

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

Attached documents:

Appendix 1 – Report to Operational Management Committee 10 November 2020- Public spaces protection orders for enforcement of dog control.