



Report To:	Executive Board
Date:	6 th November 2024
Subject:	New ELDC Public Spaces Protection Order (PSPO) 2024-2027
Purpose:	To Seek approval of a new Public Spaces Protection Order (PSPO) which will be in force until 2027 (3 Years). This fully replaces the previous order.
Key Decision:	Yes
Portfolio Holder:	Cllr Martin Foster
Report Of:	Christian Allen – Assistant Director Regulatory
Report Author:	David Dodds – Environmental Health Service Manager
Ward(s) Affected:	All
Exempt Report:	No

Summary

The purpose of this report is to seek approval from the Executive Board for the introduction of the attached Public Spaces Protection Order (PSPO) as the current PSPO is due to expire on 6th November 2024. Following consultation with the public, key stakeholders and Town and Parish Councils, the new Order will seek to amend the size of the seasonal dog ban areas to be the same as the blue flag award areas and introduce a restriction on street trading in specific areas of Skegness.

This process will also remove existing PSPO designations where Town or Parish Councils have not pro-actively provided their own enforcement and/or have not responded to the consultation relating to the renewal of the previous designations to the PSPO in their area.

Recommendations

That Executive Board approve the new Public Spaces Protection Order, attached in Appendix 2 to this report, for a period of 3 years, commencing from 6 November 2024.

Reasons for Recommendations

To meet the statutory requirement to review and where applicable re introduce a new PSPO every three years in order to ensure the following key issues in regard to dog control and street trading in East Lindsey can be enforced;

Dog owners failing to clean up after their pets

The need to exclude dogs from designated beach areas to maintain Blue Flag Award accreditation.

The need to control ad hoc street traders in the Skegness seafront area.

Alignment of the PSPO with the other PSPO's across S&ELCP in respect of demonstrating the means to collect dog fouling when in charge of a dog in areas designated by the order.

Other Options Considered

Not renewing the PSPO - This will leave the Council without enforcement powers to deal with dog control offences designated by the PSPO.

Not to introduce restrictions on street trading – This will mean it may be difficult to tackle people selling substandard/illegal goods from ad hoc stalls and the problem may increase.

Leave the Dog Beach Ban Areas as they are - Feedback is continually received every year that the beach ban areas are difficult to understand and people are caught out due to the size of the areas. Aligning them with the Blue Flag Award area maintains this requirement whilst making the bans easier to understand for the public and easier to manage and enforce by the Council and its partners.

1. Background

- 1.1 On 6th November 2021 Executive Board confirmed the making of a Public Spaces Protection Order (PSPO) for East Lindsey District Council under Schedule 11 of the Anti- Social Behaviour, Crime and Policing Act 2014. This Order (Appendix 1), continued and expanded on the previous order granted in November 2017 with the introduction of dog owners having to prove (when challenged) that they have the means to pick up after their dog.
- 1.2 Since the 2021 PSPO was introduced, we have found through greater enforcement that seasonal dog ban areas required reviewing to balance the requirements of the Blue Flag Award and maintaining open space accessible to people and families with pet dogs.
- 1.3 Over the past 3 years a number of key areas of Skegness have seen an increase in ad hoc street traders selling goods from makeshift stalls and trolleys. Some of these goods have been found to be poor standard and in some cases, traders have been selling illegal disposable vapes (which have been reported to trading standards). This has been a difficult issue for both the Council and Trading Standards to challenge effectively. This revision to the PSPO seeks to disrupt this activity to support legitimate businesses in the prime seafront and main shopping areas of Skegness.

1.4 In addition to the restrictions of street trading a review was also undertaken in conjunction with Lincolnshire Police around controlling street drinking. Research was undertaken by Lincolnshire Police in conjunction with the Community Safety Team the results of this are provided as Appendix 4.

2. Report

2.1 **Dog Control:-** There are a number of key controls necessary in East Lindsey;

- (i) In relation to dog owners failing to clean up after their pets and having with them the means to clear up should their pet foul on land.
- (ii) The need to exclude dogs from designated beach areas on a seasonal basis to maintain Blue Flag Award accreditation in Skegness, Mablethorpe and Sutton on Sea.
- (iii) The need to exclude dogs from paddling pool facilities in order to maintain safety of users and water quality of the facilities.
- (iv) The need to exclude dogs from any fenced area within the district where a children's play park is located.

2.2 The new PSPO seeks to maintain the above restrictions relating to dog controls but will realign the seasonal beach ban area to make it easier for the public to recognise and easier to enforce as it will cover the same area as the Blue Flag Award. This adjustment will assist with the deployment of signage during the summer season (1st May – 30th September.)

2.3 The legislation relating to PSPO's specifies that it remains valid for a maximum period of 3 years unless it is extended or a new PSPO is adopted. Before a PSPO can be introduced or extended, legislation requires full public consultation to be conducted.

2.4 During the consultation Town and Parish Councils were invited to make applications for delegated enforcement powers and to consider including any new areas or designations and to confirm existing arrangements for PSPO's in their area. No town or parish councils contacted ELDC within the timescale to request this or to request retaining their existing designations.

2.5 Consultation has been undertaken with the general public through an on-line consultation published on the Council's website during September 2024, publicised on social media and BBC Look North. We also approached Lincolnshire Police, The Police and Crime Commissioner, and Lincolnshire County Council directly to request they submit their views.

2.6 A summary of the results from this consultation is attached at Appendix 3 which shows of the 545 responses received there continues to be a high level of public support for the majority dog control suggested. There was slightly less support for the seasonal dog ban on beaches and alteration of the size of the ban area with the latter receiving the least support. There was a good level of public support for the introduction of a ban on non-permitted street trading in Skegness

2.7 **Proposed Restrictions on Street Trading – Skegness.** The revised PSPO seeks to introduce restrictions on Street Trading in the following areas:-

- a) *Grand Parade, Tower Gardens and Tower Esplanade area*
- b) *All Lumley Road*
- c) *All High Street*

This is in response to an increase in complaints over the last 3 years from concerned residents and business owners.

- 2.8 Enforcement of this activity using existing legislation is problematic. If approved, the PSPO will provide for improved, targeted enforcement which will be delegated to our enviro-crime enforcement contractors Kingdom. This will provide an effective deterrent to those carrying out this activity thereby supporting and promoting legitimate existing and new businesses in the main seafront and high footfall shopping areas.
- 2.9 The restriction will not apply to charities or other forms of legitimate street traders where appropriate permits are in place.
- 2.10 Additional signage will be erected in these areas together with a robust communications campaign on social media and other local channels.
- 2.11 **Street Drinking** - The Alignment and Delivery Plan 24/25 sought to determine whether street drinking should be added to the PSPO. This would be defined as people carrying alcohol and consuming it on the street in a manner which is causing alarm or distress to other people in the area.
- 2.12 A report of current statistics from Lincolnshire Police for crimes related to Alcohol between the years 2021 and 2023 is provided in Appendix 4.
- 2.13 Over all Incidents related to alcohol in the coastal area are comparatively higher than in the inland Wolds policing area. The number of Antisocial Behaviour (ASB) alcohol related incidents made up 12% of the total in 2023 in the coastal policing areas which covers all the main coastal towns and the market town of Alford. Street-based alcohol related ASB incidents were no more prevalent at night than in the day in Skegness but this differed in Ingoldmells and Chapel St Leonards as it increased in the night time economy between 21:00 – 04:00.
- 2.14 Lincolnshire Police provided us with heat maps of where these incidents took place and they were all in/around areas where a high number of premises were located that are licensed for the sale of alcohol.
- 2.15 This data demonstrated that at this time the focus for alcohol-related crime needs to be targeted towards premises licensed to sell alcohol (pubs, bars etc) and not to introduce restrictions related to street drinking.

3. Conclusion

- 3.1. The Council may consider extending a PSPO every three years or making a new order following a period of public consultation. The adoption of a PSPO to manage dog control in the district is a vital enforcement tool that enables the Council to proactively manage and enforce a range of dog control matters in their area.

3.2. The inclusion of street trading restrictions serves to promote legitimate business in the main coastal area and enhance the tourist appeal by encouraging the trade in goods which are legal and safe to consumers and offering a quicker response to deal with those who seek to trade in substandard or illegal items.

3.3. It is vitally important, legally and reputationally, that the Council has in place effective means to manage and enforce dog control and other matters such as street trading in its area. Effective means to manage and enforce dog control matters on beaches is a pre-requisite to maintaining our Blue Flag Award

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

Supports growth and prosperity and safe and resilient communities.

Staffing

None

Workforce Capacity Implications

None. Enforcement capacity will be met from existing resources.

Constitutional and Legal Implications

If the PSPO is not made dog control restrictions within the district will lapse and render subsequent enforcement action unlawful. The Antisocial Behaviour Crime and Policing Act 2014 requires that a PSPO can only operate for a duration of 3 years and that a new PSPO can only be introduced following a period of public consultation.

Data Protection

None

Financial

None

Risk Management

If the PSPO for dog controls is not renewed and lapses there is no recourse to enforcement powers to deal with dog fouling or other PSPO offences. Furthermore the Blue Flag accreditation arrangements which are vital to our tourist economy would be compromised.

Not providing provisions to manage and enforce dog control offences would not be in the public interest, could harm the reputation of the Council and make the district unattractive to those that live, work and visit the area.

Not tackling the issue of street trading may lead to year on year increases in the issue and see the coast become a potential hotspot for those who wish to trade in substandard or illegal goods which would damage the image of the coast as a safe place to visit.

Renewing the PSPO in town or parish council areas, where there is no commitment to or provision for enforcement of dog control matters, will undermine public confidence in the Council's ability to effectively enforce dog controls in its area.

Stakeholder / Consultation / Timescales

Full public consultation undertaken attached at Appendix 3

Reputation

See Risk above

Contracts

PSPO enforcement is generally undertaken through the current enviro-crime enforcement contract.

Crime and Disorder

An Improved response to illegal street trading and continuation of the current level of enforcement for dog fouling etc. as described.

Equality and Diversity / Human Rights / Safeguarding

Inherent in our Strategy and Policy approach to enforcement.

Health and Wellbeing

None

Climate Change and Environmental Implications

None

Acronyms

PSPO – Public Spaces Protection Order

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1	Existing PSPO
Appendix 2	New Proposed PSPO
Appendix 3	Public Consultation Results including letters as separate attachments.
Appendix 4	Lincolnshire Police Alcohol-Related Crime Statistical Review

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item in its current form has not been previously considered by a Council body'.

Report Approval

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