

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:

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:**