

Beach & Coast Public Spaces Protection Order (PSPo)

Overview & Scrutiny 18th February 2021

A large, stylized graphic of blue waves in various shades of blue, sweeping across the bottom and right side of the slide.

Introduction

- Thanet District Council is proposing to introduce a new Beaches and Coast Public Spaces Protection Order (PSPO) and coastal code of conduct.
- 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.

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

- 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.
- Most of the content has not fundamentally changed from the old byelaws, some have been updated, some are changes to wording to make rules clearer.
- Fundamental changes are to the Water User Group rules, PWC usage and some new additions to beach rules to strengthen these and design out problems ie jet ski related ASB

Education and information is the key focus:

Making the rules of our coast clear

There are rules and expectations for coastal users for a multitude of H&S, legal and environmental protection reasons

Telling people what we expect from them

Signs, social media, leaflets that remind people of the rules and that there are penalties for breaking them

Being present and visible

Patrols of TDC officers, Tourism, YL, RNLI & other stakeholders all reiterating the same messages

Consultation Feedback to date

25th Jan- 21st Feb. Feedback received & responses include:

Mostly positive with regards to jet ski proposals, bbq proposals.

Clarity asked regarding rules specifics, amendments to wording/clarity may be needed which is all being taken into account and amended accordingly.

Work with clubs such as Foreness to clarify arrangements moving forwards

Proposing to answer all queries, but also issue a release post consultation with clarifications/FAQs, you said- we listened and changed certain elements etc.

Include obstructions to prom

Feedback from members

Targeted enforcement operations

Monitor & publicise the interventions/enforcement activities

Mobile cctv that can be used

Arrangements at Foreness club

Marker buoys, bins- captured in BMP 2021

Botany Bay situation

Designated areas for busking

Electric bikes- separate set of guidelines

Potential Questions for OSP

- **What evidence is there that the anti-social behaviour is or is likely to be persistent, detrimental and unreasonable?**

Evidence has been collated for each issue, kept in case of challenge. Used to justify pspo content.

- **Why is a PSPO being proposed to address this issue or issues?**

Many of the issues faced around our coast have an anti social element to them, they may pose a risk to people's safety, but certainly the enjoyment of the coastal environment, or their own home environment if they live in close proximity to the coast and are impacted by the issues covered. An example of this might be jet ski noise from anti social use. The ability to use FPNs to deal with the issues rather than prosecution processes as with byelaws.

- **Is the proposed restriction proportionate to the specific harm or nuisance that is being caused?**

Many of the issues we have included used to be covered by byelaws. In the case of the PSPO we are looking at educating, informing and challenging as the initial actions. FPN will then be used for repeat/persistent non compliance.

- **What alternative approaches are available and why is a PSPO appropriate in these circumstances?**

Alongside the PSPO we are introducing a code of conduct and rules for using our coastline which covers many more issues than are appropriate for inclusion in the pspo. We consider the PSPO to be the most effective tool to tackling the issues we face around the coast.

- **Will the proposals alleviate each of the problem behaviours?**

We expect the combination of education alongside challenging of behaviours, with FPNs as a last resort to act as not only a suitable deterrent but also an effective long term solution to change behaviour.

- **Have exemptions been considered?**

Yes through our EIA

- **What might be the unintended consequences for each aspect of the PSPO?**

We have considered the potential for displacement of behaviours to other areas as a result, however Canterbury are looking to review their byelaws in relation to similar issues at the same time as us.

- **What will be the impact on different groups?**

Water users will see significant changes to how they use PWCs. There is little change other than this which will impact people using our beaches and coast responsibly.

- **Has an equalities impact assessment been undertaken and what were its findings?**

Yes- link to EIA

- **How have the consultation outcomes and other evidence collated been taken into account?**

All consultation responses and feedback have been collated, and considered. Several amendments have been made as a result of the consultation.

- **How will the PSPO be enforced for each restriction/requirement?**

Officers of the council will be patrolling the coast. Their procedures cover the general approach but also specific approaches for each of the 9 issues covered.

- **Are there sufficient resources to do this effectively?**

Yes we will have one dedicated officer working at peak times, targeting hotspots and generally patrolling. We will also have a dedicated dog warden patrol, who will also deal with issues arising under the beach and coast pspo. We will have an education enforcement officer patrolling the coast on peak days talking to the public, signposting and challenging behaviour where needed with the power to issue FPNs as well. We are looking to give our new CEOs extra responsibility to be able to enforce against the pspo in addition to parking

We will have coastal wardens 7 days a week acting in an advisory capacity on top of these resources.

1. Vehicles

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

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

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, with the exception of beaches where they are permitted 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 - 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

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

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

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

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

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.

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

Powered Water Crafts (PWC)

Due to reports of people acting in an antisocial and unsafe way on PWC's (predominantly Jet Skis), the decision has been made to reduce the number of areas that PWC's can launch unsupervised from along our coastline.

- All public launch sites will be restricted and membership to the Water User Group for owners of these crafts will not be available. If a PWC user wants to launch in Thanet they will be able to do so from existing clubs including:
 - Either Jet Ski World or the Beresford Water Ski Club (day rates and membership may be required)
 - Ramsgate Harbour (once launching/mooring fees are paid. Daily rate available)

Any individual joining a club will be expected to follow their rules, which may include:

- Not removing 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
- It's also desirable for the individual to hold the PWC proficiency qualification which is a one-off, one day course costing around £160

Other changes affecting WUG and other coastal users

- The Ramsgate Western Undercliff slipway will no longer be used for fishing boats
- The Walpole Bay Bathing Pool is for bathing only, no watersports or craft are permitted.

Enforcement approach

- A dedicated enforcement officer working at peak times in hotspots proactively, and reactively. Supported by 2 other officers in the enforcement team focusing on the coast over the season. Support from covid wardens.
- Enforcement officers will decide what enforcement action is the most appropriate on a case by case basis.
- Timetabled beach patrols, public engagement activities, planned education workshops, courses and behaviour change interventions.
- Types of action from the enforcement officers will be 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.

Supporting communications activity

- Members briefing
- 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.
- Signage, QR codes
- Social media, webpages, press releases

Alternative to FPNs

- 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.
- 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:
- 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.
- We are interested in developing this scheme further in the coming months and to begin delivering this option after April 2021.
- It could be a source of income generation if offered to schools, colleges, other institutions

Next steps

Key Dates

Early feedback and comments have been sought from Key Managers and external partners including Kent Police. December 2020.

28 day public consultation to commence 25th January- 21st February

Members briefing 16th Feb

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

Dog PSPO amendments 2021

Where can you take your dog?

We'd love dogs to be able to enjoy all our beaches and foreshores. However, to ensure everyone is able to enjoy our coastline, there are some places where dogs can't go or will have to be kept on a lead.



Dogs are welcome off their lead at any time of the year on:

Grenham Bay - Birchington
Northern Seawall - Birchington
Epple Bay - Birchington
Dumpton Gap - Broadstairs
Kingsgate Bay - Broadstairs
Foreness Point - Cliftonville
Sacketts Gap - Cliftonville
Palm Bay - Cliftonville
Fulsam Rock - Margate
Eastcliff - Ramsgate
Western Undercliff - Ramsgate



Dogs are not allowed on the beach between 10am and 6pm from 1 May to 30 September at:

West Bay - Westgate-on-Sea
St Mildred's Bay - Westgate-on-Sea
Botany Bay - Broadstairs
Joss Bay - Broadstairs
Stone Bay - Broadstairs



Dogs are not allowed on the beach between 1 May and 30 September at:

Minnis Bay - Birchington
Viking Bay - Broadstairs
Margate Main Sands
Ramsgate Main Sands



Dogs must be kept on a lead between 10am and 6pm from 1 May to 30 September on:

Louisa Bay - Broadstairs
Walpole Bay - Cliftonville
Westbrook Bay - Westbrook



Dogs must be kept on a lead 24 hours a day all year round on:

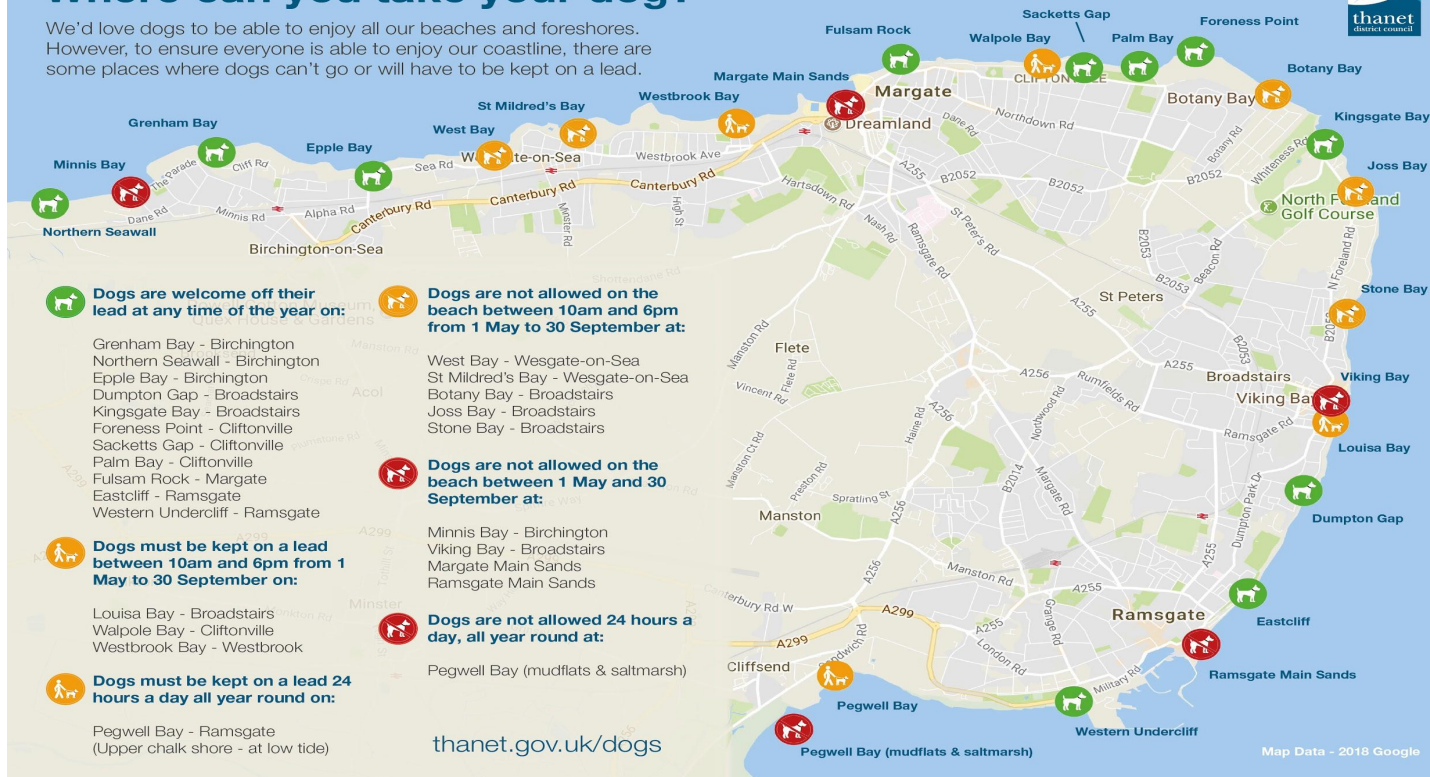
Pegwell Bay - Ramsgate
(Upper chalk shore - at low tide)



Dogs are not allowed 24 hours a day, all year round at:

Pegwell Bay (mudflats & saltmarsh)

thanet.gov.uk/dogs



Map Data - 2018 Google

Dog PSPO amendment

- 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.
- The impact of the original order (2017) 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 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.

Dog PSPO amendment consultation

18 November - 22 December 2020

- The amended PSPO will be the same as that which has been in force for the last three years.
- All 3 amendments were proposed for consultation as a result of requests for consideration from the public and other stakeholders.
- We proposed the following 3x changes to Schedule 1;

a) Westbrook Bay - Currently dogs must be kept on a lead -consultation suggested change to become a dog ban in bathing season - people responded in the majority against this change therefore no amendment or change required.

b) Pegwell Bay - amend to cover upper chalk shore to protect endangered wildlife - positive therefore should proceed with amendment. No major amendment or change required on site, however NNR would need to look into updating signage.

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 - positive should proceed with amendment.

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

b) Pegwell Bay - amend to cover upper chalk shore to protect endangered wildlife - positive therefore should proceed with amendment. No major amendment or change required on site, however NNR would need to look into updating signage.

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 - positive should proceed with amendment.

3rd Proposed amendment not to be taken forward

a) Westbrook Bay - Currently dogs must be kept on a lead -consultation suggested change to become a dog ban in bathing season - people responded in the majority against this change therefore no amendment or change required.

Results

Westbrook

Agree & Strongly Agree 41.50%

Disagree & Strongly Disagree **52.17%**

Pegwell

Agree and Strongly Agree **49.16%**

Disagree and strongly disagree 31.51%

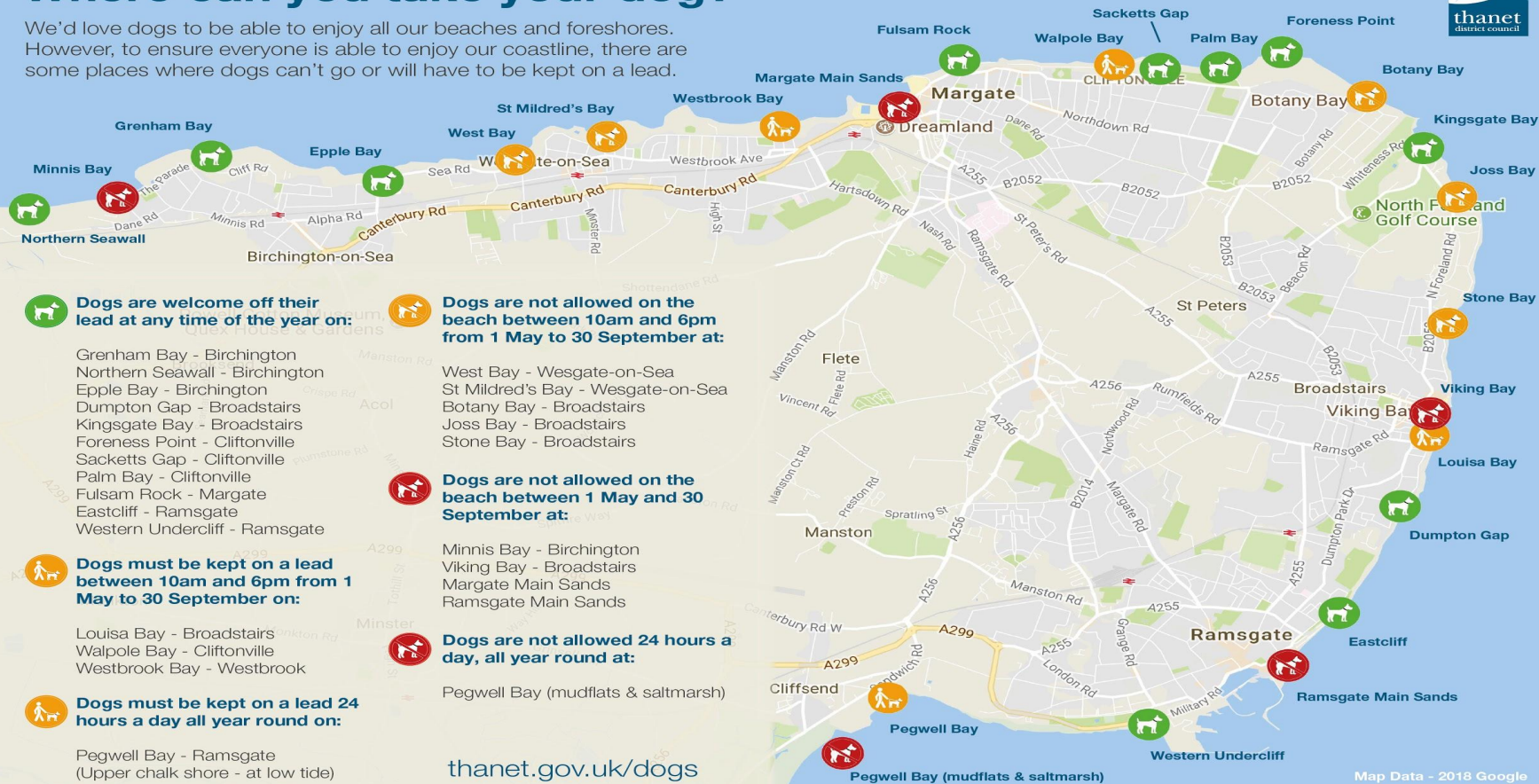
Wildlife protection

Agree and Strongly Agree **75%**

Disagree and strongly disagree 17.80%

Where can you take your dog?

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- Northern Seawall - Birchington
- Epple Bay - Birchington
- Dumpton Gap - Broadstairs
- Kingsgate Bay - Broadstairs
- Joss Bay - Broadstairs
- Foreness Point - Cliftonville
- Sacketts Gap - Cliftonville
- Palm Bay - Cliftonville
- Fulsam Rock - Margate
- Eastcliff - Ramsgate
- Western Undercliff - Ramsgate

Dogs must be kept on a lead between 10am and 6pm from 1 May to 30 September on:

- Louisa Bay - Broadstairs
- Walpole Bay - Cliftonville
- Westbrook Bay - Westbrook

Dogs must be kept on a lead 24 hours a day all year round on:

- Pegwell Bay - Ramsgate (Upper chalk shore - at low tide)

Dogs are not allowed on the beach between 10am and 6pm from 1 May to 30 September at:

- West Bay - Westgate-on-Sea
- St Mildred's Bay - Westgate-on-Sea
- Botany Bay - Broadstairs
- Joss Bay - Broadstairs
- Stone Bay - Broadstairs

Dogs are not allowed on the beach between 1 May and 30 September at:

- Minnis Bay - Birchington
- Viking Bay - Broadstairs
- Margate Main Sands
- Ramsgate Main Sands

Dogs are not allowed 24 hours a day, all year round at:

- Pegwell Bay (mudflats & saltmarsh)

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