

Rother District Council

Report to:	Cabinet
Date:	4 March 2024
Title:	Public Spaces Protection Order (No 3-2024) - Beaches
Report of:	Richard Parker-Harding – Head of Environmental Services, Licensing and Community Safety
Cabinet Member:	Councillor Field
Ward(s):	All
Purpose of Report:	To seek authority to consult the public, coastal parish councils, Sussex Police, the Police and Crime Commissioner, East Sussex County Council (Highways) about making an Order.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED : That a consultation be carried out on making a Public Spaces Protection Order controlling vehicles and camping on beaches.
Reasons for Recommendations:	To control anti-social behaviour on beaches.

Introduction

1. The Council has responsibility to reduce anti-social behaviour. The authority has made a Public Spaces Protection Order (PSPO) to control anti-social behaviour, which expires in January 2025. Consultation on renewing that Order will be recommended to commence later in the summer, subject to approval by Cabinet in June 2024 to do so. This Order has not proved to be effective in controlling the nuisance being caused by vehicles and caravans being driven and parked on beaches.
2. Last summer more than 20 vehicles and caravans were parked on the beach at Herbrand Walk, Bexhill. Some vehicles stayed a few days, others, months at a time. The occupiers had an impact on local residents and looked unsightly, leaving waste and creating a fear of crime. Some occupiers were aggressive to Council staff and contractors. In October 2023, the unauthorised encampment prevented vital sea defence works commencing on time. A combined police and council effort was needed over a few weeks to remove the encampment. Considerable resources had to be deployed to remove all the occupiers, assisted by the autumn storms.
3. Officers reported similar concerns at Camber with cars and motorcycles driving recklessly on the beach, creating a hazard to other users.

Proposed Order

4. A PSPO that prohibits all vehicles, including but not limited to motorbikes, quadbikes, motorhomes and caravans from being driven on or parked on a beach (including paths, promenades, roads and hard standings adjacent to the beach) unless an emergency vehicle, Environment Agency or Royal National Lifeboat Institution vehicle, or a vehicle granted permission by the Council.
5. The Council must consult before making an Order. The results of the consultation will be reported back to Cabinet in June 2024.
6. The Order would only be made for six months, as these controls could be then incorporated into the main PSPO for anti-social behaviour.

Background

7. PSPOs are made under the Anti-social Behaviour, Crime and Policing Act 2014.
8. PSPOs are intended to deal with a nuisance or problem in a particular area that is detrimental 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 enjoy public spaces, safe from anti-social behaviour.
9. A PSPO can be made by the Council if it is satisfied on reasonable grounds that the activity/activities carried out, or are likely to be carried out, in a public space:
 - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
10. The restrictions specified in a PSPO can be set by the Council; these can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. They can restrict access to public rights of way where that route is being used to commit anti-social behaviour.
11. PSPOs have a maximum duration of three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point. At any point before expiry, the Council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring.
12. Failure to comply with a PSPO is a criminal offence, a maximum fine of £1,000 (level 3) can be imposed. As an alternative to prosecution enforcement officers can issue a Fixed Penalty Notice (FPN) of £100.
13. In terms of enforcement, the PSPO should be clear and unambiguous and consistent across the district.

14. PSPOs can be enforced by authorised officers of the Council, police constables, or police community support officers (if authorised to do so by the Chief Constable).

Options

15. The Council can take no action or consult about making an Order to prevent anti-social behaviour on beaches from vehicles being driven on and parked on beaches.

Conclusion

16. The current PSPO (Anti-Social Behaviour) is not sufficient to prevent nuisance from vehicles and caravans being driven and parked on beaches and remaining for prolonged periods of time.

Environmental

17. Vehicles and camping on beaches is detrimental to the environment.

Crime and Disorder

18. Vehicles and camping on beaches can increase the fear of crime.

Consultation

19. Before making a PSPO the public, interested bodies and statutory authorities must be consulted.

Finance

20. Within existing budgets.

Resources

21. Impact on existing resources to enforce if PSPO is made. However, a positive impact in that it should be easier to remove vehicles and caravans if a PSPO is made.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour
Reference Documents:	None