

# Extending Beach and Coast Public Spaces Protection Order

Overview & Scrutiny Panel 16 January 2024

<b>Report Author</b>	Tony Marmo, Head of Coastal and Public Realm
<b>Portfolio Holder</b>	Cllr Steve Albon, Cleansing and Coastal Services
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Yes
<b>Reasons for Key</b>	Significant effect on communities
<b>Previously Considered by</b>	Cabinet - 18 March 2021
<b>Ward:</b>	All Thanet Wards

## Executive Summary:

A Public Spaces Protection Order (PSPO) is 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.

In 2021 Thanet District Council (TDC) consulted on a new beach and coast PSPO. The PSPO would help protect our coastline and beaches through one code of conduct that would replace all previous beach byelaws. The PSPO was adopted and came into force on 1 April 2021. The introduction of the new PSPO has created a safer beach environment for all to enjoy, through deterring crime, anti-social behaviour and other undesirable activities. This report proposes TDC continue the current PSPO until 1st April 2027.

PSPO extension can only be granted if criteria under [Section 60 of the Act](#) 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.

## Recommendation(s) to Overview and Scrutiny Panel:

The Overview and Scrutiny Panel is asked to consider the contents of this report and having done so, consider making any appropriate and relevant recommendations for consideration by Cabinet.

## Recommendation(s) to Cabinet:

That Cabinet approve the renewal of the current PSPO until 30 March 2027 as adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

## Corporate Implications

## **Financial and Value for Money**

The extension of the PSPO will require the continued provision of the full coastal team (coastal enforcement staff, coastal maintenance officer, adequate signage maintenance, and raising public awareness through Education Officer campaigning). This will be met from agreed and approved budgets from within the service.

## **Legal**

The relevant legislation is set out in the body of this report. This decision will enable TDC to issue fixed penalty notices under the Anti-social behaviour act 2014, Part 4 Legislation.

## **Risk Management**

If the PSPO is not extended there is a risk to the quality of our beach and coast environment, with visitors experiencing a diverse range of Anti-Social Behaviours (listed above and in section 2.4 below) that TDC will be unable to educate and enforce against.

If we do not renew the current beach PSPO the blue flag status of the affected beaches would be in jeopardy under *Criterion 4, Criterion 6, Criterion 22, Criterion 25, Criterion 30, Criterion 31* [Blue Flag Criteria](#)

## **Corporate**

The following corporate objectives are covered by this report:

- a) To keep our district safe and clean.
- b) To protect our environment.
- c) To create a thriving place.

## **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.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Environment
- 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 2021 Thanet District Council (TDC) consulted on a new beach and coast PSPO. The PSPO would help protect our coastline and beaches through one code of conduct that would replace all previous beach byelaws. The PSPO was adopted and came into force on 1 April 2021. The introduction of the new PSPO has created 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.
- 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 [Section 60 of the Act](#) 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 impact of the original order (2021) and the three year PSPO restrictions have had a positive impact and helped prevent detrimental effects on the quality of the districts coastal water, the quality of cleanliness on Thanets blue flag [Blue Flag Criteria](#) and seaside award winning beaches, and protection of our coastline and promenades. 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, coastline and promenades. Residents and visitors have understood the signage which has been placed at every bay.
- 2.3 Every season beach code of conduct booklets and signs are distributed to visitors, bay inspectors, tourist offices, beach shops, cafes and restaurants. Ensuring the information stays up to date and consistent for a further three years will provide further consistency and ensure the understanding of the PSPO is further embedded into the community. All information is also provided on Thanet District Council website
- 2.4 We are suggesting that the PSPO will be the same as that which has been in place for the last three years as listed below.

### **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/Donkey riding** - **Horse/Donkey 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 watercraft usage (including jet skis, [boards and kites](#)), [shellfish harvesting](#) 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.
- [Any foreshore activity 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, residents or [wildlife](#).

2.5 Engagement, education and enforcement of the PSPO is required to ensure that it is followed and adhered to. This will be undertaken and overseen by Thanet District Councils Coastal Manager, Coastal Enforcement Officers, Dog Warden Service, Enforcement Education Officer, Bay Inspectors, PCSOs and other council authorised representatives. Targeted patrolling of problem areas to take place as at present, offering leaflets and advice to beach and coast users/visitors. Education prevention methods to be used to prevent breaches of the PSPO, Fixed Penalty Notices and Community Protection Warnings to be issued where appropriate. Education and advice through campaigns and signage/education initiatives to be continued as at present. Beach signs are clearly posted at every bay. PSPO information is available to view on the TDC webpage showing the PSPO Map.

## **3.0 Options**

### **3.1 Option 1**

3.2 That the current PSPO is extended until 2027 and adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 to include the following restriction;

### **3.3 Option 2**

3.4 Not to continue the PSPO. This is not recommended as it would leave the district without any legislation or powers to enforce against anti-social behaviour on our beaches and coastline code of conduct (See Annex 1). Officers consider that the


2021 PSPO has proved successful, they have proven an improved deterrent and enabled a better response when problems are observed by authorised officers. The Council is proposing to extend the existing PSPO for a further three years to deal with the problems observed by residents and officers and prevent an increase of some behaviours that have reduced. Without the PSPO extension it is likely that the problem will not be eradicated but escalated [Section 60 of the Act](#)

**Contact Officer:** Lisa Collingwood (Beach and Coast Manager)

**Reporting to:** Luke Glover (Deputy Technical Services Manager)

### Annex List

Annex 1: <https://www.thanet.gov.uk/info-pages/beach-and-coast-pspo-code-of-conduct/>

 Schedule 1 Beach & Coast Map

### Background Papers

None

### Corporate Consultation

**Finance:** Matthew Sanham (Head of Finance and Procurement)

**Legal:** Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)