

PETITION REGARDING DOG RESTRICTIONS ON THANET BEACHES

Cabinet:	17th September 2020
Report Author:	Penny Button, Director of Neighbourhoods
Portfolio Holder:	Cllr Albon, Cabinet Member for Operational Services
Status:	For Decision
Classification:	Unrestricted
Key Decision	No
Previously Considered by	Council - 9th July 2020

Executive Summary:

An e-petition containing 27 valid signatures was received by the Council requesting that Thanet District Council immediately reverses its decision to continue to restrict dog walking on Thanet Beaches for one month.

The Council's Constitution sets out the rules on petitions as follows:

"Ordinary petitions - those petitions signed by 25 or more petitioners but fewer than 650 will be presented to Council and referred to the Cabinet or another appropriate committee without debate, for report to the Council within three ordinary meetings."

This matter comes before Cabinet following referral from the previous Council meeting. This report sets out the options available to Cabinet.

Recommendation(s):

That Cabinet agrees recommendation 3.2 not to change the current Dog Control Public Space Protection Order.

Corporate Implications

Financial and Value for Money

There are no financial implications to this report.

Legal

The Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities the power to make public space protection orders. The Secretary of State has also published statutory guidance on how public space protection orders are to be applied.

Failure to comply with the legislative requirements for a Public Space Protection Order will leave the local authority open to legal challenge in the Courts

Corporate

Failure to comply with the legislative requirements for a Public Space Protection Order will leave the local authority open to legal challenge in the Courts which has reputational and financial implications for the Authority.

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: -

- *To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.*
- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *To foster good relations between people who share a protected characteristic and people who do not share it.*

The Anti-Social Behaviour, Crime and Policing Act 2014 provides specific exemptions for certain protected characteristics to ensure that there is no discrimination in the application of the powers within the legislation.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Environment
- Communities

1.0 Introduction and Background

- 1.1 An e-petition was organised and validly signed by 27 people prior to the July Council meeting. The petition reads "We the undersigned petition the council to Postpone the regular dog walking restrictions on Thanet beaches for a month. With social distancing still in place, we are extremely lucky to have the beaches as an extra space to walk our dogs whilst keeping our distance. It seems extremely short sighted that, when other councils have lifted restrictions TDC have decided not to. Walking on the beach is an ideal way to keep the space between yourself and others. We will

not have day trippers, visitors or holiday makers. The beaches will not be any busier than they are at the moment. We urge TDC to reconsider their decision.”

- 1.2 The petition was presented to Council on 9th July and referred to Cabinet for consideration.

2.0 The Current Situation

- 2.1 The Country is in an unprecedented situation dealing with the global coronavirus epidemic and as part of that response restrictions on movement were introduced in March 2020.

At this time restrictions on Thanet beaches for dogs were not in place as they run yearly from May to September, this meant that dog walkers and those taking their daily exercise were able to access all beaches.

The Dog Control Public Space Protection Order was adopted under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 including public consultation and agreement at Council, changes would then be in place for the duration of the order. In order to amend these the consultation and adoption process would need to be completed.

As movement restrictions began to ease and people were allowed to travel to partake in exercise Thanet saw an increase in visitors to the beach areas.

Crucially, having such restrictions for dogs in place is a condition of the Blue Flag and Seaside Awards that a number of Thanet beaches have been awarded.

As movement restrictions have been further eased Thanet has seen an unprecedented increase in visitors to Thanet to enjoy our beaches, the prolonged hot weather and an increase in UK holidays and short breaks has also increased visitor numbers.

3.0 Options –

- 3.1 Undertake the legal route of changing the Dog Control Public Space Protection Order to reduce its effective dates for 2021.
- 3.2 Make no alterations to the Dog Control Public Space Protection Order.

4.0 Next Steps

- 4.1 Report back to Council.

Contact Officer: Penny Button, Director of Neighbourhoods
Reporting to: Gavin Waite, Corporate Director of Communities

Background Papers

Title: Council report from 9th July, thanet.gov.uk

Corporate Consultation

Finance: Chris Blundell, Director of Finance and Deputy Section 151 Officer

Legal: Estelle Culligan, Director of law and Democracy