

Southend-on-Sea City Council

Report of Executive Director (Adults and Communities)

To

Cabinet

On

29 September 2022

Report prepared by: Scott Dolling, Director of Culture and
Tourism

Agenda
Item No.

PSPO – Jet Skis and Beach Barbecues

Relevant Scrutiny Committee Place
Cabinet Member: Councillor Carole Mulroney
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To update Cabinet on the outcomes of a recent Consultation required to provide evidence for a PSPO to be introduced for Personal Water Craft (PWC), such as jet skis and barbecues and bonfires on beaches.

2. Recommendations

- 2.1 That Cabinet agree to the introduction of a ban on barbecues under PSPO legislation on designated beaches.
- 2.2 That Cabinet agree to adopt a PWC code of conduct under PSPO legislation.

3. Background

- 3.1 PSPOs are intended to deal with a particular nuisance or problem in a designated area that has a detrimental effect to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 3.2 Due to the increasing number of complaints received about the irresponsible use of both BBQs and some PWC users and, in particular, because of the danger that the behaviour exhibited by an increasing number of BBQ and PWC users poses to public safety, it is appropriate to assess the need to introduce a PSPO covering that behaviour.
- 3.3 A Consultation has taken place to obtain responses to the questions provided to help inform these final recommendations to Cabinet. See Appendix 5

3.4 The complaints and concerns received from residents regarding these anti-social behaviours, reference conducts which pose a significant danger to public safety and can cause harassment, alarm and/or distress. In addition to complaints made to the Council, Essex Police have also received separate reports regarding some PWC use. (Appendix 4 shows examples and evidence).

3.5 Such antisocial behaviour has generated an increasing number of complaints, it has caused risk to public health and safety and has caused harassment to users of the public spaces within the Restricted Areas (as shown on the draft PSPO map) as well as serious damage to Council property and wildlife.

3.6 **The Restricted Areas**

3.6.1 Locations and maps of areas in which we are considering, introducing the restrictions listed above, are contained in the following maps; [PWC Restricted Area](#) and [BBQ Restricted Area](#).

3.6.2 Both Restricted Areas include: Southend Seafront, beach and foreshore

- Western Esplanade
- Marine Parade
- Eastern Esplanade
- Southend Seafront
- Thorpe Esplanade
- Thorpe Bay
- Shoebury Common Road
- East Beach
- Southend Pier (foreshore to pier head)
- The Southend-on-Sea foreshore and from the foreshore into the Leigh Channel
- Ness Road, Shoeburyness
- Bell Wharf, Leigh-on-Sea
- Leigh Creek.

3.6.3 The restrictions include the area 400m from the shore in common with the arrangements managed by the PLA.

3.6.4 The BBQ Restricted area additionally includes the green areas at:

- East Beach
- Shoebury Common
- Thorpe Bay Gardens.

3.7 **Enforcement**

3.7.1 There are no new resources allocated to support this PSPO. However, it will provide existing staff in Foreshore and Community Safety Teams the support of legislation and the ability to issue Fixed Penalty Notice rather than the current ambiguous arrangements.

3.7.2 Essex Police's Marine Unit is supportive of the introduction of a PWC code of conduct and the supporting PSPO. Joint operations with their waterborne team and the Council's Foreshore will be deployed to support awareness and enforcement of the code of practice.

3.7.2 The proposals are as follows:

- The use of PWC in the 'PWC Restricted Area' to be made subject to a Southend-on-Sea City Beach and Coastal Waters Code of Practice (COP). This would bring the same restrictions that apply in the surrounding area managed by the Port of London Authority (PLA).
- Prohibiting the launch and recovery of PWC in the PWC Restricted Area other than from designated launch sites, in accordance with the COP.
- A complete ban on barbecues.
- A complete ban on bonfires.

4. Other Options

4.1 The existing arrangements are not appropriate and do not reflect the need for change.

4.2 Alternative options for barbecues to be banned for specific times and / or conditions such as droughts were considered but would not resolve the problem.

5. Reasons for Recommendations

5.1 The Consultation results support the proposals with 85% in favour of adopting the code of conduct for PWCs and 74% supporting the proposal to restrict barbecues. There is more detail in 6.7 and the consultation results are in appendix 5.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

6.1.1 Contributes to keeping our residents and visitors safe and well.

6.2 Financial Implications

6.2.1 Existing resources will be used to manage the implementation of the PSPOs. Existing resources will assist with the communication of the new restrictions. There will be a saving in expense regarding damage to Council property where barbecues have burnt some equipment. Signage will need to be updated which will come from existing replacement budgets.

If there are compliance issues some additional income may be derived from fixed penalty notices.

Some officer time may need to be allocated if court attendances are required to follow up non-payment of fixed penalty notices.

6.3 Environmental Impacts

6.3.1 Smoke and associated chemicals from barbecues will be reduced improving the environment.

6.3.2 There will be a reduction of inappropriate disposal of BBQ's, burnt coals, gas canisters.

6.3.3 The PWC code of practice introduces restrictions to protect wildlife and plants.

6.4 Legal Implications

6.4.1 The introduction, varying or amending of a PSPO must be undertaken in accordance with the 2014 Act and the Statutory Guidance. Failure to do so could result in a legal challenge.

6.4.2 Under Section 59 of the 2014 Act, local authorities must be satisfied that the following two conditions are met to make a PSPO:

(a) The first condition is that on reasonable grounds that the activity subject to a PSPO has a detrimental effect on the quality of life of those in the locality (or it is likely that activities will take place and have such an effect).

(b) If so, then the second condition is that the effect, or likely effect, of the activities:

- is (or is likely to be) persistent or continuing in nature;
- is (or is likely to be) unreasonable;
- justifies the restrictions being imposed.

6.4.3 Section 72 of the 2014 Act provides that the Council must carry out necessary consultation before making a PSPO. Similarly, under Section 72, councils are required to have particular regard to articles 10 and 11 of the Human Rights Act 1998.

6.4.4 Before making, amending or varying a PSPO, the Council must consider comments and representations received that have now been received following the Consultation.

6.5 People Implications

6.5.1 Enforcement and other Council officers will be involved in support of the PSPO. Staff in the Foreshore Team will be able to provide advice and guidance under their current terms of employment which may be amended to include some

enforcement capability. The Community Support Unit already have powers to issue fixed penalty notices and can be called to support the implementation of the PSPO. There are no additional resources included in this proposal.

6.6 Property Implications

6.6.1 PWC's can be launched from the slipway at Shoebury Common. The route in and out from here is marked with buoys which are maintained by the Council's Foreshore Team.

6.7 Consultation

6.7.1 A public Consultation took place during summer 2022 and concluded on 26 August 2022. 3200 people accessed the consultation with 434 responding.

6.7.2 The consultation set out proposals to prohibit barbecues and introduce a code of conduct for PWCs, an extract shown below

- The use of PWC in the PWC Restricted Area to be made subject to a Southend-on-Sea City Beach and Coastal Waters Code of Practice (COP).
- Prohibiting the launch and recovery of PWC in the PWC Restricted Area other than from designated launch sites, in accordance with the COP.
- In relation to the use of BBQs, one of the following:
 - Prohibiting the use of all BBQs in the BBQ Restricted Area.
 - Prohibiting the use and disposal of charcoal and/or wood fired BBQs (including disposable BBQs) and making the use and disposal of gas or electric BBQs subject to a COP in the BBQ Restricted Area
 - Prohibiting BBQs during heatwaves, droughts and/or in the summer during periods of water shortage, or
 - Prohibiting BBQs between 8am and 6pm.
- Prohibiting Bonfires in the BBQ Restricted Area.

6.7.3 Responses supported the proposals with 85% in favour of the PWC code of conduct and 74% in favour of barbecue restrictions.

6.8 Equalities and Diversity Implications

6.8.1 An equality analysis is attached as Appendix 3

6.8 Risk Assessment

6.8.1 There are no Risk Assessments associated with this report.

6.9 Value for Money

6.9.1 The PSPO represents a more responsive, proactive manner in which to deal with anti-social behaviour as described in the report and therefore performs a function of ensuring that residents see the benefits of the Order, as reducing the amount of officer time and expense in dealing with the anti-social behaviours in a reactive manner.

6.10 Community Safety Implications

6.10.1 The PSPO will support community safety with specific order to tackle the associated Anti Social Behaviour (ASB) that has been reported by the public and Councillors.

7. Background Papers

7.1 There are no background papers associated with this report.

8. Appendices

Appendix 1 – Draft Order.

Appendix 2 - The Code of Practice for PWCs.

Appendix 3 - Equality Analysis.

Appendix 4 - Examples of evidence relating to anti-social behaviour

Appendix 5 – Consultation results