



Agenda

Operational Management Committee

Date:	Thursday, 17 December 2020 at 6:30 pm
Venue:	Remote Meeting via Zoom
Committee members:	<p>Councillor Roger Small (Chairman) Councillor John Kirkham (Vice-Chairman)</p> <p>Councillors Mark Bamforth, Julie Brickles, Alan Clayton, Chris Dixon, Will Harris, Paul Hodgson, Kiran Mulholland, Bobby Rigby, Stan Trudgill, Viv Willder.</p>

Please Note: This meeting is being held remotely via Zoom. To access the meeting please click on the link below.
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Meeting ID: 826 8119 5960

Passcode: 888889

Public Platform

To hear representations from members of the public in accordance with Article 15 of the Constitution.
To register to speak under Public Platform: see [Public Speaking at Council Meetings](#)

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meetings held on 4 November 2020 and 10 November 2020 as correct records.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
	DECISION ITEMS:	
4	Public Spaces Protection Orders for Enforcement of Dog Control – St Annes Beach Dog Seasonal Dog Exclusion	3-11

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	17 DECEMBER 2020	4
PUBLIC SPACES PROTECTION ORDERS FOR ENFORCEMENT OF DOG CONTROL – ST ANNES BEACH DOG SEASONAL DOG EXCLUSION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Public spaces protection orders (PSPOs) are in place across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014.

The orders were scheduled to lapse during October 2020.

At a meeting of the Operational Management Committee in November 2020, Members agreed to extend all the public spaces protection orders beyond January 2021, for a further three years, including the changes to the beach exclusion order.

Subsequently a notice of motion was given by eight members to reopen the decision made in relation to item 4 of the meeting of the Operational Management Committee held on 10 November 2020 insofar as it relates to the extent of the exclusion zone to allow further consideration of the effects of the decision on the environmental recognitions that presently apply to the amenity beach. The Council at its meeting on 7th December debated the motion and resolved that the decision be reopened to allow further consideration of the effects of the decision on the environmental recognitions that presently apply to the amenity beach and that a special meeting of the committee be arranged for the purpose of such consideration.

This report presents the above matter for reconsideration by members. There is some urgency in doing so to ensure the PSPOs can be confirmed within the 3-month extension period previously agreed which expires on 31 December 2020.

RECOMMENDATIONS

1. The Committee agrees to extend the public spaces protection orders until October 2023, with no changes to the current beach exclusion order.

SUMMARY OF PREVIOUS DECISIONS

Council – 7 December 2020

Council RESOLVED that:

1. the decision made in relation to item 4 of the meeting of the Operational Management Committee held on November 10 2020 be reopened insofar as it relates to the extent of the exclusion zone to allow further consideration of the effects of the decision on the environmental recognitions that presently apply to the amenity beach.
2. A special meeting of the committee be arranged for the purpose of such consideration.

Operational Management Committee – 10 November 2020

Public Spaces Protection Orders for Enforcement of Dog Control. It was unanimously RESOLVED:

1. to reduce the beach exclusion zone to a clearly defined area from the end of the pier to the end of the RNLI slipway in a straight line and not to the water line;
2. to authorize officers to enter into negotiations with the Environment Agency to amend the water testing area as a result of the reduction of the exclusion zone;
3. to extend all the public spaces protection orders beyond January 2021, for a further three years, including the changes to the beach exclusion order as agreed in (1) above.

Operational Management Committee – 8 September 2020

The committee unanimously RESOLVED:

1. To extend all of the public space protection orders for a further three years,
2. To delegate authority to the Director of Resources to carry out the necessary consultation, publicity and notification and then to extend the order, unless the director considers that the order should not be extended until a response to the consultation or publicity has been considered by the committee at a special meeting.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

BACKGROUND/PREVIOUS DECISIONS

1. At a meeting of the Operational Management Committee in November 2020, Members agreed to extend all the public spaces protection orders beyond January 2021, for a further three years, including the changes set out below to the beach exclusion order.
2. Members resolved to reduce the beach exclusion zone to a clearly defined area from the end of the pier to the end of the RNLI slipway in a straight line and not to the water line and to authorize officers to enter into negotiations with the Environment Agency to amend the water testing area as a result of the reduction of the exclusion zone. On a map this area would translate as shown below with the single red line:



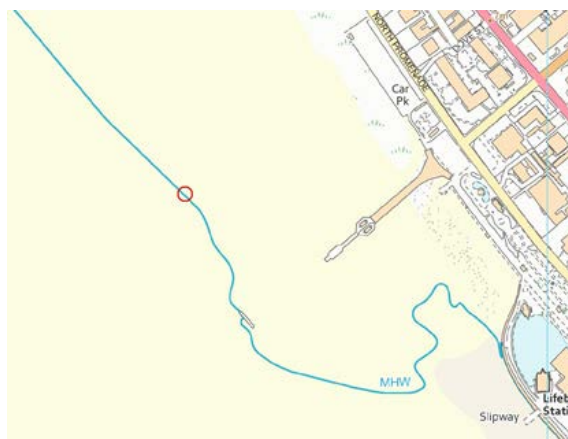
3. On 7 December, Council resolved that *“the decision made in relation to item 4 of the meeting of the Operational Management Committee held on 10 November 2020 be reopened insofar as it relates to the extent of the exclusion zone to allow further consideration of the effects of the decision on the environmental recognitions that presently apply to the amenity beach”*. The reference to “environmental recognitions” is understood to be a reference to the fact that the beach exclusion zone as amended by the committee

decision on November 10 would not extend to the water/tide line and so would fall short of the requirements set by Keep Britain Tidy to qualify for a Seaside Award and in turn a Blue Flag Beach Award in the future, both of which are actions in the recently adopted Corporate Plan 2020-24.

4. The report that was considered by the committee on November 10 is appended to this report. Further information about how the Seaside Award and Blue Flag award would be likely to be affected by the decision taken by the committee which the council has asked to be reopened is below.

ENVIRONMENTAL RECOGNITIONS

5. The current PSPO mirrors the extent of the designated bathing waters beach, which applies to the beach and sand dunes between the slipway to St Annes Lifeboat Station and the northern end of North Promenade car park, extending seaward to the mean low water mark.
6. The Environment Agency (EA) is the body responsible for the designation and oversight of bathing water beaches. The EA undertake sampling of the water on a fortnightly basis during the main bathing season (1 May to 30 September). The location of the EA water sampling point at [St Annes beach](#) is shown by the small red circle on the map below. There is no requirement to have a Dog Exclusion Zone on a designated Amenity Beach.



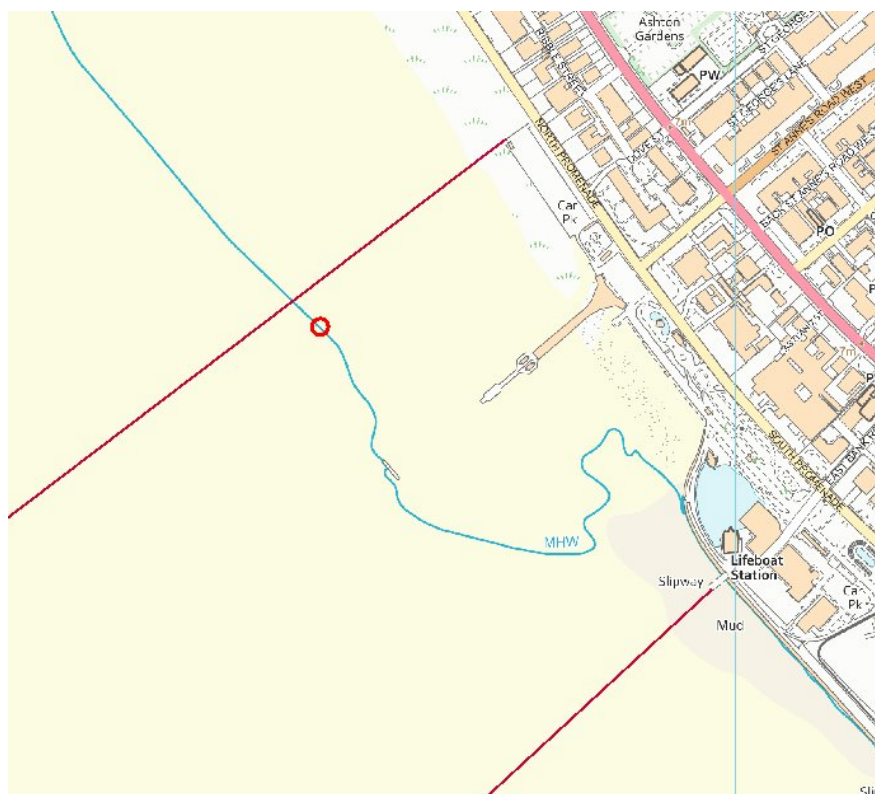
7. There is an action under the theme of Environment within the newly adopted Corporate Plan 2020-2024 which is to 'Maintain our seaside award and work toward Blue Flag status'.
8. Fylde Council has secured [the Seaside Award](#) on St Annes beach for several years running. The Seaside Award is managed by Keep Britain Tidy (KBT).
9. Fylde Council has never been able to apply for a [Blue Flag Beach Award](#) due the bathing water quality not reaching excellent on St Annes beach. Meanwhile St Annes North beach did reach excellent once a few years ago but as there are little facilities there and no dog control measures there it was unable to apply for a Blue Flag Beach Award.
10. To obtain a Seaside Award or Blue flag Award on an urban, resort-based beach, the Council does need a legitimate dog exclusion zone in place.
11. The specification is that the ban area must extend from the promenade wall to the water edge/mean low water mark to keep dogs out of the bathing area and must include the water sampling point. The Council is permitted to change the boundary line of the exclusion zone, but the water sampling point has to sit well within the bathing beach area.
12. The resolution of committee on 10 November to reduce the beach exclusion zone to a clearly defined area from the end of the pier to the end of the RNLI slipway in a straight line and not to the water line means that the Council would be unable to qualify for a Seaside Award and in turn a Blue Flag Beach Award in the future.
13. A further discussion with the EA and KBT following the above resolution has taken place. A move to change the water testing sample point location can only occur after a full 2021 season survey exercise by the Council to provide the evidence to justify it. The review will monitor visitor activity to ensure the sampling point is located in or around the vicinity of most bathers in relation to intertidal flows. This review would mean any

possible revision to the extent and boundaries of the designated bathing water area would only come into effect for the 2022 season.

14. The current bathing water designation has been in place for some time and recognises that most bathers congregate in the areas either side of the pier. As you move south past the RNLI slipway the number of bathers reduce. Similarly, as you move north past the end of the North Promenade car park the numbers of bathers reduce also. The number of visitors to the resort overall appears to have increased in recent years. It is suggested that any survey would not likely result in the size of the bathing water beach being reduced and thus the location of the water sampling point being moved.

CONCLUSION/WAY FORWARD

15. The majority of the comments made in the recent consultation on the renewal of the borough wide PSPOs for dog control refer to the methods of enforcement of the seasonal dog exclusion zone on St Annes beach undertaken by District Enforcement on behalf of the Council during 2020. The Council has now ended that arrangement and has decided to bring this role in house so will have greater flexibility in how the seasonal dog exclusion zone is managed by using education as the principal method of managing the exclusion zone, with any subsequent enforcement arrangements to be agreed going forward. A report on future education and enforcement arrangements of the PSPO's in general will be brought forward to members in the New Year by the Head of Environmental Services.
16. New beach signage in a number of locations has been agreed by members and these are due to be fabricated and installed in time for the start of the 2021 season. Once in place these will provide clear information to enable visitors to enjoy their visit safely and will be a key facet of the educational awareness aspect of managing the zone.
17. It is proposed that the extent of the current PSPO dog exclusion zone which applies to the beach and sand dunes between the slipway to St Annes Lifeboat Station and the northern end of North Promenade car park, extending seaward to the mean low water mark is renewed until October 2023. These boundaries are shown with red lines on the map below and would ensure that the beach is able in the future to qualify for a Seaside Award and Blue Flag Award. The water sampling point is overlaid and shown with a small red circle.



IMPLICATIONS	
Finance	There are no implications arising directly from this report
Legal	The report proposes renewal of the PSPO relating to the seasonal dog exclusion zone until October 2023.
Community Safety	There are no implications arising directly from this report
Human Rights and Equalities	There are no implications arising directly from this report
Sustainability and Environmental Impact	There are no implications arising directly from this report
Health & Safety and Risk Management	There are no implications arising directly from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul Walker	paul.walker@fylde.gov.uk Tel 01253 658431	4 December 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
N/A		

Attached documents:

Appendix 1 – Report to Operational Management Committee 10 November 20020- Public spaces protection orders for enforcement of dog control.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	10 NOVEMBER 2020	4
PUBLIC SPACES PROTECTION ORDERS FOR ENFORCEMENT OF DOG CONTROL			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Public spaces protection orders (PSPOs) are in place across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014.

The orders were scheduled to lapse during October 2020.

At a meeting of the Operational Management Committee in September 2020, Members agreed to delegate authority to the Director of Resources to carry out the necessary consultation process required to extend the orders. A total of 427 consultation responses were received from the public, together with responses from stakeholders, including the Kennel Club and Police, 62.3% of consultation responses were in favour of dogs on leads in amenity areas and 45.7% supported the existing PSPOs being extended for a further 3-year period.

Stakeholder responses were favourable with the police giving full support and the Kennel Club supportive of 'proportionate' dogs control orders. The consultation included a 'further comments' section which received 351 responses. Feedback varied with most concern around the amenity beach exclusion zone.

The Director of Resources considered the feedback in reaching a decision to extend the existing orders for 3 months to allow officers additional time to explore options around the amenity beach. The report asks members to consider these options in reaching a final decision on the extension of the PSPOs until January 2024.

RECOMMENDATIONS

1. Committee is asked to discuss and debate the various options around the beach exclusion zone and agree the preferred option for a replacement order
2. Committee considers whether to extend the public spaces protection orders beyond January 2021, for a further three years, including any changes to the beach exclusion order agreed in (1) above.

SUMMARY OF PREVIOUS DECISIONS

Operational Management Committee – May 2017: The committee unanimously RESOLVED to approve the recommendations to implement public spaces protection orders across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014.

Operational Management Committee – September 2020: The committee unanimously RESOLVED:

1. To extend all of the public space protection orders for a further three years,
2. To delegate authority to the Director of Resources to carry out the necessary consultation, publicity and notification and then to extend the order, unless the director considers that the order should not be extended until a response to the consultation or publicity has been considered by the committee at a special meeting.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. The borough wide PSPOs for dog control require that; dogs are kept on leads in certain locations or excluded from certain locations; and the immediate removal of dog faeces; failure to comply with a PSPO is an offence which can be dealt with by a fixed penalty notice of £100.
2. Members of the OM Committee agreed to delegate authority to the Director of Resources to carry out the necessary consultation process to extend the orders beyond October 2020, unless the director considered the consultation feedback required consideration by the OM committee.
3. The “necessary consultation” means consulting with the police, the Police and Crime Commissioner, any community representatives that the council considers appropriate to consult and (unless it is not reasonably practicable to do so) the owner of the affected land. The “necessary publicity” means publicising the proposal. The “necessary notification” means notifying the county council and any relevant parish council.
4. As part of the process a public consultation was carried out through the council’s website and on social media; it was also promoted in the local press. Correspondence was sent to a number of stakeholders to obtain views on the extension of the existing PSPOs; stakeholders included local, town and parish councilors; Lancashire County Council, the Police and Police and Crime Commissioner, The Kennel Club and Dogs Trust, Lytham Trust and Park View 4U.
5. 427 consultation responses were received through the website in addition to stakeholder feedback and several respondents emailed council officers directly with their views.
6. The consultation sought views on dog fouling, anti-social behavior, dogs on leads, exclusion areas and the renewal of the existing orders; the consultation included the opportunity for ‘further comment’ requesting additional comment on the proposal to extend the orders for a further 3 years.
7. Headline outcomes from the consultation include:
 - 67% of consultation responses were from dog owners;
 - 82% local to Fylde;
 - 37% identified uncollected dog waste as a problem in the area with public footpaths, grass verges and residential pavements were identified as the main problem areas for uncollected dog waste;
 - 27% indicated that they had been directly affected by anti-social behavior related to dogs in the past 12 months; play areas, sports fields and the beach were identified as the main areas that would benefit from a dog exclusion order;
 - 62% were supportive of the dogs on lead by direction order;
 - 31% supporting a dog on lead at all times approach; and
 - 46% were supportive of the proposal to extend the existing orders by a further 3 years
8. The ‘further comment’ section received 351 responses. Feedback was varied including comments for and against the existing measures, views on enforcement and signage, queries/concerns associated with the amenity beach exclusion zone, views on other forms of anti-social behaviour, commentary on dog/litter bins and fouling and feedback on the consultation itself.
9. Favourable feedback was received from the majority of stakeholders with the Dogs Trust, Keep Britain Tidy, Kennel Club, Police, Park View, Lytham Trust, Freckleton PC, Wesham TC and St Annes TC all responding in support of extending the existing dog control PSPOs for a further 3 years.

10. The Police commented that: 'Dog fouling/irresponsible dog owners consistently score high across the Fylde so this course of action would have my/our full support, as that is what the communities tell us matters and the PSPO would help the CSP to address'.
11. The Kennel Club and Dogs Trust provided extensive feedback and suggestion across the range of orders, with full support for dog fouling and dogs on leads by direction orders; they recognised the need for dogs to be excluded or kept on leads in certain areas such as children's play areas and on the public highway, and also provided advice with regards to alternative enforcement which is 'necessary and proportionate', with education to encourage responsible dog control and balance the interests of dog owners and other users.
12. The bulk of the feedback received from consultation responses and stakeholders, both for and against the extension of the PSPOs, centred around the amenity beach seasonal dog exclusion order, signage and enforcement. The Council welcomes constructive suggestion that will be used to assist with ongoing service delivery and improvements, including exploring alternative enforcement options and incorporating dog control information on the coastal signage initiative.
13. A range of historical bylaws were established across the borough of Fylde between 1981 and 2000, including measures covering dog control issues such as dogs on leads. One of these bylaws allowed for a seasonal dog exclusion zone on the St Annes amenity beach between 1st May – 30 September each year.
14. This bylaw applied to the beach and sand dunes at Lytham St Annes between the slipway to St Annes Lifeboat Station and the northern end of North Promenade car park, extending seaward to the mean low water mark*
* Dogs can be freely exercised off lead year-round outside the restricted area of the beach stretching towards Squires Gate one way and Lytham Quays in the opposite direction.
15. In October 2017 a PSPO was established under the Anti-Social Behaviour, Crime and Policing Act 2014 to remove the bylaw; the exclusion area was consistent with the original bylaw however, the annual commencement date was brought forward to Good Friday to include the busy Easter holiday period.
16. The government beach cleansing guidance recommends that amenity beaches should be kept clear of all litter and refuse during the summer season, which includes keeping beaches free from dog fouling.
17. Keep Britain Tidy rate facilities and the overall environment at beaches around the UK for the Seaside Award, which identifies beaches that are clean, safe, attractive and well managed. Sea water at a bathing beach is tested throughout the season. The results of which are used towards the quality rating of the beach.
18. Dog fouling is a problem on bathing beaches not only because it is undesirable but because it pollutes the sea water. It is therefore important to take steps to ensure the area is free from fouling which can include a dog ban during the main bathing season.
19. The criteria for the seaside awards stipulate that at resort style beaches (toilets, car parks, cafes etc) such as St Annes, dogs must be excluded from the award area of the beach during the bathing season; this could be limited to certain times of the day to allow more flexibility for users i.e. a timed restriction to permit dogs on the amenity early in the morning and later in the evening for daily exercise, while enforcing against dogs during the busiest part of the day when it is popular as a recreational attraction.
20. Keep Britain Tidy have confirmed that the dog exclusion zone must extend from the promenade wall to the water and include the testing point; this is consistent with the area covered by the current exclusion zone. The Director of Resources was aware of the feedback in reaching a decision to extend the existing orders for 3 months to allow officers additional time to explore options around the amenity beach.
21. Members are asked to discuss and debate the following options around the beach exclusion zone and agree the preferred choice for a replacement order:
 - Maintaining the exclusion zone area, with education and enforcement
 - As above, but include a timed restriction to permit dogs on the amenity beach early in the morning and later in the evening for daily exercise, while restricting dogs during the busiest part of the day when it is popular as a recreational attraction i.e. dogs excluded between 9am and 7pm (or other time period as agreed)

- Remove the beach exclusion zone completely – this will impact on eligibility for the seaside award

22. Members are asked to discuss and debate the various options around the beach exclusion zone and provide officers with their decision; and to approve a 3-year extension of the full range of PSPOs for dog control, to include any amendment to the amenity beach dog exclusion zone.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	There are no legal implications arising directly from this report
Community Safety	There are no community safety implications arising directly from this report
Human Rights and Equalities	There are no human rights and equalities implications arising directly from this report
Sustainability and Environmental Impact	There are no sustainability and environmental implications arising directly from this report
Health & Safety and Risk Management	There are no health and safety and risk management implications arising directly from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Kathy Winstanley	Kathy.winstanley@fylde.gov.uk Tel 01253 658634	28 th October 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
N/A		