



Date: 10 February 2021  
Our ref: Overview & Scrutiny Panel/Agenda  
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## OVERVIEW & SCRUTINY PANEL

18 FEBRUARY 2021

A meeting of the Overview & Scrutiny Panel will be held at **5.30 pm on Thursday, 18 February 2021** via Online viewing only in this link, <https://youtu.be/UJK9301sUKA>.

### Membership:

Councillor R Bayford (Chairman); Councillors: Campbell (Vice-Chairman), Boyd, Coleman-Cooke, Hopkinson, Huxley, Keen, Moore, Paul Moore, L Piper, Rattigan, Roper, Rusiecki and Scott

## 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 - 12)  
To approve the Minutes of the Overview and Scrutiny Panel meeting held on 19 January 2021, copy attached.
  4. **DOG PUBLIC SPACES PROTECTION ORDER AMENDMENTS (PSPO)** (Pages 13 - 22)
  5. **CABINET MEMBER PRESENTATION - AN OVERVIEW OF ESTATES AND ECONOMIC DEVELOPMENT PORTFOLIO AREAS**  
Cllr Duckworth, Cabinet Member Estates and Economic Development.
  6. **CRIME STATS IN THANET**  
Presentation by Kent Police
- Pre Decision Scrutiny**
7. **FORESHORE AND COASTAL PUBLIC SPACES PROTECTION ORDER (PSPO)**  
(Pages 23 - 56)

Item  
No

Subject

8. **REVIEW REPORT ON THE COUNCIL'S ABANDONED VEHICLE PROCESS** (Pages 57 - 60)

Street Scene Review: Abandoned vehicles – how can TDC speed up time taken to clear abandoned vehicles?

9. **PLANNING ENFORCEMENT REVIEW** (Pages 61 - 84)

Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?

**Post Decision Scrutiny**

**Work Programming**

10. **REVIEW OSP WORK PROGRAMME 2020/21** (Pages 85 - 100)

11. **FORWARD PLAN** (Pages 101 - 112)



## **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 19 January 2021 at 5.30 pm via online viewing only.

**Present:** Councillor Robert W Bayford (Chairman); Councillors Ara, Boyd, Coleman-Cooke, Currie, Hopkinson, Keen, Moore, Paul Moore, L Piper, Roper, Rusiecki and Scott

**In Attendance:** Councillors Cllr Everitt and Whitehead

### 270. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Campbell, substituted by Councillor Currie;  
Councillor Huxley, substituted by Councillor Ara.

### 271. DECLARATION OF INTERESTS

There were no declarations made at the meeting.

### 272. MINUTES OF PREVIOUS MEETING

Councillor Paul Moore proposed, Councillor Coleman-Cooke seconded and Members agreed the minutes as a correct record of the Panel meeting held on 24 November 2020.

### 273. 2021-22 BUDGET

Tim Willis, Deputy Chief Executive & S151 Officer introduced the report and made the following points:

- The proposed budget was drafted in the context of significant changes on local government financing;
- Covid-19 had forced local authorities to focus on short term issues. This had drained the council reserves, council finances and council staff reserves;
- The budget gap in the proposals was largely due to factors internal to the council like pay and contractual inflation and an increase in cost of waste disposal;
- There were some projected reductions in government grants;
- Any Panel recommendations to amend the budget that have a cost or reduced income would need to be matched with an identified funding source;
- A correction to paragraph 13.6.1 to the cabinet report – the increase in average rent between this year and next year is £1.98 not £1.89 as reported.

Members made comments and asked questions as follows:

- Members thanked Mr Willis and his finance team for the work done particularly the hosting of briefing sessions for Members;
- 57% of the residents surveyed were surprised at the amount of money that went to the council of the council tax;
- At paragraph 13.7 there were adjustments made for the HRA between the accounting basis and funding basis there is a difference of nearly half a million. What was the basis for that and was there material impact from it?
- At paragraph 11.7 (HRA – Major Repairs Reserve); the table indicates that it was £15.5 million as at 31 March 2020, but will be drawn down to leave £384k by 31 March 2022. Was it a prudent decision to reduce the reserves and was it also prudent to leave such a small amount in the reserves?

- In the same table there was also a movement in 2021/22 of £7.676million, but at Annex 3 it was suggested that £11.986million will be used from the Major Repairs Reserve. Could this be clarified?
- S151 Officer's view is reported as taking the middle position regarding the budget position to take. What would have the budget looked like had the S151 Officer taken a pessimistic view?
- Why was it that in paragraph 16 Table 9, one bedroom social rent average was indicated as being higher than affordable rent?
- Can the council not use the £3million in the reserves to offset loss in income for not increasing the rent?

Mr Willis responded as follows:

- This adjustment of £479K was required in order to show the complete picture within the HRA. This was to reflect different valuations of assets within the HRA;
- This adjustment did not have a material impact on the overall bottom line as to what rent income required;
- A more comprehensive explanation would be provided after the meeting;
- The council was using a substantial amount of the Major Repairs Reserve to fund the significant investment plan for the HRA stock, in particular the refurbishment of the tower blocks. There will be also be slippages of the capital works as well to consider;
- A combination of bringing East Kent Housing in house, the condition of the housing stock and discovery of a number of aspects of the single system had necessitated the use of HRA reserves;
- The discrepancy question would be responded to after the meeting as more time was required to check the breakdown figures;
- The pessimistic view would have been a view that uptake of the covid vaccine would be slow, and maybe some people decide not to take it up, which would mean further local outbreaks of covid. The wider macro economic impact of covid is really significant. There would be a big impact on unemployment and business failures in Thanet. This would have a consequential impact on the business rates collection;
- The impact would also increase the council tax support payments and reduce income generated from business rates, council tax and fees and charges;
- The other pessimistic view would be that there wasn't an increase in visitor numbers to Thanet in the summer season of 2021/22 and that the figures would be as low as they were in 2020;
- If all of those factors came true, there would be an expectation of more government funding to support mitigate the impact of covid;
- However government had already announced the level of support to local councils and there was no indication that this level could be increased;
- Some of the £3million reserves set aside this year for the covid impact that would have been used for the budget gap could be used next year;
- This might also call for an emergency budget to find additional funding if those reserves were diminishing during 2021/22;
- This was the pessimistic view. However S151 was more optimistic because the covid vaccination programme was being rolled out and the level of infection was falling. The situation was likely to improve in 2021/22. This was the indication coming from government;
- Thanet has not been hit as hard as some local authorities that rely on huge town centre car parks income;
- Thanet chose not to invest in commercial ventures and did not incur any income loss as a result of covid;
- S151 Officer was hopeful that as travel restrictions were eased during the course of the year domestic tourism would increase. This would lead to an increase in visitor numbers to Thanet;

- Thanet economy would benefit from a significant uptake in staycations;
- Officers would check the difference in rent averages between social rented properties and affordable renting as reported in paragraph 16 Table 9 and give an update to Members after the meeting;
- The reserves are held as a protection in case the financial situation got worse. The £3million reserves were in the General Reserves not HRA and rents fall under HRA. Not increasing rents would have a long term impact on the HRA.

Members noted the report.

## **274. CORPORATE PERFORMANCE REPORT Q1 AND Q2 2020/21**

Hannah Thorpe, Director of Communications led the discussion with a slides presentation and made the following comments:

- The Corporate Performance report was due to be refreshed in 2020-21 to link in with the council's new Corporate Statement. Due to significant pressures on the team to support the council's response to the coronavirus pandemic, a new approach to corporate performance and new indicators would now be implemented from 1 April 2021;
- As a result, the council's corporate performance for 2020-21 is to be measured in line with the former Corporate Plan (using the existing indicators and targets);
- There is evidence of council performance being impacted as a result of the pandemic and having to redirect resources - green measures have fallen by two and red measures have risen by 2. In the current context however this is not as significant as it potentially could have been and is testament to the hard work of the council in very challenging times;
- Within the covering report, a commentary has been provided for each indicator which is below target (red), as these are the areas which require focus;
- Ms Thorpe provided a summary of the results by each priority area; a clean and welcoming environment, supporting neighbourhoods, promoting inward investment and job creation and statistical information;
- Ms Thorpe apologised for an error in the statistical information section regarding the number of starters and leavers, confirming the figures should state there had been 50 starters and 31 leavers, which would mean a net increase of 19 staff;
- Ms Thorpe drew the panel's attention to the improved performance of the council regarding its response time to FOIs which has moved from significantly below target to within reach of the target and also to the homelessness indicators which have continued to be met despite significant pressure on the team.

Members made comments and asked questions as follows:

- Missed bin collections showing as red – under current circumstances (with covid) a missed collection rate of 0.34% would be unfair to record it as red. It was actually quite good performance;
- Incidents of dumped rubbish on council land had gone up from 134 to 234. Was that due to KCC charging the type of waste being dumped?
- Action to improve living conditions was low. What were the prospects for that figure being improved in the future?
- The time taken to reduce homelessness was impressive;
- On the target regarding the number of people in employment – When was that measured and how soon would the Panel get the next figures for that indicator, would help the Panel understand the full impact of covid?
- Who sets the target for recycling? Was it the government or TDC? Given the current worries particularly about plastic recycling, could the target be raised?
- How many respondents would be in the residents' survey and how were they selected?

- Had the response rate increased in the lockdown and what were the main areas of concern registered by residents?

In response, Ms Thorpe, Mr Bob Porter, Director of Housing & Planning and Mike Humber, Director of responded as follows:

- The target set for waste collection is ambitious and deliberately so. Officers were looking to coming up with a more effective way of setting those targets in the new performance monitoring approach;
- This year has been particularly hard on the waste collection teams, especially considering that agency staff had to be contracted as some permanent staff had to shield or self isolating due to the pandemic;
- As many more people were working from home, the vehicles have experienced significant issues passing through certain areas where cars were parked on either side of the roads;
- Despite all those challenges, senior management was proud of the achievements of the waste collection teams;
- In order to ease the number of crew in the waste collection vehicle cabs, food waste was collected separately. This had created more work for the crews;
- With regards to dumped rubbish, a more comprehensive response would be given to Members after the meeting, after consultation with the enforcement team;
- The amount of residual waste was significantly higher this year. This was largely due to the number of people being at home most of the time due to the national lockdowns;
- With regards to the improving living conditions target – Officers anticipated this indicator to go down slightly. This was because the government funding for the Rogue Landlords Project had finished and as the current Selective licensing scheme ends in April this year, so there was projected to be less activity. The teams have also been affected by the lockdown restrictions. However the licence was valid for 5 years which means the council would still be able to enforce the conditions of the previous scheme;
- Officers had been looking at what the new selective licensing designation could look like. The Housing CAG was looking into this and the council had held early discussions with MHCLG and they had been supportive and were open to hearing what the proposals looked like. It was therefore reasonable to be optimistic about the options for the council to designate a new area of selective licensing and use that as a tool for improving living conditions in private rented housing;
- Employment data was provided quarterly by NOMIS;
- Recycle targets were set by TDC and was benchmarked against other local authorities;
- The Residents' survey will be issued at the end of January. It will be a random selection of 6,000 Thanet residents. The survey is profiled by postcode to ensure a balanced representation of Thanet areas. It will be conducted online and will be open for three weeks. Paper copies would normally be sent to those unable to access the online platform. The response rate was usually 10-12%. Questions and responses from the survey would be shared with Members;
- Information on the response rate and areas of concern raised by residents during the survey would be shared with Members.

Members noted the report.

### **275. PROPOSALS FOR NEW LOOK CORPORATE PERFORMANCE REPORTING FORMAT**

Hannah Thorpe and Nathaniel Fisher, Business Analyst led the discussion with a slides presentation and made the following comments:



- The new approach would link corporate performance monitoring to the current corporate objectives which are Growth, Environment and Community;
- This would also focus on what matters most to residents and the process would be more transparent and engaging;
- Performance indicators would be reduced from the current numbers whilst improving the quality of the data. The data would be more contextual;
- Most of the reporting would be live data on the council website, which residents can track easier as the information would be available to the public 24 hours each day. This would help demonstrate that the council was achieving what it had set out to do in the corporate objectives;
- Officers would like to report back to the Panel before 1 April in order to share the more concrete new framework for performance reporting.

Councillor Bayford summed up discussion then proposed, Councillor Coleman-Cooke seconded and Members agreed the following:

1. Officers were going to send around the slides presentation to all the members of the Overview and Scrutiny Panel, for Members to give feedback comments about the new approach;
2. Final proposals were going to be presented at a future Panel meeting before 1 April 2021.

### **276. MEMORIALS WORKING PARTY UPDATE REPORT**

Councilor Stuart Piper, Chair of the Memorials Working Party led the discussion and gave the update as follows:

- The working party was joined in the discussions by a member of the public;
- Members agreed to seek some lessons from other council that have had to address similar issues, including from Liverpool City Council;
- On 17 January 2021, Community Secretary Robert Jenrick announced a change in law to protect public monuments;
- The Secretary said that the public should have a chance to be consulted on such matters, before statues and monuments were removed;
- Thoughtful considerations should be given before such decisions were made to remove status and monuments from public view;
- When coming with its own policy, the council would always need to use the proper process when making future decision on statues and monuments;
- The new law would require that any future decisions to remove heritage monuments, would need to go through the planning process and public consultation in accordance with the constitution of the local council;
- The Secretary of Communities would retain the right of veto power on such decisions, which could used to overrule any local decisions;
- The working party was now waiting for the lead officer to draft the policy document for review by Members before reporting back to the Panel.

Members noted the report.

### **277. TENANT AND LEASEHOLDER SERVICES TRANSITION UPDATE**

Mr Porter introduced the item and made the following points:

- Since the transition, a number of liaison meetings with tenants and leaseholders had been held which the portfolio holder had attended;
- The new service was 15 weeks into the new in house arrangement and the team was settling in well;

## Agenda Item 3

- There were 58 posts in the new structure. Of that number only three were covered by agency staff and another one would be going out for recruitment;
- Twenty eight of the fifty eight posts came from East Kent Housing, with the remaining ones being new recruitments;
- New contact arrangements, including new email details for the service had been introduced and shared with every tenant and leaseholder;
- A newsletter with a fridge magnet that contained all details including telephone numbers was sent out in the first week of the service;
- New generic neighbourhood housing officers had been introduced to the service. This was something that tenants and leaseholders had always wanted;
- The service has had to deal a lot with legacy issues, but relatively few new complaints;
  
- This could be a reflection that the new contact arrangements set up were effective in addressing issues as they arose;
- The first report of the new services included a position statement, health and safety report and performance data for the first two months of the service;
- With regards to the health and safety update, the council had meetings regularly with the regulator for social housing. The regulator agreed the council's voluntary undertaking and action plan (that covers the period up to April 2021), relating to tenant and leaseholder health and safety matters;
- The council hoped to have an East Kent Audit Partnership review conducted in May to assess the new position on health and safety. This would then be reported to the regulator in June, hoping to then get the regulatory notice on the council removed;
- Gas Safety – The current position was now very positive. There was one resident who was refusing to give engineers access to the property. The council was currently working with other agencies to resolve that issue;
- Electrical compliance – the performance figures were quite low at when the new service started. The team had since carried out a line by line review of the data of all of the certificates for domestic and communal areas and the work was due to be completed in December 2020. The work had since been completed. The level of compliance had increased;
- The service would be reporting quarterly to the OSP and Cabinet. The council would continue to report to the regulator monthly on health and safety matters;
- The capital programme – a significant amount of slippage was anticipated from this year to next year, as 13% of allocated amount had been spent as at 1 October 2020. The team was working on correcting some coding in a number of capital expenditure areas against revenue codes;
- The service has had some success with securing new procurement contracts for decorations and repairs. A contract had been let for refurbishment of 14 lifts in 6 tower blocks and other blocks;
- A contract had been let for structural and mechanical surveys for 6 tower blocks. These survey would including getting advice on what other works were needed including external cladding and assisting the council with the procurement that would come out this piece of work;
- Satisfaction with repairs – This was one area that most impacted tenants and leaseholders. The serviced had worked hard to improve the relationship with key contractors to implement new contract management arrangements;
- Void performance and rent collection – This area needed improvement over the coming months, particularly to support the business plan for the future;
- Communication – A number of bespoke newsletters to each of the tower blocks and a generic one to all tenants had been sent out. IN the last newsletter there was a survey about residents priorities for improvements over the next 12 to 18 months;
- The response was already looking good. The results of the survey would be used to guide some discussions at the Housing Cabinet Advisory Group. Any

improvement updates resulting from these surveys would be shared with the Panel.

Members asked questions and made comments as follows:

- This was a comprehensive update given by Housing Services;
- How did the miscoding happen and had any measures been taken to ensure that the problem did not recur?

Mr Porter gave the following response:

- This was a legacy issue from the East Kent Housing;
- There was a lack of understanding amongst officers raising those jobs about how the coding structure worked;
- East Kent Housing had no identified lead officers and clear lines of responsibility for pieces of work for neighbourhoods or particular contracts;
- Now every contract had a named lead officer (contract administrator), whose responsibility was to ensure that invoices and orders were coded in the right way against the coding structure.

Members noted the report.

**278. REVIEW OSP WORK PROGRAMME 2020/21**

Members noted the report.

**279. FORWARD PLAN**

Members noted the report.

Meeting concluded: 7.00 pm

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## Dog Public Spaces Protection Order Amendments

**Overview & Scrutiny Panel** 18th February 2021

<b>Report Author</b>	Jasmin Vickers - Secondment Director of Environment
<b>Portfolio Holder</b>	Cllr Steve Albon, Cabinet Member for Operational 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 - 17th October 2017
<b>Ward:</b>	All Thanet Wards

### Executive Summary:

In 2017 Thanet District Council consulted on a new dog Public Spaces Protection Order (PSPO) for dog fouling, exclusion and dog control, this was adopted and came into force on 25 October 2017 and extended until 25 October 2023.

This report proposes Thanet District Council make minor amendments to the current PSPO which will be valid until 2023, and includes the results of recent public consultation on this matter.

### Recommendation(s):

OSP Panel to make recommendations, comments or observations prior to the following;

Cabinet Member for Operational Services approves that the current PSPO is amended to last until 2023 and adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

### Corporate Implications

#### Financial and Value for Money

There will be some budgetary impact following the amendment of the PSPO. This will include the continued provision of adequate signage, and raising public awareness through Education campaigning. This is estimated to be in the region of £5,000 and will be met from existing budgets from within both Coastal and Enforcement service.

## Community Impact Statement

The purpose of the amending the PSPO is to improve the local area for the whole community who live there and those who are visiting. There will be need for some monitoring of compliance to ensure these genuinely represent the full range of diverse communities that make up the area. Any planned amendments to the PSPO should be to the benefit of all communities rather than for any particular group.

## CONSULTATION

A public consultation was held from 18 November to 22 December this included;

TDC Release, Posters in Open Spaces across the District Beaches, Postal Form, Website and Online Form (frequently asked questions on an online form encouraging people to reply. During this time certain key stakeholders were consulted including; Kent Chief of Police, Parish and Town Councils, The Dogs Trust, Kennels, The Kennel Club, Kent Wildlife Trust, Local Vets, Coastal Groups, KCC, Keep Britain Tidy, Blue Flag Group.

Full results of the consultation can be found in Annex 5 (b-d) and are summarised as follows:

- i) Westbrook Bay - Currently dogs must be kept on a lead - amending to Dogs not allowed on the beach between 10am and 6pm 1 May- 30 September to maintain the Blue Flag Award : Results 42% For, 52% Against.
- ii) Pegwell Bay - amend to cover upper chalk shore to protect endangered wildlife: Results 49% For, 32% Against
- iii) The activities that could be banned to protect wildlife not in our existing PSPO; Humans and dogs interfering with, trapping or attempting to trap or snare or disturb any wildlife on council owned land : Results 75% For, 18% Against

During the consultation period we had a total of 259 responses, 244 of these were online responses and 14 email responses, 1 paper post.

The consultation responses demonstrate that there is strong evidence to support the proposed amendments of the PSPO.

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, Bay Inspectors, 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.

## **Legal**

This decision will enable Thanet District Council to issue fixed penalty notices further to powers given under the Anti-social behaviour act 2014, Part 4 Legislation. Section 68 of the Act provides that an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order. A fixed penalty notice is a notice offering the person to whom it is issued anthe opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice. The local authority specified must be the one that made the public spaces protection order.

## **Corporate**

Without the decision Thanet District Council will be unable to update Schedule 1 and enforce against Dog related anti social behaviour on newly awarded Blue Flag beaches and protected wildlife areas.

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

Cabinet Members when making decisions on the recommendation of this report 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. The equality statement is a continuing one and should be considered and reviewed throughout the duration of the order. The Cabinet Member is referred to the community impact statement section of the report

The report states that consultation has been carried out. The Law requires the decision maker to conscientiously take into account the outcome of consultation when taking a decision on the proposal. The Cabinet Member is referred to the consultation section of the report.

*Compliance can only be achieved if we can evidence that due regard is given in substance, this means starting your assessment at the beginning of your piece of work and updating it throughout. Completing the assessment at the end or after a decision is taken will not satisfy the Duty.*

*Where an assessment is required please summarise the key findings here and append your full analysis to the report with any personal data redacted.*

*Please see the equality compliance toolkit on TOM or contact the Legal Department for assistance.*

*Part 3 of the council's constitution, allows the Leader to delegate to an individual Cabinet member or an Officer. The report confirms that the Leader delegated authority to the Director of Housing and Planning, in consultation with the Cabinet Member for Operational Services, to approve minor amendments to the policy at the cabinet meeting on the of 2020.*

## **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. 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.
- 1.2 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 25 October 2017 and extended until 25 October 2023.
- 1.4 Public Space Protection Orders are valid for 3 years after which they have to be extended.

### **2.0 The Current Situation**

- 2.1 The impact of the original order (2017) (See Annex 1) and the three year PSPO restrictions have had a positive impact and helped prevent detrimental effects on the quality of the district's coastal water, the quality of cleanliness on Thanets 21 blue flag (See Annex 3) and seaside award winning beaches, and 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 We are suggesting that the new PSPO will be the same as that which has been in force for the last three years. We have suggested only the following changes to Schedule 1;
  - i) Westbrook Bay - Currently dogs must be kept on a lead - amending to Dogs not allowed on the beach between 10am and 6pm 1 May- 30 September in order to confidently maintain the Blue Flag Award
  - ii) Pegwell Bay - amend to cover upper chalk shore to protect endangered wildlife
  - iii) The activities that could be banned to protect wildlife not in our existing PSPO; Humans and dogs interfering with, trapping or attempting to trap or snare or disturb any wildlife on council owned land.
- 2.5 The Council Plan from 2020 sets out the commitment to 'Healthy and Inclusive communities' and to safeguard open spaces.

## 3.0 Options

The following options are to be discussed by the Overview and Scrutiny Panel prior to the decision being taken to Cabinet in March.

### 3.1 Option 1

That the current PSPO is altered to support the suggested minor amendments until 2023 and adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 to include the following restriction;

District-wide (any place to which the public or any section of the public has access. On payment or otherwise, as a right or by virtue of express or implied permission):

- a) Westbrook Bay - Currently dogs must be kept on a lead change to dog ban in bathing season. As people voted against this change in the consultation, no amendment or change will be made.

b) Pegwell Bay - amend to cover upper chalk shore to protect endangered wildlife. Feedback from consultation was positive with regard to this change therefore we should amend the PSPO accordingly.

c) The activities that could be banned to protect wildlife not in our existing PSPO; Humans and dogs interfering with, trapping or attempting to trap or snare or disturb any wildlife on council owned land. Feedback from consultation was positive with regard to this change therefore we should amend the PSPO accordingly.

### 3.2 Option 2

Not to amend the PSPO. However this would have a detrimental effect on the issues highlighted in Option 1, items b and c which the public feedback was in support of amending.

### 3.3 Option 3

To amend the order for in favour of all three proposals, including item a) Westbrook Bay - amending to Dogs not allowed on the beach between 10am and 6pm, 1 May-30 September. This would be acting against the majority feedback from the consultation. However this would secure the attainment of the Blue Flag Award.

### 3.4 Option 4

Consult again on the Westbrook issue, explaining the Blue Flag Implications and targeting local residents more via parish council, explaining the ban is only seasonal and between set hours to ensure they fully understand this.

Contact Officer: Lisa Collingwood (Education Enforcement Officer)  
Reporting to: Jasmin Vickers (Acting Director of Environment)

### Annex List

Annex 1: [TDC PSPO 2017](#)

Annex 2: [TDC Website Dog PSPO](#)

Annex 3: [Blue Flag Criteria](#) Criterion 23.

Annex 4: [Section 60 of the Act](#)

Annex 5: a) [The Kennel Club response to TDC Dog PSPO October 2020](#)  
[The Kennel Club 2nd response to TDC Dog PSPO amendments](#)

b) [Online responses 1](#)

c) [Email responses](#)

d) [Online responses](#)

Annex 6: [New Schedule 1](#)

Annex 7: [Beach Awards 2020](#)

### Background Papers

Title: [Amended Proposal 2017](#)

## **Corporate Consultation**

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Jennifer Phillips (Law and Democratic Services)

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# Agenda Item 4

## Annex 1

Annex 1: [TDC PSPO 2017](#)

Annex 2: [TDC Website Dog PSPO](#)

Annex 3: [Blue Flag Criteria](#) Criterion 23.

Annex 4: [Section 60 of the Act](#)

Annex 5: a) [The Kennel Club response to TDC Dog PSPO October 2020](#)  
[The Kennel Club 2nd response to TDC Dog PSPO amendments](#)

b) [Online responses 1](#)

c) [Email responses](#)

d) [Online responses](#)

Annex 6: [New Schedule 1](#)

Annex 7: [Beach Awards 2020](#)

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## Beaches and Coast PSPO

**Overview and Scrutiny Panel:** 18th February 2021

**Report Author:** Jasmin Vickers - Secondment Director of Environment

**Portfolio Holder:** Cllr Albon, Cabinet Member for Operational Service

**Status:** For Recommendation

**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 Overview and Scrutiny Panel are asked to provide observations and suggest amendments to the PSPO proposals before consideration and adoption by Cabinet on 18 March 2021, in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

<b>CORPORATE IMPLICATIONS</b>	
<b>Financial and Value for Money</b>	<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>
<b>Legal</b>	<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.	
<b>Corporate</b>	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.	
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	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.	
	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.	
	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.	
	<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>	

## 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) **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. Unless permission has been granted by the Council and evidence of this can be produced. No deliveries to concessions after 10am.

- 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 in busy areas.

i) (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, segways 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 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.

### **5) Horse riding-**

Horse riding is not permitted - between 1st May and 30th September, between the hours of 09:00 am and 19:00 pm on beaches or promenades.

### **6) Encampments -**

Camping or the erection of any structure (This includes but is not exclusive to vehicles, tents, 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 sunshades.

### **7) Preaching, lectures, music and entertainment, sporting events, other events -**

Lectures, speeches, sermons, live music, busking 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 (enforced under existing 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 powered water craft usage (including jet skis) and other areas of health, safety and anti social behaviour concern.

### 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.
- 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 is intended to be held in January and will include proactive contact with a variety of stakeholders. The consultation will be made available online, or on request in hard copy format and will be promoted via a TDC Press release, social media, and other methods of public communication. During this time certain key stakeholders will be consulted directly (if not already) including; Kent Chief of Police, Parish and Town Councils, RNLI, Kent Wildlife Trust, Coastal Groups, KCC, Volunteer Groups, Porchlight, Keep Britain Tidy and their Blue Flag Awards team. A Summary of consultation results will be included in the report to Overview and Scrutiny and Cabinet.
- 4.2 Creating this new PSPO will provide more control over our beaches and coast. It will support people's enjoyment of the coastal public realm through one clear code of conduct. It will also support coastal businesses.

## **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 after April 2021.

## **6.0 Options**

- 6.1 The Overview and Scrutiny Panel are asked to provide observations and suggest amendments to the PSPO proposals before consideration and adoption by Cabinet on 18 March 2021, in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

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. <b>Completed</b>
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
Anti-Social Behaviour (ASB), Crime and Policing Act 2014.	<a href="https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted">https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted</a>

## 10. Corporate Consultation

<b>Finance</b>	Greg Dungan, Chris Blundell
<b>Legal</b>	Jennifer Phillips
<b>Communications</b>	Mark Gower, Hannah Thorpe
<b>Key Managers</b>	Between October and December 2020, early feedback and comments were sought from the following Key Managers and officers: <ul style="list-style-type: none"> <li>● Lee Baker</li> </ul>

## Agenda Item 7

	<ul style="list-style-type: none"><li>● Amie Shuttleworth</li><li>● Eden Geddes</li><li>● Jo-Anna Taylor</li><li>● Robert Brown</li><li>● Jessica Bailey</li><li>● Lisa Collingwood</li><li>● Amanda Priestley</li><li>● Barry Gooding</li><li>● Tony Childs</li></ul>
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**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**  
**PART 4, SECTION 59**  
**PUBLIC SPACES PROTECTION ORDER (Thanet Coast and Beach) 2020**

This order comes into force on the 18th March 2021 and will remain in force for a period of three years from that date unless extended by further order under the Council's statutory powers.

This order may be cited as the Thanet District Council Coastal and Beach Public Spaces Protection Order 18/03/2021.

**1-3 PRELIMINARY**

1. Thanet District Council ("the council") make the following order in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") being satisfied on reasonable grounds that:
2. The activities identified below have been carried out in places within the Council's area and have had a detrimental effect on the quality of life of those in the locality and that the effect, or likely effect of the activities:  
Is, or is likely to be of persistent or continuing nature,  
Is, or is likely to be, such as to make the activities unreasonable and justifies the restrictions imposed by the notice.
3. Thanet District Council ("the council") is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce the detrimental effect to reduce the risk of its continuance, occurrence or recurrence.

**4. GENERAL PROVISIONS**

**Definitions**

- 4.1 "Authorised person" means a police officer, an employee of the Council or other person who is authorised in writing by the Council.
- 4.2 "Interested party" means an individual who lives in the administrative area of The Thanet District or who regularly works within or visits that area.
- 4.3 "Prescribed Charity's" shall include: RNLI, KWT, Kent Volunteering Hub, Beach within Reach, Kent Coast Volunteering, Porchlight.
- 4.4 "Public Space" means any place in the administrative area of the Authority to which the public or a section of the public has access, on payment or otherwise, as a right by virtue of express or implied permission. The administrative area of the Authority is the Land shown in appended Schedule 1 Mapping.

**5. THE ACTIVITIES**

5. The Activities which are prohibited by this order are:
  1. **Vehicles** -No motorised or electric vehicles may be parked or driven on the promenades or beaches as follows:

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## Annex 1

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

- 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 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 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.

- 6. Encampments** - Camping or the erection of any structure (This includes but is not exclusive to vehicles, tents, 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 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 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

## **6. THE PROHIBITION**

6. The Activities are prohibited within the area illustrated in the appended Schedule 1 Mapping.

## **7 & 8. PERIOD FOR WHICH THIS ORDER HAS EFFECT**

7. This order will come into force on 00:00 hours on 18th March 2021 and will expire at 23:59 on 18th March 2024.

8. At any point before the expiry of this three year period the council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent these activities identified in the Order from recurring or to prevent an increase in the frequency of those activities after that time.

## **9. OFFENCE OF FAILING TO COMPLY WITH ORDER**

Under Section 67 of the Act:

9.1 Failure to comply with any part of this order is a criminal offence

- 1) It is an offence for a person without reasonable excuse-
  - a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction

### **11. OFFENCE AND PENALTY**

11 An Authorised Person may issue a fixed penalty notice to anyone he or she believes has committed an offence. The level of fixed penalty shall be £100. If the fixed penalty is paid within 14 days following the date of notice, the amount payable will be reduced to £75. A person committing an offence and failing to pay the fixed penalty may also be liable for summary conviction and pay a fine up to £1000. (Alcohol related offences dealt with under Thanet District Council Alcohol PSPO).

### **12. EXEMPTIONS**

12.1 Nothing in the Order shall apply to a person who-

- a) is registered as a blind person in a register compiled under S29 of the National Assistance Act 1948; or
- b) has a disability as defined by the Equality Act 2010

### **13. APPEALS**

13.1 The council has carried out the necessary consultation and given the necessary notification further to section 64 and 72 of the Act

13.2 Any challenge to this Order must be made at the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge the validity of the Order on two grounds;

- a) That the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order; or
- b) That one of the requirements under Chapter 2 Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order.

Where an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or totality. The High Court has the ability to uphold the Order, quash it, or vary it.

**14. VALIDITY (SEVERANCE)**

14. If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminate

Dated this.....day of.....2021

**EXECUTED AS A DEED BY AFFIXING THE COMMON SEAL OF THANET DISTRICT  
COUNCIL IN THE PRESENCE OF:**

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## Code of Conduct

### Code of Conduct for responsible beach use:

#### Respect our beaches, respect our wildlife, respect others

- Observe the water safety guidance for your safety and that of others
- Keep a respectful distance between you and other beach users especially when playing games, and don't interfere with other people's enjoyment of the beach
- Do not feed the seagulls! This means not leaving food open and lying around. The more food there is, the more seagulls will come, and they can become aggressive.
- Leave no trace. Respect our beaches as the natural habitats they are first and foremost. This means binning any rubbish you generate, or taking it home with you. Do not leave rubbish next to bins, this is littering and you will get a fine if caught.

#### Abide by our rules for other activities for everyone's safety and enjoyment of the coast

### Public Spaces Protection Order Code of Conduct for specific activities

#### 1. Vehicles

No motorised or electric vehicles may be parked or driven on the promenades or beaches or clifftops as follows:

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

#### 2. Cycling

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 in busy areas.

- (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

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## Annex 2

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)

- Localised rules around where cycling along proms is permitted may be changed seasonally as required for events, or under exceptional circumstances.
- Please adhere to dismount, slow signs and other local requirements.
- Look for the signage on the promenade, adjacent to facilities and at entry to the beaches and bays for instructions.

### **3. Bonfires, Barbecues and large gatherings**

- 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.
- Parties and large gatherings are not permitted on the Council's beaches without prior permission. Large groups of 20 or more need to seek permission first. Contact the council's Beach and Coast Team on 01843 577000. Monday - Friday 9.00am – 5.00pm

#### **Rules and regulations regarding barbecues and gatherings:**

1. Barbecues are not permitted until after 18:00 and must be set up on beach/promenade away from the café, concessions or any other buildings. They must be extinguished by 22:00.
2. It is extremely important that any remaining cinders from the barbecues are extinguished. Please make sure you remove them from the beach and promenade areas, do not place them in the beach bins as they are not fit for this purpose. Please do not bury them as this is a danger to other beach users.
3. We would prefer you use custom-built or oil drum barbecues if possible but not gas please. Disposable BBQs are not permitted.
4. Under no circumstances are open bonfires to be built on the beach.
5. Please make sure you leave the beach in a clean and tidy condition. If the bins are full please take your rubbish with you.
6. People are asked to ensure that minimum nuisance is caused to nearby houses by making sure adequate transport and/or supervision is provided when people are leaving the area.
7. We would request that no glass to be taken onto the beach or approach areas.
8. The use of generators or marquees is not permitted.
9. Be advised that camping is not allowed on any of our land; see rule on camping.
10. Public conveniences will not be open so you must consider what arrangements you will make for this using other nearby amenities.
11. Large groups of 20 or more need to seek permission first- see rule on large gatherings. Contact the council's Beach and Coast Team on 01843 577000. Monday - Friday 9.00am – 5.00pm

#### 4. Begging, Touting, Hawking, Selling

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

- Begging or soliciting for money\*
- Advertising any article verbally or by the distribution of leaflets and flyers, circulars or advertisements of any kind
- 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.
- 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:**

- a. between 1st May and 30th September, between the hours of 09:00 am and 19:00 pm.
- b. at any time in a race or so as to cause danger or annoyance to any persons using the seashore or foreshore to break-in any horse.
- close to the summer bird breeding grounds and main winter roosts on the shingle beaches between Minnis Bay and Reculver, and avoid the Sandwich and Pegwell Bay National Nature Reserve.
- These rules shall not apply to children riding either horses or donkeys led or attended by a responsible person on foot.

**Riders are reminded:**

- To clear up the beach/prom/slipway after their ride
- When leaving the beach please use the relevant slipways avoiding the main promenade areas at all times
- Riders must adhere to the no galloping/racing rule and show due consideration to other beach/promenade users at all times.
- Please read the Thanet Coast Project's [Horse Riding Code](#)

#### 6. Encampments

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Camping or the erection of any structure (This includes but is not exclusive to vehicles, tents, 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

- Overnight parking is not permitted for any reason without prior consent of the Council at any of the following locations along our coast: on green spaces above or next to bays, promenades, beaches, or in our beach car parks (paid or unpaid). This applies to camper vans and caravans, motorhomes, marquees, tents and cars with trailer tents.

### **7. Preaching, lectures, music and entertainment, sporting events, other events**

Lectures, speeches, sermons, live music 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.**

- Urination, defecation, spitting or littering are not permitted
- 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 having being requested 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.
- Ingesting, inhaling, injecting, smoking or otherwise using drugs or substances reasonably believed to be psychoactive substances.
- Possessing or releasing any canister containing compressed gas

### **9. Beach recreational activities**

Please read our [Field Trip Code](#) for advice on organised trips to our coast. See link to schools trips notifications and online form.

Please follow these links to read and understand the rules on general recreational activities:

- [Rockpooling Guidelines/Advice - is available from our Learning Zone](#)
- [Marine Wildlife Watching Code](#)



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- [Seashore Code](#)
- [Dog Walking on the Thanet Coast; Dog PSPO leaflet](#)
- [Main Recreational Activities Location Map](#)

Please follow these links to read and understand the rules on harvesting/gathering any items from the beach or surroundings:

- [Bait Digging & Collecting Code](#)
- [Shellfish Harvesting and Fixed Netting Code](#)
- [Shore Angling Code](#)
- [Seaweed Harvesting Code](#)
- [Fossil Code](#)
- [Online permission for Metal Detecting on the Thanet Coast \(Note: Responsible Metal Detecting Code of practice, c/o Portable Antiquities Scheme\)](#)

**Balloon and sky lantern releases are not permitted in our on Council land. Please find alternative ways celebrate or mark an occasion.**

Advice can be found on the following sites:

- <https://www.mcsuk.org/campaigns/dont-let-go>
- <https://www.rspca.org.uk/adviceandwelfare/litter/balloon-and-sky-lantern-alternatives>

### 10. Water sports

Please follow these links to read and understand the rules:

- [Powercraft Activities Code](#)
- [Wind powered activities](#)

**The Walpole Bay Bathing Pool is for bathing only, no watersports or craft are permitted.**

### Water User Group

A Water User Group is available to those who would like access boat launching facilities, slipways and moorings for sailing boats and other crafts. Thanet boasts a number of beaches and bays where water activities are permitted including: fishing, jet skiing, sailing, speed boats and water skiing.

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For an annual fee, members of the water user group gain access to our designated facilities for permitted launching. Fees will change annually as part of the Council's fees and charges process.

Register at [thanet.gov.uk/water-users](https://thanet.gov.uk/water-users)

For enquiries, contact: [wateruser@thanet.gov.uk](mailto:wateruser@thanet.gov.uk)

**On signing up to our water user group you agree to abiding by the Council's rules and regulations. Any breach of these will result in your water user group membership being terminated, with no refund. You will also face the same financial penalty as any breach of our rules incurs under the PSPO.**

**Examples of breaches these penalties will apply to include:**

- The copying of issued barrier keys
- Leaving barriers open for non group members to access
- Launching of craft that is not permitted at a particular site
- The use of 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

**Sites designated for Powered Water Crafts (PWCs including jet skis)**

We do not have a water user group membership for jet skis or other PWCs. PWCs may launch from the clubs/concessions listed below.

We require clubs to ensure the following:

- Not remove the silencers from their machines or carry out any other modifications to the exhaust system
- Display the unique registration number for PWC
- Be over the age of 17

Desirable:

- Hold the PWC proficiency qualification which is a one-off, one day course costing around £160

Birchington

- Beresford Gap, Birchington
  - Launching facilities are not part of the water user group. Launching facilities for speed boats, jet skis and waterskiing are designated for members of the Beresford Water Ski Club only. Please contact Leigh Flockhart at [leighflockhart@hotmail.com](mailto:leighflockhart@hotmail.com) or 07808 232011.

### Cliftonville

- Palm Bay/Hodge's Gap, Cliftonville
  - Launching facilities are not part of the water user group. Launching for PWC (jet ski, jet bikes, wet bikes only) are operated by Jet Ski World (cafe/showers/ toilets). Fees apply, contact Jet Ski World on 01843 231703.

### Ramsgate

- Ramsgate Harbour
  - Launching facilities at Ramsgate Harbour are not part of the water user group. Launching and mooring fees apply. Contact the Harbour Office on 01843 572100 or portoframsgate@thanet.gov.uk

### **Water user group offerings are as follows:**

#### **Sites designated for fishing boats**

### Birchington

- Minnis Bay, Birchington
  - Launching permitted for fishing boats and sail craft.

### Westgate

- West Bay, Westgate (western slipway)
  - Launching permitted for fishing boats and sail craft. Max 14ft, Max 20HP. Hand launching only during summer months 1 June to 30 September.
- West Bay, Westgate (eastern slipway – by kiosk and beach huts)
  - Launching permitted for fishing boats and sail craft. No launching during summer months 1 June to 30 September.
- St Mildred's Bay, Westgate
  - Launching permitted for fishing boats and sail craft. No launching permitted between 9am and 6pm during summer months 1 June to 30 September.

### Margate

- Margate (front) Harbour
  - Launching permitted for sail craft and fishing boats. Moorings available – fees apply.
  - Contact the Harbour Office on 01843 572100 or portoframsgate@thanet.gov.uk
- Margate (rear) Harbour
  - Launching permitted for sail craft, fishing boats and speed boats.

### Cliftonville

- Foreness Bay, Cliftonville

- Launching permitted for fishing boats, speed boats and water skiing.

### Broadstairs

- Viking Bay, Broadstairs
  - Launching permitted for sail craft and fishing boats. Moorings available – fees apply.
  - Contact the Harbour Office on 01843 572100 or [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk)

### Ramsgate

- Ramsgate Harbour
  - Launching facilities at Ramsgate Harbour are not part of the water user group. Launching and mooring fees apply.
  - Contact the Harbour Office on 01843 572100 or [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk)

### Sites designated for sail craft

#### Birchington

- Minnis Bay, Birchington
  - Launching permitted for sail craft.

#### Westgate

- West Bay, Westgate (western slipway)
  - Launching permitted for fishing boats and sail craft. Max 14ft, Max 20HP. Hand launching only during summer months 1 June to 30 September.
- West Bay, Westgate (eastern slipway – by kiosk and beach huts) •
  - Launching permitted for fishing boats and sail craft. No launching during summer months 1 June to 30 September.
- St Mildred's Bay, Westgate
  - Launching permitted for fishing boats and sail craft. No launching permitted between 9am and 6pm during summer months 1 June to 30 September.

#### Margate

- Margate (front) Harbour
  - Launching permitted for sail craft and fishing boats. Moorings available – fees apply.
  - Contact the Harbour Office on 01843 572100 or [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk)
- Margate (rear) Harbour
  - Launching permitted for sail craft, fishing boats and speed

boats.

### Broadstairs

- Viking Bay, Broadstairs
  - Launching permitted for sail craft and fishing boats. Moorings available – fees apply.
  - Contact the Harbour Office on 01843 572100 or [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk)

### Ramsgate

- Ramsgate Harbour
  - Launching facilities at Ramsgate Harbour are not part of the water user group. Launching and mooring fees apply.
  - Contact the Harbour Office on 01843 572100 or [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk)

### Sites designated for speed boats

#### Birchington

- Beresford Gap, Birchington
  - Launching facilities are not part of the water user group. Launching facilities for speed boats, jet skis and waterskiing are designated for members of the Beresford Water Ski Club only. Please contact Leigh Flockhart at [leighflockhart@hotmail.com](mailto:leighflockhart@hotmail.com) or 07808 232011.

#### Westbrook

- Westbrook/Barnes Car Park
  - Launching permitted for speed boats and water skiing.

#### Margate

- Margate (rear) Harbour
  - Launching permitted for sail craft, fishing boats and speed boats.

#### Cliftonville

- Foreness Bay, Cliftonville
  - Launching permitted for fishing boats, speed boats and water skiing.

#### Ramsgate

- Ramsgate Harbour
  - Launching facilities at Ramsgate Harbour are not part of the water user group.
  - Launching and mooring fees apply. Contact the Harbour Office on 01843 572100 or [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk)

### Sites designated for water skiing

#### Birchington

- Beresford Gap, Birchington
  - Launching facilities are not part of the water user group. Launching facilities for speed boats, jet skis and waterskiing are designated for members of the Beresford Water Ski Club only.
  - Please contact Leigh Flockhart at leighflockhart@hotmail.com or 07808 232011.

#### Westbrook

- Westbrook/Barnes Car Park
  - Launching permitted for speed boats and water skiing

#### Cliftonville

- Foreness Bay, Cliftonville
  - Launching permitted for fishing boats, speed boats and water skiing.



Thanet District Council (TDC) Equality Impact Assessment

Step one: test for relevance

### 1 Person responsible for this assessment

Name:	Lisa Collingwood/Fiona Kundu		
Job title:	Education Enforcement Officer/Workforce Supervisor		
Phone:	01843 577000		
Service area:	Enforcement Services	Date of assessment:	19/11/2020

### 2 Others involved in carrying out the analysis

Name:	Lisa Collingwood
Name:	Fiona Kundu
Name:	Jasmin Vickers

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

Title:	Coastal and Beach PSPO 2020
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Is it new?                      Yes                       No

A review of existing?      Yes                       No

3.1 Aims and objectives

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

What; Thanet District Council is proposing to introduce a Coastal and Beach PSPO. Why; Creating a new public spaces protection order to help protect our Thanet coastline and beaches for our community with one set of coastal rules. Who; The introduction of the new PSPO will create safer communities and deter and reduce crime and anti social behaviour, all local communities and visitors will benefit.

PSPOs will only 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. Restrictions on the proposed behaviours may have an impact on protected characteristics or other

strategic equalities considerations, in particular the safeguarding of children and vulnerable adults, mental well-being and community resilience, and disability. The impact on all factors has been considered as part of the Equality Impact Assessment.

The Beach PSPO will cover;

1. **Use of Vehicles** - No motorised or electric vehicles may be parked or driven on the promenades, clifftops or beaches as follows: Cars, vans, lorries, trucks, motorcycles, scooters, segway, caravans and any vehicle used to reside in, Unless permission has been granted in writing by the Council and evidence of this can be produced. No deliveries to concessions after 10am.
  
1. **Cycling** -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 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)
  
2. **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 groups of 20 or more need to seek permission from Thanet District Council.
  
3. **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.
  
4. **Horse riding** **Horse riding is not permitted** - between 1st May and 30th September, between the hours of 09:00 am and 19:00 pm.
  
5. **Encampments** - Camping or the erection of any structure (This includes but is not exclusive to vehicles, tents, yurts, caravans, motorhomes and any other structure used to reside in 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 written consent of the Council with the exception of sunshades.



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6. **Preaching, lectures, music and entertainment, sporting events, other events** - Lectures, speeches, sermons, live music, busking 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.
  
7. **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 (enforced by TDC 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
  
8. **Beach recreational activities and water sports**

To adhere to the set of Coastal and Beach 'Codes of Practice' set out by Thanet District Council.

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

The introduction of the PSPO will impact positively on and benefit the lives of people who live, work and visit the Thanet district's beaches and coastline. The introduction of the PSPO will also impact positively on people whose protected characteristics are impaired upon by the anti social behaviours the order has been designed to address.

The approach will be detailed on the Thanet District Council website under the Enforcement Policy section.

The PSPO will help reduce crime and anti social behaviour on and around Thanet Districts coastline, clifftops and beaches. Outcomes will vary depending on circumstances, welfare and safeguarding issues which will support reduction in ASB within the district and a reduction in any detrimental effects caused to our communities.

A robust education and enforcement plan will be in place along with a referral process to support those that are most vulnerable. The welfare of vulnerable persons and victims is paramount and any risks will be identified.

## 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, wider community, others.

Thanet District Council, Multi service agencies, Town and Parish Councils, Kent Police, Kent County Council, Wider Community, Residents, Resident Groups, Leisure Organisations, Charities, Wildlife Groups, RNLI, Harbour Master

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

The introduction of the PSPO will impact positively on and benefit the lives of people who live, work and visit the Thanet district's beaches and coastline. The introduction of the PSPO will also impact positively on people whose protected characteristics are impaired upon by the anti social behaviours the order has been designed to address.

An example might be that pregnant women, families, infants, and disabled people can be denied access to facilities needed such as public toilets or shelter which may contain substance misusers or drug paraphernalia.

## 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)

All members of the community are treated fairly and equally regardless of age.

Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.

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

All members of the community are treated fairly and equally regardless of age.

Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.

**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?

All members of the community are treated fairly and equally regardless of age.

Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.

## 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.

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**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'?		x
<b>Comments:</b>		
2. Does your information suggest that some groups of people are less satisfied than others with this 'service'?		x
<b>Comments:</b>		
3. Will this service have a significant impact on any of our residents?		x
<b>Comments:</b>		
4. Do you have any evidence that discrimination, harassment and/or victimisation could occur as part of this service?		x
<b>Comments:</b>		
5. Do you think the service will hinder communication and negatively impact relations between the organisation and its employees, residents, contractors or anyone else?		x
<b>Comments:</b>		
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?	x	
<b>Comments:</b>		
7. Does consultation need to be carried out?	x	
<b>Comments:</b>		

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	x	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	<p align="center"><b>Evidence/Reasoning</b></p> <p align="center">(Consider any barriers which will have negative impact and/or good practices giving positive impact)</p>
<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>		P o s i t i v e		<p><b>Recommendations: all members of the community are treated fairly and equally regardless of age.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></p> <p><b>Young People - will be referred into safeguarding mechanisms and under 18's parents/guardians will be spoken with.</b></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>		P o s i t i v e		<p><b>Recommendations: we would be addressing any disability concerns and ensure additional support measures are in place if required through prevention, education and sign posting to relevant services.</b></p> <p><b>Under 16's will be referred into safeguarding mechanisms and parents/guardians will be spoken with where necessary.</b></p> <p><b>Areas will improve in terms of access for those with disabilities.</b></p>
<p><b>Race (Includes; gypsy, travelling, refugee and migrant communities)</b></p> <p><b>Consider:</b></p>		P o s i t i v e	N e u t r a l	<p><b>Recommendations: all members of the community are treated fairly and equally regardless of race.</b></p>

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<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>	t i v e	r a l	<p><b>Neutral - the protocol seeks to ensure that minimum disruption is caused to both the settled community and gypsy, travelling, refugee and migrant communities whilst ensuring that everyone's rights are respected, and that the legal processes are adhered to.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></p>
<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>	P o s i t i v e		<p><b>Recommendations: all members of the community are treated fairly and equally regardless of religion, faith or belief.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></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>	P o s i t i v e		<p><b>Recommendations: this would be conducted as a welfare assessment referred into safeguarding mechanisms.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></p> <p><b>Areas will improve in terms of access to those pregnant or with infants, children - access to cleaner, safer areas.</b></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>	P o s i t i v e		<p><b>Recommendations: all members of the community are treated fairly and equally regardless of gender.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></p>
<p><b>Sexual orientation (Includes: lesbian, gay, bisexual)</b></p> <p><b>Consider:</b></p>	P o s		<p><b>Recommendations: Recommendations: all members of the community are treated fairly and equally regardless of sexual orientation.</b></p>

<ul style="list-style-type: none"> <li>LGB people should feel safe to disclose their sexual orientation without fear of prejudice</li> <li>Make it clear you recognised civil marriage and partnerships</li> <li>Awareness training for employees</li> </ul>	i t i v e		<p style="text-align: center;"><b>Annex 3</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></p>
<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>	P o s i t i v e		<p><b>Recommendations: Recommendations: all members of the community are treated fairly and equally regardless of transgender.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></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>	P o s i t i v e		<p><b>Recommendations: Recommendations: all members of the community are treated fairly and equally regardless of marital status.</b></p> <p><b>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</b></p>

<b>Outsourced services</b>	
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	
<b>Relations between different equality groups</b>	
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	
<b>Consultation responses</b>	
Summary of replies from individuals and stakeholders consulted including any previous complaints on equality and diversity issues about the strategy, policy or process	TBC

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:
Penny Button/Mike Humber	

Recommendations agreed:	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Signed: (Director):	EIA date:
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**Review Report on the Council’s Abandoned Vehicle Process**

Overview & Scrutiny Panel **18 February 2021**

Report Author **Jasmin Vickers, Acting Director of Environment**

Portfolio Holder **Cllr Steve Albon**

Status **For Information**

Classification: **Unrestricted**

Key Decision **No**

Ward: **All**

**Executive Summary:**

Overview and Scrutiny Panel have requested a review report on the following street scene related topic: How can TDC speed up time taken to clear abandoned vehicles?

The Process for dealing with abandoned vehicles in our district is outlined in this report.

**Recommendation(s):**

1. That this report is noted;
2. Communications could be strengthened on the council’s process to inform residents of the procedures and timescales we are confined to under the legislation.

<b>CORPORATE IMPLICATIONS</b>	
<b>Financial and Value for Money</b>	There are no financial implications.
<b>Legal</b>	<i>The process for abandoned vehicles is set out in legislation under the Refuse Disposal (Amenity) Act 1978.</i>
<b>Corporate</b>	<i>Communications could be strengthened on this process to better inform the public and avoid frustration leading to complaints.</i>
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	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.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	

<b>CORPORATE PRIORITIES (tick those relevant) ✓</b>	
Growth	
Environment	✓
Communities	✓

## 1.0 Introduction and Background

- 1.1 Overview and Scrutiny Panel have requested a review report on the following street scene related topic: How can TDC speed up time taken to clear abandoned vehicles?
- 1.2 Abandoned vehicles often get confused with nuisance vehicles. An abandoned vehicle is always a nuisance, but a nuisance vehicle is not always abandoned. A nuisance vehicle could be any of the following:
- Poorly parked;
  - Causing an obstruction;
  - Involved in residential parking disputes;
  - Broken down;
  - Untaxed.

Abandoned vehicles are expensive to remove, have a negative impact on the environment, look unsightly and can lower the quality of life in neighbourhoods. They can be the result of, or lead to crime, they take up valuable parking spaces and can quickly become dangerous when vandalised or filled with hazardous waste (they are often used as skips). There is a risk of explosion or injury, they can leak dangerous fluids, which can catch fire or run into the water stream and they are often burnt out, which can endanger lives, property and the environment.

By removing abandoned vehicles, our streets look less neglected and are less likely to attract other anti-social behaviour.

## 2.0 Abandoned vehicles and the law

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2.1 Local authorities are under a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978, to remove a vehicle which is abandoned in their area, on any land in the open air, or on any other land forming part of a highway. However, this does not cover vehicles abandoned on private land. Under this Act, abandoning a vehicle is a criminal offence, carrying a maximum penalty of a fine of £2,500 or three months' imprisonment, or both. The matter can also be dealt with by issuing a fixed penalty notice for payment of £200.

2.2 When a vehicle is reported as abandoned the vehicle needs to meet criteria:

- Vehicle is not taxed and;
- Vehicle has been in situ for over 2 weeks and;
- Does not have a known owner

2.3 There are 3 types of Notice periods:

**24hr Notice** - used only when a vehicle is deemed as dangerous such as burnt out and/or smashed windows ect

**7 Day Notice** - Used on all vehicles that have been reported to TDC as abandoned on the highway/TDC land

**15 Day Notice** - Used on vehicles that have been reported to TDC as abandoned on private land - Authorisation is needed from the land owner

**The removal notice period is set by legislation and cannot be changed.**

2.4 TDC look to find the owner of the vehicle, and the process is as follows -

- A report is made online by members of the public. 7 days after the report an officer will attend and place a notice onto the vehicle to give notice of the intent of removal if the vehicle is not claimed.
- A DVLA request for the Registered Keeper is made which may take 24 hours. If the vehicle has a registered keeper TDC will write to advise for the intent to remove the vehicle due to abandonment. This gives the owner 7 days to claim the vehicle.
- After the 7 days have elapsed an officer will visit the vehicle for a 2nd time to ensure the vehicle is still in situ, once confirmed, a removal report is sent to the contractor to remove.
- If the contractor cannot come out immediately this may cause delay, however this will entirely depend on their workload at the time of us booking with them.
- If a vehicle is claimed during the process TDC takes no further action as the vehicle is no longer classed as abandoned.

- 2.5 The police have powers under the Removal and Disposal of Vehicle Regulations 1986 to remove any vehicle that is in breach of local traffic regulations, causing an obstruction, likely to cause a danger, broken down or abandoned without lawful authority. The police can remove a vehicle to which a notice has been affixed by the local authority that has deteriorated to a dangerous wreck immediately
- 2.6 TDC is bound by the timescales as set out under Section 3 of the Refuse Disposal (Amenity) Act 1978. In summary there is no way to speed up the process for dealing with abandoned vehicles currently. There may be some benefit to updating our webpages with more information on the process, what information we require from the public at the time of reporting, and the difference between nuisance and abandoned vehicles.

### 3.0 Recommendations

- That this report is presented to OSP as requested, and noted.
- We update our website with information on abandoned vehicles and utilise the document that Dover and other Councils publish from Encams with useful information.

Contact Officer:	Jasmin Vickers, Acting Director of Environment
Reporting to:	Gavin Waite, Corporate Director

### Background Papers

Title	Details of where to access copy
Encams guide to nuisance and abandoned vehicles	<a href="http://www.encams.org">www.encams.org</a>

### Corporate Consultation

<b>Finance</b>	Chris Blundell, Director of Finance
<b>Legal</b>	Estelle Culligan, Director of Legal

## PLANNING ENFORCEMENT REVIEW

**Overview & Scrutiny Panel** 18th February 2021

<b>Report Author</b>	Iain Livingstone
<b>Portfolio Holder</b>	N/A
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	Thanet Wide

### **Executive Summary:**

The report provides an overview of the planning enforcement work of the Council, discussing the legislation, process and enforcement protocol. The report responds to the contention that the planning enforcement process is slow in Thanet, and provides an outline of the review programme to make the process more efficient.

### **Recommendation:**

Members are requested to comment and note the report.

### **Corporate Implications**

#### **Financial and Value for Money**

The Enforcement Team consists of two officers. The report does not recommend an amendment or adjustment to the resources allocated to the service. The setting of the 2021-22 budget is nearing completion and there are no additional resources available for allocation.

#### **Legal**

There are no legal implications arising directly from this report, however the report includes reference to work carried out by the Legal team on behalf of the planning department in the process of formal enforcement action and prosecution.

#### **Corporate**

The report covers factors which form part of the Council's corporate statement around the Environment, which includes an enforcement approach where necessary. In particular, to maintain strong enforcement action in planning and support for the Thanet Local Plan.

#### **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, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this report.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities:

- Environment

### **1.0 Introduction**

1.1 This report follows a request for a review of Planning Enforcement by the Council's Overview and Scrutiny Panel. The information provided with the request states the following: "Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?".

1.2 This report will provide an overview of Planning Enforcement control at Thanet District Council, the legislation and guidance for the operation of planning enforcement functions, the resourcing for officers and the process for considering complaints.

### **2.0 Background to Legislation**

2.1 A breach of planning control is defined in Section 171A of the Town and Country Planning Act as the carrying out of development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted. Local Planning Authorities have responsibility for taking necessary enforcement action that is in the public interest in a proportionate manner. The power to take enforcement action is discretionary, when it is regarded as expedient to do so having regard to the development plan (Thanet Local Plan 2020) and any other material considerations.

2.2 The National Planning Policy Framework paragraph 58 states:

*"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in*

*a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”*

2.3 Specific time limits are in place after which development becomes immune from enforcement if no action (formal - such as through the serving of an enforcement notice) is taken. These timescales are:

- within 4 years of substantial completion constituting operational development (for example building of a permanent structure).
- within 4 years for an unauthorised change of use to a single dwellinghouse.
- within 10 years for any other breach of planning control (changes of use of land, breach of planning conditions)

Certain exemptions to the above deadlines exist, including when there has been a deliberate concealment of a breach of planning control.

2.4 As outlined by government guidance and the Council’s corporate priorities, effective enforcement is important to tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area, maintain the integrity of the decision-making process, and to help ensure that public acceptance of the decision-making process is maintained. The Council’s corporate statement outlines that the Council will “maintain strong enforcement action in the areas of planning, building control and parking”.

## 3.0 The Planning Enforcement Process

3.1 The Council operates a complaints based system, which aims to balance the resources that we have available with public expectation. The primary purpose of our enforcement work is to protect public amenity. The Council’s Planning Enforcement Protocol is appended at Annex 1. This outlines a system of prioritisation for complaints that are received:

- **High priority** will be given to ensuring compliance with section 106 agreements, dealing with breaches that cause significant irreparable damage to Listed Buildings, harm to specially protected areas including conservation areas, and other visually prominent development and protected trees. Priority will also be given to breaches that cause significant and unacceptable harm to living conditions.

- **Low priority** will be given to other cases, particularly where the development has relatively limited visual impact and/or effect on living conditions.

3.2 The investigation process can be summarised as follows:

1. **Establishing whether the works need planning permission/other form of consent.** This includes an assessment of whether the development is permitted by legislation such as the General Permitted Development Order, exemptions for

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works to listed buildings or tree protection legislation, whether the change constitutes “development” under the planning act, whether the work is immune from enforcement and whether permission has been granted for the works. In some cases the Council will conclude that no action will be taken either because the alleged breach does not exist or that the breach is not significant so as to warrant further action.

2. **Seek to resolve the matter without formal action** where possible. Our first aim is to work with the contravener to assist them in complying with planning law and policy. The council will aim to resolve breaches where possible by negotiation and agreement. This will normally occur through requiring a planning application to be submitted for the work within a defined time period, to allow for public consultation and assessment of the work against planning policy.
  3. **Decide whether or not to take action** at the earliest possible stage following the conclusion of our investigations. A decision would also be made if no submission of an application is requested, or no resolution can be found to remediate the breach. This decision takes account of the staff and financial resources available at the time. A written record of the decision whether or not to take further action is made and communicated to the complainant.
- 3.3 Within the first stage of the investigation process, in certain instances when it appears to the Council that a breach of planning control may have occurred, the Council may serve a Planning Contravention notice to find out more information before deciding what if any enforcement action to take. A failure to complete or return a notice within 21 days is an offence, as is providing false or misleading information on the notice.
- 3.4 Within the third stage of the investigation process, the Council will take action only if the development conflicts with planning policy or other corporate initiatives and policies, and causes significant harm to public amenity and if it is judged expedient to do so. In addition, the Council will have regard to legal advice as to the quality of evidence and likelihood of the success of such action, as well as the resource implications of taking action.
- 3.5 Formal action would constitute the serving of a:
- Planning Enforcement notice
  - Stop Notice
  - Temporary Stop Notice
  - Breach of Condition Notice
  - Listed Building Enforcement Notice
  - Tree Replacement notice

For certain types of breaches, the Council can prosecute without serving a notice, for example the display of unauthorised advertisements and unauthorised removal of protected trees. The Council can also apply to the High Court or County Court for an injunction to restrain a breach of planning control in particular circumstances. If a notice is not complied with within the set timescale, a further decision is taken to



determine whether to prosecute the non-compliance with the notice, using the same Enforcement protocol criteria.

- 3.6 The Council's legal department is responsible for reviewing the notices prepared by the Planning Enforcement team, advising on any evidence for prosecution and progressing any cases to prosecution heard at Magistrates, County and the High Court on instruction. All enforcement notices are signed off by the Planning Applications Manager. Certain notices can be appealed (such as Planning Enforcement notice and Listed Building Enforcement notice), with the appeal being held by a Planning Inspector. Any prosecution is held in abeyance pending the outcome of any logged appeal.
- 3.7 The planning enforcement team works closely with colleagues in private sector housing, environmental health, licensing, streetscene enforcement, Margate task force and community safety to share information and determine the most appropriate process and legislation for formal action to be taken if a planning complaint also constitutes a breach of other legislation. In addition, officers also communicate with the Health and Safety Executive, Forestry Commission and Kent Police (including Wildlife Liaison officer) when necessary following complaints which are not covered by planning legislation.
- 3.8 Further information about the planning enforcement process is available via the National Planning Practice guidance (<https://www.gov.uk/guidance/ensuring-effective-enforcement>)
- 3.9 The Council also ensures compliance with Section 106 agreements and unilateral undertakings linked to planning permissions, which includes monitoring developments and trigger points for financial contributions within legal agreements, and requesting payments from developers or actions for compliance when a breach is identified. The agreements can be enforced by injunction, or direct action with expenses recovered. This work is vital to ensuring mitigation from development is provided and funding secured for infrastructure in the district.

### **4.0 Resourcing of the Planning Enforcement team**

- 4.1 The planning department currently has 1x FTE Planning Enforcement Officer and 1x FTE Planning Enforcement Assistant who report to the Planning Applications Manager. Planning officers (responsible for the assessment and determination of applications) assist with the grounds for issuing notices and in defending enforcement appeals. Prior to 2010, the Council had 4 officers covering the planning enforcement and tree preservation. This was reduced to 1.5 officers following restructuring across the organisation, with a change in staffing and use of planning fee income resulting in an increase to the current staff levels in 2018.

- 4.2 From a sample of 10 Kent authorities, the number of planning enforcement officers across Kent range between 3-5 officers at different levels (i.e Team leader, qualified planning officers, compliance assistant). This information is summarised at Annex 2.
- 4.3 There is one person in the Legal team who is able to deal with reviewing, assessing and prosecuting cases. This is the Principal Litigation Solicitor who deals with all litigation for the council, including housing enforcement. She is assisted by a senior Lawyer, who is funded via the Housing Revenue Account and therefore concentrates on housing cases. The rest of the legal team comprises a second Principal Lawyer who deals with all property work and a second senior Lawyer who deals with contract and procurement and therefore are not able to carry out work for planning enforcement.

## 5.0 Complaints and Formal action

- 5.1 Complaints can be logged by email to [planning.enforcement@thanet.gov.uk](mailto:planning.enforcement@thanet.gov.uk) or via the Council's website (<https://www.thanet.gov.uk/info-pages/planning-enforcement/>). The Council does not accept anonymous complaints and complainant information is kept confidential. In 2019, the planning enforcement team logged 335 complaints with 78 being high priority cases. In 2020 the team logged 330 complaints with 74 high priority cases. The aim of the department is to acknowledge a complaint within 7 days and initially investigate whether a breach has occurred within 28 days. When requesting an application from a contravener, a standard 28 day deadline is set for the submission, whereas the time period for remedying a breach varies depending on the nature of the work required. There is no defined timescale for determination of action when a breach has been ascertained. This is due to the inability to adequately compare complaints solely on time taken, as this does not account for the complexity of individual cases which will affect how long the Council takes to determine action. In addition, rigorous investigation and gathering robust evidence could be compromised through an attempt to meet arbitrary deadlines.
- 5.2 Planning enforcement have served 26 enforcement notices in the last 2 years; 14 in 2019 and 12 in 2020. The details of each notice are provided at Annex 3 including the outcome of the action.
- 5.3 Planning enforcement investigations and action can vary in time to completion. This is dependent of a number of factors which do not necessarily mean the process is slow:
1. **Complexity** - Depending on the nature of the complaint, some matters can be resolved within a matter of days, however most cases will require an assessment against legislation and case law, with the input with planning officers and legal, as well as a site visit. Cases can involve accessing historical information, formally requesting information (through a Planning Contravention notice or Requisition for information) and interviews under caution to gain the evidence required to bring a successful prosecution (if

notices are not complied with). This complexity can often mean that expectations of the public need to be managed about the potential immediate resolution of cases.

2. **Perception** - Breaches of planning control can often be emotive, creating a sense of injustice and significant public interest. As enshrined in the Council's Enforcement protocol, the Planning Enforcement team seek to work with any contravener to assist them in complying with planning law and policy prior to considering formal action. This could include a formal warning with a timescale of the breach to be remedied or in the majority of cases to invite a planning application for the works. This is to bring the consideration of the works back into the planning process, however this does not mean that the application will be approved. The consideration of the planning merits of works are required within the serving of an enforcement notice (and any subsequent appeal), meaning that it is vital that due consideration, including public consultation, is given to works. There will be instances where breaches are significant which demand formal action rather than inviting a planning application for development which is clearly contrary to Local Plan Policy, however this still involves gathering of evidence, preparation of notice and legal review of the case. Given that formal action has significant ramifications (including appeals and potential costs against the Council), this requires a considered approach rather than a rush to act.
3. **Delays outside control** - Planning Enforcement notices can be appealed within 28 days of serving to the Planning Inspectorate, who have a defined appeal process involving submission of evidence and particular grounds of appeal. Appeals can involve public hearings, written representations or in some instances public inquiries. All action is held in abeyance until the appeal process has concluded (which can take between 6 months - 1 year) and upon decision, when enforcement notices are upheld, any compliance period for a notice begins at the date of the appeal decision. The Inspectorate can also increase any defined compliance period in a notice. This can add considerable additional time before breaches are required to be remedied, with prosecution if the notice isn't complied also beholden to court availability.
4. **Capacity** - As identified, a system of prioritisation in handling complaints is required to balance the impact of public amenity and the finite resources available within the Council. The Council has two full-time members of staff dedicated to planning enforcement and whilst working closely with planning officers, assistants and the technical team, as well as other departments in the Council, this limits the speed of resolution of the quantity of complaints received. The planning enforcement team is also reliant on capacity in the legal department to bring forward cases of non-compliance with enforcement notices. As stated above, the capacity of the legal team is limited by numbers.

## 7.0 Enforcement review

- 7.1 The planning department is committed to ensuring that the planning enforcement process is as effective and efficient as possible. Within normal day-to-day work, iterative improvements are being made to process complaints faster, including the use of templated letters, with the increased use of the current planning database, Uniform, currently under review to assist in automatic generation of letters and increased monitoring.
- 7.2 An internal review of the planning enforcement process is currently taking place in response to a recent decision of the Local Government Ombudsman. The decision requested a *“review of enforcement procedures to ensure all reports of potential breaches of planning control are properly recorded and responded to within a reasonable timescale, proper evidence is sought and checked to establish if such a breach has occurred including site visits as necessary and an adequate record is kept of any site visits”*. This will need to consider the extent of work carried out within the Council’s Planning Enforcement procedures to define what we do with the resources available, given the resource-intensive nature of enforcement work.
- 7.3 It is intended for the review to be completed within 6 months and to cover the following stages:
1. **General review** - Review and update the Enforcement Protocol to clearly define which cases we will and will not investigate, process mapping complaints to determine expected timescales and points of response/updates to complainants.
  2. **Use of systems** - Maximise use of Uniform (the planning database system) and investigate integration with google (recording evidence such as photographs), review enforcement pages on the Council website (including publishing documents) and potential methods of filtering low priority cases.
  3. **Defining service standards and review resourcing** - following the first 2 stages, consider updated service standards where possible and formulate business case for additional resourcing/redeployment of existing resources/regular use of external support where appropriate.

## 8.0 Recommendation

- 8.1 Members are requested to comment and note the report.

Contact Officer: Iain Livingstone, Planning Applications Manager  
Reporting to: Bob Porter, Director of Housing and Planning

### Annex List

Annex 1: Planning Enforcement Protocol

Annex 2: Resourcing in Kent Authorities 2019  
Annex 3: Enforcement Notices served 2019-20

## **Background Papers**

1. National Planning Policy Framework: [NPPF 2019](#)
2. National Planning Practice Guidance: [Planning Practice Guidance](#)

## **Corporate Consultation**

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Estelle Culligan, Director of Law and Democracy

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### **Thanet District Council Planning Enforcement Protocol**

#### **What is the purpose of planning enforcement?**

The Council uses its planning powers to help the council achieve the ambitions of the local community. In most cases the Council deals with applications for proposals for development that has not yet been carried out. However, on occasions development is carried out without planning permission, in such cases the Council will need to consider using the range of powers available to it that will ensure that such development is brought within planning law.

Effective enforcement of planning and associated legislation is necessary to protect the amenity and environment of Thanet. Investigation powers are entrusted to Local Planning Authorities (LPA) by Parliament to enable the LPA to protect the amenity and community safety of Thanet residents from the adverse effects of undesirable developments and neglect of open land.

The Government's view in the National Planning Practice Guidance is that effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

There is a clear public interest in enforcing planning law and planning regulation in a proportionate way.

In conducting its investigations and when deciding whether or take further action, and when taking that action, the Council will ensure that it maintains the principles of fairness, honesty and openness. All action will be taken in accordance with the Human Rights Act and other relevant legislation.

#### **What is a breach of planning control?**

A breach of planning control is defined at Section 171A of the Town and Country Planning Act as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”. Section 55 of the Town and Country Planning Act 1990 defines development as “the carrying out of building, mining, engineering or other operation in, on, under or over land, or the making of any material change in the use of any buildings or other land.”

On receipt of a complaint we will carry out initial investigations of breaches of planning control which include:-

- Buildings that do not have planning permission
- Use of land and buildings without planning permission
- Land that is kept in a poor condition and has a harmful effect on the character and appearance of an area
- Works to protected trees without consent
- Advertisements that do not have consent
- Works to Listed Buildings
- Development not built in accordance with approved plans
- Non-compliance with planning conditions

### **Conditions of planning permissions**

Once planning permission is granted, you may need to get formal approval of any details required by conditions. It is therefore imperative that land owners carefully read their permission once it is received ensuring that works do not commence on site in breach of planning conditions.

The onus is on the land owner or developer to make sure that all the necessary consents are in place before work starts, and to make sure that all the conditions are complied with. The Development Management department will not write to you reminding you of your responsibility to discharge conditions.

### **What is not a breach of planning control?**

We often receive complaints regarding matters that are not breaches of planning control. Often this is where other legislation covers and controls the matter. The following are examples of what we cannot become involved in through our planning enforcement service:

- Neighbour nuisance/boundary and land ownership disputes – these are civil matters that the Council cannot get involved in. Further advice on these matters should be obtained from a solicitor or the Citizens Advice Bureau. The council does not investigate highway matters, boundary wall or other land disputes as these issues do not constitute planning matters.
- Use of/ or development on the highway, footway or verge that is covered by highway legislation – please contact Kent County Council on 03000 418181.
- Fly tipping



- Any matter covered by other substantive legislation such as noise and smells It should be noted that the General Permitted Development Order sets out development that can be carried out without requiring planning permission. Many enforcement complaints relate to permitted development, which is not a breach of planning control.

### **How to report a breach of planning law**

To report an alleged breach of planning control, completing the online form is the quickest and easiest way. The online form can be found at:

It is strongly encouraged that the online form is used in the first instance, as this is the most efficient use of resources available.

### **What happens when an alleged breach of planning law is reported?**

The complaint will be recorded and acknowledged, so long as the minimum required information of address and location is provided. Complaints made based on sound planning issues will be investigated, while non-planning related matters will be referred onto relevant regulatory authorities.

Anonymous complaints about a third party will not usually be investigated. The identity of persons reporting suspected breaches will be treated as confidential by officers and members of the council. If a member of the public wishes to remain anonymous then they should go through either their local Ward Councillor or Parish Council to submit the online form on their behalf.

### **How does Council investigate an allegation of breach of planning law?**

Most investigations result from complaints from the public, Councillors or Parish and Town Councils. All these individuals and groups have a role to play in planning enforcement, as they are the local eyes and ears of the Planning Authority in the community.

On receiving complaints we will follow the following procedure:

1. **Establish whether the works need planning permission** (much development does not require planning permission, including internal works and domestic extensions). In some cases the Council will conclude that no action will be taken either because the alleged breach does not exist or that the breach is not significant so as to warrant further action.
2. **Seek to resolve the matter without formal action** where possible (nationally this is the case in over 90% of cases). Our first aim is to work with the contravener to assist them in complying with planning law and policy. The council will aim to resolve breaches where

possible by negotiation and agreement.

It is **not an offence** to carry out works without planning permission. Whilst such development is unauthorised, councils must consider the expediency of taking formal action. This is important to remember as members of the public often refer to illegal development or works. This is incorrect as it is not a criminal offence to carry out most works without planning permission, with the exception of works to Listed Buildings and TPO trees, advertisements displayed without consent and non-compliance with formal enforcement notices. These offences can lead to a prosecution from the outset.

The Town and Country Planning Act enables people who have carried out unauthorised development to apply for '**retrospective planning permission**' in an attempt to regularise matters. In dealing with such applications, the Authority must consider them in exactly the same way as any other application. The fact that the development has already been carried out is not something that can be taken into account in the determination of the application.

In following up allegations of breaches of planning control we will in all cases first attempt to **resolve matters by agreement**. Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it.

3. **Decide whether or not to take action** at the earliest possible stage following the conclusion of our investigations. Decisions whether to take further action will be in accordance with this protocol (see below) It will also be necessary for such decision to be prioritised taking account the staff and financial resources available at the time. A written record of the decision whether or not to take further action will be made.

Planning enforcement operates to protect the public interest. It is not the purpose of the planning system to protect the private interests of one person against the activities of another. Action must be based on sound planning grounds and be proportionate to the harm caused by the breach. Local opposition to or support for an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons. Other issues that cannot be taken into account include loss of value to property, competition with other businesses, land ownership and boundary disputes or breaches of covenant.

The Council will only take formal enforcement action when expedient to do so. Formal enforcement action will not be instigated solely to regularise trivial breaches of planning control, where there is no harm to public amenity; the breach is of a technical nature, or can be readily remedied by negotiation. Such breaches include temporary structures, unobtrusive and minor changes of use or extensions. In taking formal enforcement action,

the council will be prepared to use all the enforcement powers available, but the action taken will be commensurate with the seriousness of the breach.

### **How does the Council prioritise enforcement cases?**

The primary purpose of our enforcement work is to protect public amenity. The Planning Enforcement Team receives a high number of complaints regarding allegations of breaches of planning control every year. It would be impossible to investigate and pursue all of these allegations with equal priority. Resources are limited, and it is essential to use them to maximum effect. Therefore, each case is prioritised according to the seriousness of the alleged breach and the degree of harm being caused. The aim is that the Council response is fair and proportionate to both the context and the nature of the breach

**High priority** will be given to ensuring compliance with section 106 agreements, dealing with breaches that cause significant irreparable damage to Listed Buildings, harm to specially protected areas including conservation areas, and other visually prominent development and protected trees. Priority will also be given to breaches that cause significant and unacceptable harm to living conditions.

**Low priority** will be given to other cases, particularly where the development has relatively limited visual impact and/or effect on living conditions.

### **What Enforcement Powers are available to the Council?**

Listed below is a brief description of the various enforcement powers available to the Council. This is not intended to set out in full all the detailed legal considerations, but simply to try to explain the general nature of the available enforcement powers. In all cases, the Council will seek to use the most effective power available to remedy a breach of planning control.

*Enforcement Notices* -can be served on unauthorised development and uses where the development can be remedied by alteration, complete demolition or the ceasing of the unauthorised use. For these Notices there is a right of appeal to the Planning Inspectorate.

*Listed Building Enforcement Notices* -are served where unauthorised works to listed buildings have taken place and requirements are made to remove those works or improve upon their impact. For these Notices there is a right of appeal to the Planning Inspectorate.

*Breach of Condition Notices* -are served to require compliance with a condition attached to a planning permission. These Notices are suitable for specific breaches of planning control that need to be corrected within a specified deadline. There is no right of appeal for these

Notices.

*Stop Notices* -would normally be served in cases where the unauthorised development or use is considered to be so harmful that the outcome of the enforcement process could not be waited for. These will be served together with an Enforcement Notice. There is no right of appeal for these Notices.

*Temporary Stop Notices* -are served where a harmful unauthorised development or use has occurred and needs to be stopped immediately (for up to 28 days). This allows time for negotiation between us and offending parties. There is no right of appeal for these Notices.

*Section 215 Notices* -can be served on any interested party where land or buildings have become untidy and are considered by us to adversely affect the amenity of the area. There is a right of appeal to the magistrates court for this Notice.

*Planning Contravention Notices* -can be served on any known interested party where it is suspected that a breach of planning control has occurred. They contain a number of relevant questions relating to the alleged breach of planning control. Failure to respond within a specified timescale is a criminal offence which can result in a prosecution in the magistrates court.

*Section 330 Notices* -require information from any occupier of land asking what his interest is in it. Failure to respond within a specified timescale is a criminal offence which can result in a prosecution in the magistrates court.

*Section 225 Notices* -enable us to issue Notices on any interested parties against unauthorised advertisement displays on buildings and on other surfaces. Subject to these provisions, we will invoice the recipient of any such action in order to recover the costs that have been reasonably incurred in taking the action.

### **What happens after a Notice is served?**

The recipient of a Notice will either:

- Comply with the Notice (in which case the matter is then closed)
- Contest the Notice by way of an Appeal to the Planning Inspectorate or challenge in a Court of Law- where this is appropriate.
- Fail to comply with the Notice

Hearing a case on appeal will take time and can often delay proceedings particularly if a Public Inquiry has to be arranged. If the appeal against the Notice does not succeed the formal Notice comes into effect. If the appeal is successful and/ or planning permission is granted, then this is normally the end of the matter. If the Notice is

upheld or there is no appeal but it is still not complied with, we will then take steps to prosecute the offender in Court.

### **What happens when a notice is not complied with**

In the event that an enforcement notice is not complied with the council has to be ready to remedy the breach by direct action where appropriate. This of course can be costly in terms of both staff and financial resources and should be considered at both the outset and also as matters progress.

*Direct Action* will be used so we can ensure remedial works are undertaken to secure satisfactory compliance with an Enforcement Notice. In cases such as this it may also be necessary to apply for an Injunction to prohibit parties from entering the land during the period when direct action is taken. We will always look to recover our costs from the offender when placed in the position of taking such action even if this results in placing a charge on the land to aid future recovery.

*Prosecutions* will be undertaken by us in incidences such as unauthorised works to listed buildings and protected trees, demolition in conservation areas, the display of advertisements and the failure to comply with the other Notices listed in this plan.

*Injunctive Action* can be used where a breach of planning control is severe, or there is a threat of it becoming severe, and which can be halted by the successful application to the High Court (or County Court) for an Injunction. It can also be used in longstanding cases where the offender has failed to comply with an Enforcement Notice and the harm is ongoing and now needs to be brought to an end. We will always look to recover our costs from the offender when placed in the position of taking such action even if this results in placing a charge on the land to aid future recovery.

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**Annex 2 - Local Authority Enforcement in Kent (information from December 2019 and February 2021)**

<b>Local Authority</b>	<b>Number of Staff</b>	<b>Positions/Structure</b>
Medway	3	Senior, Officer, Assistant
Tunbridge Wells	3	2x Officers, Compliance Officer
Swale	4	4x Officers
Sevenoaks	3	Senior, officer, compliance officer
Maidstone	5	Team Leader, qualified planner; senior, assistant and full time investigation officer
Folkestone & Hythe	3	Senior, 2x officers
Ashford	4	2x Seniors, 2x Officers
Dover	4	Principle, senior, 2x officers
Gravesham	3	Manager, Senior, Assistant
Tonbridge and Malling	3	Senior, 2x officers

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**2019/2020**

Enforcement Notices								
TH ref No (If applicable)	Address of land to which notice relates	Date of Issue of Notice	Date of Service of copies	Statement/summary of alleged breach of planning control and requirements of notice	Date specified for notice to take effect	Outcome	Date on which authority satisfied that required steps have been taken	COMPLIANCE PERIOD DATE
EN/18/0069	LAND LYING NORTH OF DOWN BARTON ROAD (GOOSEBERRY FARM)	09.01.2019	10.01.2019	Caravan with decked area sited on land	28.02.2019	COMPLIED	29/05/2019	28.05.2019
EN/18/0288	LAND ON THE SOUTH SIDE OF EDITH ROAD RAMSGATE (ALSO KNOWN AS LAND BEAR OF 24 GRANGE	25.01.2019	29.01.2019	Use of the site for the repair and spraying and storage and distribution of vehicles. Cease the unauthorised use of the site for the repair of spraying and storage	25.03.2019	PLANNING PERMISSION GRANTED		25.04.2019
EN/18/0177	21 Chapel Place RAMSGATE CT11 9SB	28.02.2019	04.03.2019	Without listed building consent the removal of timber framed windows and doors and installation of replacement upvc windows and doors. Replacement of windows and doors to match previous.	25.04.2019	APPEAL DISMISSED		05.08.2021
EN/17/0311	UNIT 31, THE OAKS BUSINESS PARK RAMSGATE	11.04.2019		Without planning permission, the change of use of the premises to a boxing club - cease the unauthorised use of the premises as a boxing gym	13.06.2019	COMPLIED	13.09.2019	13.09.2019
EN/18/0112	<a href="#">110 GROSVENOR PLACE MARGATE</a>	23.07.2019	22.07.2019	S215 - front elevation in poor state of repair	30.09.2019	COMPLIED	07.10.2020	30.12.2019
EN/18/0215	<a href="#">20 QUEENS ROAD BROADSTAIRS</a>	11/04/2019		Breach of Condition Notice Non-compliance with Condition 2 - Privacy Screen	11/04/2019	PART COMPLIED		09/05/2019
EN/18/0189	<a href="#">11 VICARAGE PLACE MARGATE</a>	25.04.2019	25.04.2019	Without listed building consent the unauthorised removal of a ground floor elevation timber bay 3 light sash window and cill and 1st floor rear timber sash window and rear elevation door and the installation of replacement upvc windows and door. Replacement of timber windows and doors.	04.07.2019	NOT COMPLIED WITH - PENDING LEGAL ACTION		04/04/2020
EN/18/0135	<a href="#">FORMER LAUNDRY ROOM SEA BATHING</a>	23.07.2019	22.07.2019	S215 - State of the building	27.08.2019	NOT COMPLIED WITH - PENDING LEGAL ACTION		27.11.2019
EN/18/0138	<a href="#">123 CANTERBURY ROAD, WESTGATE ON SEA</a>		23.07.2019	Without planning permission, the change of use of land for the siting of 3 caravans	01.10.2019	NOT COMPLIED WITH - PENDING LEGAL ACTION		01.12.2019
F/TH/08/1286	TESCO STORES LTD	28.08.2019		Breach of Condition Notice Non-compliance with condition 14 - Delivery times	28.08.2019	COMPLIED - PLUS NATIONAL GUIDANCE ON DISCRETION DURING PANDEMIC		25/9/2019
F/TH/08/1606	<a href="#">91 BOTANY ROAD BROADSTAIRS</a>	12.09.2019		Enforcement Notice - unauthorised roof dormer. Remove.	17.10.2019	APPEALED REFUSED PERMISSION - HELD IN ABEYANCE		17.01.2020
F/TH/18/0677	<a href="#">6 FORT HILL MARGATE</a>	09.12.2019	09.12.2019	Breach of Condition Notice Non-compliance - Air Conditioning units acoustic	09.12.2019	COMPLIED	N/A	09.03.2020

Annex 3  
Agenda Item 9

**2019/2020**

**Enforcement Notices**

TH ref No (If applicable)	Address of land to which notice relates	Date of Issue of Notice	Date of Service of copies	Statement/summary of alleged breach of planning control and requirements of notice	Date specified for notice to take effect	Outcome	Date on which authority satisfied that required steps have been taken	COMPLIANCE PERIOD DATE
EN/18/0111	<a href="#">74 GROSVENOR PLACE MARGATE</a>	09.12.2019	09.12.2019	S215 - State of the building	20.01.2020	NOT COMPLIED WITH - ADDITIONAL TIME FOR COVID BUT REFER TO LEGAL		20.04.2020
EN/18/0256-EN/21/0037	<a href="#">17 COLEMAN CRESCENT RAMSGATE</a>	10.19.2019	10.12.2019	Enforcement Notice - Unauthorised Fence/Wall. Remove	20.01.2020	NOT COMPLIED WITH - PENDING LEGAL ACTION		20.02.2020
EN/18/0347	<a href="#">166 NORTHDOWN ROAD MARGATE</a>	23/01.2020	23/01/2020	Enforcement notice - reinstate the timber shopfront including the display cases using the same materials design and layout as removed and shown in attached photograph	05.03.2020	APPEALED - NOTICE UPHELD BUT REQUIRING NEGOTIATION ON NEW SHOPFRONT - APPLICATION PENDING		18.06.2021
EN/19/0061	<a href="#">192 MARGATE ROAD RAMSGATE</a>	28.01.2020	27.01.2020	Without planning permission, the erection of timber and metal fence and gates over 1 meter high adjacent to the highway - Remove the boundary fence and gates	07.03.2020	NOT COMPLIED WITH - PENDING LEGAL ACTION		07.04.2020
EN/19/0201	<a href="#">15 PRINCES CRESCENT MARGATE</a>	07.02.2020	06.02.2020	Without listed building consent the unauthorised painting of the windows and the windows to the front elevation -remove the unauthorised paint colour to the building and window frames and repaint in same colours prior to works	13.03.2020	APPEALED - AWAITING DECISION		13.06.2020
EN/17/0225	<a href="#">5 TRINITY SQUARE MARGATE</a>	07.02.2020	07.02.2020	Without listed building consent the unauthorised painting of the building and windows to the front elevation of the grade two listed building - rub down, prime repaint the windows, reveals and surrounds to the front elevation in white paint. rub down prime and repaint the front door and arched surround in white paint. remove the unauthorised surface paint colour on the front elevation and return to its unauthorised condition and appearance	13.03.2020	NOT COMPLIED WITH - PENDING LEGAL ACTION - COURT DATE 19th April 2021		13.06.2020
EN/18/0212	<a href="#">Land Adjacent 16 Station Road Westgate Kent</a>	17.03.2020	17.03.2020	Breach of Condition non-compliance of condition 1 of planning application f/th/18/1744: within 3 months of the decision date, the proposed retaining bank as shown on drawing numbered 01 and entitled proposed remedial works to land excavation, the structural engineers drawing p495/1 received 20/12/2018 site adjacent to 16 station road shall be installed and fully completed and thereafter maintained.	17.03.2020	NOT COMPLIED WITH - ADDITIONAL TIME FOR COVID BUT REFER TO LEGAL		14.04.2020
EN/18/0311	<a href="#">25 Gordon Road Margate Kent</a>	14.02.2019	14.02.2019	Without planning permission, the removal of timber windows and the installation of upvc windows. you must: remove the unauthorised upvc windows and reinstate timber windows of the same design and materials as those removed.	28.03.2019	APPEAL DISMISSED		29.05.2021
EN/19/0015	<a href="#">38 Belle Vue Road Ramsgate</a>	01.05.2020		S215 - State of the building	30.05.2020	PART COMPLIED		04.02.2021

Annex 3  
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**2019/2020**

**Enforcement Notices**

TH ref No (If applicable)	Address of land to which notice relates	Date of Issue of Notice	Date of Service of copies	Statement/summary of alleged breach of planning control and requirements of notice	Date specified for notice to take effect	Outcome	Date on which authority satisfied that required steps have been taken	COMPLIANCE PERIOD DATE
EN/18/0266	<a href="#">19 HIGH STREET</a>	05.05.2020 /15/10/2020		Without Listed Building consent, the insertion of 2 double glazed UPVC windows on the second floor of the southern elevation, 4 double glazed UPVC windows on the second floor of the northern elevation and 2 double glazed UPVC windows on the third floor level of the northern elevation of the building- Remove the 2 unauthorised double glazed UPVC windows on the second floor of the southern elevation, 4 unauthorised double glazed UPVC windows on the second floor of the northern elevation and 2 unauthorised double glazed UPVC windows on the third floor level of the northern elevation of the building and replace them with timber windows in accordance with condition 2 and 3 imposed on planning permission L/TH/11/0616.	26.11.2020			26/04/2021
EN/20/0190	<a href="#">85 Newington Road, Ramsgate.</a>	24.09.2020	24.09.2020	Without planning permission, the erection of an unauthorised single storey structure to the rear of the property- Remove the unauthorised structure	27.10.2020	PENDING APPLICATION FOR RETENTION	04.02.2021 Planning permission granted for the retention of the structure	27.01.2021
F/TH/17/1568	<b>Royal Sea Bathing Margate</b>	18.11.2020	18.11.2020	Breach of condition Notice. Condition 20 The external access ramps, stairs and lighting shall be provided prior to the first occupation of the development hereby permitted, and in accordance with the approved details submitted 4th September 2019, and entitled 'Windsor Eron Lighting Bollard', and 'Proposed Access Ramp and stair details'.	18.11.2020			18.02.2021
F/TH/17/1568	<b>Royal Sea Bathing Margate</b>	18.11.2020	18.11.2020	Breach of condition notice. Condition 5 - The development hereby permitted shall be carried out in accordance with the following approved landscaping plans, received 29th July 2019:  Drawing no: Proposed landscaping to land adj to laundry (JH/19/5/5) Drawing no: East Courtyard Central Feature - Fountain (JH/19/5/3) Drawing no: Cycle Store roof planingting plan Central Circus (JH/19/5/1) & JH/19/5/1A Drawing no: Existing and proposed Central Courtyard - (JH/19/5/4) Drawing no: Proposed Detailing to Lower Boundary Wall to East Courtyard (JH/19/5/2) Drawing no: Central Courtyard Planting Existing and Proposed (JH/19/5/4/1) Drawing no: Proposed Landscaping to East Courtyard (JH/19/5/1) Drawing no: Proposed Planting to North of Nurses Hostel (JH/19/5/5A) Historic Photographic Record July 2019 Buckingham Seat Bench Details and the approved West Wing landscaping plan numbered DB/JH/9/1c, received 11th March 2020. Prior to the first occupation of any remaining phases, the hard and soft landscaping works shall be submitted to, and approved in writing by, the Local Planning Authority.	18/11/2020			18.02.2021

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## **REVIEWING THE OVERVIEW & SCRUTINY PANEL WORK PROGRAMME FOR 2020/21**

**Overview & Scrutiny Panel** 18 February 2021

**Report Author** Committee Service Manager

**Status** For Decision

**Classification:** Unrestricted

**Key Decision** No

**Ward:** Thanet Wide

### **Executive Summary:**

This report sets out a framework for activities of the Overview & Scrutiny Panel for 2020/21 and asks the Panel to review the work programme.

### **Recommendation(s):**

1. Members are requested to comment and note the report.

### **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.

#### **Corporate**

The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

The sub-committees assist 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 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.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities:

- Communities

### **1.0 Introduction and Background**

- 1.1 This report allows the Panel to review and amend the work programme for the 2020/21 municipal year agreed at the meeting on 27 August 2020. Due to the ongoing national health emergency caused by COVID-19, Council meetings continue to be conducted through the virtual facility.
- 1.2 As the Annual Council meeting has been deferred, it technically means that means that the 2019/20 work programme will continue until such time as the council committees are reconstituted at the annual meeting. However for ease of reference Democratic Services will refer to work scheduled to be carried out in 2020/21 as the 2020/21 work programme.
- 1.3 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
- 1.4 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.

### **2.0 The Current Situation**

#### **Scrutiny Topics**

- 2.1 The Panel had started working through the list of scrutiny review topics and agreed that they prioritised using the matrix that was established and agreed upon by Members. Whilst some of the topics would be considered through conducting reviews others would be expedited through one off reports (where appropriate).

- 2.2 At the August meeting, the Panel agreed the scrutiny review topics and the order in which these topics would be considered. The reviewing of memorial plaques and monuments in the district was given priority in order to expedite the review process and contribute to the establishment of the policy by Cabinet. The topic details are highlighted at Annex 2 of the report.
- 2.3 At the 27 October meeting, the Panel agreed to consider the seeming public perception that “Planning enforcement in the district is slow.” The discussion would focus on addressing the key question, “Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?” Members also agreed to consider “Street Scene: Abandoned vehicles.” The main question to be addressed would be “How can TDC speed up time taken to clear abandoned vehicles?” Both these topics would be considered through a one-off report on 18 February 2021.
- 2.4 It should still be borne in mind that these reviews were being conducted in an environment largely controlled by events of the Covid-19 pandemic. There would therefore be a need for flexibility to quickly respond to changing circumstances, as the country fights the pandemic.
- 2.5 Statues and Blue Plaques: The Memorials Working Party met on 30 September and considered a report by the Monitoring Officer on developing the criteria for reviewing and plaques in the district. They met again on 25 November and the working party was now waiting for the lead officer to draft the policy document for review by Members before reporting back to the Panel.
- 2.6 Street Scene Review: As reported elsewhere on the agenda, the Panel would be reviewing this issue looking at abandoned vehicles and how TDC can speed up time taken to clear abandoned vehicles.
- 2.7 Planning Enforcement Review: Members would also be a Planning Enforcement review through a one off report, as reported elsewhere on the agenda. This was in order to determine why the planning enforcement process was seemingly so slow in Thanet and how can it be made more efficient.
- 2.8 Crime Stats in Thanet: The Panel would also receive and review a performance report from Kent Police. Again this item would be covered elsewhere on the agenda for this meeting.

### **Cabinet Presentations at OSP Meetings**

- 2.5 Currently there is an intention to invite the Leader of Council to discuss the Cabinet’s vision moving forward. The Panel needs to agree on a more appropriate timing for this presentation.
- 2.6 The rest of the work programme for 2020/21 is detailed in Annex 1 to the Council report. This schedule is subject to amendments during the course of the year as Members may add more items for reviewing.
- 2.7 Members may also wish to reflect and comment on the content in Annex 3 which provides an opportunity to review and keep track of the spread of the scrutiny review work, particularly between pre and post decision scrutiny activities.

## 3.0 Panel Recommendations to Cabinet - Implementation Monitoring

The Panel keeps a watching brief on all the issues in this section, until the executive decisions are fully implemented.

### **Adoption of a new Housing Assistance Policy**

3.1 At the July 2019 meeting, the Panel considered a report on the "Adoption of a new Housing Assistance Policy" and recommended to Cabinet that Council writes to Kent County Council requesting that "KCC ring-fenced the £405k (Top sliced/payment to KCC projected for 2019/20) for use by Thanet residents".

3.2 Cabinet forwarded the request to KCC via a letter sent to KCC by the Cabinet Member for Housing and Safer Neighbourhoods on 12 August 2019. The Panel is awaiting a response from KCC.

### **Travellers Review Recommendation**

3.3 After a scrutiny review conducted by a working group, the Panel recommended to Cabinet that "further work be undertaken including extensive public consultation to assess the feasibility and cost implications of establishing temporary tolerated sites in the district."

3.4 Having considered the Overview and Scrutiny Panel recommendations on 16 December 2019, Cabinet agreed to the following:

"That further work was undertaken to assess the feasibility and cost implications of three temporary tolerated sites in the District, at Potten Street, St Nicholas at Wade, Tivoli Brooks and Ramsgate Port, with a view to using them on a rotational basis". Members are maintaining a watching brief on the issue.

3.5 Cabinet further considered this matter at the meeting on 17 September 2020 and agreed the following:

1. That the identification of appropriate tolerated stopping sites becomes part of the Local Plan review;
2. That Officers continue with an officer and partner group, working with known groups of gypsies and travellers to address site access and behaviours.

3.6 The Local Plan Review Cabinet Advisory Group met on 16 November to consider recommendations to forward to Cabinet. In the CAG report there is a recommendation that "the Local Plan update should extend the Plan period to 2040," and address among other issues "The provision of Gypsy & Traveller sites to meet identified requirements." Cabinet agreed the recommendations on 17 December 2020.

3.7 The main watching brief on this issue is for the Panel to satisfy itself that during the review of the Local Plan this issue is addressed as per the decision made by Cabinet.



## 4.0 Options

- 4.1 Members are asked to comment and note the report.
- 4.2 Members can review the current work programme and make changes depending on the collective agreement by the Panel.

Contact Officer: Charles Hungwe, Senior Democratic Services Officer, Ext: 57186  
Reporting to: Nick Hughes, Committee Services Manager, Ext 57208

### Annex List

Annex 1: Overview & Scrutiny Panel Work Programme for 2020/21  
Annex 2: Scrutiny Review Scoring Matrix  
Annex 3: Record of OSP Pre and Post Decision Reviews for 2020/21

### Background Papers

None

### Corporate Consultation

**Finance:** Chris Blundell, Director of Financial Services

**Legal:** Tim Howes, Director of Corporate Governance and Monitoring Officer

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Overview & Scrutiny Panel Work Programme for 2020/21		
Meeting Date	Indicative Agenda Items	Issue Source
18 February 2021	Cabinet Member Presentation - Estates and Economic Development	Standing Agenda Item
	Crime Stats in Thanet	Community Services Item
	Street Scene Review	Community Services Item
	Foreshore and Coastal Public Spaces Protection Order (PSPO)	Operational Services Item
	Dog Public Spaces Protection Order Amendments (PSPO)	Operational Services Item
	Planning Enforcement Review	Community Services Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
xx March 2021-extra OSP?	Proposals for new look corporate performance reporting format	Communications Item
20 April 2021	Cabinet Member Presentation	Standing Agenda Item
	The Impact of Covid-19 on businesses and communities in Thanet	Regeneration Services Item
	Tenant and Leaseholder Services Transition Update	Housing Services Item
	Corporate Performance Report Q3 2020/21	Financial Services Item
	Memorials Working Party Party Update	Democratic Services Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
25 May 2021	Establishment of OSP Work Programme for 2021/22	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

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**Table as at August 2020**

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
<b>Private rented sector:</b> How does TDC regulate private landlords and letting agencies in Thanet?	B	14/8/20	TBC	10	10	-	10	0	10	40	=5th
<b>Empty Properties:</b> Why does Thanet have the highest number of empty properties in Kent and what approaches can be used to put these properties to use in a timely manner?	A	14/8/20	TBC	10	10	0	10	0	20	50	=3rd
<b>Planning enforcement in the district is slow:</b> Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?	C	14/8/20	TBC	10	10	-	20	0	0	40	=5th
<b>Coastal waste clearance:</b> How does Thanet ensure that its coastal promenades and beaches are kept clear of rubbish and in the best condition for both residents and visitors?	B	14/8/20	TBC	10	20	20	10	0	10	70	1st
<b>Street Scene:</b> Abandoned vehicles - how can TDC speed up time taken to clear abandoned vehicles?	B	14/8/20	TBC	10	10	-	10	0	10	40	=5th
<b>Selective Licensing</b> - Is selective licensing the best way forward for the improvement of the privately rented sector Thanet and if so, could it be replicated in other areas of the district?	C	14/8/20	TBC	10	10	-	20	0	0	40	=5th
<b>Camper Vehicles being parked on the street for too long:</b> What is the impact of parked Camper vans on the Thanet roads and can this be regulated by Thanet District Council?	B	14/8/20	TBC	10	10	-	10	0	10	40	=5th
<b>Promenades</b> - safety concerns cyclists speeding and sharing the footpath: Would a dedicated cycle path (or markings) along the promenade help control bike/pedestrian placement (and cyclist speed)?	B	14/8/20	TBC	10	20	-	0	0	10	40	=5th
<b>Replacement bins for litter/dog waste:</b> What is the council's reasoning behind complete removal of damaged bins and not replacing them?	A	14/8/20	TBC	10	20	-	10	0	20	60	2nd

<b>Managing anti-social behaviour on Thanet beaches:</b> Are beach inspectors the best way to control or manage beach behaviour?	B	14/8/20	TBC	10	20	-	10	0	10	50	=3rd
<b>Weed killer usage:</b> What is the best approach for managing grass and hedges in public open spaces in the district that can be used to replace the use of weed killers?	B	14/8/20	TBC	10	10	-	10	0	10	40	=5th
<b>Water user group regulation:</b> What role does TDC have in ensuring the safety of swimmers and other water users from the behaviour of boat and jet ski users in Thanet bays?	C	14/8/20	TBC	10	20	-	0	0	0	30	=14th
<b>Rough Sleepers:</b> what are we doing about this as a long term plan of addressing the issue (post COVID-19)?	C	14/8/20	TBC	10	10	0	10	0	0	30	=14th
<b>Modern Slavery:</b> - hand car washes. Is there any intervention the council can do to address the issue of modern slavery?	C	14/8/20	TBC	10	10	-	0	0	0	20	=16th
<b>Statues and Blue Plaques:</b> What would be the best approach for managing the discussion on and review of suitability of statues and plaques in the district?	B	14/8/20	TBC	10	20	-	0	0	10	40	=5th
<b>Shellfish collection enforcement:</b> How is the collection of shellfish from Thanet beaches regulated and how can enforcement be best managed?	C	14/8/20	TBC	10	10	-	0	0	0	20	=16th

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

OSP Pre and Post Decision Reviews for 2020/21

Date of scrutiny meeting	Item	Pre-decision	Post Decision	Cabinet Presentation	Work Planning
28/05/19	Establish the Overview & Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
28/05/19	Corporate Performance Report Quarter 4 2018-19		<input checked="" type="checkbox"/>		
28/05/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
18/07/19	Cabinet Member Presentation - The Leader of Council - 'the development work going on and the future of the Ramsgate Port.'			<input checked="" type="checkbox"/>	
18/07/19	Adoption of a new Housing Assistance Policy	<input checked="" type="checkbox"/>			
18/07/19	Reviewing the OSP Work Programme for 2019/20				<input checked="" type="checkbox"/>
18/07/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
15/08/19	Proposal for the disposal of the Dreamland freehold		<input checked="" type="checkbox"/>		
27/08/19	Reviewing the OSP Work Programme for 2019/20				<input checked="" type="checkbox"/>
27/08/19	Corporate Statement 2019-2023	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

27/08/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
01/10/19	East Kent Housing Q1 Performance Report for 2019/20		<input checked="" type="checkbox"/>		
01/10/19	TDC Corporate Performance Report for Q1 2019/20		<input checked="" type="checkbox"/>		
01/10/19	Call-in of Individual Cabinet Member decision-Port and Harbour Projects - Variation to 2019/20 Capital Programme		<input checked="" type="checkbox"/>		
22/10/19	Cabinet Member Presentation - Fees & Charges Proposals for 2020/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
22/10/19	Crime Stats for Thanet		<input checked="" type="checkbox"/>		
22/10/19	Reviewing the OSP Work Programme for 2019/20				<input checked="" type="checkbox"/>
22/10/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
19/11/19	Draft Housing Strategy 2020-2025	<input checked="" type="checkbox"/>			
19/11/19	EKH Quarterly Performance Report Q2 2019/20		<input checked="" type="checkbox"/>		
19/11/19	Corporate Performance Report Quarter 2 2019-20		<input checked="" type="checkbox"/>		
19/11/19	Review of Unauthorised Traveller Encampment in Thanet - Report back by the Traveller Review Group	<input checked="" type="checkbox"/>			



19/11/19	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
19/11/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
21/01/20	Medium Term Financial Strategy (MTFS) 2020-24	<input checked="" type="checkbox"/>			
21/01/20	2020-21 Budget Setting	<input checked="" type="checkbox"/>			
21/01/20	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
21/01/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
20/02/20	Cabinet Member Presentation - The Future of Council Housing Stock Management - An Update Report		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
20/02/20	East Kent Housing Performance Report Q3 2019/20		<input checked="" type="checkbox"/>		
20/02/20	Corporate Performance Report Quarter 3 2019-20		<input checked="" type="checkbox"/>		
20/02/20	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
20/02/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
26/05/20	Thanet Local Plan - Inspectors' Report (Reg 25) And Adoption (Reg 26)	<input checked="" type="checkbox"/>			

26/05/20	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
26/05/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
21/07/20	Cabinet Member Presentation - Beach Management Plan		<input checked="" type="checkbox"/>		
21/07/20	Procurement of Lift refurbishment Programme and External Repairs and Decorations Programme	<input checked="" type="checkbox"/>			
21/07/20	Criteria for any Review of Street and Building Names and other Monuments	<input checked="" type="checkbox"/>			
21/07/20	Call-in of an Individual Cabinet Member Decision - Memorial Plaque in Broadstairs		<input checked="" type="checkbox"/>		
21/07/20	Review the Overview and Scrutiny Panel Work Programme for 2020/21				<input checked="" type="checkbox"/>
21/07/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
27/08/20	Draft Empty Homes Plan 2020-23	<input checked="" type="checkbox"/>			
27/08/20	Tenant and Leaseholder Service Transition Update			<input checked="" type="checkbox"/>	
27/08/20	Review the Overview and Scrutiny Panel Work Programme for 2020/21				<input checked="" type="checkbox"/>
27/08/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>

27/10/20	The Management of Thanet Beaches during 2020 Summer		<input checked="" type="checkbox"/>		
27/10/20	Foy House Update			<input checked="" type="checkbox"/>	
27/10/20	Review the Overview and Scrutiny Panel Work Programme for 2020/21				<input checked="" type="checkbox"/>
27/10/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
24/11/20	Fees and charges 2021-22	<input checked="" type="checkbox"/>			
24/11/20	BREXIT - TDC Plans regarding the EU Transition coming to an end	<input checked="" type="checkbox"/>			
24/11/20	Review the Overview and Scrutiny Panel Work Programme for 2020/21				<input checked="" type="checkbox"/>
24/11/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
19/01/21	2021-22 Budget	<input checked="" type="checkbox"/>			
19/01/21	Proposals for new look corporate performance reporting format	<input checked="" type="checkbox"/>			
19/01/21	Tenant and Leaseholder Services Transition Update		<input checked="" type="checkbox"/>		
19/01/21	Corporate Performance Report Q1 and Q2 2020/21		<input checked="" type="checkbox"/>		
19/01/21	Memorials Working Party Party Update	<input checked="" type="checkbox"/>			

19/01/21	Review the Overview and Scrutiny Panel Work Programme for 2020/21				<input checked="" type="checkbox"/>
19/01/21	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
18/02/21	Cabinet Member Presentation - an overview of Estates and Economic Development portfolio areas			<input checked="" type="checkbox"/>	
18/02/21	Foreshore and Coastal Public Spaces Protection Order (PSPO)	<input checked="" type="checkbox"/>			
18/02/21	Dog Public Spaces Protection Order Amendments (PSPO)	<input checked="" type="checkbox"/>			
18/02/21	Street Scene Review - Abandoned vehicles – how can TDC speed up time taken to clear abandoned vehicles?	<input checked="" type="checkbox"/>			
18/02/21	Planning Enforcement Review - Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?	<input checked="" type="checkbox"/>			
18/02/21	Crime Stats in Thanet - Kent Police Presentation		<input checked="" type="checkbox"/>		
18/02/21	Review OSP Work Programme 2020/21				<input checked="" type="checkbox"/>
18/02/21	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>

## FORWARD PLAN AND EXEMPT ABINET REPORTS LIST

Overview & Scrutiny Panel 18 February 2021

**Report Author** Committee Service Manager

**Status** For Information

**Classification:** Unrestricted

**Key Decision** No

**Ward:** Thanet Wide

### Executive Summary:

To update Panel Members on the revised Forward Plan and Exempt Cabinet Reports List (hereby referred to as the Forward Plan) of key decisions and allow the Panel to consider whether it wishes to be consulted upon any of the items.

### Recommendation(s):

Members' instructions are invited.

### Corporate Implications

#### Financial and Value for Money

There are no financial implications arising directly from this report.

#### Legal

There are no legal implications arising directly from this report.

#### Corporate

The Forward Plan is a publication of key decisions, policy framework.

#### 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: -  
(Delete as appropriate)

- *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.*

There are no equity and equalities issues arising directly from this report but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure that policy decisions being made and service delivery to residents match these..

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Communities

### **1.0 Introduction and Background**

- 1.1 The law requires that the Council regularly publish a Forward Plan of Key Decisions. Thanet's Forward Plan and Exempt Cabinet Report List is updated monthly and published on the Council's internet site [www.thanet.gov.uk](http://www.thanet.gov.uk)
- 1.2 The aim of the Forward Plan is to allow the general public and Council Members to see what decisions are coming up over the next few months and how they will be handled i.e. whether a decision will be taken by Cabinet or Council, and whether there will be input from Overview & Scrutiny during the process.
- 1.3 Overview & Scrutiny receives an updated copy of the Forward Plan at each Panel meeting. The Panel can identify any item on the Forward Plan to be added to the Overview and Scrutiny work programme in order to be scrutinised further. A copy of the latest version of the Forward Plan is attached at Annex 1 to the report.
- 1.4 Members may wish to note that the new The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Council gives 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Contact Officer: Charles Hungwe, Senior Democratic Services Officer, Ext 57186  
Reporting to: Nick Hughes, Committee Services Manager, Ext 57208

### **Annex List**

Annex 1: Forward Plan & Exempt Cabinet Reports List

## **Background Papers**

None

## **Corporate Consultation**

**Finance:** *(Insert name and job title)*

**Legal:** *(Insert name and job title)*

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## FORWARD PLAN AND EXEMPT CABINET REPORT LIST

### 13 JANUARY 2021 TO 30 JUNE 2021

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 an individual Cabinet member on cabinet's behalf):

- 1) Which involves the incurring of expenditure, or the making of savings, by the Council, which are anticipated to be £250,000 or above. The exception to this rule being where approval has previously been received to incur that expenditure by the Executive, notwithstanding criterion 3; or
- 2) Where the Council is entering into a contractual obligation with a value of £750,000 or above; or
- 3) For the acquisition or disposal of land or property with a value of £750,000 or above; or
- 4) Where the effect would be 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.

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.

# Agenda Item 11

## Annex 1

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
Councillor Helen Whitehead	Deputy Leader of the Council and Cabinet Member for Housing and Community Services
Councillor Steve Albon	Cabinet Member for Operational Services
Councillor Ruth Duckworth	Cabinet Member for Estates and Economic Development
Councillor Rob Yates	Cabinet Member for Finance, Administration and Community Wealth Building

### 13 January 2021 to 30 June 2021

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 2021-22	Overall treasury management strategy	1. Governance & Audit Committee  Cabinet  Council 2. Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	25 Nov 20  14 Jan 21  11 Feb 21	Non-Key	None	G&A Committee report  Cabinet report  Council report

Annex 1

Agenda Item 11

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
The revision of the Flexible Use of Capital Receipts Strategy	Approval to move on to Council	1.Cabinet  Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	17 Dec 20  11 Feb 21	Non-Key		Cabinet report  Council report
Medium Term Financial Strategy 2021-25	Approval of the Council's medium term financial strategy	1.Cabinet 2.Chris Blundell, Director of Finance	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21	Budget setting		Cabinet report
Council Tax Base	Sets out the base upon which Council Tax is calculated	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21	Key	None	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
2021-22 Budget	Cabinet to approve recommendations to Council	1.Cabinet  Overview & Scrutiny Panel  Cabinet  Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21  19 Jan 21  28 Jan 21  11 Feb 21	Budget setting	None	Cabinet report  OSP report  2nd Cabinet report  Council report
2020-21 Budget monitoring no.3	Update budget position and make any decisions on reallocations	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21	Non-Key	None	Cabinet report
A decision on how to spend the £750k capital funding recently added to the Capital Works Programme.	This decision will enable procurement of works to the 51-57 High Street, Margate buildings to bring the buildings back into use and contribute to the regeneration of the high street	1.Cabinet 2.Louise Askew, Director of Regeneration	Councillor Ruth Duckworth, Cabinet Member for Estates and Economic Development	28 Jan 21	Key		Cabinet report

Annex 1

Agenda Item 11

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 for Coastal & Beach Public Spaces Protection Order (PSPO)	Introduction of new Coastal & Beach PSPO to March 2024	1. Overview & Scrutiny Panel  Cabinet 2. Jasmin Vickers, Environmental Education Officer	Councillor Steve Albon, Cabinet Member for Operational Services	18 Feb 21  18 Mar 21	Key		OSP report  Cabinet report
Decision for Dog Public Spaces Protection Order Amendments (PSPO)	Consider consultation results & suggested amendments and adopt amended PSPO	1. Overview & Scrutiny Panel  Cabinet 2. Jasmin Vickers, Environmental Education Officer	Councillor Steve Albon, Cabinet Member for Operational Services	18 Feb 21  18 Mar 21	Key		OSP report  Cabinet report
2021-22 Council tax resolution	To approve the Council Tax effective from 1 April 2021	1. Council 2. Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	25 Feb 21	Non-Key	None	Council report
Draft final accounts 2019-20	Near-final accounts for noting	1. Governance & Audit Committee 2. Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	3 Mar 21	Non-Key	None	Cabinet report

Annex 1

Agenda Item 11

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
Procurement of capital works to council residential buildings	Approval for the letting of contracts for works to: a) Royal Crescent, Ramsgate, and b) Churchfields, Margate	1. Cabinet 2. Bob Porter, Director of Housing and Planning	Councillor Helen Whitehead, Deputy Leader of the Council and Cabinet Member for Housing and Community Services	18 Mar 21	Key	None	Cabinet report

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