

Beaches and Coast PSPO

Cabinet:	18 March 2021
Report Author:	Jasmin Vickers - Secondment Director of Environment
Portfolio Holder:	Cllr Albon, Cabinet Member for Operational Service
Status:	For Decision
Previously considered by:	Overview and Scrutiny panel - 18 February 2021
Ward:	Thanet Wide

Executive Summary:

Thanet District Council is proposing to introduce a new Beaches and Coast Public Spaces Protection Order (PSPO). Creating a new PSPO will help protect our coastline and beaches with one code of conduct that replaces all previous beach byelaws. The introduction of the new PSPO will create a safer beach environment for all to enjoy, through deterring and reducing crime and anti-social behaviour and other undesirable activities, which our local communities and visitors are impacted by currently.

PSPOs are only to be used to protect communities from unwanted anti-social behaviours and shall only be enforceable where there is reasonable evidence to do so. A breach of the order is a criminal offence reported to the court or the breach being discharged through a Fixed Penalty Notice.

Recommendation(s):

The Cabinet are asked to consider and adopt the new beaches and coast PSPO on 18 March 2021, in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>The provision of adequate signage, with an initial outlay cost of approximately £5,000 to be covered within this financial year from existing operational foreshores budgets.</p> <p>A full time Coast and Streetscene enforcement officer will be added to the team, on a Grade H, funded from the enforcement service's existing vacant posts.</p>
Legal	<p>The PSPO will enable Thanet District Council to issue fixed penalty notices under the Anti-social behaviour act 2014, Part 4 Legislation.</p>

	Legal have been consulted on the content of this new PSPO. External enforcement training provider; Mallard, and colleagues at Kent Police have also been consulted.								
Corporate	Without the adoption of this PSPO Thanet District Council will be unable to enforce effectively against Beach and Coast related anti social behaviour. The Code of Conduct will also provide a clear set of expectations with regard to use of our beaches, whilst providing more controls over recreational activities in the water and those which impact our protected wildlife areas.								
Equality Act 2010 & Public Sector Equality Duty	<p>CMT 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.</p> <p>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.</p> <table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td>X</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td>X</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>This PSPO applies to all residents and visitors.</p> <p>An Equalities Impact Assessment has been compiled as part of the PSPO development and will continue to be populated as this progresses through the consultation and approval process.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X	Foster good relations between people who share a protected characteristic and people who do not share it.	
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1.0 Introduction and Background

- 1.1 Thanet District Council is proposing to introduce a PSPO to cover the beaches and coastline to replace existing outdated byelaws.
- 1.2 A Public Spaces Protection Order (PSPO) is not the same as a byelaw. PSPOs 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.

- 1.3 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.
- 1.4 Public Space Protection Orders are valid for 3 years after which they have to be extended.
- 1.5 Fixed penalty notices are currently set at £100.

2.0 The Current Situation

- 2.1 Over recent years, issues with the misuse of our beaches and coast have led to wide scale complaints of anti-social behaviour, a general disregard for the public realm and our natural coastal environment. These complaints have increased during the summer months over the last two years.
- 2.2 The introduction of the PSPO and accompanying code of conduct will proactively address these issues and impact positively on the lives of people who live, work and visit our beaches and coastline.
- 2.3 The proposed introduction of this PSPO has initially been welcomed and met with positively from our partners, including Kent Police, The Coastguard and the RNLI. General feedback from internal departments, beach businesses and the public has also been encouraging.

2.4 The Activities which are prohibited by this new Coastal and Beach Order, based on complaints and evidence are:

- 1. Obstruction of the promenade including vehicles/driving of vehicles** -No motorised or electric vehicles may be parked or driven on the promenades or beaches as follows:

Cars, vans, lorries, trucks, motorcycles, scooters, segways and any other motorised vehicles. With the exception of mobility scooters and electric bicycles. Unless permission has been granted by the Council and evidence of this can be produced. No deliveries to concessions after 10am.

No obstruction may be caused at any time to the promenade by vehicles or any other structure or object, which impedes access by emergency services or Council vehicles.

- 2. Bicycles** - At any time of year between the hours of sunrise and sunset, and from 1 May to 30 September inclusive between the hours of 10.00am and 6.00pm, a person shall not ride any cycle on any of the promenades where localised signage requires you to dismount. You must adhere to the signs which vary around the coast. This is for the purposes of health and safety and the enjoyment of others in busy areas.

2.1 (A cycle means a bicycle, a tricycle or a cycle having four or more wheels, including one power-assisted by electrical (or other means not being in any case a motorcycle or motor vehicle.) Please refer to our safe cycling guide (that includes tips for where you will need to dismount regardless of signage ie beach huts mean dismount, and rules for electric powered bikes and scooters, disability scooters)

3. Bonfires, Barbecues and large gatherings -

i) Bonfires are not permitted on any of the Council's land at any time. BBQs are not permitted on any of the Council's land, however are permitted on beaches after 6pm.

ii) Large gatherings are not permitted on the Council's beaches without prior permission. Large organised groups of 20 or more need to seek permission from Thanet District Council.

4. Begging, Touting, Hawking, Selling - Begging, Touting, Hawking, Selling is not permitted anywhere on Thanet's beaches, promenades and coast. This includes;

i) Begging or soliciting for money*

ii) Advertising any article verbally or by the distribution of leaflets and flyers, circulars or advertisements of any kind

iii) Flyposting and other fixed notices on railings, posts or other street furniture without prior permission from the Beach and Coast Team, and a fee may be chargeable for this. Notices must be taken down within an agreed period.

iiii) Selling goods, products or services without prior permission of the Council.

(*Begging or soliciting for money. The act of begging is deemed as either approaching people for money, or being stationary and asking for money, or positioned on the floor to invite the offer of money or goods.)

5. Horse riding - Horse riding is not permitted on beaches or promenades -

between 1st May and 30th September, between the hours of 09:00 am and 19:00 pm; or at any time, all year round, within Pegwell Bay (Sandwich & Pegwell National Nature Reserve).

6. Encampments - Camping or the erection and occupation of any structure (this includes but is not exclusive to vehicles, tents, marquees, yurts and any other temporary building) being used to occupy land is not permitted on beaches, promenades, clifftops, nearby green spaces, car parks and surrounding areas of the public realm without prior consent of the Council with the exception of sun shades.

7. Preaching, lectures, music and entertainment, sporting events, other events -

Lectures, speeches, sermons, busking, live music, use of generators and other types of entertainment performances/shows etc are not permitted, unless prior permission has been granted by the Council as per our events policy. In any case any activities of the kind, including filming and photo shoots, intended to be held on the beach/coast need prior permission from the Media Team and Beach/Coast Team.

8. Other actions which have a detrimental impact on the quality of life of others in the locality.

- i) Urination, defecation, spitting or littering are not permitted
- ii) Drinking alcohol in a public place, after being told not to: No person shall consume alcohol or have an open alcohol container in any public place after request by an Authorised Officer or Police Constable to cease consumption or hand over the container. This provision does not apply to alcohol being consumed on licensed premises (Thanet District Council Alcohol PSPO).
- iii) Ingesting, inhaling, injecting, smoking or otherwise using drugs or substance reasonably believed to be psychoactive substances.
- iiii) Possessing or releasing any canister containing compressed gas

9. Beach recreational activities and water sports

To adhere to the set of Coastal and Beach 'Codes of Practice' set out by Thanet District Council. Within the code of practice, specific rules will apply for personal powered watercraft usage (including jet skis) and other areas of health, safety and anti social behaviour concern.

- The use of water craft in a manner that poses a risk to the safety of people or wildlife
- The use of craft in a manner that has the potential to cause harassment, alarm and distress to any other beach or coast users, or residents

3.0 Supporting measures

3.1 The Code of Conduct (Annex 2) provides more detail to the activities set out above and what is expected from the public.

3.2 The enforcement approach and code of practice is detailed on the Thanet District Council website under the enforcement Policy section and will be the same as with existing PSPOs in line with the Council's Environmental Enforcement Policy <https://www.thanet.gov.uk/wp-content/uploads/2018/03/ENVIRONMENTAL-ENFORCEMENT-POLICY-April-2014.pdf>

3.3 A dedicated enforcement officer working at peak times in hotspots proactively, and reactively. Enforcement of the PSPO will also be supported by existing staff within the team as part of their current roles which include enforcing existing PSPOs. We also intend to have a number of coastal wardens, enforcing Covid-19 restrictions that remain in place, alongside educating and challenging the public on the new coastal code of conduct and PSPO. These wardens will also support our enforcement staff, although they will not be able to issue tickets themselves.

3.4 Targeted patrolling of problem areas will take place with officers informing and offering advice to the public. An approach of information and engagement, education and behaviour change, then challenge of behaviour will be adopted. Only following these steps will FPNs be issued. Enforcement officers/wardens will decide what enforcement action is the most appropriate on a case by case basis. and range from

no action to arrange of actions and consequences as listed below. Consequences; No Action, Informal Action (verbal/written advice), Educational Courses, Beach Workshops and Training, £100 Fixed Penalty Notice, Court proceedings for non payment.

3.5 To accompany the implementation of the PSPO a comprehensive communications plan will be delivered.

3.6 Education and informing will also take place through sign posting to the Code of Conduct via QR codes on new in situ signage across the district. Beach signs will be present at every relevant beach.

4.0 Consultation

4.1 A public consultation has been conducted and included proactive contact with a variety of stakeholders. A Summary of consultation results was presented to Overview and Scrutiny and will be presented to Cabinet. Overall the reaction to the proposals was overwhelmingly positive, with some clarifications requested, rather than real issues about the proposals.

4.2 One issue raised is regarding the Water User Group and jet ski launch sites. Feedback has been received asking for the Ramsgate Eastcliff jet ski launch site to remain (the Margate site will still close). In light of the fact that it has always been there and used for jet skis only, we propose that this site is included moving forward with the other jet ski clubs. Beresford and Jet Ski World both have restricted operations currently, so keeping Ramsgate Eastcliff would be a compromise to allow jet skiers to access the coast during the week as well as at weekends. Restrictions would apply still, ensuring that those launching there have qualifications, insurance and abide by the new rules such as only turning left to avoid main sands bathing areas, and generally staying a safe distance from bathing waters, beaches and nature reserves. The PSPO will be a tool to deal with unsafe or anti social jet ski usage there.

4.3 We are awaiting feedback from the Police & Crime Commissioner for Kent, however feedback from local police chiefs has been very positive.

5.0 Alternative to FPNs

5.1 Thanet District Council has now registered as an approved AQA (the Assessment and Qualifications Alliance) Training Centre, with two officers registered to deliver training within the enforcement team.

5.2 Putting education first we also propose to deliver these AQA Courses for people receiving FPNs; (we will only deliver once per person/ the one off course fee of £50 will halve the cost of the FPN). The process would be as follows:

5.3 Step 1: Education enforcement would encourage the offender to participate in one of our anti-littering courses paying a course fee instead of full FPN and proceeding to

Step 2: FPN payment Step 3: Non FPN Payment; Court.

- 5.4 We are interested in developing this scheme further in the coming months and to begin delivering this option during the season in 2021.

6.0 Options

- 6.1 Adoption of the new PSPO by Cabinet on 18 March 2021, in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014. Alongside a new Coastal Code of Conduct for Thanet.
- 6.2 Do nothing and continue with current byelaws. This would leave the district without any powers to efficiently enforce against anti social behaviour impacting visitors, residents and businesses along our coast.

7.0 Next Steps

7.1

Milestones	Date
Early feedback and comments have been sought from Key Managers and external partners including Kent Police.	November-December 2020. Completed
28 day public consultation to commence 25th January- 21st February	Jan 2021
Members briefing	Feb 2020
Updated report with consultation outcomes/ and necessary amendments to Overview and Scrutiny	18 Feb 2021
Cabinet	18 March 2021
PSPO adopted and in force	1 April 2021

Report Author	Jasmin Vickers, Acting Director of Environment
Reporting to:	Gavin Waite - Director of Commercial and Operational Services

8. Annex List

Annex 1	PSPO Legal Order
Annex 2	<i>Code of conduct for beach users</i>
Annex 3	Draft EIA

9. Background Papers

Title	Details of where to access copy
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Anti-Social Behaviour (ASB), Crime and Policing Act 2014.	https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted
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10. Corporate Consultation

Finance	Greg Dungan, Chris Blundell
Legal	Jennifer Phillips
Communications	Mark Gower, Hannah Thorpe
Key Managers	<p>Between October and December 2020, early feedback and comments were sought from the following Key Managers and officers:</p> <ul style="list-style-type: none"> ● Lee Baker ● Amie Shuttleworth ● Eden Geddes ● Jo-Anna Taylor ● Robert Brown ● Jessica Bailey ● Lisa Collingwood ● Amanda Priestley ● Barry Gooding ● Tony Childs