

The PWC and BBQ PSPO Consultation Analysis.

Report prepared by D Skinner

Summary

A total of 3,200 people accessed the campaign which ran from 29th July to 26th August 2022 of that 414 responded online, 20 handed in copies of completed questionnaires, the Port of London Authority also submitted a response as a statutory consultee. The consultation also had over 2,500 people aware and informed about this consultation, this means that they just visited the project page or downloaded the documents, looked at the survey but chose not to submit a response.

The consultation include a survey with questions and a free text boxes for further comments, there were various Public Space Protection Order documents available to download or view online, 916 individuals used that option (breakdown below)

- 375 – PWC (Personal Water Craft) Restricted Area Map
- 318 – BBQ Restricted Area Map with details
- 152 – Southend on Sea City Beach and Coastal Waters Code of Practice

The consultation was promoted across social media and was available on the Councils interactive consultation portal <https://yoursay.southend.gov.uk/> it was also made available in a hardcopy format if requested.

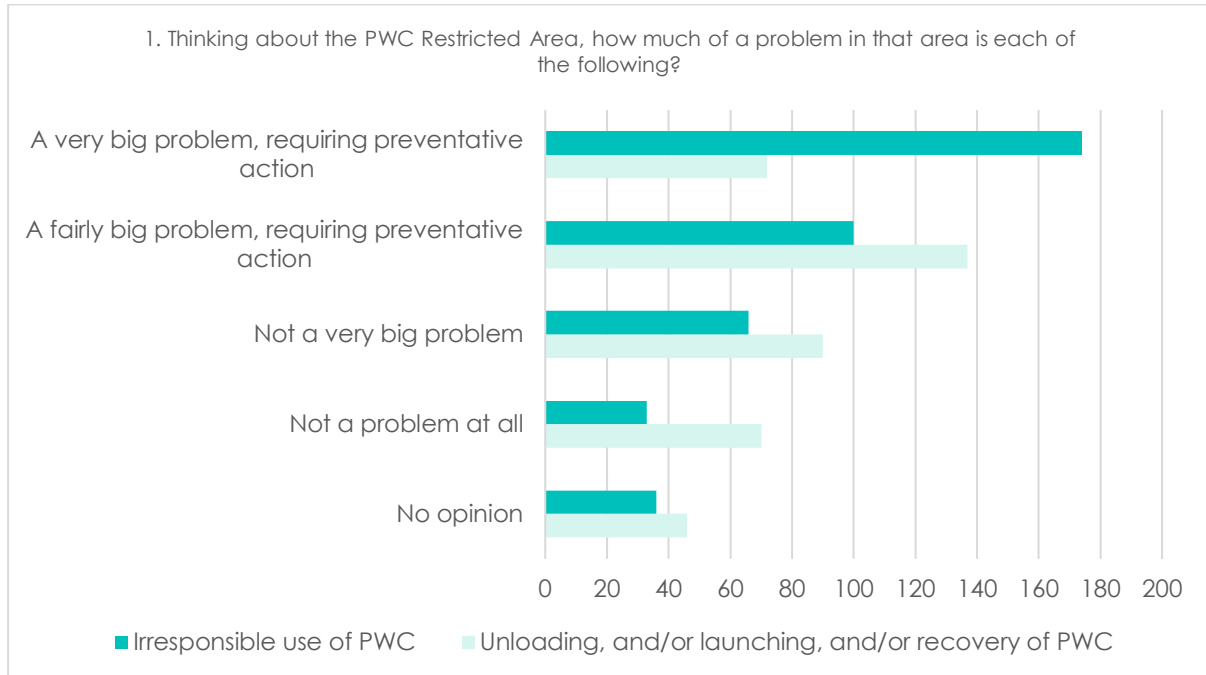
The overall consensus from those responding was that they supported and understood what the Council is trying to achieve in considering adopting a PSPO for PWCs and BBQs to assist with the protection and safety for all those using the beach and waterfront areas.

Some of the individual comments received identified the challenge on how it is to be enforced and monitored once the PSPO is adopted. There was a concern regarding on the PWC element of the irresponsible behaviour and safety of others in the water mainly from jet skis and the BBQ element the comments highlighted the heightened risk of fire and injury due to the way others were disposing of the coals.

*The full comments received from the online element of the consultation can be found in Appendix 1a, the responses from those handed in can be found in Appendix 1b both at the end of this document.

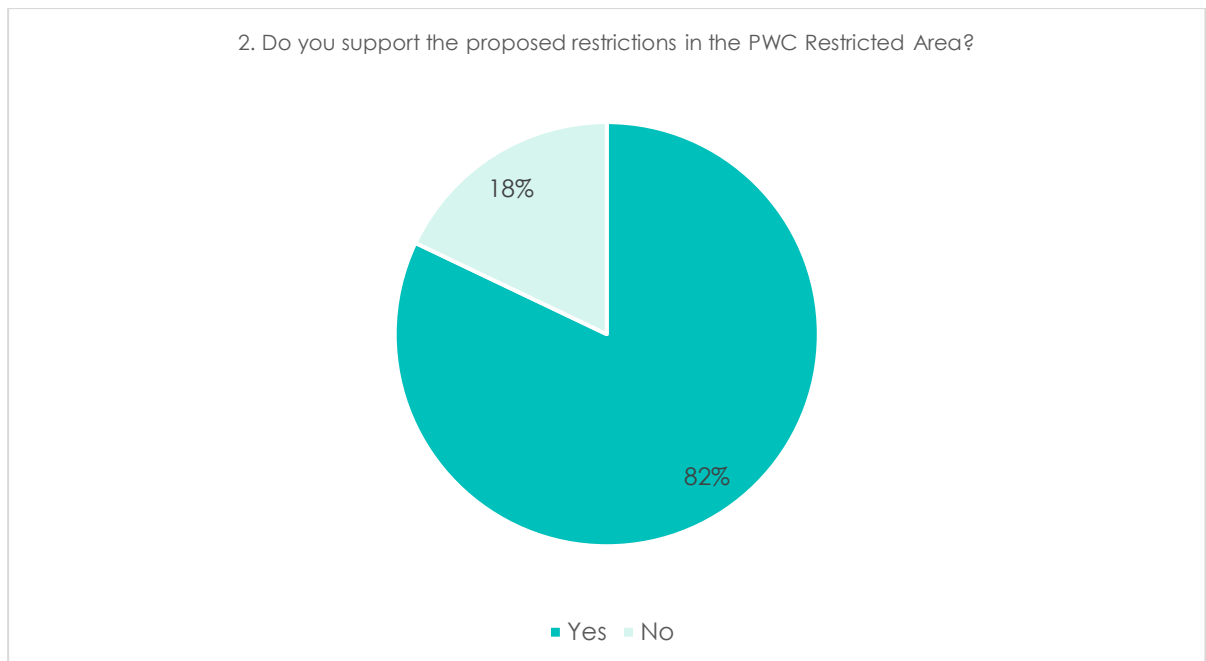
Full Breakdown of questions

1. Thinking about the PWC Restricted Area, how much of a problem in that area is each of the following?



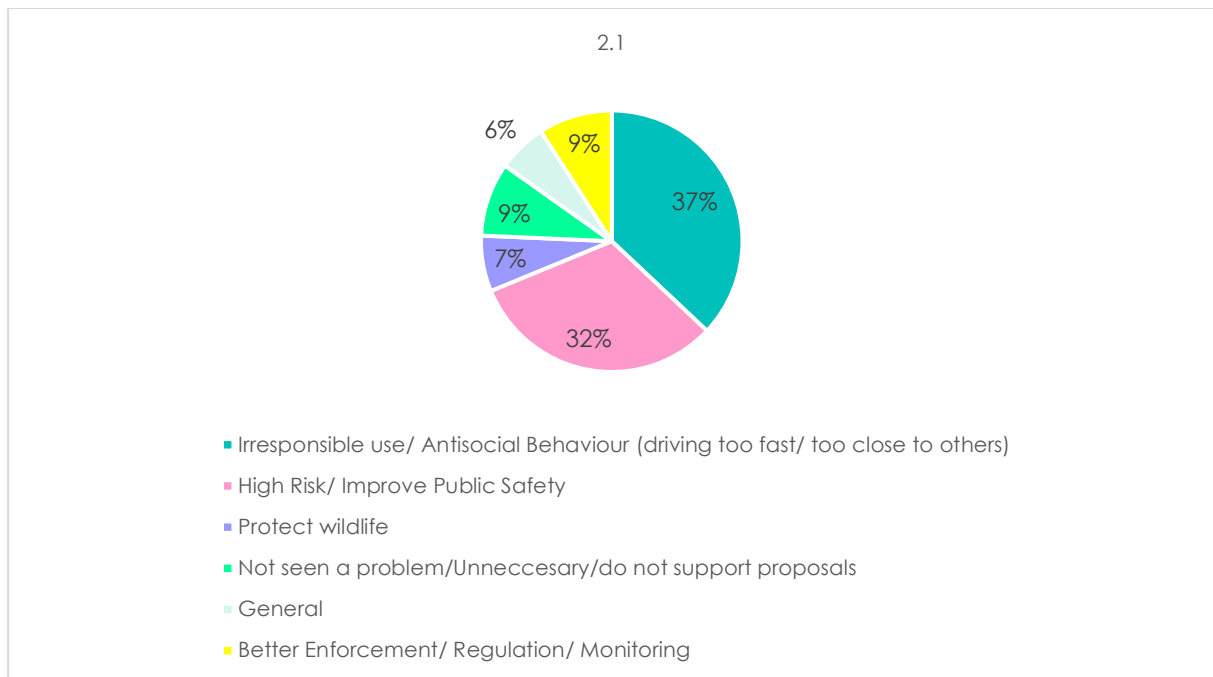
The majority of those responding highlighted that the irresponsible use of PWCs (jet skis) was a very big problem which required preventative action. Unloading and/or launching/or recovery of these crafts was deemed a fairly big problem requiring action.

2. Do you support the proposed restrictions in the PWC Restricted Area?



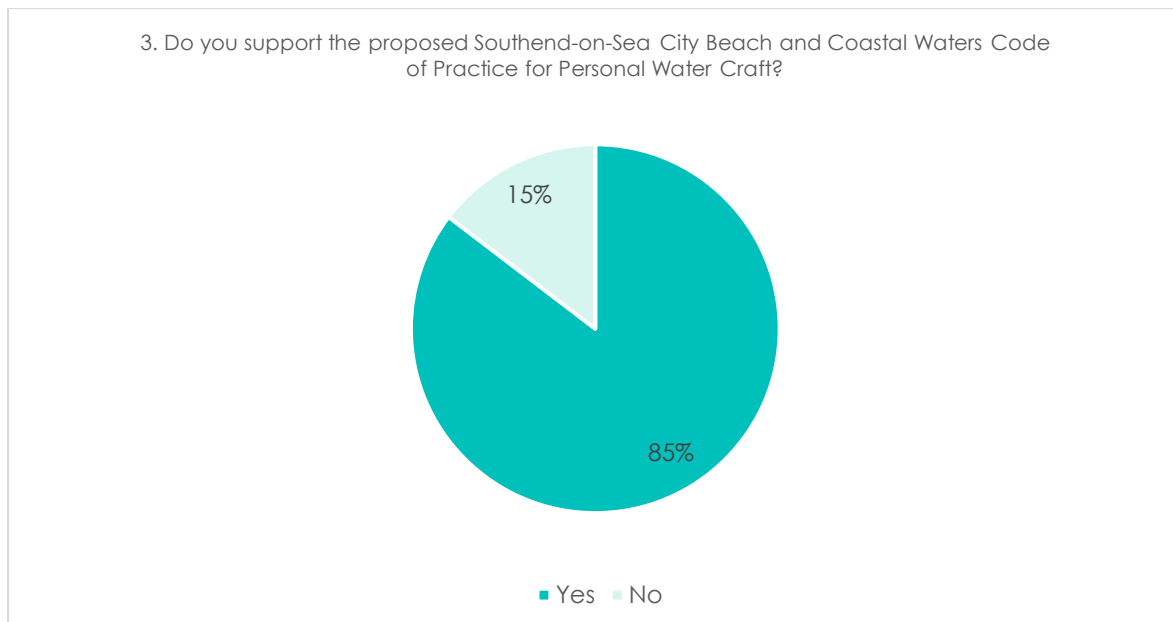
Of those responding 82% identified that they do support the proposed restrictions in the PWC restricted area under the PSPO.

2.1 *Please give your reasons why:



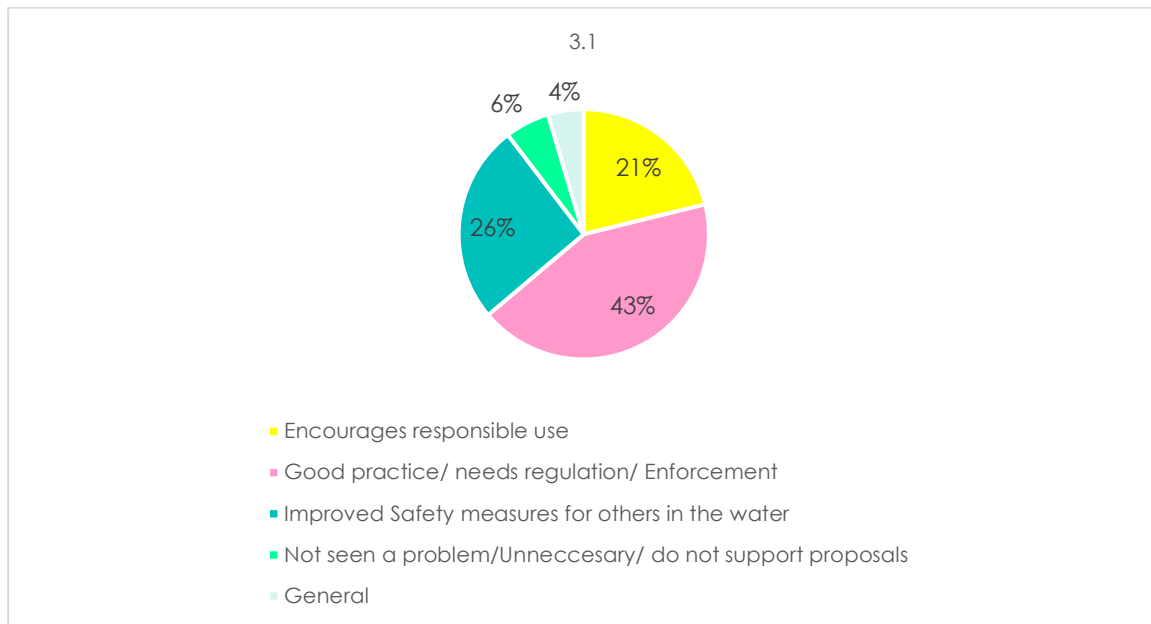
This was an open text response following on from the above question 322 responded online, the comments were linked together by themes and 37% of people commented that irresponsible use/anti-social behaviour was a reason why they supported the proposed further restrictions closely followed by it being a high risk and will improve public safety at 32% All comments can be found in the Appendices at the end of this document.

3. Do you support the proposed Southend-on-Sea City Beach and Coastal Waters Code of Practice for Personal Water Craft?



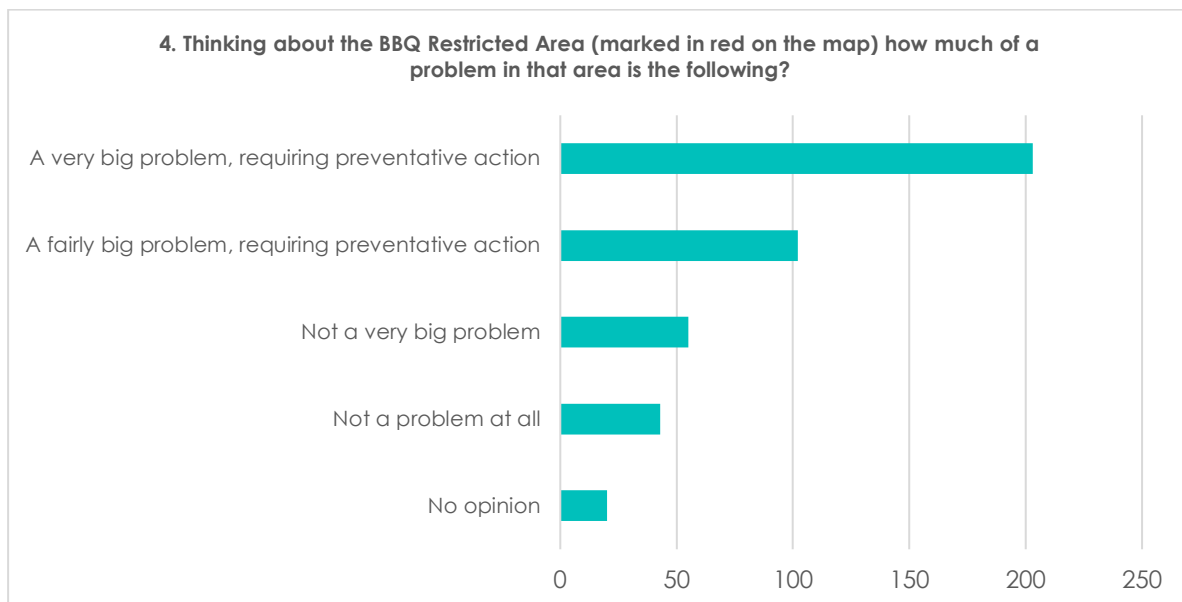
This was a single response question with 85% of those responding supporting the use of the Coastal Waters Code of Practice for Personal Water Craft.

3.1 *Please give your reasons why:



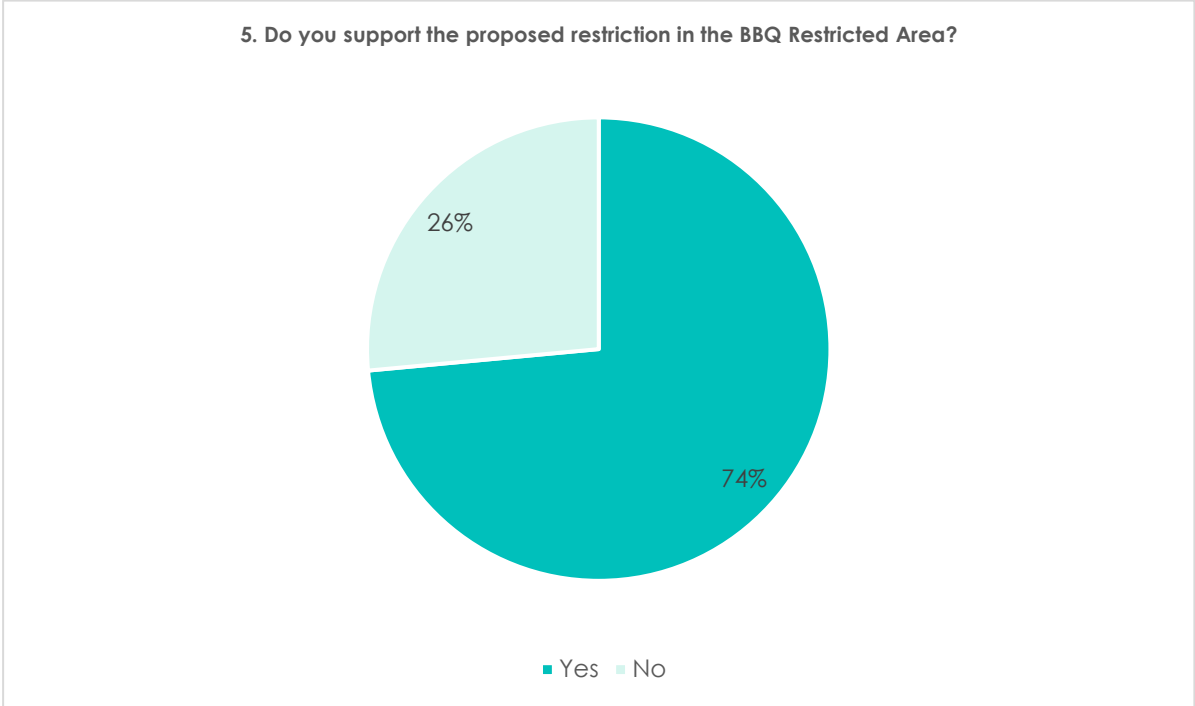
This was an open text response following on from the above question with 256 responding online, the comments were linked together by themes and 43% commented that the situation required good practice/ needed better regulation and enforcement. All comments can be found in the Appendices at the end of this document.

4. Thinking about the BBQ Restricted Area (marked in red on the map) how much of a problem in that area is the following?



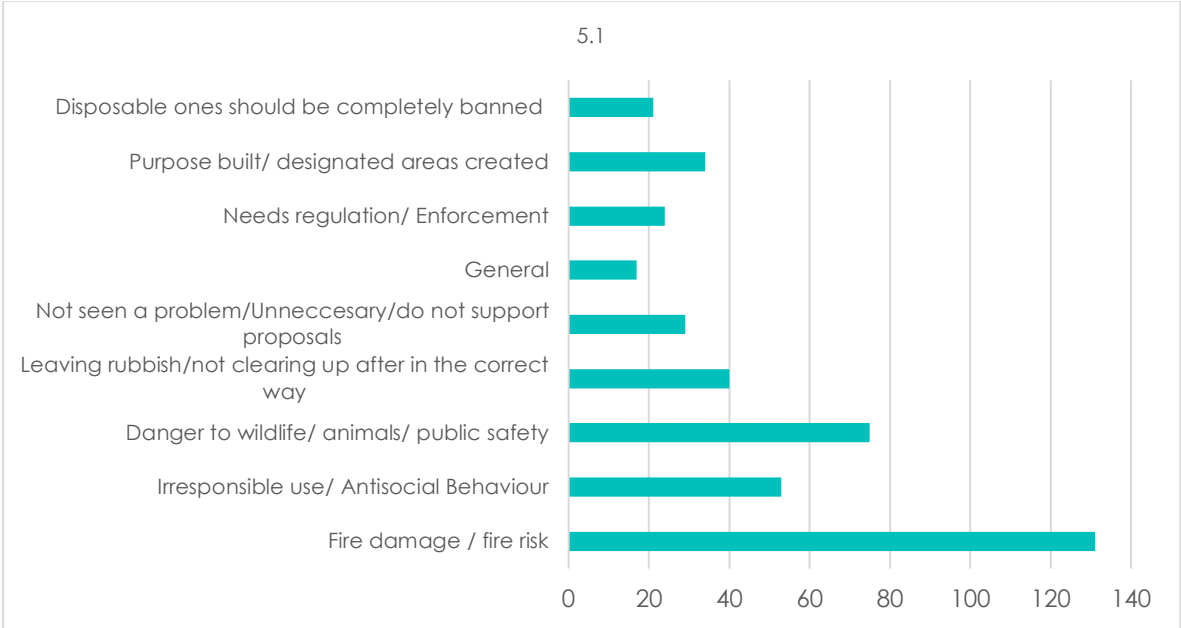
This was a single response question 43% identified that it was a very big problem which required preventative action, 13% said it wasn't a very big problem with 10% identifying they did not see a problem at all.

5. Do you support the proposed restriction in the BBQ Restricted Area?



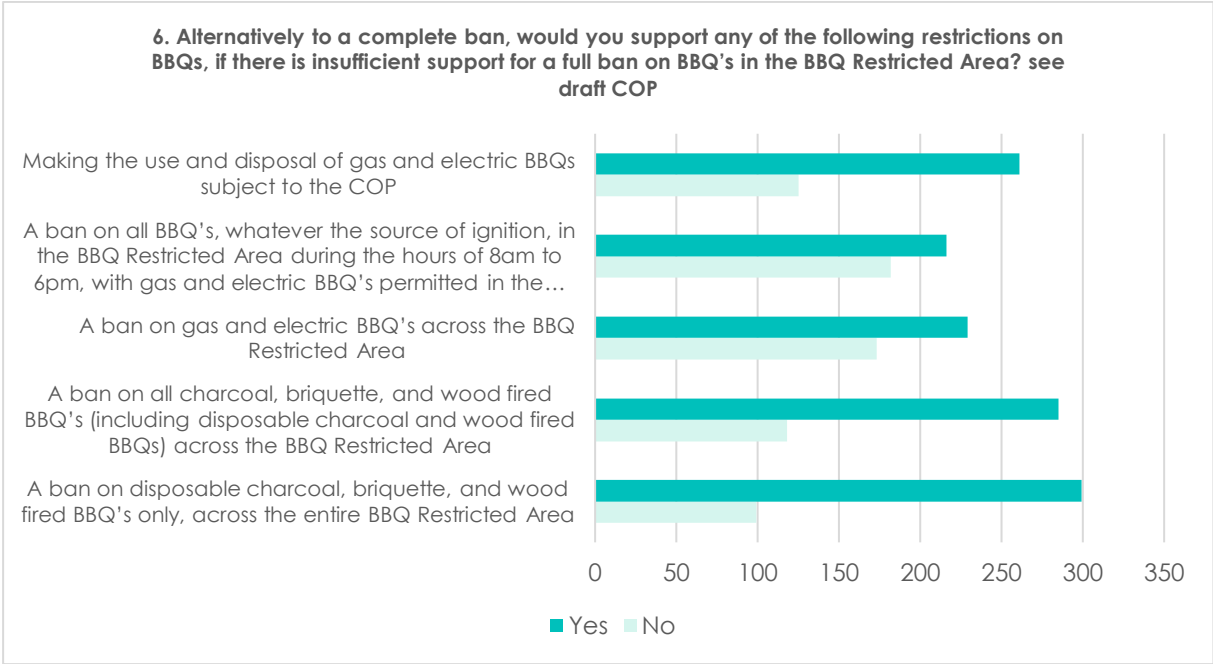
A majority (74%) of those responding support the proposed restrictions.

5.1 *Please give your reasons why:



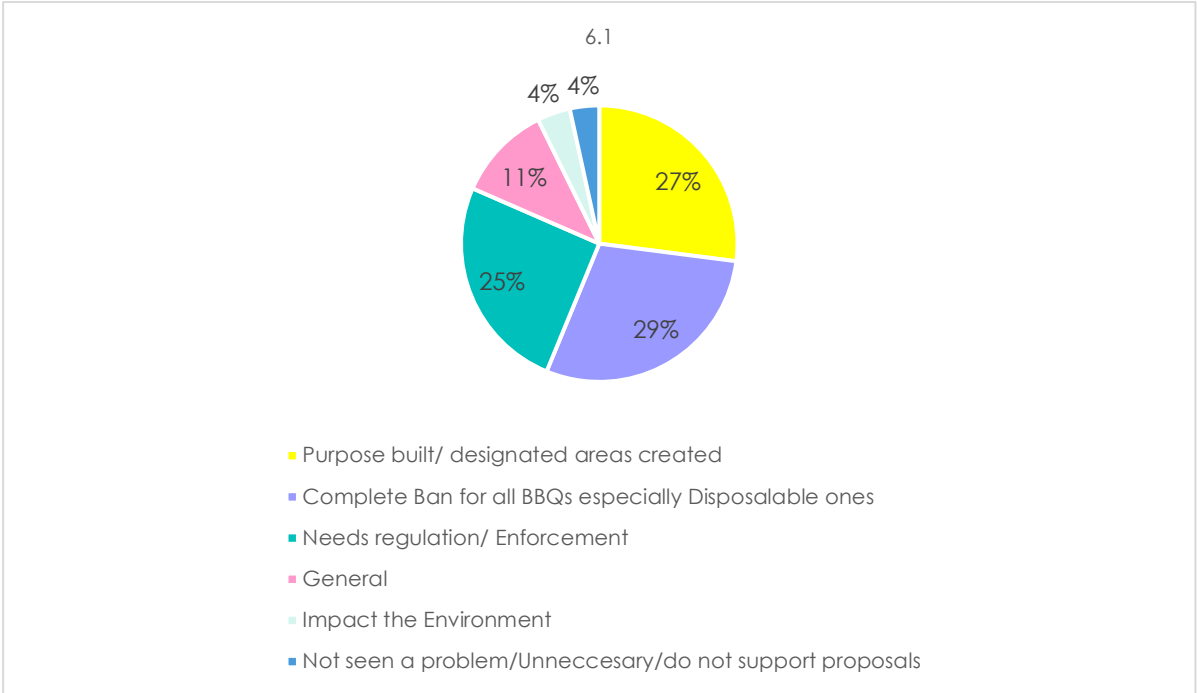
This was an open text response following on from the above question with 340 responding online, the comments were linked together by themes and the majority of those responding were concerned about ongoing fire damage and a higher fire risk especially in the current climate with lack of rain and dry areas. The second main concern identified was the public safety with the reasons given as walking on hot coals when they have not been disposed of properly, this could also impact animals (pets etc.) and the fires increase the danger for the wildlife in and around the areas. All comments can be found in the Appendices at the end of this document.

6. Alternatively to a complete ban, would you support any of the following restrictions on BBQs, if there is insufficient support for a full ban on BBQ's in the BBQ Restricted Area? see draft COP



There is support overall on various restrictions if a complete ban was not adopted, disposable BBQs seem to be the biggest concern due to the way they can be just used on the grass and various street furniture and that the hot coals are not disposed of correctly which can cause a fire risk.

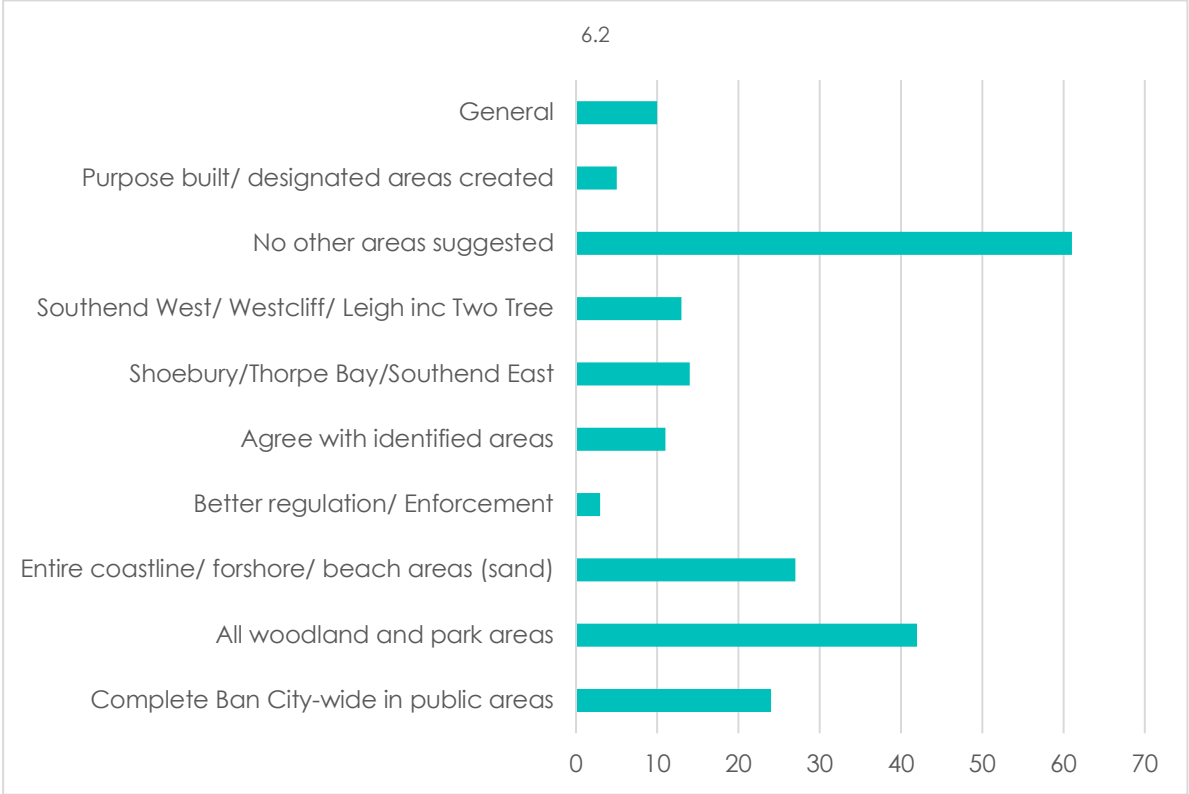
6.1 *Do you have any comments or suggestions around the proposed alternative restrictions and/or do you have any proposals, including designating an area or areas for the use of BBQs?:



An open text response following on from the above question with 236 responding online, the comments were linked together by themes as identified in the chart. 29% highlighted a complete ban on all BBQs especially the disposable ones closely followed by 27% identified that there should be purpose built BBQs along with designated areas but 25% stated that this

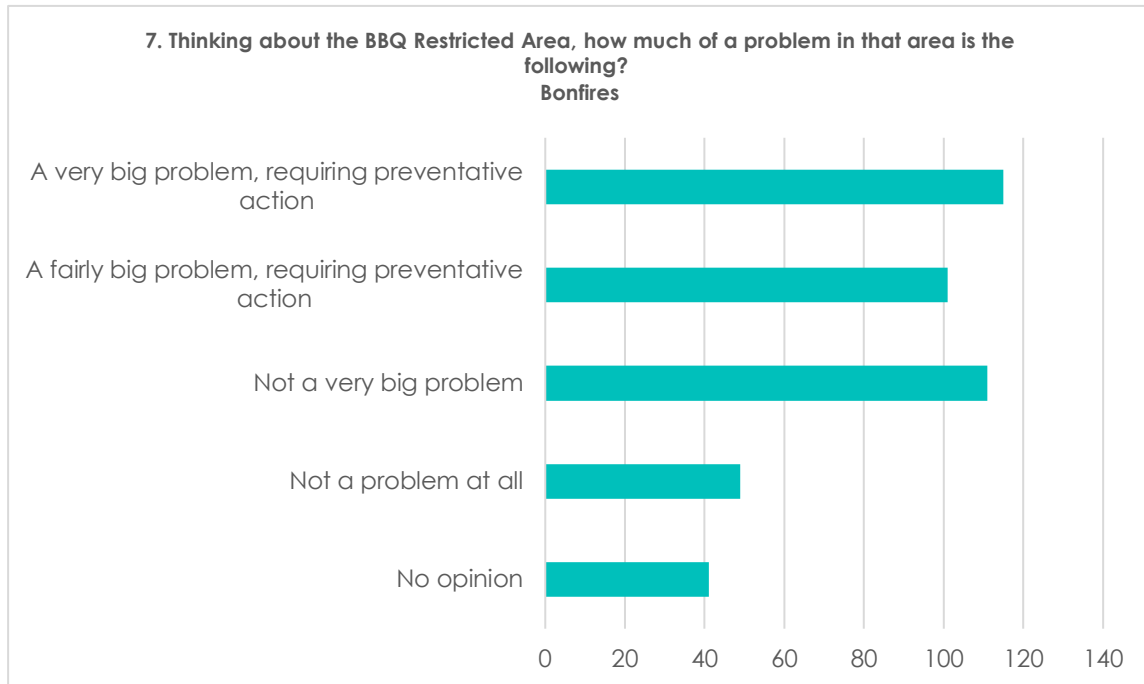
should be regulated and better enforcement at 25%. All comments can be found in the Appendices at the end of this document.

6.2 *Are there any other areas you believe should be included in the BBQ Restricted Area?



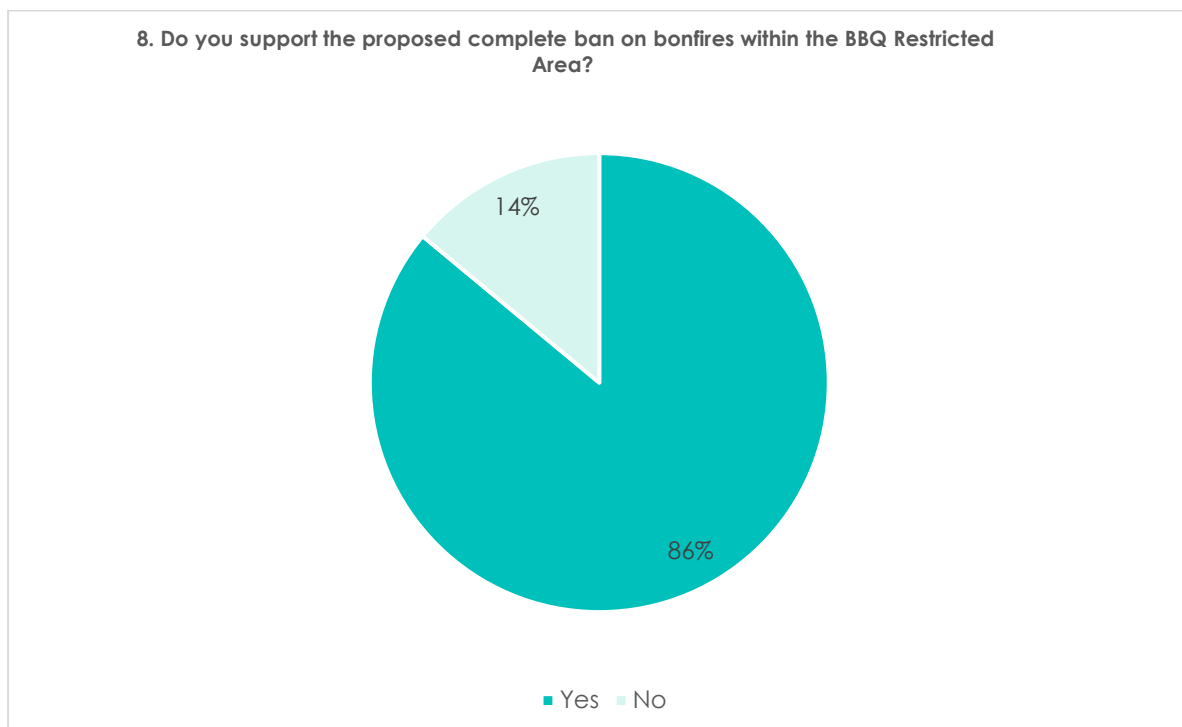
Following on from the above question 201 individuals responded online, the comments were linked together by themes as identified in the chart above. No other areas were suggested, However, all woodland and Park areas was highlighted as being included in the BBQ restricted area. All comments can be found in the Appendices at the end of this document.

7. Thinking about the BBQ Restricted Area, how much of a problem in that area is the following?



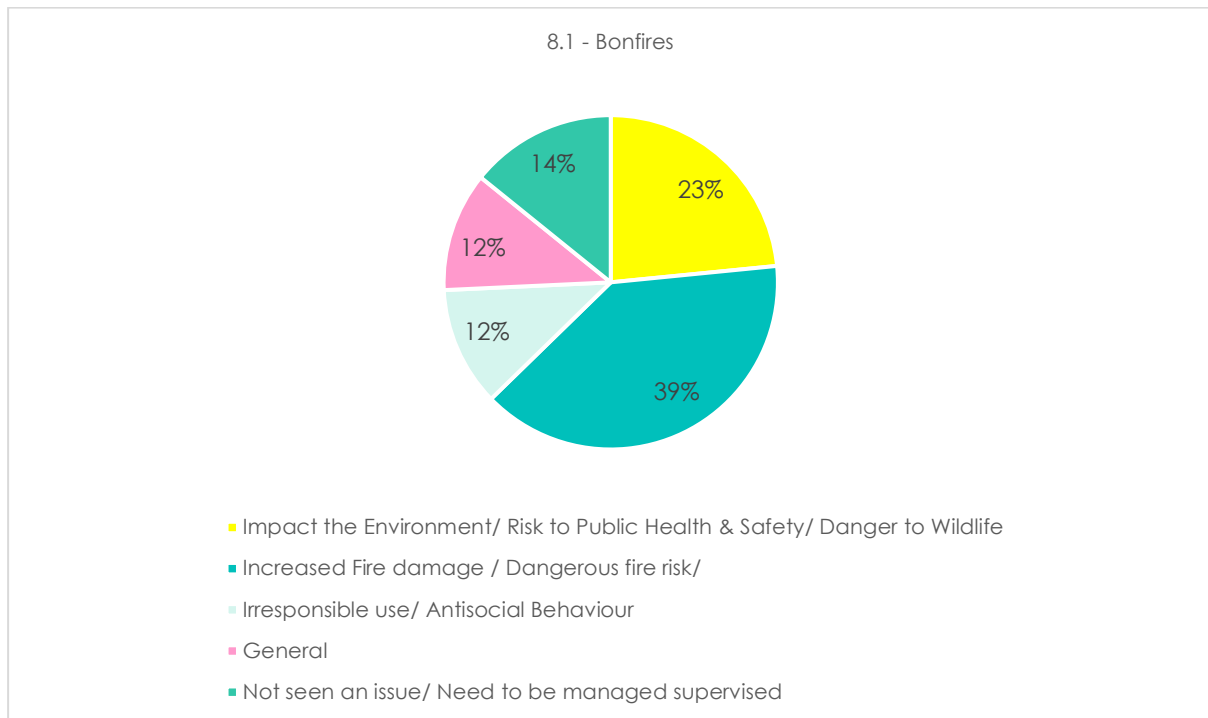
Of those responding 27% highlighted that it was a very big problem requiring prevention, with 24% identifying that it was a fairly big problem. 27% stated it was not a very big problem.

8. Do you support the proposed complete ban on bonfires within the BBQ Restricted Area?

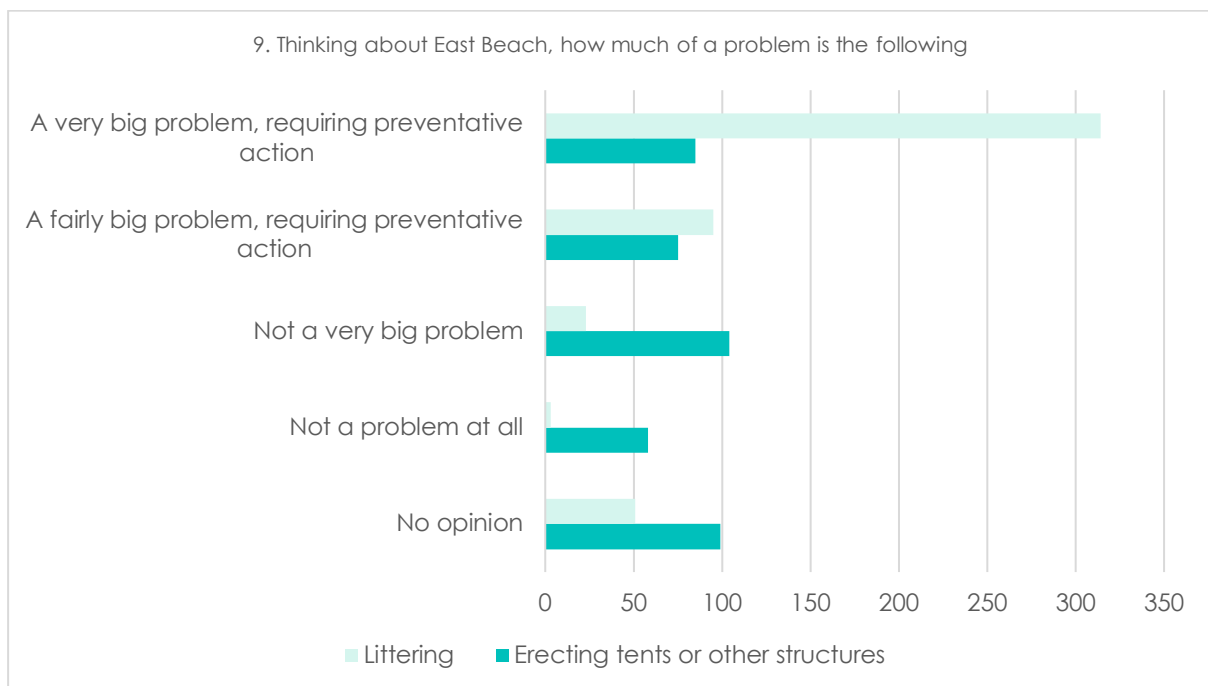


This was a single response question with 86% saying they support the proposed complete ban on bonfires. The reasons identified in the question below (8.1) were 'increased fire damage/ dangerous fire risk' at 39% of individuals stated this as a concern, with 'the impact to the environment/ danger to animals and a risk to public health' at 29%. All comments can be found in the Appendices at the end of this document.

8.1 *Please give your reasons why:

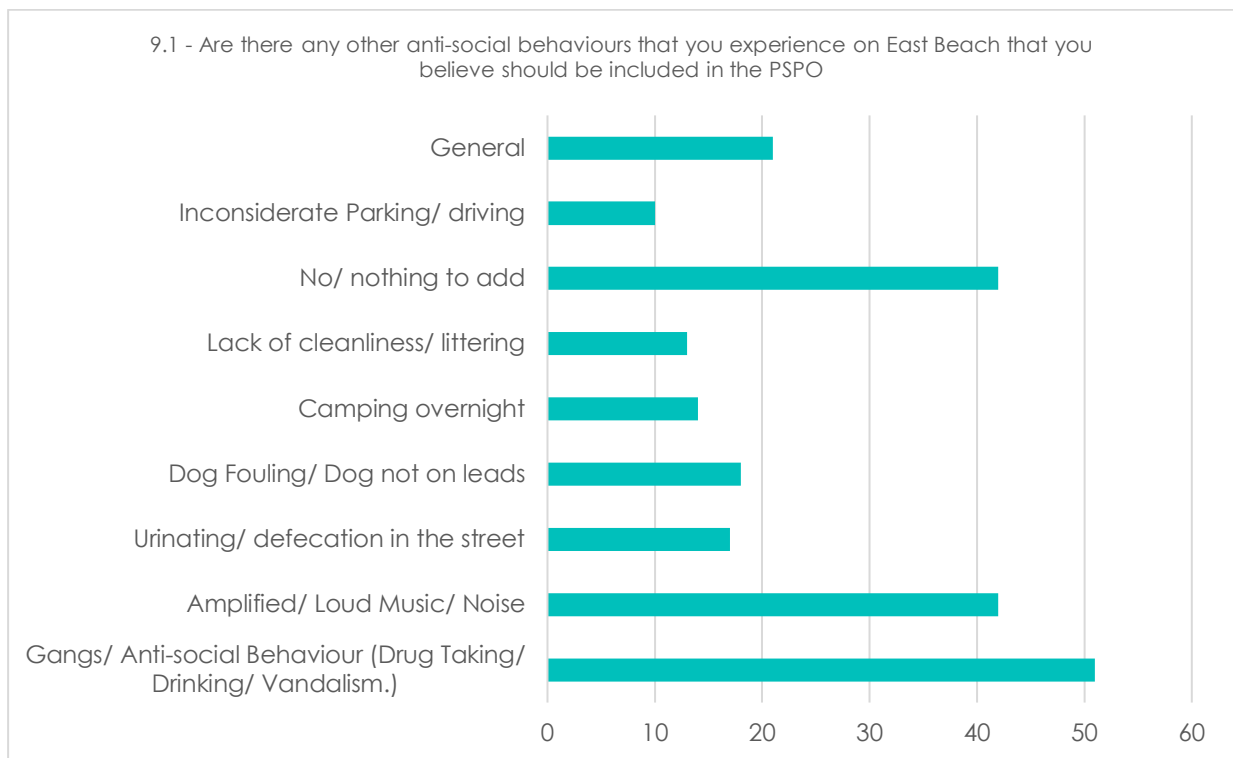


9. Thinking about East Beach, how much of a problem is the following



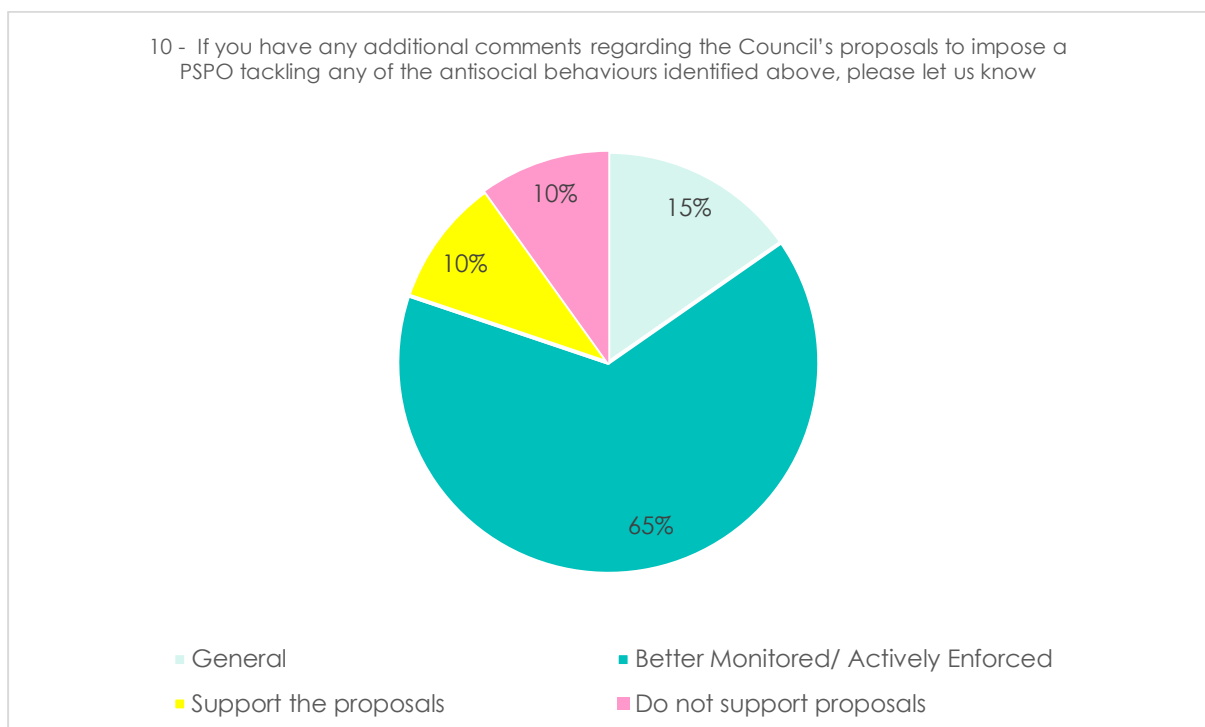
A majority of those responded stated that littering was a very big problem and it need action, but not many thought erecting tents and camping was an issue.

9.1 *Are there any other anti-social behaviours that you experience on East Beach that you believe should be included in the PSPO?



191 responded to this question and the top concern was that antisocial behaviour which includes 'drug taking/drinking and vandalism should be included in the PSPO, with the playing of loud music an issue as well. All comments can be found in the Appendices at the end of this document.

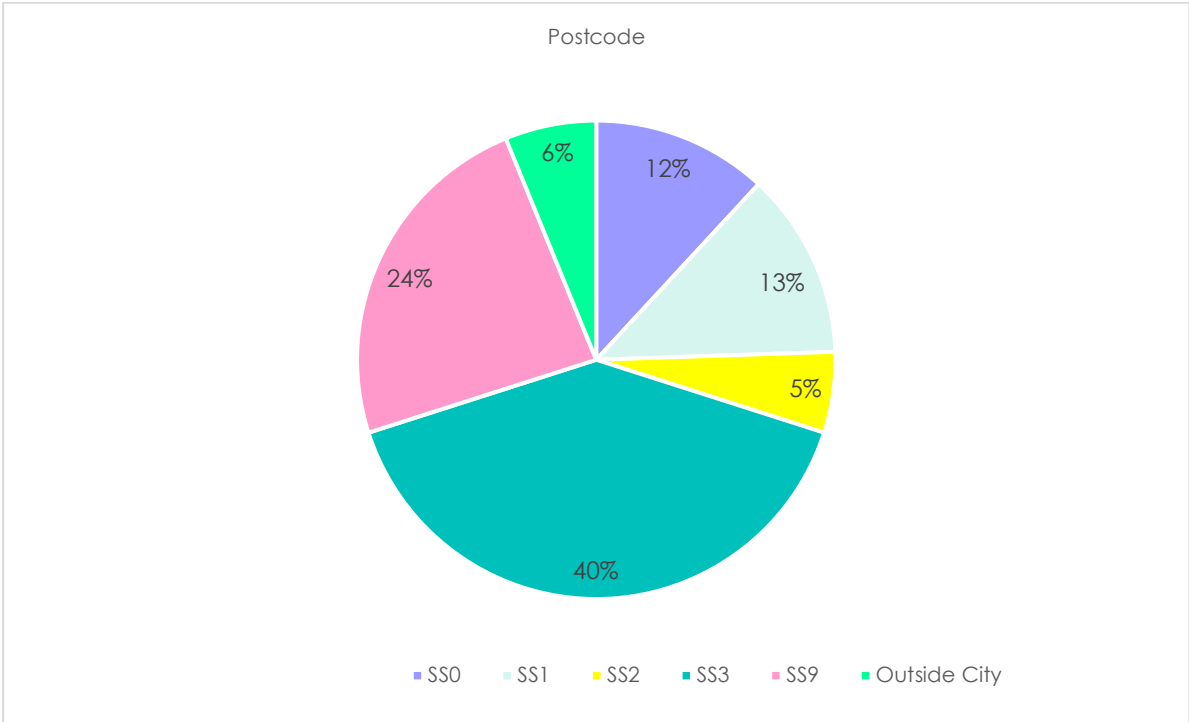
10. If you have any additional comments regarding the Council's proposals to impose a PSPO tackling any of the antisocial behaviours identified above



Of the 414 that responded, 128 people provided comments to this open question and these were grouped into themes, 65% stated that it needed to be better enforced and monitored, there is no use placing a ban or restrictions if they are not to be managed properly, there was an equal split between those that identified that they supported the proposals with those that highlighted that they didn't support the proposals. All comments can be found in the Appendices at the end of this document.

11. Postcode

40% of those responding lived in the SS3 area which is the Shoebury area, with 24% of those living in Leigh. Overall 93% identified that they lived in the town, with only 6% saying they live outside the city or are a visitor to the area.



Statutory Bodies Response

We received one email from the Harbour Master at the Port of London Authority (PLA).

Statutory Response

COMMENTS FROM THE PORT OF LONDON AUTHORITY ON THE PROPOSED PUBLIC SPACES PROTECTION ORDER (SOUTHEND SEAFRONT AND ADJOINING AREAS) NO. 3 OF 2022 AND THE PROPOSED SOUTHEND-ON-SEA CITY BEACH AND COASTAL WATERS CODE OF PRACTICE (COP)

The Port of London Authority (PLA) is the Statutory Harbour Authority for the tidal Thames and the Competent Harbour Authority for the London Pilotage District. Under the Port of London Act 1968 (as amended), the PLA has power to give General Directions for Navigation applying to vessels within the port limits, and to make byelaws for the Thames. However, these powers cannot be exercised in the Southend Foreshore Exemption Area, where making and enforcing byelaws for the regulation of vessels is the responsibility of Southend on Sea City Council.

We have cooperated with Southend on Sea City Council in the past, and look forward to continuing to do so, to address dangerous use of personal watercraft (PWC) and other issues of mutual concern.

The decision to make a Public Spaces Protection Order to better regulate PWC is a positive step by Southend on Sea City Council. We note that the PSPO would make compliance with the Southend-on-Sea City Beach and Coastal Waters Code of Practice mandatory. The most important elements of the Code, in our opinion, include the prohibition on launching except at an authorised site and the 400m minimum distance requirement. These measures, if introduced and enforced, will likely address much of the particularly hazardous PWC behaviours.

However, when examining the Code, it appears to use there are several areas where a lack of definitions or detail will make enforcement difficult. If it was a voluntary code to encourage best practice, this would not be an issue; since it is a compulsory code and failure to comply is an offence, it is essential that the requirements are precisely laid out without ambiguity. We have highlighted areas in the Code which may benefit from revision to ensure they are clear and cannot be misunderstood, either by a PWC user or an enforcement officer.

The other area of concern for the PLA is that the proposed Code will introduce requirements which are inconsistent with the International Regulations for Preventing Collisions at Sea (IRPCS or 'Colregs'), which apply to PWC in PLA waters through the operation of Thames Byelaw 14. While Southend on Sea City Council may decide how to regulate PWC in your area of responsibility, having two separate regimes for the navigation of PWC, separated by an invisible line, would seem to be an unsatisfactory state of affairs. PWC users and other vessels will find it difficult to assess which rules apply to them when in the outer edges of the Southend area of responsibility. This confusion will make enforcement difficult and could compromise safety.

We wish to make clear that we are supportive of Southend on Sea City Council's efforts to modernise and make more robust their approach to the management of PWC in their area of responsibility, in the interests of safety. We only make these comments in a constructive spirit and are available to provide more detail on any of our comments if requested. Our comments appear in **red colour below** relevant extracts from the draft Order and Code.

Comments on the proposed Public Spaces Protection Order (Southend Seafront and Adjoining Areas) No3 of 2022: -

THE EXCEPTIONS

Should there be an exception for PWC used by, or for the purposes of, e.g. the police, maritime search & rescue organisations coordinated by HM Coastguard, Southend on Sea City Council and/or others? In the future, some of these organisations may decide to operate their own PWC as official vessels in the course of their duties, and unless excepted, the PSPO would also apply to them.

At present, PLA Byelaw 14, relating to PWC, gives certain exceptions to PWC used for search and rescue, fire brigade, ambulance, law enforcement, public or recreational safety, security or police purposes or for training for such purposes or for the purposes of the harbourmaster.

DEFINITIONS

'Southend-on-Sea City Beach and Coastal Water Code of Practice' means the code of practice set out by the Council containing specific rules applicable to Personal Water Craft and for the use and disposal of gas and electric BBQs in the Designated BBQ Areas marked on the Map in Schedule 1 to this Order

Should this include "and as amended from time to time"?

Comments on the proposed Southend on Sea City Beach and Coastal Waters Code of Conduct: -

2. Requirements for all PWC:

e. PWC must have a kill cord What is the definition of “kill cord”?

PLA Byelaw 10 refers to a “dedicated engine cut-out system”, and it could be made clear whether alternative, equally effective and reliable, mechanisms are accepted in place of a traditional kill cord. The code also does not state that the PWC user must make use of the kill cord, simply that the PWC must have one.

3. Requirements for users of PWC:

b. Users (including passengers) must hold a PWC proficiency qualification or have received the correct training from a PWC or sailing club or association.

Is there a definition of “user” or what constitutes “use” of a PWC

What is meant by “PWC proficiency qualification” or “the correct training”?

Will Southend-on Sea City Council be publishing and maintaining a register of training courses / training providers; or a syllabus of a course of instruction which satisfies this requirement? Do you recognise any institutions as providing acceptable training? If so, who will inspect / audit the training providers etc.? If not, who will determine which courses etc. are acceptable for this purpose? For example, would an online-only PWC education course be acceptable?

c. Users must ensure that they have adequate public liability insurance and ID.

What is meant by “adequate”? Should there be a minimum coverage figure for this compulsory public liability insurance?

Does the ID need to be unexpired, government-issued and/or contain a photo? We suggest you specify these requirements for an ID under this section.

d. Users must always carry a mobile phone in a buoyant water-proof case.

Could PWC users instead choose to carry a marine VHF radio, suitably waterproofed?

Suggested addition to: “3. Requirements for users of PWC” for your consideration: - “A person must not use, operate, navigate, conduct, drive, ride (whether as passenger or otherwise), allow himself to be carried, launch, recover or be in charge or in control of a PWC, or attempt to do any of the specified things, while unfit by reason of drink or drugs.

A person is unfit for the purposes of this Code of Practice if his ability to safely use, operate, navigate, conduct, drive, ride, be carried, launch, recover or be in charge or in control of a PWC is impaired.”

4. Requirements for the use of PWC:

e. Users must:

i. wear an appropriate Personal Floatation Device – see www.rya.org.uk

What is meant by an “appropriate” Personal Floatation Device? Will Southend on Sea City Council be publishing and maintaining a register of PDF models from major manufacturers which are considered “appropriate” for this purpose? Or a technical specification of an “appropriate” PFD? If so, how frequently will this be reviewed?

ii. wear suitable clothing including goggles, foot protection and gloves.

Who will determine what clothing is “suitable” for this purpose? Will detailed guidance for the interpretation of this requirement be published?

f. Users must show consideration to other coastal water users and give them a wide berth, particularly with your wake, which must not interfere with, harass or cause danger to them or their property.

The requirement for PWC to always give a wide berth to “other coastal water users” (which presumably includes vessels; suggest this be more precisely defined) may not be consistent with the IRPCS which apply to PWC in PLA waters and this could be a source of confusion for all involved; see comments on (i) below.

Should be “their” not “there”.

g. Users should join a local PWC/sailing club.

Is “should” intended to mean the same as “shall” or “must”?

What is the meaning of “club” in this context? Could a group of PWC users satisfy this requirement by meeting together and calling themselves a “club”? How will it be determined whether or not a group of people is properly a “club” for this purpose?

i. Users must give vessels a wide berth and must always give way to larger vessels. In PLA waters, PWC are considered power driven vessels which must comply with the International Regulations for Preventing Collisions at Sea (IRPCS or ‘Colregs’), as amended by PLA byelaws, like every other vessel. This proposed requirement appears to make a PWC the give way vessel under all circumstances, even where a larger vessel would otherwise be required by Colregs to give way to the PWC. This will lead to confusing situations when PWC and other vessels are operating sometimes in Southend waters and sometimes in PLA waters and it will not be clear at all times which craft is required to give way to the other. Should an incident occur, enforcement action may be compromised by ambiguity or confusion caused by this.

l. PWC must not exceed a speed of 8 knots within the launch channel, in any conservation area, or in any area with special designation.

Does this mean 8 knots over the ground or 8 knots through the water? What is the definition of “conservation area” and “area with special designation”?

m. PWC must not ride the bow waves of ships or other boats or cross close ahead of them.

As per previous comments re. risk of confusion as to application of Colregs and special PWC-specific regulations in the Southend Foreshore Exemption Area.

o. PWC must not be used in the dark or in fog.

What is the meaning of “in the dark”? For example, what about a moonlit night? Or between sunset and sunrise? Or by reference to civil or nautical twilight?

What is the meaning of “fog”? Any degree of fog? What about when other factors (heavy rain, smoke) reduce visibility? To a specific distance of visibility?

q. PWC must maintain a good distance from salt marsh and exposed mudflats, and must avoid shallow waters or the riverbed where submerged vegetation could be disturbed.

What is meant by “a good distance from saltmarsh and exposed mudflats”? Surely this will change according to the tides and times of day?