuttles, bicycle rental or free bicycles. Such initiatives should be given particular attention in communities with high traffic densities in the beach area or where the beach is located in a sensitive area.

It is recommended that the local authority/beach operator implements a traffic management plan to reduce traffic volumes and the impact of traffic on land use and air pollution in the Blue Flag and surrounding areas.

It is also recommended that information about the availability of sustainable transportation be made available on the Blue Flag information board.

IMPERATIVE CRITERION	GUIDELINE CRITERION
	All regions

### **SAFETY AND SERVICES**

#### **Criterion 27. Appropriate public safety control measures must be implemented.**

The beach operator must ensure that safety measures comply with the national legislation regarding beach safety.

Moreover, it is strongly recommended that the beach operator undertakes a safety risk assessment for each designated bathing area. This safety risk assessment is to be carried out by the appropriate national authorities or where applicable by a Full Member organisation of the International Life Saving Federation (ILS), see appendix I.

The public safety control measures as recommended by the safety risk assessment should be implemented in priority based on available resources.

Irrespective of the above, a Blue Flag beach with a high number of visitors must be guarded/patrolled by an adequate number of lifeguards placed at appropriate intervals as recommended in the risk assessment and according to the beach characteristics and use. The number of lifeguards must increase according to peak usage, and a minimum of two every 200m is recommended for those beaches which have not undertaken a risk assessment. Lifeguards must have appropriate national or international qualifications. Certificates must be checked prior to employment and must be made available to the National Operator upon request. Lifeguards should only be employed for life-guarding and not in combination with duties such as water sports, rentals and services, cleaning or other duties.

Lifeguards must be easily recognisable. It is therefore recommended that lifeguards wear the internationally recognised red/yellow uniform. Lifeguards must be provided with appropriate lifesaving equipment.

Bathing areas patrolled by lifeguards should be clearly marked out. The area should be defined on the map, on the information board and/or physically on the beach with markers or flags. The International Lifesaving Federation (ILS) recommends that flags and signs should be in accordance with ISO 20712. Additionally, Blue Flag international pictograms should be used.

On beaches, with low hazard risks and with few<sup>1</sup> users public rescue equipment can replace lifeguards, unless the national legislation or the safety risk assessment states otherwise.

Public rescue equipment could include: life buoys, hooks, lifejackets, life rafts, etc. The equipment must be regularly inspected and must fulfil national/international guidelines.

Where public rescue equipment is provided, it should be clearly positioned, visible and located at regular intervals allowing it to be reached quickly from any point on the beach. On beaches without lifeguards, maximum intervals of 100 metres between the equipment are recommended for those beaches which have not undertaken a risk assessment. Public rescue equipment must be accompanied by instructions for use and what to do in the event of a rescue. It is recommended that the location of equipment is identified by an emergency marker. The location of the lifesaving equipment/lifeguard tower must be indicated on the beach map of the Blue Flag information boards.

The period when the public rescue equipment and/or lifeguards, and first aid are available must be clearly marked on the Blue Flag information boards and at the lifeguard station. An explanation of the beach safety flag system in use must be provided.

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<sup>1</sup> Few = Over a period of 4 weeks in the high season there are on average less than 50 beach users per day

The lifesaving equipment must include access to an emergency phone, unless the risk assessment states otherwise. The equipment should be regularly inspected and must fulfil national/international guidelines.

The beach operator must provide safety instructions which must be posted on the information board and other appropriate place(s) on the beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 28. First aid equipment must be available on the beach.**

The first aid may be available by means of a) a lifeguard on site, and/or b) an attended first aid station with trained personnel, and/or c) equipment located in a shop or other beach facilities at the beach, and/or d) directly available to the public on the beach. It is strongly recommended that busy beaches and family beaches have first-aid stations with staff in attendance. First-aid personnel must have appropriate qualifications.

First aid stations should have the following equipment a) adequate first aid stock (basic first aid supplies such as bandages, gloves, disinfectant, plasters, etc.) b) cold water and preferably hot water c) first aid bed d) oxygen cylinder and mask e) immobilizing trauma board (e.g. immobilizing blocks or spider harness) f) other equipment (shark attack pack), etc.

First-aid stations or the location of first-aid equipment must be clearly sign-posted for easy location by beach visitors (including on the map on the Blue Flag information board). See Criterion 5. In addition, the time in which first aid is available must be clearly informed.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 29. Emergency plans to cope with pollution risks must be in place.**

The emergency plan should cover a clearly identified procedure, facilitating efficiency in the case of an emergency. An emergency could result from oil spills, hazardous/toxic waste spills entering the beach from the sea, discharge of storm water, hurricanes, algal blooms that could be dangerous, etc. An emergency in this context would be defined as an event which leads to a large scale impact on the beach or bathing water.

In order to quickly address pollution at the local level in co-ordination with local authorities, the following should be included. The:

- identification of people to contact in case of pollution.
- involvement of all administration services and people necessary to intervene.
- procedure for the protection or evacuation of people if necessary.
- procedure of public warning and information.
- withdrawal of the Blue Flag.

The emergency plan must specify who should be contacted in the case of a pollution incident. A responsible local person must be designated for this position. It must also specify who does what in the case of an emergency, including pollution incidents.



# Agenda Item 6

## Annex 2

The emergency plan must furthermore prove the compliance with other national legislation in the area, e.g. a national oil spill contingency plan.

As long as the hazard persists, the public should be informed of the pollution or potential danger by posting information at the beach, at all access points, in the media, tourist offices or other relevant means of communication. If the hazard is in the form of large scale polluted water then the public must be informed that bathing is not safe and the beach should be closed to swimming. If there is any infringement of Blue Flag criteria, and to ensure the integrity of the Blue Flag, the flag must be temporarily withdrawn and information posted on the Blue Flag information board or at the beach.

Emergency phone numbers for the police, first aid, and relevant emergency numbers along with the contact details for emergency services, in the event of an oil or toxic chemical spill must be posted at the beach preferably on the Blue Flag information board.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **Criterion 30. There must be management of different users and uses of the beach so as to prevent conflicts and accidents.**

Beaches that support multiple activities must have management plans to prevent accidents and conflicts. This must include zoning for swimmers, surfers, wind surfers and motor craft. At the same time, recreational use of the beach must be managed without negatively impacting the natural environment, the biodiversity of the beach and with consideration for aesthetic issues.

Swimmers should be protected from all sea craft (motor, sail or pedal). Where necessary, zoning through the use of buoys, beacon or signs should be in place. The same should be done for surfing areas. Distinctions should be made between motor craft, paddle or sail craft. The use of these various activities must be separated.

Powerboats and powered craft should operate at least 100-200 metres away from the swimming area. The exact distance is to be determined by the local regulatory agency. Furthermore, patrons who operate powered craft should be provided with guidelines for the use of their craft and the location of different zones.

The relevant authority, for example lifeguards, must enforce the zoning of the different recreational areas in the water. Different activities on the beach must also be clearly marked and zoned.

Consideration should also be given to potential noise impacts from some activities (motorised activities, stereos and kites).

If special events are to be held on the beach then these should be located outside of the main swimming areas. In the case that special activity events prevent the beach from upholding the Blue Flag criteria, then the flag must be withdrawn for the duration of the event. When such an event takes place, users of the beach should be notified through public warnings at the beach and preferably in the local media prior to the event. *See Appendix I for guidelines for events on Blue Flag beaches.*

The beach itself must be managed in accordance with an environmental plan that protects sensitive species and habitats at the beach. This can be achieved through zoning or other preventative actions. In some cases, it may be necessary to restrict, disperse or otherwise

# Agenda Item 6

## Annex 2

manage certain activities. Beaches with sensitive dune habitats must be managed in such a way to protect these sensitive habitats, e.g. protective fences. Recreational activities must be managed to prevent environmental degradation, e.g. coastal erosion or damage to vegetation as well as to prevent birds and other wildlife, e.g. breeding turtles, from being disturbed.

Some particularly sensitive sites may require careful planning and management. In such cases, evidence must be provided to show that recognised local conservation organisations or groups have been approached and that a management plan has been drawn up.

Besides the use of physical separation of the different users, zoning should be clearly indicated on the map on the Blue Flag information board and information could also be given at access and entry points (see Criterion 5).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **Criterion 31. There must be safety measures in place to protect users of the beach.**

The public must have access to Blue Flag beaches without being a client of a certain hotel or beach club. Access to the beach should preferably be free, although at some beaches public access is provided through charging a small and reasonable fee.

Access to the beach must be safe. Beaches that are physically challenging must have facilities for safe access, e.g. secured steps with handrails. Similarly, there should be designated pedestrian crossings on busy roads in the vicinity of the beach.

Beach promenades and steps onto the beach must be complete and in good condition. The car park surface must be in good order. Parking places reserved for the use of disabled persons must be available and must be clearly marked. See Criterion 21 for information related to parking on the beach. Other access paths must also be safe, with regulations for cars and bicycles. Bicycle paths should be encouraged whenever relevant.

Where promenade edges are higher than 2 metres above the beach, warning signs and/or a barrier must be in place to prevent accidents. This is especially important where the beach surface is rocky. Consult criteria 32 regarding access for people with physical disabilities.

Visitors to the beach should be safe while on the beach. Information about safety must be readily available. The times of availability of lifesaving services and first aid must be clearly marked on the Blue Flag information boards or at the lifeguard station. In addition, an explanation of the emergency flag system, if in use, must be provided.

If needed, adequate security must be available at the beach in the form of trained and qualified guards responsible for patrolling. The guards must wear easily identified uniforms and should be able to present their licence as trained security personnel on request.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **Criterion 32. A supply of drinking water should be available at the beach**

There should be a potable water source at the beach, e.g. from a fountain, pipe, tap, etc. This

source can be in the restroom/toilet block or on the beachfront but it must be protected from contamination by animals.

IMPERATIVE CRITERION	GUIDELINE CRITERION
	All regions

**Criterion 33. At least one Blue Flag beach in each municipality must have access and facilities provided for the physically disabled.**

It is strongly recommended that all Blue Flag beaches have facilities that allow access by the physically disabled granting them access to the beach, surrounding buildings, and the restroom facilities. It is a Blue Flag requirement that at least one beach in every municipality must provide these facilities. It is a Blue Flag recommendation that at this beach, if possible, there is access to the water.

Access to the beach should be facilitated by access ramps adapted to users with various disabilities. It is recommended that the ramp design and material fit the natural environment and wherever possible, environmentally friendly materials should be used, i.e. recycled composite plastics.

Facilities should be designed for wheelchair and other disabled users and should comply with the ISO Standard Code for Access. The beach must comply with national regulations regarding access and facilities for people with disabilities. In addition, parking areas should have reserved spaces for disabled parking. In the event that access ramps cannot be provided due to the topography, e.g. at steep cliffs, the local authority must apply for a dispensation for this criterion. If none of the Blue Flag beaches in a local authority can provide access and facilities for the disabled, a request for a dispensation from this criterion must be documented in the application.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### APPENDIX A: Dispensation cases

All imperative criteria have to be complied with in order to obtain the Blue Flag. In the event of discussions arising out of the National Jury processes and if an applicant has failed to fulfil the imperative criteria, the National Jury could forward a beach to the International Jury as a dispensation case. In the case of an application requiring a dispensation, the National Jury must forward the case to the International Jury with the necessary background documentation and an explanation as to what imperative criteria have not been fulfilled and giving reasons as to why a dispensation is requested.

Dispensation cases may arise when a beach has exceeded the required limit values because of a known, documented incident during the bathing season. Dispensation cases argued on the basis of incidents considered unusual but not atypical of the site are not considered.

The most frequent request for dispensation is caused by exceptional/extreme weather conditions impacting on compliance with the water quality criteria. A National Jury can in such cases give a dispensation to omit a sample if the national authority's controlling bathing water quality regulation has officially approved such a dispensation. Furthermore, an official statement from national weather authorities stating that the weather was exceptional must accompany the request for dispensation.

For EU-member countries: if the request for dispensation of omission of a sample has been approved by the European Commission, and written proof of the European Commission's approval is provided to the International Coordination, then the case is not considered as a dispensation case.

If an incident of high levels of pollution can be attributed by way of documentary evidence to other issues, such as an accident or another unavoidable incident, it is also possible to forward to the National Jury such a candidate as a dispensation case. The documentation must show that the problem has been rectified and that the pollution was undoubtedly linked to the incident in question.

A beach can apply for dispensation when:

- facilities are under construction at the time of the application but will be finished by the start of the season.
- owing to extreme weather conditions, the imperative criteria on the beach not being met, e.g. signage or walkways, access to the beach has been damaged, etc. However, these must be in place by the start of the season.
- a beach is not accessible by the physically disabled yet it is the only beach in a local authority to run the Blue Flag programme. The beach must present a plan for how and when the beach can fulfil the criterion as a central part of the dispensation application.
- the location of the beach is such that the distance from services renders it unable to meet an imperative criterion, e.g. an accredited laboratory.

### **APPENDIX B: Information about the Blue Flag programme must be displayed.**

**[Criterion 1]**

#### **THE BLUE FLAG PROGRAMME**

This beach has been given Blue Flag accreditation. The Blue Flag is an environmental award, given to communities that make a special effort to manage their coastal/inland water environment and beaches with respect for the local environment and nature. To attain the Blue Flag, the community and its beach operators have to fulfil a number of criteria covering water quality, environmental information and education, safety, service and facilities.

This effort by the local community ensures that you and your family can expect to visit clean and safe environments at selected bathing sites. And it makes sure that the local community maintains a basis for sound development.

#### **Facts about the Blue Flag:**

The Blue Flag is awarded by the Foundation for Environmental Education (FEE), a non-governmental environmental organisation and is represented by such national organisations in each of the participating countries.

The Blue Flag is an environmental award for beaches and marinas. Only local authorities or private beach operators can apply for a Blue Flag for beaches. The criteria for Blue Flag beaches cover four main areas: a) Water quality, b) Environmental information and education, c) Environmental management, and d) Safety and services.

The criteria of the Programme are developed over time, so that participating communities have to keep working on solving relevant environmental problems to get the Blue Flag. Blue Flag accreditation is only given for one season at a time and the award is only valid as long as the criteria are fulfilled. When this is not the case, the responsible persons at the local level are obligated to take the Blue Flag down.

The national FEE organisation checks the Blue Flag sites during the season.

#### **You can help the Programme by also taking actions to protect the environment:**

Use the litter-bins on the beach - and recycle waste if possible

Use public transport, walk or rent a bike to get to the beach

Obey the beach code of conduct

Enjoy the nature of the beach and its surroundings, and treat it with respect

Choose a holiday destination that cares for its environment - and an environmentally friendly hotel too, if possible. Along with the Blue Flag, the Foundation for Environmental Education also develops another eco-label for accommodations: Green Key. Find more information at:

[www.green-key.org](http://www.green-key.org)

#### **Local, National and International Blue Flag responsible parties:**

Name and address of the local responsible person, national Blue Flag operator and the International Co-ordination must be posted.

Text to accompany the names and addresses could be the following: "These are the names and addresses of the local, national and international Blue Flag contacts. It will assist the programme, if you could report on how these beaches comply with the Blue Flag standards. In this way you can help ensure that the Blue Flag standard continues to be met."

### **APPENDIX C: Guidelines for Environmental Education Activities.**

**[Criterion 2]**

#### **Types of Activities**

There must be a mixture of different types of environmental educational activities for different user groups, Some activities must be carried out at the beach and have a direct focus on the beach or coastal environment. The different types of activities can be divided into five categories:

Activities for Passive Participation: This could include exhibitions, films, presentations, slide shows, conferences, debates, presentations by international experts, etc.

Activities for Active Participation: This includes guided tours, educational games, theatre/plays, cleaning days, coast observation days for marine beaches, diving/snorkeling orientation sessions, beach inspections, photography or drawing contests, nature reconstruction projects, green technology projects, "Adopt a Beach" programmes, community coastal monitoring programmes, etc.

Training Activities: This could be training for teachers, beach or marina staff, people in charge of children groups, lifeguards, cleaners, law enforcement officers, specific national training programmes, etc.

Publishing and Media: The production of leaflets, stickers, interpretive signs, postcards, school and municipal newsletters, books, T-shirts, bags, posters, radio broadcasts, etc.

Blue Flag Environmental Information Centre: It is strongly recommended that Blue Flag beaches provide an Environmental Information Centre (station, kiosk), where specific information about Blue Flag and environmental education issues can be given. Such a centre or place must offer both activities and exhibitions and provide environmental and nature information in order to qualify as an environmental interpretation or education centre. Information about its location and activities must be provided at the beach or in nearby tourist information offices. The centre should be open to and have activities and information for the general public, not only local school children.

#### **Target groups**

The activities should target a wide range of different groups. It is important that the local authority, together with other operators in the area, organise a programme to educate and raise awareness within the many different interest groups that influence the use of the local environment. These interest groups could be visitors, locals, tourism employees, fishermen, local industries, etc. The types, amounts and target groups of activities should match the situation. For example, in a major tourist destination, more than one activity per season should be available to the general public.

#### **Connection with existing programmes**

The activities can be part of already existing environmental education programmes, held either on-site or in the local community (Local Agenda 21 activities, Eco-Schools activities, etc). It is also recommended that the local authority work together with local NGOs in setting up educational activities.

# Agenda Item 6

## Annex 2

### **Information about Activities**

Information about the publicly accessible activities must be made available at the beach and preferably also in tourism newspapers or magazines or posted in tourism offices. The published information should include: what kind of activities, when and where are they going to take place, who they are for, etc.

### **Not Acceptable**

Activities that are not acceptable for meeting this criterion are:

Activities that are done to meet other Blue Flag criteria such as the general cleaning of the beach, waste management, recycling, and posted environmental information otherwise required on the information board (i.e. information on surrounding sensitive environments), etc.

Activities focusing only on tourism without a specific focus on sustainable tourism

Activities otherwise done by the local authority as part of the standard management of health, safety, transportation or tourism

# Agenda Item 6

## Annex 2

**APPENDIX D: Recommendations for presenting water quality information on Blue Flag beaches. Example of a coastal water beach:  
[Criterion 3]**

Beach: \_\_\_\_\_  
Contact person: \_\_\_\_\_

Local authority: \_\_\_\_\_  
Telephone no: \_\_\_\_\_

Date													
<b>Escherichiacoli / Faecal coliform</b>													
☺ < 250cfu/100ml													
☹ >250cfu/100 ml													
<b>Intestinal Enterococci / Faecal streptococci</b>													
☺ <100/100 ml													
☹ >100/100 ml													

<p><b>Blue Flag and bathing water quality</b></p> <p>This beach has met the Blue Flag water quality standards. The bathing water is continuously monitored for the different types of bacteria shown in the tables. The bathing water is tested at least every 31 days. In the table you can see when the water has been analysed and how many bacteria were found.</p> <p>A small number of bacteria tell you that the water is very clean - a high number of bacteria tell you that the water may be polluted and could contain bacteria from sewage.</p>	<b>What do the results mean?</b>	
	<b>Faecal coliform / E.coli</b>	<b>Faecal streptococci / Intestinal enterococci</b>
	☺ Below 250  <i>Excellent bathing water</i>	☺ Below 100
☹ Above 250  <i>Is allowed a few times during the season</i>	☹ Above 100	



### **APPENDIX E: the 95th percentile**

The 95th percentile is a calculation method used to obtain the average amount of pollution. In terms of Bathing Water sampling results, the value shows the results that are less than or equal to the limit values 95% of the time. The standards refer to values that would be exceeded less than 5% of the time.

The 95th percentile is derived through the following calculation (based on the explanation in the EU Bathing Water Directive 2006):

1. Take the log<sub>10</sub> value of all bacterial enumerations in the data sequence to be evaluated. Zero values cannot be used and should be replaced by a value of 1 (or the minimum value allowed)
2. Calculate the mean of the log<sub>10</sub> values ( $\mu$ )
3. Calculate the standard deviation of the log<sub>10</sub> values ( $\sigma$ )
4. The upper 95 percentile is derived from the following equation:  $\text{antilog}(\mu + 1,65 \sigma)$
5. The resulting value must be within the limit values as stated above

A calculating spreadsheet is available on the Blue Flag Podio Library.

### APPENDIX F: Beach Litter Measuring System – a method of mapping the status of litter on a beach [Criterion 15]

In order to determine the cleanliness on the beach, the Beach Litter Measuring System could be used by the beach manager or the national coordinator when doing beach monitoring visits.

The system differentiates between bulky litter (>10cm) and fine litter (<10 cm). It takes a closer look at the amount of litter in defined representative areas on the beach. According to the amount of litter, beaches are classified into different cleanliness levels (A+ to D). The method combines taking pictures and making counts.

At a Blue Flag Beach, the cleanliness level should be A+ or A.

Step by step guidance how to define your beach’s cleanliness level:

#### Bulky Litter

1. Define an area of 100m<sup>2</sup> (10m x 10m) for your bulky litter count and photo (Choose the dirtiest 100m<sup>2</sup> that you can find on the beach)
2. Count the units of bulky litter (>10cm) within the area
3. Take a picture of the area (to keep as proof)
4. Determine the cleanliness level with help of the beach litter indicator (see below)

#### Fine Litter

1. Define an area of 1m<sup>2</sup> for your fine litter count and photo (choose the dirtiest area within the 100m<sup>2</sup>)
2. Count units of fine litter (<10cm) within the area
3. Take a picture of the area (to keep as proof)
4. Determine the cleanliness level with help of the beach litter indicator (see below)

#### Beach Litter Indicator

Number of litter units per area	Cleanliness level
0	A+ Very Clean
1-3	A Clean
4-10	B Moderately Clean
11-25	C Dirty
> 25	D Very Dirty

#### General

1. Keep a record of your measurements (date, time, location, circumstances, weather conditions, cleanliness level(s) bulky litter, cleanliness level(s) fine litter, other comments)
2. Repeat these steps at different locations along the beach if possible
3. Repeat the measurement at different times during a season and different times of the day if possible

# Agenda Item 6

## Annex 2

It is important to keep in mind that starting to use this system might require a bit of time in the beginning.

Once you get some exercise or training, it will be a quick, easy and helpful tool.

For a more detailed version of the beach litter indicator, a description of the system, a training CD or for

taking part in a training session, please visit the Blue Flag website or contact the Blue Flag Coordination.

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1 The Beach Litter Measuring System was developed by the Keep Holland Tidy Foundation and the Royal Dutch Touring Club.

### APPENDIX G: Reef Check system for coral reef monitoring

[Criterion 25]

Below is a very brief description of the content of the “Reef Check” monitoring programme. For full information about the “Reef Check” system and information about national/international support, please consult <http://www.reefcheck.org>.

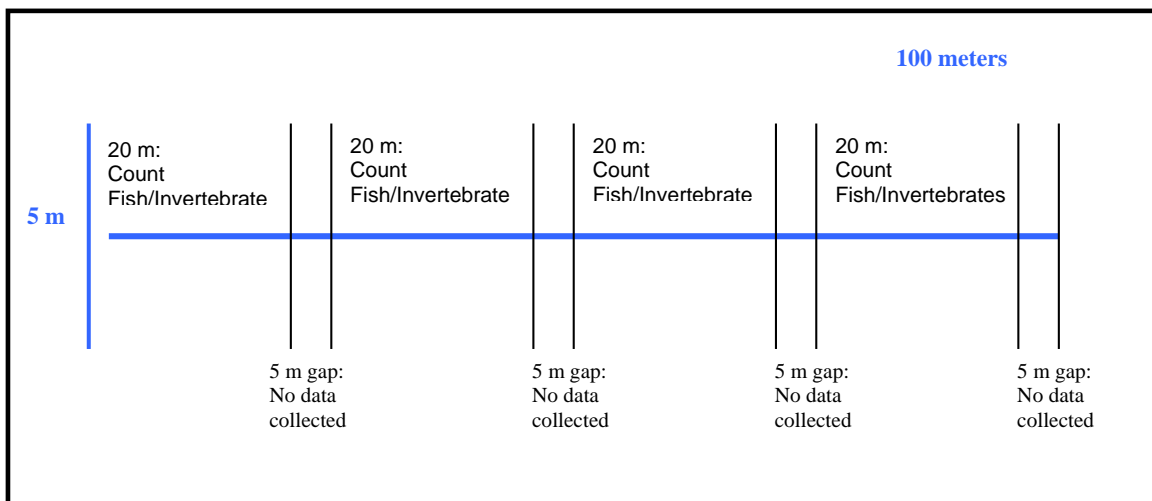
“Reef Check” is designed for use by volunteer non-scientist snorkelers or scuba divers. A local “Reef Check” team should be established with a scientist and a group of snorkelers and divers trained to carry out the analyses. The team members must be skilled at identifying the indicator organisms and substrate categories. It is strongly recommended that the team attend a “Reef Check” training session. If there are already “Reef Check” teams established at the national or local level, these teams can be approached for support.

In order to carry out the monitoring, the following equipment is necessary: a copy of the instruction manual, indicator organism ID cards/books, GPS, transect lines, underwater paper and water proof pencils/markers, buoys, plumb line and safety gear.

If possible, the monitoring should take place at two depths: shallow water (2-6 metre depth) and mid-reef (6 - 12 metre depth). Reefs in many areas are however not suitable for monitoring at more than one depth.

A 100 metre transect should be established (preferably parallel to the shore). The transect must be divided

into 4 x 20 metre observation areas divided by 4 x 5 metre gaps. For re-survey, it is important to document or permanently mark the transect start/end points.



The “Reef Check” coral reef monitoring program consists of four types of data collection methods: 1) Site description (environmental conditions and ratings of human impacts) 2) Fish counts 3) Invertebrate counts 4) Substrate type measurements

The site description includes information about: location (overall and exact location), survey time, nearby population, weather conditions, rating of human impacts on the coral reef and the possible protection of the coral reef. The substrate survey includes the record of the substrate at points with 0.5 meter intervals along the 4m x 20m transect. The substrate must be classified in one of the following

## Agenda Item 6

### Annex 2

categories: hard coral, soft coral, recently killed coral, nutrient indicator algae, sponge, rock, rubble, sand, silt/clay or other substrate. In the “Reef Check” manual there is more information about how to conduct the substrate survey and classify the substrate.

The level of coral bleaching, presence of coral disease, presence of litter and coral damage must be noted.

Each region has different indicator fish and invertebrate species that should be counted along the 4m x 20m transect. In the “Reef Check” website and manual, there is more information about the fish and invertebrate species to include in the counting and information about how to conduct the counts. Finally, it is recommended to supplement the survey with photo and/or video documentation.

### **APPENDIX H: Guidelines for events on Blue Flag beaches**

**[Criterion 30]**

Should events be planned for Blue Flag beaches, it is recommended that the local authority/beach operator attempt to find a win-win situation in both hosting the event and maintaining Blue Flag status. Events on Blue Flag beaches are not incompatible with the management of the Blue Flag programme. However, the event should not compromise Blue Flag standards. The Blue Flag should not be dropped simply because an event is planned on the beach.

The decision to allow events to take place on beaches is ultimately the decision of the local authority/beach operator managing that facility and would, as such, be guided by local by-laws and other legislation. Should the local authority be concerned as to potential impacts on Blue Flag standards, early contact and discussion with the National Operator is recommended. It is reiterated that it is the responsibility of the local authority to ensure that Blue Flag standards are met.

If necessary, additional resources, e.g. cleaning staff, portable toilets, etc should be brought in to ensure that the standards do not drop.

Wherever possible, the Blue Flag area should be zoned (this to include the use of buoys – where appropriate – in the water) so that a designated Blue Flag swimming area is still retained and the beach can still fly the flag. It is not recommended that the whole beach be designated to the event.

Wherever possible, every attempt should be made to ensure that all the Blue Flag standards are still met on the beach during the event.

In terms of the criteria of Blue Flag, compliance with all environmental and building legislation also applies to any events and/or the construction of facilities on the beach. This includes the possibility of undertaking Environmental Impact Assessments or producing environmental reports on the impact of the event on the natural surroundings. In this case, permission from the relevant environmental authorities in the region would be necessary.

The public must be given advance warning of any events planned for Blue Flag beaches. This could be in the form of posters or other information at the beach, through announcements in the local media, or on local authority/beach operator websites if appropriate. A notice indicating details of the event, duration of the event, where more information can be obtained, where complaints can be made, etc. must be posted at the beach.

In the event of an activity that takes place on the beach after hours, i.e. for those beaches that withdraw the flag at the end of the day when criterion are no longer being met, the beach operator/local authority must ensure that the beach and the facilities be cleaned and returned to order, before the flag is due to be raised the next morning, even if this means the cleansing teams must work through the night to ensure that the beach is clean once the flag goes up. So, if the flag is normally raised at 08h00 in the morning, the facilities must meet Blue Flag standards by 08h00 in the morning.

It is recommended that the local authority/beach operator consider a fee to be levied on the organisers of events hosted on Blue Flag beaches and that this income be used to make improvements to the beach or within the local area.

### **Appendix I – Guidance on ILS Safety Risk Assessment for Beaches [Criterion 27]**

#### INTRODUCTION

The International Lifesaving Federation (ILS) is the world authority in the global effort to prevent drowning and works with national life saving organisations to improve drowning prevention, water safety, water rescue, lifesaving, lifeguarding and lifesaving sport. FEE and ILS have therefore entered a Memorandum of Understanding where FEE recognises ILS as being the world authority in the global effort to prevent drowning.

FEE encourages national organisations and local authorities to work with ILS national organisations when possible.

ILS will undertake risk assessments all over the world and take care that the information boards according to ISO 20712 are placed at as many beaches as possible. When this is not possible, an independent risk assessment may be conducted. Below are guidelines produced by ILS.

#### **BACKGROUND**

Risk management can be defined as a logical and systematic approach of identifying, analysing, assessing, treating, monitoring and communicating risks associated with any activity or process. In its *Guidelines for safe recreational water environments (Vol. 1)* the World Health Organization states: 'Assessment of hazard and risk inform the development of policies for controlling and managing risks to health and well-being in water recreation. ... The assessment of a beach or water should take into account several key considerations including:

- the presence and nature of natural or artificial hazards
- the severity of the hazard as related to health outcomes
- the availability and applicability of remedial actions
- the frequency and density of use
- the level of development.

#### **PRINCIPLES**

The purpose of hazard and risk assessment is to assess the probability that certain events will take place and assess the potential adverse impact these events may have on people, property or the environment or other adverse outcomes.

ILS sees the implementation of risk assessments for all aquatic locations as a key element of the strategies to reduce injury and loss of life or other adverse impact in the aquatic environment.

A generic framework and the main elements of the risk management process identified are:

- Communication and consultation
- Establish the context
- Risk identification
- Risk analysis
- Risk evaluation
- Development of a risk control measures plan
- Monitor and review

This framework is consistent with the international standard ISO 31000 – Risk Management – Guidelines on principles and implementation of risk management.

The basic rationale for conducting a risk assessment is:

1. Identify the hazards of a particular location and assess the risks of possible human interaction with the hazard.
2. Provide the basis for a risk management plan
3. Improve safety and reduce the risk of death or injury at the location

# Agenda Item 6

## Annex 2

4. Ensure the best use of resources and encourage effective management and cost effective operations
5. Reduce the potential for litigation stemming from accident and management practices
6. Provide guidance for the development of policy, procedure and practices.

A **hazard** is a source of potential harm or a situation with a potential to cause a loss.

A **risk** is used to describe the probability that a given exposure to a hazard will lead to an adverse outcome.

The job of accurately analysing the potential personal risk to the public at a coastal and beach location is complex. The determination and evaluation of potential risks is made more complicated in coastal regions due to the continually changing nature of the environment. Coastal regions are dynamic environments where the presence and level of a potential danger varies with numerous factors such as time, water conditions, weather and human interaction. In order to effectively assess hazards and their associated risks, the assessor must understand all the contributing factors that go together to create the danger, for example the beach topography, the prevailing weather and wave climates, and the number of people who use the beach and their chosen activity.

Consideration is required to treat (control) and manage the risks to ensure visitors can enjoy the safest aquatic recreation possible. Solutions may include any one or combination of the following “hierarchy of controls”.

1. Removal of risk; hazards, people or both, where possible (Elimination).
2. Remove access to the location at which the hazard may present a risk (Isolation).
3. Share the risk with another party or parties through for example contracts, partnerships or insurance (Transfer).
4. Install a barrier such as a fence or vegetation (Engineering control).
5. Management (Administrative) controls that may include:
  - a. Community education programmes to raise awareness of potential hazards.
  - b. International standard signage to ISP 20712 will enable visitors to make informed decisions on whether they wish to proceed into an area or undertake a particular activity.
  - c. Supervision through the deployment of appropriately trained personnel such as lifeguards.
  - d. Implementation of appropriate emergency management systems.
  - e. Use and appropriate siting of public rescue equipment such as life buoys/rings.
  - f. Zoning, such as use of marker buoys and flags to define areas in which non-compatible activities should be conducted such as power boats, swimming and sailing
6. Retain and management of the risk (Residual risk).

### REFERENCES

International Life Saving Federation (ILS), 2007, ILS Beach Risk Assessment Policy  
International Life Saving Federation of Europe (ILSE), 2007, ILSE Risk Assessment Guidelines  
International Life Saving Federation of Europe (ILSE), 2010, ILSE Designated Bathing Area Risk Assessment Report  
International Standards Organisation (ISO), 2008, ISO 20712 Water Safety Signs and Beach Safety Flags (Parts 1, 2 & 3).  
Royal National Lifeboat Institution (RNLI), 2007, *A guide to coastal public rescue equipment*  
World Health Organisation (WHO), 2003, *Guidelines for safe recreational waters Volume 1 - Coastal and fresh waters*



### **Appendix J – Blue Flag Guidelines for further developments of your beach**

#### **ENVIRONMENTAL EDUCATION AND INFORMATION**

Information about the Blue Flag programme and the other FEE eco-labels must be displayed. **The staff on the beach must be educated about Blue Flag and be able to communicate it to the beach users.**

**Twice a year there is a meeting with the staff about BF measurements/environment/sustainability.**

This is preferably done before and after the Blue Flag season, but for those beaches with year long seasons, the meetings can be done every six months.

The discussions can be checked by reports of minutes of management meetings.

**Every employee knows about BF, can communicate about BF with the guests**

There is an internal system in the beach management that new staff is informed about Blue Flag programme, and that, especially for new employees, there is a training of what BF criteria means in his/her job. Part-time staff in high-season is also informed about BF.

#### **ENVIRONMENTAL MANAGEMENT**

**The water consumption in the sanitary facilities and showers must be controlled.**

1. There is a maximum flow of 9 litre/minute out of showers
2. There is a maximum flow of 6 litre/minute out of the taps.
3. There is a maximum flow of 6 litre per toilet flush.

The beach uses water-saving measures in taps, showers and toilets. The flow of water taps for washbasins is up to 6 litres per minute. The flow of showers is up to 9 litres per minute. For the flushing of all toilets not more than 6 litres of water are used.

The beach management should also influence the water consumption of private companies or businesses on the beach, such as restaurants, which could then implement the Green Key criteria and obtain the Green Key certification.

Exceptions:

When toilets have a grey water system or have a stop button, a maximum of 9 litres per flush is sufficient.

In addition to the reduction of water consumption, the beach takes additional measures. These could include the use of pressure or sensor faucets, a system to stop the water flow easily, payment system (coins, Sep key), use of greywater, a water recycling system, etc.

**There must be an environmental policy and an environmental plan for the beach. The plan should include references to water management, waste and energy consumption, health and safety issues as well as the use of environmentally friendly products wherever possible. All employees must be informed and educated about these issues.**

### → same as for marinas and boats

The beach, including the lifeguard station and private businesses, registers its annual consumption data of energy, water, waste, and (optionally) cleaning products. These data are converted into indices. For this purpose, use is made of an excel sheet.

The records must show the following information:

- quantities of gas, electricity, water,
- all charges for gas, electricity, water,
- cost per unit consumption of gas, electricity, water

There is an energy audit every 5 years

The beach management has commissioned a further study of the energy performance of the recommended measures. The measures are included in the sustainability programme (guideline 2).

**Only environmentally friendly cleaning products (which are certified with an ecolabel) must be used for the cleaning of the facilities on the beach.**

Sanitary and interior cleaning products must have an accredited environmental label, or are products which are not on the blacklist (see attachment 1: Green Key blacklist).

Sanitary and interior cleaners must have an eco-label for example. European Ecolabel, Nordic Swan and Blue Angel)

When outsourcing the cleaning operations, the current contract should be reviewed with the above terms to be included in the next contract review and definitely within one year after the initial assessment for the Blue Flag

Exception:

Specific cleaners that are regulated by laws for health and safety, hygiene and / or food safety (HACCP) either periodically or in case of emergency are not covered by this criterion.

For daily cleaning activities only fiber cloth products are used.

**Only environmentally friendly toiletries, paper towels and toilet papers must be provided in the sanitary facilities on the beach. Soap and other personal care products must be provided in dispensers with a dosing system.**

Paper towels and toilet paper must be made of non-chlorine bleached paper or must have an eco-label.

**Only energy efficient lighting must be used. Sensors which regulate the use of the light should be installed wherever considered as being useful.**

All lighting is energy efficient (PSL, TL, SL, LED etc). Not later than one year after the inspection of the beach, energy efficient lighting is used in and around (= outdoor) the buildings. For bulbs not meeting the criterion the beach provides a substitution plan.

Energy-efficient lighting has a minimum light output of 40lumen / watt. PL, TL, SL and LED lighting satisfy this condition. Halogen lighting and traditional lightbulbs are not to be found on the beach anymore.

# Agenda Item 6

## Annex 2

If there is no suitable alternative one can get a dispensation for this point. One must demonstrate that it can not be technically realized or that the required investment has a payback period of > 5 years.

In and around the buildings on the beach there is a substantial use of lighting sensors to prevent unnecessary illumination.

- Explanation: Lighting Sensors can turn lights on / off based on for example the presence of people (motion sensor) or too little light (light sensor). In this manner unnecessary burning lamps are prevented.

### **The energy supply on the beach should be based on renewable energies.**

The beach uses renewable energy sources.

- Explanation: This includes renewable energy sources such as wind, solar and water; through solar, windmills, photovoltaic solar cells (electricity generation) or similar renewable energy, tylen hose for heating (tap) water etc.  
100% of the total amount of electricity is generated sustainably.
- Explanation: Sustainably generated electricity is the name for electricity generated from renewable energy sources such as solar, wind and water. There are various names used: green energy, green electricity or natural electricity.

Green gas: The total amount of purchased gas is generated sustainably from biomass.

Explanation: Green gas is gas produced from biomass. This "biogas" is brought into the natural gas and thus reducing the use of the existing fossil natural gas resources. If you purchase green gas then this is accompanied by a certificate of origin.

### **The beach and beach equipment/facilities should aim at being climate neutral.**

The beach management carries out a CO<sub>2</sub>-study for its activities (eg. To set a fixed CO<sub>2</sub> footprint) to investigate if it can be carbon neutral.

Explanation: Working with CO<sub>2</sub> emission certificates is always the culmination of activities. Save first, then see whether the beach itself can generate renewable energy. The third step is to neutralize CO<sub>2</sub> emissions by purchasing CO<sub>2</sub> certificates for the remaining CO<sub>2</sub> emissions.

### **Artificially/Man-made green areas and gardens on the beach must be maintained sustainably.**

**Chemical pesticides and fertilizers cannot be used more than once a year, unless there is no organic or natural equivalent.**

Refer to EU Directive 2018.

As no chemical pesticides or fertilizers should be used on the establishment's premises, an alternative could be to use gas flames or mechanical herbicides. By using gas flames the best effect is achieved if the plants are not burned down to the ground but rather just scorched.

### **Flowers and gardens must be watered in the early morning or after sunset**

This criterion is to reduce the water consumption, especially when tap water is used for watering. It is the best way to avoid evaporation and have the best impact on the roots of plants.

### **Rainwater is collected and used for watering flowers and gardens**

This criterion is also to reduce tap water consumption. An alternative water system to store and use rainwater limits the use of fresh water for watering.

### **When planting new green areas endemic or native species are used.**

Endemics use less water than non-endemic and it preserves the biodiversity of the surroundings.

When making a plan for new green areas think of the following components:

- a. introduction (including business data.)
- b. a global inventory of paved surfaces, plants and trees species on and around the beach and a description of present landscape elements;
- c. a description of how current and future nature on and around the beach is handled (e.g., in terms of pruning, lawn mowing, weed control etc.);
- d. make a management plan for nature on and around the beach. This plan looks at the desired future development.
- e. summary measures and costs of the plan
- f. + appendices outline

### **Artificially/Man-made beaches must be created and maintained sustainably.**

A beach which has been artificially created must be managed in a sustainable way. Ecological evaluations must be undertaken in order to ensure a positive impact. For example, the ecological impact of the sand brought to create the beach must be minimised as much as possible.

### **The facilities on the beach must be made of environmentally friendly materials. Local suppliers should be preferably used when equipping the beach with new buildings, infrastructure or furniture.**

Encompasses buildings, furniture, infrastructure etc.

### **Also: Environmental friendly painting**

For painting works less environmentally harmful paints are used that have an eco-label. Explanation: When painting the buildings on the beach use only environmentally friendly interior and exterior paint. The paints have a label such as Ecolabel, EU ecolabel or similar.

During new construction, reconstruction or renovation of the beach, the business will take into account the environment and sustainability of materials used.

Explanation:

- The purchased wood that is processed in the building is durable, making use of certified wood that has been approved by national authorities. For example TPAC (Timber Procurement Assessment Committee) approved .

- The Energy Performance Coefficient (EPC) is at least 5% lower than required in national legislation.

- Other measures could be: buffering rainwater, water conservation, biodiversity, the promotion of environmentally friendly mobility or reduction of emissions and pollution equipment in the building or by innovations in the use of the building.

Based on the sustainable procurement policy that was formulated in guideline 36, the beach management makes demands on its suppliers. The beach management asks suppliers for a signed declaration of delivery of sustainable products and services.

Explanation: A sustainability declaration is a document with the requirements of the beach management on suppliers and in which the supplier declares to be committed to this effect.

### CSR

<b>The beach management has a CSR policy, covering the areas of Human Rights, Labour Equity Environmental Education and Anti corruption.</b>
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#### **There is a declaration of CSR policy by the beach management**

The beach management has a CSR policy statement in which it defines its objectives on sustainability and corporate social responsibility. The statement must be prominently displayed.

→ Explanation:

A CSR policy is a statement of the senior management of the beach, indicating that sustainability and CSR are an integral part of business.

The statement pays at least attention to:

- general CSR objectives / sustainability outline policy concern for people / planet / profit and structural part of business objectives,
- that implementation activities are in accordance with company policies and procedures established,
- general rules regarding the implementation of the sustainability policy of the company with regard to the fulfillment of legal requirements, staff training and recording / monitoring of the environmental performance of the company.

#### **The beach develops a CSR programme for the next three years**

The sustainability program shows for three years which environmental sustainability actions will take place to reduce the consumption of gas, water, electricity and waste (prevention) in that period. The policy includes also activities and measures in the area of procurement, transport management, community involvement, etc. Take the international Blue Flag criteria as a guide.

#### **Every employee can provide input to CSR**

The beach management has the policy that all staff members can provide input to CSR/Sustainability. For example there is a “suggestion-box” where the staff can put their ideas about increasing sustainability on the beach.

**The beach management takes at least two measures during the certification period to promote community involvement and social responsibility.**

### **Social / community involvement**

The beach management takes at least two measures to encourage sustainable relationships in the immediate environment and to fulfill its commitment to perform better on social fields.

For example, the beach management:

- promotes good relations of residents / stakeholders and is working on a long-term relationship with them (free facilities, organizing free events, provides an annual gift to compensate for any inconvenience)
- stimulates the local economy
- works with other local organizations such as local associations, nature organisations
- is actively involved in a charity or conservation organization
- provides free communication platforms for charity
- distributes sustainable gifts and / or sale items
- sponsors a social / community organisations; direct or indirect, material or immaterial, or is committed to a social purpose and put here for demonstrable in
- participates actively in charity work

### **Black list Green Key cleaning products.**

#### **FEE / Green Key**

Blacklist for cleaning products in the Green Key Programme

The Blacklist is prepared by the consultant organisation, Ecoconso.

This list covers multi-purpose and sanitation products (typical cleaning products). For cleaning in any other specific area that needs special products, one needs to check for compliance with national legislation.

#### **Surfactants:**

Surfactants that are not readily biodegradable under aerobic conditions

Surfactants that are not biodegradable under anaerobic conditions and that are classified with H400/R50 (Very toxic to aquatic life), Alkylphenoethoxylates (APEOs), onylphenoethoxylates (NPEOs) and derivatives Quaternary ammonium compounds that are not readily biodegradable.

#### **Sequestering or anti-scaling agents:**

EDTA (ethylenediamine tetraacetate) and his salts, phosphates

#### **Acids:**

Phosphoric acid, hydrochloric acid, sulfuric

#### **Bases:**

Ammonium hydroxide

#### **Solvents:**

Detergents containing more than 6% by weight of VOCs with a boiling point lower than 150°C

#### **Chlorine:**

Reactive chloro-compounds (such as sodium hypochloride)

#### **Conservators:**

Formaldehyde

Antimicrobial or disinfecting ingredients added for other purposes than preservation.

Bioaccumulable preservatives classified as H410, H411, R50/53 or R51/53. Preservatives are not regarded as bioaccumulable if BCF<100 (bioconcentration factor) or logKow < 3 (log octanolwater partition coefficient)

# Public Spaces Protection Orders

Guidance for councils

# Foreword

Local authorities understand well how anti-social behaviour can blight the lives of people in their local communities, with those affected often feeling powerless to act. Councils have a key role to play in helping make local areas safe places to live, visit and work and tackling anti-social behaviour continues to be a high priority for local authorities and their partners across the country.

Councils know the issues that affect their localities the most and are well placed to identify how best to respond. Public Spaces Protection Orders (PSPOs), introduced in 2014, sit amongst a broad range of powers and tools to help tackle anti-social behaviour locally. PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They are not about stopping the responsible use of the night-time economy, or preventing young people from seeing their friends – but they do provide councils with another instrument to help deal with persistent issues that are damaging their communities.

PSPOs have not been welcomed by all, attracting some criticism over their introduction, or about how particular PSPOs have been implemented. As a result, in December 2017 the Home Office updated its statutory guidance on anti-social behaviour powers, according to the Anti-Social Behaviour, Crime and Policing Act 2014. The changes are reflected in this document. In light of the updated guidance, councils may find it useful to consider the current restrictions in their local area and whether the PSPO needs to be amended at the time of its renewal. It's important to note, that when used appropriately, proportionately and with local support, PSPOs can be a positive device that help to prevent anti-social behaviour, and can provide an effective response to some of the issues local residents and businesses face on a daily basis.

This guidance aims to set out the issues to consider where local areas are contemplating introducing a PSPO, and offers practical guidance on the steps to take if councils choose to do so. It should be read in conjunction with the Home Office's statutory guidance on the Anti-social Behaviour, Crime and Policing Act 2014.

**Councillor Anita Lower**

Deputy Chair and Anti-social Behaviour Champion  
LGA Safer and Stronger Communities Board



# Public Spaces Protection Orders

## Legislative background

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

PSPOs are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replace Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders.<sup>1</sup> Existing DPPOs, Gating Orders and Dog Control Orders which automatically become PSPOs (as of 20 October 2017).

## Overview of Public Spaces Protection Orders

The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented.

Orders can be introduced in a specific public area where the local authority<sup>2</sup> is satisfied on reasonable grounds that certain conditions have been met. The first test concerns the nature of the anti-social behaviour, requiring that:

- activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
- the effect or likely effect of these activities:
  - is, or is likely to be, persistent or continuing in nature
  - is, or is likely to be, unreasonable

<sup>1</sup> Replacing orders under The Criminal Justice and Police Act 2001, the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005 respectively.

<sup>2</sup> This covers district councils, London Boroughs, county councils in an area where there is no district council in England (along with City of London and the Council of the Isles of Scilly) and county councils or a county borough councils in Wales.

- justifies the restrictions being imposed.

approaches based on good practice from around the country.

The Home Office statutory guidance re issued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.<sup>3</sup>

## Using Public Spaces Protection Orders

A single PSPO can be used to target a range of different ASB issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.

Local partners have a vast range of tools and powers at their disposal to respond to concerns about anti-social behaviour in their locality, from measures aimed at tackling the causes of ASB, awareness-raising, through to enforcement.

As a minimum, each PSPO must set out:

Used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents. They can send a clear message that certain behaviours will not be tolerated, and help reassure residents that unreasonable conduct is being addressed.

- what the detrimental activities are
- what is being prohibited and/or required, including any exemptions
- the area covered
- the consequences for breach
- the period for which it has effect.

However, PSPOs will not be suitable or effective in all circumstances, and it is important to consider carefully the right approach for identifying and addressing the problem behaviour. This is especially important when the activities may also have positive benefits. Other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced anti-social behaviour strategy. Considering non-statutory solutions, perhaps delivered in partnership with community, civic or membership organisations may be equally valid in the right circumstances.

There are further specific provisions regarding some types of PSPO, which will be covered in detail below.

### Choosing the right tool

A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

Choosing the right approaches for responding to the ASB should start with identifying the specific issue or issues of concern, and considering what is likely to be the most targeted and effective response in the circumstances.

The legislation sets out a number of additional requirements for consultation and communication before an Order is introduced, once it is implemented and where it is extended, varied or discharged. PSPOs can be legally challenged under the 2014 Act on certain grounds.

Beyond this broad framework, detailed further below, councils can decide how best to implement PSPOs in their local areas. This guidance sets out some suggested

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670180/2017-12-13\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf)

Some issues may be adequately addressed using other tools. For instance, awareness-raising campaigns about the impact of certain activities on others, improved community engagement, or offering support to those exhibiting certain behaviours may be enough to address the ASB identified.

In some areas, codes of practice around certain practices such as busking<sup>4</sup>, or posters setting out ‘good behaviour’ associated with activities such as skateboarding, have provided effective solutions in responding to particular concerns.

Street fundraising for instance, is governed by an independently set Code of Fundraising Practice and the Institute of Fundraising provides a free service for councils to limit the location, number and frequency of fundraising visits. Around 125 councils have taken advantage of these voluntary agreements, rather than use PSPOs.

In other circumstances it may be more appropriate to use tools such as community protection notices (CPNs). CPNs are used against specific individuals responsible for causing harm, or for tackling particular problem premises, unlike PSPOs which create a broader ban covering a whole area. Similarly, in many cases existing legislation covering various forms of anti-social behaviour or public order may be adequate.

Feedback from councils suggests that effective consultation with partners, stakeholders and the wider community can help to identify the best way forward (see also support evidence and consultation, below).

**“PSPOs aren’t the answer for everything – you need to start by looking at what the issue really is. Often there are easier and more effective tools for dealing with the problem.”**

Cheshire West and Chester Council

Where local areas identify that introducing a PSPO may be appropriate, it should be noted that the most robust Orders directly address the detrimental behaviour, rather than activities which may not in themselves be detrimental or which target characteristics that might be shared by some of those responsible (or with the wider public). The Home Office’s statutory guidance reiterates that PSPOs should be used responsibly and proportionately, only in response to issues that cause anti-social behaviour, and only where necessary to protect the public.

There are also a number of practical considerations which should be borne in mind when choosing the right tool. PSPOs can be resource-intensive to introduce and enforce and there will need to be commitment from partners to ensure it can be implemented effectively.

Councils will need to be satisfied that where they choose to pursue introducing an Order as part of their strategy, they have met the requirements of the legislation. This is covered in detail in the following sections.

## Introducing a PSPO

Where councils have identified that a PSPO may be a suitable response to a particular local issue, they will then need to consider how to ensure they meet the statutory criteria. This will include determining:

- the appropriate scope of the Order
- the area covered by the restrictions
- the potential impact of the proposals
- how each of the restrictions meets the legal test.

Councils will also need to consider how best the Order should be worded and establish an evidence base to support the proposals, incorporating a consultation process. Other issues, such as the practical implications around implementation and what is possible to enforce, will also need to be borne in mind.

<sup>4</sup> See, for example, City of York Council: [https://www.york.gov.uk/info/20081/arts\\_and\\_culture/1155/busking\\_in\\_york](https://www.york.gov.uk/info/20081/arts_and_culture/1155/busking_in_york)

Early engagement with partners and stakeholders can be useful in understanding the nature of the issue, how best to respond – and, if an Order is proposed, how it might be drafted. This is likely to require involvement, and pooling of information, from a variety of sources, including councillors and officers from across council departments (including, for example, community safety, environmental health, parks, equalities, legal), police colleagues and external agencies.

It is useful for local areas to seek early contact with interest groups when scoping their proposals, to help identify how best to approach a particular issue, before the formal statutory consultation takes place. For example, a local residents' association or regular users of a park or those involved in specific activities in the area, such as buskers or other street entertainers. An effective consultation process with a range of stakeholders will also help to assess the impact of the ASB and where an appropriate balance for restrictions on behaviour should lie (see supporting evidence and consultation, below).

**“Engagement with representative groups early on was really constructive – they helped advise us on other legislation we needed to be mindful of, and helped us draft something that worked.”**

**Carmarthenshire County Council**

Ongoing engagement with, and commitment from, partners will be crucial for introducing, implementing and enforcing a PSPO and ensuring there are resources available to support it.

### **Activity subject to an Order – overview**

PSPOs can be used to restrict a broad range of activities. Under section 59 of the 2014 Act, local authorities must be satisfied on reasonable grounds that the activity subject to an Order:

- has a detrimental effect on the quality of life of those in the locality (or it is likely

that activities will take place and have such an effect)

- is (or is likely to be) persistent or continuing in nature
- is (or is likely to be) unreasonable
- justifies the restrictions being imposed.

PSPOs must set out clearly what the detrimental activities are. What may be regarded as ‘anti-social’ is a subjective concept, and similarly determining whether or not behaviour is detrimental and unreasonable can present some challenges and will require careful consideration.

Councils will need to assess how certain behaviours are perceived, and their impact – both on the community broadly, and on its most vulnerable individuals. Some areas have included an additional test locally that the behaviour needs to be severe enough to cause alarm, harassment or distress. Collating evidence that illustrates the detrimental impact of particular activities will be important (see supporting evidence and consultation, below).

When assessing what is ‘unreasonable’ activity, councils will need to balance the rights of the community to enjoy public spaces without ASB, with the civil liberties of individuals and groups who may be affected by any restrictions imposed. Further, some of those affected by possible restrictions may be vulnerable and councils need to look carefully at what impact the proposals might have on certain groups or individuals (see assessing potential impact and the Equality Act, below).

### **Appropriate restrictions**

As set out above, the restrictions imposed by an Order must be reasonable, and either prevent or reduce the detrimental effect of the problem behaviour, or reduce the risk of that detrimental effect continuing, occurring or recurring. Ensuring that the prohibitions or requirements included in a PSPO are solid, easily understood and can withstand scrutiny is key.

Orders must state what restrictions are being imposed to either prohibit certain things, and/or require certain things to be done by those

engaged in specific activities. PSPOs are most effective and most robust to challenge where they are **tightly drafted and focus on the precise harmful behaviour identified**. Being clear on addressing the problem behaviour in an Order can help avoid the risk of unduly pursuing individuals who may not be causing any real harm.

## Homeless people and rough sleepers

The Home Office guidance sets out that PSPOs should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. It suggests the council should consider whether the use of a PSPO is the appropriate response and if it will have a detrimental impact on homeless people and rough sleepers. Councils will find it useful to consult with national or local homeless charities on this issue, when councils are considering restrictions or requirements that could affect homeless people and rough sleepers.

## Groups hanging around/standing in groups/playing games

It is important that any Orders put in place do not inadvertently restrict everyday sociability in public spaces. Restrictions that are too broad or general in nature may, for instance, force young people into out-of-the-way spaces and put them at risk. It is useful to consider whether there are alternative spaces that they can use. The Home Office guidance notes that people living in temporary accommodation may not be able to stay in their accommodation during the day and may find themselves spending extended time in public spaces. It's important to consider when putting in place any restrictions that public spaces are available for the use and enjoyment of a broad spectrum of the public, and that people of all ages are free to gather, talk and play games.

**Annex 3**  
In the London Borough of Brent, residents and park users identified issues with public defecation, alcohol use, public disturbances and intimidation. The council introduced a PSPO targeting the cause of the ASB – groups congregating, attracted by offers of casual labour. The council was keen not to enforce against rough sleepers or job-seekers but instead outlaw the offering of employment within the area, and the running of an unlicensed transport service. The aim was to deter those seeking to exploit casual labourers and those profiting from bringing certain groups to the area.

Proposals should clearly define which specific behaviours are not permitted or are required, and any exemptions that might apply. Careful wording will help people to understand whether or not they are in breach once the Order has been implemented and give them an opportunity to modify their behaviour. It will also help to avoid any unintended consequences. Councils' legal teams should be able to advise on the precise wording to use.

## Limitations

There are some limitations set out in the legislation regarding behaviours that can be restricted by PSPOs. Under the 2014 Act, local authorities must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, extending, varying or discharging an Order. These cover freedom of expression, and freedom of assembly and association respectively (although it is worth noting here that PSPOs might be considered appropriate for addressing aggravating behaviours such as the use of noise-enhancing equipment like amplifiers). Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles.

Where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as licensed premises.

Further, there are some restrictions under section 63 on what action might be taken for a breach of an Order that prohibits consumption of alcohol (see enforcement and implementation, below).

Where Orders will restrict public rights of way, section 64 of the Act requires authorities to consider a number of issues, including the impact on those living nearby and the availability of alternative routes – and sets out some categories of highway where rights of way cannot be restricted. Councils may also conclude that PSPOs restricting access should only be introduced where the ASB is facilitated by the use of that right of way – otherwise it may be more appropriate to draft an Order focussed on the problem behaviour instead.

Some PSPOs have been introduced to address ASB linked with ingesting new psychoactive substances (NPS). The Psychoactive Substances Act 2016 introduces new legislation regarding the production and supply of NPS, but, unlike controlled drugs, does not criminalise the possession of substances alone.<sup>5</sup> Effective implementation and enforcement of PSPOs that deal with the consumption of psychoactive or intoxicating substances will require particularly careful consideration. Wording of these Orders should be precise to avoid any unintended consequences, ensuring it is clear what substances are covered or exempted.<sup>6</sup>

### Area subject to an Order

The Act and Home Office statutory guidance set out the types of land which can be subject to a PSPO, or where additional considerations or requirements apply (eg when undertaking the consultation process). The activity restricted by an Order must be carried out in a public place, which is defined in the legislation as ‘any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission’.

There may be some restrictions on the activities that can be prohibited on certain types of land (registered common land, registered town or village greens and open access land) which should also be considered. For instance, restrictions on access to registered common land may be subject to a separate consents process under The Commons Act 2006.<sup>7</sup> Further, for Orders that restrict public rights of way, section 65 of the 2014 Act sets out certain categories of highway to which such an Order cannot apply.

For addressing behaviour on privately-owned open spaces, other approaches may be more effective and appropriate. Private landowners are responsible for behaviours which occur upon their land and where landowners can be identified and traced, councils should work with them to address problem behaviour. Where landowners do not engage, councils may utilise other tools and powers available to them, such as Community Protection Notices or Civil Injunctions.

In Oldham, the council has successfully worked with a group of landowners and residents to enable them to find their own solutions to improve security and reduce ASB.

Determining the extent of the geographical area covered by an Order will mean identifying what is proportionate in the circumstances and restricting activities only where necessary – ie only where the legal test is met. It may be difficult to demonstrate that the statutory criteria under section 59 have been met across an entire broad geographical area; evidence about the extent of the anti-social behaviour within a locality should be used to inform appropriate boundaries (see supporting evidence and consultation, below).

<sup>5</sup> Unless in a custodial institution.

<sup>6</sup> It may be useful to refer to The Psychoactive Substances Act 2016, which includes a list of substances that might be deemed to produce a psychoactive effect when consumed but which are exempt from the scope of the 2016 Act – for instance medicinal products, nicotine or caffeine.

<sup>7</sup> Further information and links to additional guidance: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364851/Public\\_and\\_open\\_spaces\\_information\\_note.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf)

In some cases of course it will not be appropriate to introduce broad-scale restrictions. When drafting an Order placing restrictions on dogs for instance, it should be considered that owners have a duty under the Animal Welfare Act 2006, to provide for their animal's welfare, which includes exercising them. In determining the area covered by restrictions, councils should therefore consider how to accommodate the need for owners to exercise their animals.

The area which the PSPO will cover must be clearly defined. Mapping out areas where certain behaviours **are** permitted may also be helpful; for instance identifying specific park areas where dogs can be let off a lead without breaching the PSPO.

## Controlling the presence of dogs

The Home Office guidance encourages councils to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Councils should also consult dog law and welfare experts, for example, vets or animal welfare officers and organisations affected by restrictions before seeking to a PSPO. It may be useful to consult the Kennel Club on these issues.

The Department for Environment, Food and Rural Affairs has produced guidance in the form of a practitioner's guide on a range of tools available to deal with irresponsible dog ownership, for example, the use of a Community Protection Notice.

Where parish and town councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experiencing by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO.

Practical issues such as effective enforcement and erecting signs in (or near) an area subject to an Order – as required by the legislation – should also be borne in mind when determining how large an area the Order proposals might cover.

### Displacing behaviour

Notwithstanding the requirements outlined above, when defining the area restrictions should cover, consideration should be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring authority. It is worth noting here that the legislation allows for Orders to address activity that 'is likely to' occur in that public place. Local areas can therefore consider whether there are any legitimate concerns that introducing an Order in one area, and not another, could simply move issues somewhere else – and thus whether it would be appropriate to extend into a larger area or adjacent street. Councils will however need to ensure that a proportionate approach is taken overall, and that there is evidence to support using a broader approach.

Where there are concerns that activity may be displaced into other areas, authorities should contact neighbouring councils to discuss managing any unintended consequences.

### Order exemptions

The legislation allows for Orders to apply only in particular circumstances and may include certain exemptions. Restricting behaviours only at certain times of day, or on a seasonal basis, can help to balance the needs of different groups and may be easier to enforce. Orders might only cover times of day when the issue is particularly acute, or when the problem behaviour will have more of an impact on others. Similarly, some types of ASB can be seasonal in their nature, for example relating to school holidays or summer weather. It may be the case that only at certain times will the behaviour be regarded as sufficiently 'detrimental' to satisfy the legislative test.

Exemptions for particular groups may be appropriate. For instance, for PSPOs controlling the use of dogs, it is likely that

assistance dogs should be exempt; this will need to be explicitly stated in the wording of the Order.<sup>8</sup> Exemptions might also cover particular circumstances where restrictions may or may not apply. Undertaking an effective impact assessment (see assessing potential impact and the Equality Act, below) should help to identify the consequences of a proposed Order on specific groups and therefore whether certain exemptions would be appropriate.

### Assessing potential impact and the Equality Act 2010

It is important for councils to consider carefully the potential impact of a PSPO on different sections of their communities. In introducing an Order, councils must take care to ensure that they comply with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO should therefore be reviewed to determine how they might target or impact on certain groups.

Although it is not a specific requirement of the legislation, it is recommended that areas undertake an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.<sup>9</sup> This process will help councils to establish any potential negative impacts and consider how to mitigate against these. This exercise will also help to ensure transparency.

Areas that have undertaken an EIA before introducing a PSPO have reported how useful this was<sup>10</sup>, providing an opportunity to give full and separate consideration to the effect that each of the prohibitions or requirements might have on those in particular groups, and

enabling areas to consider how they could minimise any negative consequences – both in terms of the scope of the proposals and in how they might be implemented. Undertaking an EIA before introducing a PSPO can help to inform how best to balance the interests of different parts of the community, and provide evidence as to whether or not the restrictions being proposed are justified – as required by section 59 of the 2014 Act.

### Duration of PSPOs

Orders can be introduced for a maximum of three years, and may be extended beyond this for further three-year period(s) where certain criteria are met (see extension, variation and discharge, below). The proposed length should reflect the need for an appropriate and proportionate response to the problem issue. Some areas have introduced shorter Orders to address very specific issues, where it is felt that a longer-term approach is unnecessary.

## Supporting evidence and consultation

Local areas will, of course, need to satisfy themselves that the legislative requirements are met before an Order can be introduced, and obtaining clear evidence to support this is important. Collating information about the nature and impact of the ASB subject to the PSPO are core elements of the evidence-gathering and consultation process and will help inform the council's view as to whether the requirements under section 59 of the Act have been fulfilled.

The evidence will need to be weighed up before authorities can determine whether or not it is appropriate and proportionate to introduce a PSPO at all, and if so, whether the draft proposals are suitable. It can be used to help shape the scope of the Order, including any exemptions – such as times of day when a behaviour might be prohibited – and can also help to determine what area the Order should cover and how long it should last. The most robust Orders will be supported by a solid evidence base and rationale that sets out how

<sup>8</sup> This differs from some Dog Control Orders, which automatically excluded assistance dogs from restrictions.

<sup>9</sup> The Equality Duty covers: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Marriage and civil partnership are also covered in some circumstances.

<sup>10</sup> See example from Oxford City Council: <http://mycouncil.oxford.gov.uk/ieDecisionDetails.aspx?AllId=10095>



the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response.

The nature of this evidence, and how it should be weighted, is largely down to councils to determine, although obtaining a range of data from different sources as part of this process will be particularly useful in informing decision-making, and may help to avoid challenge further down the line (see further evidence, below, for specific examples). The Act does however require that there is a consultation process before an Order can be made (and held again when an Order is extended, varied or discharged).

### **Statutory consultation – who to contact?**

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification (see also publication and communication, below).

Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

There are additional requirements under the Act regarding Orders that restrict public rights of way over a highway (see below), but beyond this, and the broad requirements above, local authorities can determine for themselves what an appropriate consultation process might entail. However, this does provide an important opportunity to seek a broad range of views on the issue and can be invaluable in determining ways forward, establishing the final scope of the proposals and ascertaining their impact.

Encouraging open discussion as part of the consultation process can help to identify how best to balance the interests of different groups – both those affected by the anti-social

behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.

‘Community representatives’ are defined broadly in the Act as ‘any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area’. This gives councils the freedom to determine who best to contact given local circumstances and the scope of the proposals. Those who will be directly affected by the Order, or groups representing their interests, should be directly approached. Further, several areas have reported that they found it useful to actively seek out stakeholders who might oppose the proposals during their consultation.

In several areas early discussions with stakeholders who might be affected by a PSPO have proven very useful. This engagement, often before a more formal consultation process, not only provides an opportunity to discuss the anti-social behaviour and its impact on others, but also gives the council an in-depth understanding of stakeholders’ key concerns, and tests the impact that any restrictions on behaviour might have. This has helped scope the proposals and in some cases identified alternative ways of tackling the problem behaviour.

Identifying appropriate stakeholders to approach will obviously depend on the nature and scope of the PSPO in question. Alongside residents, users of the public space, and those likely to be directly affected by the restrictions, this might include residents’ associations, local businesses, commissioned service providers, charities and relevant interest groups.

The Kennel Club (via KC Dog) has been contacted by several councils looking to introduce PSPOs affecting dogs and their owners. Where an Order will restrict access over land, utility service providers should be included within the consultation process.

### Consultation approaches

Councils should use a range of means to reach out to potential respondents, some of whom may be unable to feed back in certain ways, eg online. Local demographics and the characteristics of those who may be most affected by the ASB or the Order can also help to identify the best mechanisms for ensuring a comprehensive consultation process (for instance, using social media where young people may be particularly affected). Similarly, different tools may be utilised in various ways to enrich the information gathered – for instance, a survey of park users which is repeated at various times of day to cover a range of people using the public space.

Existing meetings such as ward panels may provide opportunities to discuss the issue and encourage more formal consultation responses. Securing written statements from those particularly affected, such as landowners, can be particularly useful in building the evidence base for supporting the introduction of a PSPO.

In Cheshire West and Chester their PSPO consultation not only asked respondents whether or not they found particular activities problematic, but also whether or not that behaviour should be addressed via a PSPO. By asking open questions that allowed for free comments, it provided an opportunity for respondents to give their views on what they felt should be a proportionate response to each specific issue identified.

An effective consultation should provide an overview of what the local issues are, set out why a PSPO is being proposed, and what its impact would be. Publishing details of the extent of the problem behaviour can assist respondents to understand why a PSPO is being considered and help inform views on whether it would therefore be an appropriate response.

The consultation should also provide sufficient means for respondents to oppose the proposals and may also be used to elicit

views on alternative approaches. Achieving a healthy response rate, with considered responses, will help to support the evidence base for introducing an Order and refuting challenge.

**“The open consultation format was actually really useful in identifying new issues. We haven’t lost anything from the process; all these things have gone into action plans to try and sort out.”**

Cheshire West and Chester

Examples of consultation methods from local areas include:

- online questionnaires
- postal surveys
- face-to-face interviews
- contact with residents’ associations
- focus groups with stakeholders and interest groups representing those who will be affected
- discussions with service providers working directly with affected groups
- discussions at ward panel meetings
- publicity via local press or social media
- publications in libraries and other public buildings
- on-street surveys
- drop-in sessions in the area subject to the PSPO.

Surveys or questionnaires have been an integral part of councils’ consultation processes for PSPOs and provide a chance to test the extent to which the proposals satisfy the statutory requirements under section 59. The questions might explore:

- what effect the activities in question have on residents, businesses and visitors – and whether this is detrimental

## Agenda Item 6

- how safe respondents feel and what impacts on this
- how often problem behaviours are personally encountered by individuals
- when and where problems occur
- whether the behaviour is so unreasonable that it should be banned.

Feedback from some areas suggests that seeking expert advice on drafting questions and undertaking consultations can help ensure that questions are appropriately phrased, clear and objective.

There are no statutory requirements about the length of the consultation process. However it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order, taking into account for instance any holiday periods that may affect response rates – this may take several weeks or even months. Some issues may require time to fully explore and understand – councils should not be reluctant to extend the initial consultation period if it is clear that this would be beneficial in the longer-term.

### **Additional requirements for PSPOs restricting public rights of way**

In the case of Orders restricting access over public highways (eg through the installation of gates), the Act sets out specific additional requirements for the consultation process. The council must notify those who may be potentially affected by the Order, let them know how they can see a copy of the PSPO proposals and when they need to submit any responses, and is required to consider any representations made. Councils must also consider the effect of the restrictions on occupiers of premises adjacent to or adjoining the highway, on other people in the locality and, where this is a through route, whether a reasonably convenient alternative is available. These considerations should include, for example, access for emergency services or utility companies.

Achieving support from the local community for these types of Orders is particularly

important for ensuring their success; if gates are regularly left open by residents then it is unlikely that the ASB will be addressed.

### Annex 3

In Oldham, a two-stage process is used for consultation for PSPOs that restrict access over public highways.

After local discussions it was found that often directly-affected properties were occupied by transient residents who were less likely to respond to a consultation process. This negatively impacted upon settled residents as non-responses were not counted towards the approval rate for schemes and failure to reach the agreed approval rate resulted in proposals not being progressed any further.

Working with residents and councillors, the policy was amended and now states that if, after two contacts, there is no response from a household directly affected by the proposal, and in the absence of a clear objection, the default position becomes support for the proposed Order, thus achieving a much higher level of support for the proposals. In order to achieve a balance the approval rate required to move to the next step of broader consultation was increased to 90 per cent.

### **Consultation outcomes**

Consultation responses will clearly require some analysis once they are collected. Councils might consider examining the demography of respondents to the consultation. This can help to gauge whether they are, for example, residents or visitors, and can be useful in determining who is likely to be impacted most by either the problem behaviour or restrictions on behaviour. This can be useful in helping to shape the final Order provisions.

**“The consultation allowed us to measure the fear of crime – often things are not reported and the statistics don’t show this.”**

Cheshire West and Chester Council

Councils may wish to publish the outcomes of their consultation process, and other supporting evidence, in the interests of transparency (subject to data protection requirements).

### Further evidence

As noted above the 2014 Act requires local authorities to formally consult with the police and the police and crime commissioner (PCC) – and there should be further engagement with relevant lead officers from the police to help build the evidence base and identify the potential impact of an Order. Early engagement with and support from police partners is likely to be key in introducing an Order. As well as assisting with identifying the problem behaviour and therefore the scope of any responses, this can also help to draw out some of the more practical implications of introducing an Order, such as how it will be enforced – which may shape how the PSPO is drafted.

Alongside eliciting views from the police and PCC, there may be a number of additional sources of information that help to inform decision-making and support (or oppose) the introduction of an Order or specific prohibitions. These might include:

- the community safety partnership's strategic assessment
- police data on crime and anti-social behaviour incidents (including the impact of some problem behaviours, such as excessive drinking)
- hospital data on ingesting new psychoactive substances
- calls to 101
- calls to council services reporting incidents
- residents' logs and photographs of anti-social behaviour
- mapping of problem areas
- data on the effectiveness of previous Gating Orders or Dog Control Orders
- CCTV footage of incidents
- reports from council staff such as park wardens and cleaners.

Collecting data covering an extended period may help to satisfy the legislative requirement that the activities subject to the draft Order are persistent. Some areas have collated evidence covering a two year period in order to demonstrate this.

## Political accountability, scrutiny and sign-off

Within the confines of the framework outlined above (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, ensuring that the statutory requirements have been met and giving final approval for an Order to go ahead.

Close involvement of councillors and ensuring political buy-in throughout the implementation process are key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration. Many areas have agreed that final approval and sign-off of PSPOs should be undertaken at cabinet/ executive or Full Council level.

In ensuring that the requirements under section 59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.

Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.

Councillors will also have an important role in examining the processes used in drafting the proposals. This will include analysing the outcomes of the consultation process and other supporting evidence offered to satisfy the statutory criteria, and determining whether, on balance this provides sufficient grounds to proceed (it should be noted here the need to ensure compliance with data protection legislation when sharing this information).

Several areas have used overview and scrutiny committees to examine draft Orders and challenge proposed ways forward. This adds a further element of democratic accountability and helps to ensure that decisions made are sound and transparent. In several cases, involvement from scrutiny committees has helped to focus the scope of Orders proposed.

Committees provide a useful mechanism to test the proposals and their potential impact, and the evidence base for introducing them; front-line councillors can provide different perspectives and may also offer suggestions for alternative approaches.

### Suggested questions for overview and scrutiny committees

What evidence is there that the anti-social behaviour is or is likely to be persistent, detrimental and unreasonable?

Why is a PSPO being proposed to address this issue or issues?

Is the proposed restriction proportionate to the specific harm or nuisance that is being caused?

What alternative approaches are available and why is a PSPO appropriate in these circumstances?

Will the proposals alleviate each of the problem behaviours?

Have exemptions been considered?

What might be the unintended consequences for each aspect of the

PSPO?

### Annex 3

What will be the impact on different groups? Has an equalities impact assessment been undertaken and what were its findings? What can be done to mitigate against any negative consequences?

How have the consultation outcomes and other evidence collated been taken into account?

How will the PSPO be enforced for each restriction/requirement? Are there sufficient resources to do this effectively?

## Enforcement and implementation

### Enforcement protocols

As noted earlier, issues regarding some of the more practical aspects of implementation and enforcement of PSPOs should be borne in mind from the beginning of the planning process – and may help shape the scope and wording of the Order itself. Further, effective implementation of a PSPO is likely to be part of a broader strategic approach that includes a number of different initiatives to tackle the problem issues.

Beyond this, local areas will want to develop specific protocols regarding enforcement action, before the Order is implemented. These protocols should incorporate expert input on the issues related to the ASB in question, and, recognising that there may be other options available to address a particular ASB incident, provide guidance on what might be the most appropriate legislative (or other) tool to use in different circumstances. Some areas have developed a process map to provide a step-by-step diagram to agreed enforcement procedures.

Protocols should also cover what should be done in the event of a breach. It is an offence under section 67 of the 2014 Act to breach an Order without a reasonable excuse. In the case of Orders that prohibit alcohol

“Local communities have helped to identify the peak periods for problems in the park – patrol times can then be planned accordingly.”

consumption, where it is reasonably believed that a person has been or intends to consume alcohol, it is an offence under section 63 either to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol or a container for alcohol).

Procedures should therefore consider circumstances where there may be a ‘reasonable excuse’ for breaching the Order, for instance a medical reason for public urination (such circumstances may be covered explicitly as exemptions in the wording of the Order). Protocols also provide a further opportunity to recognise that some of those responsible for the behaviour covered in the Order may themselves be vulnerable and in need of support; they should therefore include referral pathways where there are any safeguarding concerns, and signpost to other services.

In the London Borough of Brent enforcement of the PSPO is shared between the police and the council with joint visits from UK Border Agency and Brent’s employment and skills team, who seek to offer routes into legitimate employment for jobseekers.

Who is responsible for enforcement will vary across areas. In some, enforcement will be undertaken by council officers – this may include ASB officers, housing officers, park wardens, etc – and in others this may be undertaken in partnership with police officers and/or police community support officers. Protocols may therefore require agreement regarding patrolling activity and reporting arrangements – some of which will be informed by the specific behaviour in question. Some authorities have also encouraged local people to report incidents of possible breaches, which can help shape enforcement responses going forward, particularly around timetabling patrols.

### Coventry City Council

As well as developing protocols, training will help delegated officers to understand how the Order should be enforced in practice. In Cheshire West and Chester, this included training from the ambulance service to reinforce that the safety of individuals was paramount and help officers understand, for instance, the possible dangers of ingesting psychoactive substances.

Some areas have used a ‘soft-launch’ period as the Order becomes live. This provides an opportunity to test protocols with officers before full implementation. It also gives councils the chance to raise awareness of the new pending prohibitions – and demonstrate that some behaviours have been causing concern. However areas should consider how to manage any risks if implementation is delayed.

### Fixed penalty notices

As noted above, it is an offence under section 67 to breach an Order without reasonable excuse, and where Orders prohibit alcohol consumption, it is an offence under section 63 to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol/a container for alcohol).

Under the Act, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach. Section 68 sets out a framework for issuing FPNs but councils will also have their own broader protocols around issuing fines to which they should also refer – this might cover, for instance, whether or not fines are issued to those aged under 18. Protocols should also cover when it would be appropriate to pursue an individual further where an FPN is issued but remains unpaid after the prescribed period. In addition, there will be a need to plan for practical elements before implementation, such as developing

specific FPN templates for dealing with PSPO breaches.

**“There was some concern that a £100 FPN might not be an adequate deterrent and that a broader financial range for FPNs, up to £400, would be preferred. However, the current arrangements do allow for a summons to court to be issued for persistent offenders where multiple FPNs have been issued.”**

### Royal Borough of Kensington and Chelsea

It will not always be appropriate to issue FPNs. Warnings may often be sufficient, and in many areas this is the initial preferred response. In some, advice sheets are handed out in the majority of cases, informing recipients that their behaviour breaches an Order, giving them the chance to comply or providing an opportunity for them to be moved on. Councils have reported that in most cases this has been sufficient to address the behaviour and there has been no need to take further action.

### Publication and communication

Using an effective communication strategy to raise awareness about a PSPO is important throughout the implementation process, and should incorporate contact with partners and stakeholders as well as members of the public. Successful communications can help with informing the appropriate scope of an Order, engaging members of the community and others during the consultation process, and ensuring effective enforcement.

The legislation also sets out a number of requirements. Draft proposals for a PSPO must be published as part of the consultation process. For new or varied Orders the text must be published; for extended or discharged Orders the proposal must be publicised.

Home Office guidance suggests the close or direct involvement of elected members will help to ensure openness and accountability. The guidance suggests this can be achieved, for example, where the decision is put to the Cabinet or full council.

The area covered by the proposals must be well defined; publishing maps of the affected area will help to clarify where behaviours are controlled. There are requirements in the legislation for notifying any parish or community councils in the affected area, and for notifying the county council where the Order is being made by a district council. There are further requirements for formal notifications regarding Orders that restrict access to public highways (see also supporting evidence and consultation, above).

Regulations set out additional requirements regarding the publication of PSPOs<sup>11</sup> that have been made, varied or extended, stipulating that these must be:

- published on the local authority’s website
- erected on or adjacent to the place the Order relates to, and is sufficient to draw attention, setting out the effect of the Order and whether it has been made, varied or extended.

The same requirements apply where an Order has been discharged, and must also include the date at which it ceases to have effect.

Signs publishing the Order in the affected locality do not necessarily need to set out all the provisions of the Order, but rather state where this information can be found. Multiple signs are likely to be required, particularly where the Order covers a large area.

These requirements should be regarded as a minimum and a range of options should be explored; in practice it is helpful to use a variety of means to help publicise the Order to raise awareness, avoid confusion and give people the opportunity to comply.

<sup>11</sup> Statutory Instruments 2014 no. 2591 The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders)

Effective communication helps people understand what behaviours are expected in particular areas, and reduces the need to rely on enforcement measures.

In some areas leaflets have been printed detailing the new prohibitions in different languages, for distribution by officers. Similarly the nature of the Order itself may suggest some communication channels may be more effective than others. For instance, an Order covering the ingestion of legal highs at a music festival in Chelmsford was promoted via a social media campaign to reflect the demographics of those most likely to be attending the festival and who are likely to be reached via these means.

Effective communication with residents and partners throughout can also help manage expectations about the impact of introducing an Order. Putting a PSPO in place can be a lengthy process and it is important to maintain communication about when it will come into effect and/or be enforced and if other measures are being utilised in the interim. In addition this can help residents to understand that simply having an Order in place is unlikely to resolve an issue overnight – which may be even more important where there has been media interest in the proposals.

### Legal challenge

PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation. Challenges must be made to the High Court within six weeks of the Order being made, and by an individual who lives in, regularly works in or visits the restricted area. The High Court can uphold, quash or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict. As with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

### Extension, variation and discharge

A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under section 60 of the Act are met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years. Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate.

Councils should consider carefully what length of time would be reasonable and proportionate given the nature of behaviour in question and the impact of the restrictions being posed – byelaws, which are permanent, may be more appropriate if the issue concerned is unlikely to be transient. The impact of the original Order should be evaluated before any extensions are approved – where ASB has been completely eradicated as a result of a PSPO, it is proportionate and appropriate to consider the likelihood of recurrence of problems if the Order is not extended.

Orders can also be varied under the Act, by altering the area to which it applies, or changing the requirements of the Order. The same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied, as set out earlier in this guidance. Similarly, PSPOs can be discharged before their original end date.

Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process (see publication and communication, above). Similarly, under section 72 councils are required at all of these stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998 (see limitations, above).

In light of the updated statutory guidance from the Home Office on anti-social behaviour powers, published in December 2017, councils should review their PSPOs



when they are up for renewal and take into account these recent changes to the statutory guidance.

protocols are being used and whether practices are appropriate and consistent.

### **Existing Designated Public Place Orders, Gating Orders and Dog Control Orders**

Any DPPOs, Gating Orders or DCOs are automatically treated as if they were provisions of a PSPO. The transitioned Order will then remain in force up to a maximum of three years (2020) from the point of transition.

There is no requirement in the legislation for councils to undertake a new consultation process where existing DPPOs, Gating Orders or DCOs automatically transition, although local areas may consider reviewing these current Orders ahead of this time to ensure their provisions meet the legal tests for PSPOs. It is recommended that councils publicise any PSPOs that replace existing DPPOs, Gating Orders or DCOs to help raise public awareness.

Local councils have the discretion to consider what changes to signage are needed to notify members of the public. Any extension, variation or discharge of a transitioned PSPO would mean the local councils should carry out the necessary consultation and publication of the proposed Order.

### **Evaluating impact**

As noted above, evaluating the impact of a PSPO will be important when considering extending or varying an Order, however assessing the effects, and effectiveness of the Order, should form part of ongoing performance management. Several areas have introduced procedures to monitor the impact of an Order at regular intervals.

A thorough evaluation will help to determine if the PSPO has addressed each aspect of the problem behaviour, whether discharging or varying the Order would be appropriate – and why – and what any variations might look like. Crucially it will also help measure the impact on people, including identifying any unintended consequences of the provisions. It should consider whether there has been any displacement of the issue to other areas and might also look at how enforcement

# Resources

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals

**Home Office, December 2017**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670180/2017-12-13\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf)

A councillors' guide to tackling new psychoactive substances

**LGA 2016**

<http://www.local.gov.uk/councillors-guide-tackling-new-psychoactive-substances>

A guide to community engagement for those contemplating management on common land

**Natural England, 2012**

[www.historicengland.org.uk/images-books/publications/common-purpose/](http://www.historicengland.org.uk/images-books/publications/common-purpose/)

Dealing with irresponsible dog ownership: Practitioner's manual

**Defra, 2014**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/373429/dog-ownership-practitioners-manual-201411.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf)

Ending rough sleeping by 2012:

A self-assessment health check

**Department for Communities and Local Government, 2009**

<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/housing/pdf/endroughsleeping.pdf>

Reform of anti-social behaviour powers:  
Public and open spaces

**Home Office information note,  
Home Office, 2014**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364851/Public\\_and\\_open\\_spaces\\_information\\_note.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf)

## Legislation

**Anti-social Behaviour, Crime and Policing Act 2014**

[www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2](http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2)

**Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014**

<http://www.legislation.gov.uk/uksi/2014/2591/contents/made>

**Human Rights Act 1998**

[www.legislation.gov.uk/ukpga/1998/42/contents](http://www.legislation.gov.uk/ukpga/1998/42/contents)

**Psychoactive Substances Act 2016**

[www.legislation.gov.uk/ukpga/2016/2/contents](http://www.legislation.gov.uk/ukpga/2016/2/contents)

Agenda Item 6  
Annex 3







**Local Government Association**

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For a copy in Braille, larger print or audio,  
please contact us on 020 7664 3000.  
We consider requests on an individual basis.

## **Review of the Overview & Scrutiny Panel Work Programme for 2023-24**

**Overview & Scrutiny Panel Panel** 26 September 2023

**Report Author** Committee Service Manager

**Status** For Decision

**Classification:** Unrestricted

**Key Decision** No

**Ward:** Thanet Wide

### **Executive Summary:**

This report summarises activities of the Overview & Scrutiny Panel for 2023/24 and asks the Members to comment, make suggestions and note the OSP work programme.

### **Recommendation(s):**

Members are being asked to review the Overview & Scrutiny Panel work programme for 2023/24.

### **Corporate Implications**

#### **Financial and Value for Money**

There are no financial implications arising directly from this report but elements of the suggested work programme may have financial and resource implications which would need to be managed within existing resources, or alternatively compensating savings found.

#### **Legal**

The role of scrutiny is set out in section 9F of the Local Government Act 2000. The council must also have regard to the statutory guidance on Overview and Scrutiny from the ministry of Housing, Communities and Local Government when exercising its functions.

#### **Risk Management**

There are risks arising directly from this report.

#### **Corporate**

The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

The working parties assist with the work of scrutiny as they would carry-out an in-depth study of any issue referred to the groups under their terms of reference. An active Scrutiny programme is part of good governance.

## **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

1. To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
2. To advance equality of opportunity between people who share a protected characteristic and people who do not share it
3. To foster good relations between people who share a protected characteristic and people who do not share it.

No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

It was important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

## **CORPORATE PRIORITIES**

This report relates to Communities.

### **1.0 Introduction and Background**

- 1.1 This report allows the Panel to review the work programme for the period 2023/24. The work programme helps provide a framework for reporting progress regarding the activities of the Overview and Scrutiny Panel and would also provide officers with a reference point for planning appropriate levels of support for the Panel. This report follows on from the one that was considered by Members on 20 July 2023.
- 1.2 The current statutory guidance for the scrutiny function says, effective overview and scrutiny should:
  - Provide constructive 'critical friend' challenge;



- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services

1.3 With this in mind, Members may wish to ensure that the Panel work programme for the year provides opportunities for critical but constructive challenge to the Executive, articulate any concerns about matters that are the business of the council and strive for improved service delivery by the Council and other public agencies working in Thanet. Members could also consider including in the work programme matters they would like to investigate on any matter that they feel affects the welfare of the local communities.

## **2.0 THE WORK PROGRAMME**

### **Scrutiny Review Topics**

2.1 At the Panel meeting on 30 May 2023, Members put forward a number of topics and these were finalised at the July meeting. The matrix for scoring and prioritising review topics is attached as Annex 2 to the report. If the list is not progressed to completion during the current year, any remaining topics would then be carried over into the following municipal year.

2.2 The Panel agreed to investigate the following topics:

1. Impact of tourism
2. Fly tipping and abandoned vehicles;
3. Grant funding review.

2.3 They further set up the Tourism Review Working Party to conduct the review on the first topics and the membership is as follows:

- Councillor Austin;
- Councillor Britcher;
- Councillor Green;
- Councillor Kup;
- Councillor Packman

2.4 The Tourism Working party met on 24 August and agreed on their work programme which included two meetings on 12 September and 26 September to discuss issues relating to their investigation with senior officers in street cleansing, finance, neighbourhoods and coastal services.

2.5 Annex 1 is the work programme and Annex 2 is the scoring matrix table. Annex 3 is the table that reflects the distribution of the OSP work programme.

### **Cabinet Presentations at OSP Meetings**

2.6 Members requested the following cabinet member presentations:

- Members requested a presentation on the Parking Strategy.

- 2.7 Members could also identify subject items for presentation from the Forward Plan or any emerging topical issues which may have a significant public interest, where the Panel may feel that their contributions would enhance the decision making process.
- 2.8 Annex 3 shows the distribution mix of the Panel's work programme which highlights pre decision and post decision scrutiny work as well as cabinet member presentations and the work programming activities.

### **Key Decisions**

- 2.9 There was now an arrangement between Cabinet and the Overview & Scrutiny panel that all key decisions need to be reviewed by the Panel before Cabinet approved such decision decisions. This would increase the role that non cabinet members play in shaping future key decisions and strategic decisions that are being made by the Council.

## **3.0 Options**

- 3.1 Members are being asked to comment on the work programme.
- 3.2 Members may opt to make changes to the work programme particularly the scrutiny topics in annex 2 to the report.

**Contact Officer:** Charles Hungwe, Deputy Committee Services Manager, Tel: 01843 577186

**Reporting to:** Nick Hughes, Committee Services Manager, Tel: 01843 577208

### **Annex List**

Annex 1: OSP Work Programme for 2023/24

Annex 2: Scrutiny Scoring Matrix Table for 2023/24

Annex 3 : OSP Pre and Post Decision Scrutiny for 2023/24

### **Background Papers**

None

### **Corporate Consultation**

**Finance:**

**Legal:**

Overview & Scrutiny Panel Work Programme for 2023/24		
Meeting Date	Indicative Agenda Items	Issue Source
19 September 2023	Broadstairs Flood and Coast Protection scheme	Key Decision Item
	Viking Bay to Dumpton Gap Sea Wall Repairs Scheme	Key Decision Item
	LED Street Lighting Contract	Key Decision Item
	Coastal Zone Maintenance Contract	Key Decision Item
	For the Council to enter into a new contract for the supply of electricity to 264 sites within TDC's portfolio	Key Decision Item
	Department for Levelling Up, Housing and Communities Regeneration funding update: Simplification Pathfinder Pilot	Key Decision Item
	Publishing of the TLS Annual Report	Housing Service area item
26 September 2023	Cabinet Member Presentation	Panel Requested Item
	Health & Safety Policy	Key Decision Item
	Award the construction contract for the delivery of the Future High Street Fund Highway Improvements at Ramsgate seafront*	Key Decision Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
21 November 2023	Cabinet Member Presentation	Panel Requested Item
	Establishing the OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

16 January 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
15 February 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
12 March 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
18 April 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
28 May 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

**Table as at July 2023**

Title Of the Scrutiny Review	Review Type	Date added to the scoring table	Membership	Is the topic related to a priority or value within the Council's Corporate Plan?	Is the topic of high public concern?	Is the topic currently under performing as per the Council's quarterly performance monitoring?	Will the topic result in recommendations that save that Council money or generate income?	Time on the list?	Implications for officer resource allocation	Total	Rank	Completion Status
<p><b>topic:</b> Planning Enforcement Review</p> <p><b>Question:</b> a review into Planning enforcement procedures, protocols, and responsibilities. This is an area of great concern to both members of the public and other bodies, such as Parish councils. "Maintaining strong enforcement action..." is listed as a priority in the current Corporate Plan.</p>	B	23/6/23	TBC	20	10	0	0	0	10 - 1- 3 Months review	40	T-4th	
<p><b>topic:</b> Fly tipping and abandoned vehicles</p> <p><b>Question:</b> Fly tipping and rubbish is becoming worse across the district. It is costing the council more money to tackle the issues and with the risk of closure of the KCC waste and recycling centres. We need to ensure there is enough support to ensure officers have the resources, processes and equipment to ensure effective and efficient delivery.</p>	B	23/6/23	TBC	20	10	0	10	0	10 - 1- 3 Months review	50	T-2nd	
<p><b>topic:</b> Review of Protocols and Procedures for Emergency Decisions</p> <p><b>Questions:</b> I write to request a review of the protocols and procedures regarding the making of Emergency decisions, particularly regarding Berths 4 &amp; 5 at the port of Ramsgate, along with previous decisions regarding Berths 2 &amp; 3. To "Continue to look for a viable future for the Port of Ramsgate and the Royal Harbour for the benefit of the town and the wider district" is a stated priority in the current Corporate statement.</p>	A	23/6/23	TBC	0	10	0	0	0	20 - up to 1 month	30	7th	
<p><b>topic:</b> Health and Wellbeing</p> <p><b>Question:</b> What ways we might work more effectively with partners to boost health &amp; well-being in Thanet.</p>	B	23/6/23	TBC	20	0	0	10	0	10 - 1- 3 Months review	40	T-4th	
<p><b>topic:</b> Impact of tourism</p> <p><b>Question:</b> Negative impacts of tourism &amp; how we might mitigate them</p>	A	23/6/23	TBC	10	10	0	20	0	20 - A one day scrutiny review	60	1st	The Tourism Review Working Party met on 24 Aug and agreed a work programme. They have arranged

												for two further meetings scheduled for 12 Sept and 26 Sept. They will be in discussion with key officers and portfolio holders responsible for Corporate Resources, Neighbourhoods and Cleansing & Coastal Services to investigate the subject under review.
<b>topic:</b> Grant funding review  <b>Question:</b> I'd like a review to see firstly what we might have missed out on and then how we can be in best position going forward to apply for grants as and when then are available	B	23/6/23	TBC	10	10	0	20	0	10 - 1- 3 Months review	50	T-2nd	
<b>topic:</b> Cost of Living  <b>Question:</b> how we can work with partners to help residents avoid debt/ tackle it when it arises.	B	23/6/23	TBC	10	20	0	0	0	10 - 1- 3 Months review	40	T-4th	

A:1 Day – 4 weeks Review: **limited officer resource allocations required** for a successful review

B:More than 4 weeks and up to 3 months – **significant officer resource allocations required** for a successful review

C:More than 3 months: **very significant officer resource allocation required** for a successful review

#### Request for Officer Reports

- **Review of Section 106 Management:** how S.106 contributions are allocated, and what procedures are in place to ensure effective delivery
- **Broken Waste Bin Review:** To review the large number of broken waste bins (mainly missing lids) in Thanet. Waste collection is a statutory service however the number of broken bins leads to added rubbish and litter in all wards particularly those with densely populated areas which adversely affects the quality of residents lives and their health. The open bins attract vermin as well as foxes and seagulls who rip open the bags which should be contained in a fully functional bin with a lid. I request that these broken bins are repaired/or replaced by the council free of charge to residents.
- **Update on externally funded regeneration projects:** Regular 2-monthly updates on all externally funded regeneration projects - To include eg business plan, project management framework, progress against workplan, spend against projections, issues arising, risk analysis etc: appropriate focus for each meeting/ project to be agreed with Cabinet member & Regeneration team by the OSP Chair.
- **Review of governance and performance of on-street parking income:** investigate the governance arrangements, the resources employed in policing on street parking and in collecting and managing the fund and what overhead this represents.

OSP Pre and Post Decision Reviews for 2023/24

Date of scrutiny meeting	Item	Pre-decision	Post Decision	Cabinet Presentation	Work Planning
30/05/23	Establish the Overview & Scrutiny Panel Work Programme for 2023-24				<input checked="" type="checkbox"/> <input type="checkbox"/>
30/05/23	Building Safety Act 2022	<input checked="" type="checkbox"/> <input type="checkbox"/>			
30/05/23	Q3 and Q4 2022/23 Tenant and Leaseholder Performance Report		<input checked="" type="checkbox"/> <input type="checkbox"/>		
30/05/23	Q3 and Q4 Corporate Performance Report		<input checked="" type="checkbox"/> <input type="checkbox"/>		
20/07/23	Cabinet Member Presentation - Leader's Presentation on the Vision for TDC			<input checked="" type="checkbox"/> <input type="checkbox"/>	
20/07/23	Purchase of Dwellings for the Local Authority Housing Fund	<input checked="" type="checkbox"/> <input type="checkbox"/>			
20/07/23	Purchase of Section 106 Affordable Housing Units	<input checked="" type="checkbox"/> <input type="checkbox"/>			
20/07/23	Levelling Up Fund and Margate Town Deal Projects Update		<input checked="" type="checkbox"/> <input type="checkbox"/>		
20/07/23	Review OSP Work Programme 2022/23				<input checked="" type="checkbox"/> <input type="checkbox"/>
20/07/23	Forward Plan				<input checked="" type="checkbox"/> <input type="checkbox"/>

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**FORWARD PLAN AND EXEMPT CABINET REPORT LIST**

**13 SEPTEMBER 2023 TO 29 FEBRUARY 2024**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to give 28 clear days’ notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Key decisions

A key decision is an executive decision (taken by Cabinet or by officers on Cabinet’s behalf) that is likely:

- a) To result in the Council spending or saving significantly against the Council’s budget; or
- b) To be significant in terms of the effect on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as “key” if the impact is likely to be very significant

To help clarify what should be included as a key decision in this document, Thanet District Council has set the following thresholds:

Type of Decision	Threshold	Key Decision?
(a) Decisions involving expenditure within relevant budget approved by Council.	None.	No, unless significant effect on communities (i.e. it affects two or more wards or has a major impact within one ward)
(b) Decisions involving expenditure in excess of relevant budget approved by Council.	Any excess which exceeds the FPR virement rules.	Yes, if above threshold. If at or below threshold, a key decision if significant effect on communities (as above).
(c) Decisions on cash flow, investments and borrowings.	None.	No, unless significant effect on communities (as above).
(d) Decisions to make savings.	None.	No, unless significant effect on communities (as above).

If an executive decision does not fall into any of the above categories, it is included as non-key. Thanet District Council also includes in its published Forward Plan decisions affecting Policy Framework and Budget Setting. Other Council decisions may also be included if they have a significant impact on communities. In such cases, the decision type will be denoted as “other”.

## Reports to be considered in private session

The second last column of the Plan indicates where a report is likely to contain exempt information and result in the public and press being asked to leave the meeting for the consideration of the whole or part of the item.

If you wish to make any representations relating to a proposal to hold part of a meeting in private due to the potential disclosure of exempt information, please contact Nicholas Hughes, Committee Services Manager, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ, [nicholas.hughes@thanet.gov.uk](mailto:nicholas.hughes@thanet.gov.uk), telephone number 01843 577208, at least 14 calendar days before the date of that meeting.

At least 5 clear (working) days before the meeting, the Council will publish on its website a notice giving details of representations received about why the meeting should be open to the public and a statement of its response.

The Plan represents a snapshot of decisions in the system as at the date of publication. It is updated 28 clear days before each meeting of Cabinet. The Plan is available for inspection at all reasonable hours free of charge at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE.

## Availability of documents

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Plan will be available from Thanet Gateway Plus, Cecil Street, Margate, Kent CT 9 1RE. Other documents relevant to those matters may be submitted to the decision makers; if that is the case, details of the documents as they become available can be requested by telephoning Democratic Services on 01843 577500 or by emailing [committee@thanet.gov.uk](mailto:committee@thanet.gov.uk).

The documents listed in the Plan will be published on the Council's website at least five clear (working) days before the decision date. Other documents will be published at the same time or as soon as they become available.

The Cabinet comprises the following Members who have responsibility for the portfolio areas shown:

Councillor Rick Everitt	Leader of the Council and Cabinet Member for Strategy and Transformation
Councillor Helen Whitehead	Deputy Leader and Cabinet Member for Housing
Councillor Albon	Cabinet Member for Cleansing and Coastal Services
Councillor Duckworth	Cabinet Member for Regeneration and Property
Councillor Keen	Cabinet Member for Neighbourhoods
Councillor Yates	Cabinet Member for Corporate Services

### 13 September 2023 to 29 February 2024

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Broadstairs Flood and Coast Protection scheme	Approval to spend £406k of grant funding from the Environment Agency to deliver the Viking Bay to Dumpton Gap Sea Wall Repairs Scheme	1. Overview & Scrutiny Panel  Cabinet 2. Charles Hungwe, Deputy Committee Services Manager  Mike Humber, Director of Environment	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	19 Sep 23  21 Sep 23	Key		OSP report Cabinet report
Budget Monitoring 2023/24: Report No.1		1. Cabinet 2. Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	21 Sep 23	Non-Key		Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
General Fund & HRA Final Outturn 2022/23		1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	21 Sep 23	Non-Key		Cabinet report
Publishing of the TLS Annual Report	The TLS Annual Report 2022/23 will be published and available to view on the TDC website	1.Overview & Scrutiny Panel  Cabinet 2.Sally O'Sullivan, Head of Tenant and Leaseholder Services	Councillor Helen Whitehead, Deputy Leader and Cabinet Member for Housing	19 Sep 23  21 Sep 23	Non-Key		OSP report Cabinet report
Department for Levelling Up, Housing and Communities Regeneration funding update: Simplification Pathfinder Pilot	approval of the projects being included within the Simplification Pathfinder Pilot	1.Overview & Scrutiny Panel  Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	19 Sep 23  21 Sep 23	Key		OSP report Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Coastal Zone Maintenance Contract	Approval to spend an estimated £300k per year for 3-5 years (£1.5m over 5 years).	1. Overview & Scrutiny Panel  Cabinet 2. Mike Humber, Director of Environment	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	19 Sep 23  21 Sep 23	Key		OSP report Cabinet report
LED Street Lighting Contract	Approval to spend £283k of capital funding	1. Overview & Scrutiny Panel  Cabinet 2. Mike Humber, Director of Environment	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	19 Sep 23  21 Sep 23	Key		OSP report Cabinet report
For the Council to enter into a new contract for the supply of electricity to 264 sites within TDC's portfolio	This is to renew the provision of electricity supplies to Thanet Council sites	1. Overview & Scrutiny Panel  Cabinet 2. Zoe Harrison, Financial Systems, Income and Payments Manager	Councillor Rob Yates, Cabinet Member for Corporate Services	19 Sep 23  21 Sep 23	Key		OSP report Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Three year extension of the Dog Public Space Protection Ord	The continuation of the dog public space protection order will have a positive impact and help prevent detrimental effects of the quality of the districts coastal water, the quality of cleanliness on Thanets 10 blue flag and seaside award winning beaches, protection of our coastline, cemeteries and playgrounds.	1. Overview & Scrutiny Panel  Cabinet 2. Eden Geddes, Enforcement and Multi Agency Task Force Manager	Cabinet Member for Neighbourhoods	26 Sep 23  19 Oct 23	Key		OSP Report Cabinet Report
Health & Safety Policy	This is for the Council to adopt the Health and Safe Policy for staff, visitors, and partners/contractors.	1. Overview & Scrutiny Panel  Cabinet 2. Stewart Bundy, Health and Safety Compliance Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	26 Sep 23  19 Oct 23	Key		OSP report Cabinet report
Q1 Treasury Report	To provide an update on Treasury strategy and performance	1. Governance & Audit Committee 2. Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	27 Sep 23	Non-Key		Governance & Audit Committee report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Corporate Risk Management Quarterly Update		1.Governance & Audit Committee 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	27 Sep 23	Non-Key		Governance & Audit Committee report
2024/25 Budget Strategy		1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	19 Oct 23	Budget setting		Cabinet report
Margate Town Deal - Approve Third Party Grant Agreement for the Destination Dreamland project	The council will issue an approved Grant Agreement as part of the Margate Town Deal	1.Overview & Scrutiny Panel  Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	16 Nov 23	Key		Cabinet report
Department for Levelling Up, Housing and Communities externally funded projects approval to commence procurement.	Approval to commence procurement for projects within the Ramsgate Future High Street Fund, Ramsgate Levelling Up Fund and Margate Town Deal	1.Overview & Scrutiny Panel  Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Ruth Duckworth, Cabinet Member for Regeneration and Property	16 Nov 23	Key		OSP report Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Treasury Management Mid-Year Review 2023/24	To provide an update on Treasury strategy and performance	1.Cabinet  Governance & Audit Committee  Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	16 Nov 23  29 Nov 23  7 Dec 23	Non-Key		Cabinet report Governance & Audit Committee report Council report
EKS transition programme business case for approval	EKS Revenues and Benefits and Customer services will transition to a Local authority trading company if approved.	1.Cabinet 2.Jasvir Chohan, Interim East Kent Services Transition Manager	Councillor Rob Yates, Cabinet Member for Corporate Services	16 Nov 23	Key		OSP report Cabinet report
Corporate Risk Management Quarterly Update		1.Governance & Audit Committee 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	29 Nov 23	Non-Key		Governance & Audit Committee report
Budget Monitoring 2023/24: Report No.2	To provide an update on the Financial Position & Forecast Outturn	1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	16 Nov 23	Non-Key		Cabinet report



Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Treasury Management Strategy & Annual Investment Strategy 2024/25		1.Governance & Audit Committee  Cabinet  Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	29 Nov 23  11 Jan 24  8 Feb 24	Budget setting		Governance & Audit Committee report Cabinet report Council report
Medium Term Financial Plan 2024-28		1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24	Key		Cabinet report
Council tax Base Calculation Report		1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24	Key		Cabinet report
HRA Budget 2024/25		1.Cabinet  Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24  8 Feb 24	Budget setting		Cabinet report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Budget 2024/25 including Fees and Charges		1.Cabinet  Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24  8 Feb 24	Budget setting		Cabinet report Council report
Council Tax Resolution Report		1.Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	8 Feb 24	Budget setting		Council report
Q3 Treasury Report	To provide an update on Treasury strategy and performance	1.Governance & Audit Committee 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	6 Mar 24	Non-Key		Governance & Audit Committee report
Corporate Risk Management Quarterly Update		1.Governance & Audit Committee 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	6 Mar 24	Non-Key		Governance & Audit Committee report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Budget Monitoring 2023/24: Report No.3	To provide an update on the Financial Position & Forecast Outturn	1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer		14 Mar 24	Non-Key		Cabinet report
Department for Levelling Up, Housing and Communities externally funded projects approvals.	Approval to commence procurement for projects within the Ramsgate Future Levelling Up Fund/ Future High Street Fund/ Margate Town Deal	1.Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	Before 29 Mar 24	Key		Cabinet report
Department for Levelling Up, Housing and Communities externally funded projects approvals.	Approval to appoint contractors for the delivery of contracts for the Ramsgate Levelling Up Fund/ Future High Street Fund/ and Margate Town Deal	1.Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	Before 29 Mar 24	Key		Cabinet report
Adopt a new and revised Strategic Asset Management Plan	The new SAMP [Strategic Asset Management Plan] will provide a road map for estates to demonstrate how it is going to achieve the Council priorities.	1.Cabinet Council 2.Andreea Plant, Head of Property	Councillor Ruth Duckworth, Cabinet Member for Regeneration and Property	Before 31 Mar 24  Before 30 Apr 24	Policy Framework		Cabinet report Council report
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Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
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