

**CANTERBURY CITY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PART 4, SECTION 59
PUBLIC SPACES PROTECTION ORDER**

THE ORDER

Notice is hereby given that Canterbury City Council (~the Council) has made the following Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act).

The Order shall be known as the Public Spaces Protection Order (Whitstable and Herne Bay Coastal Zone) 2022.

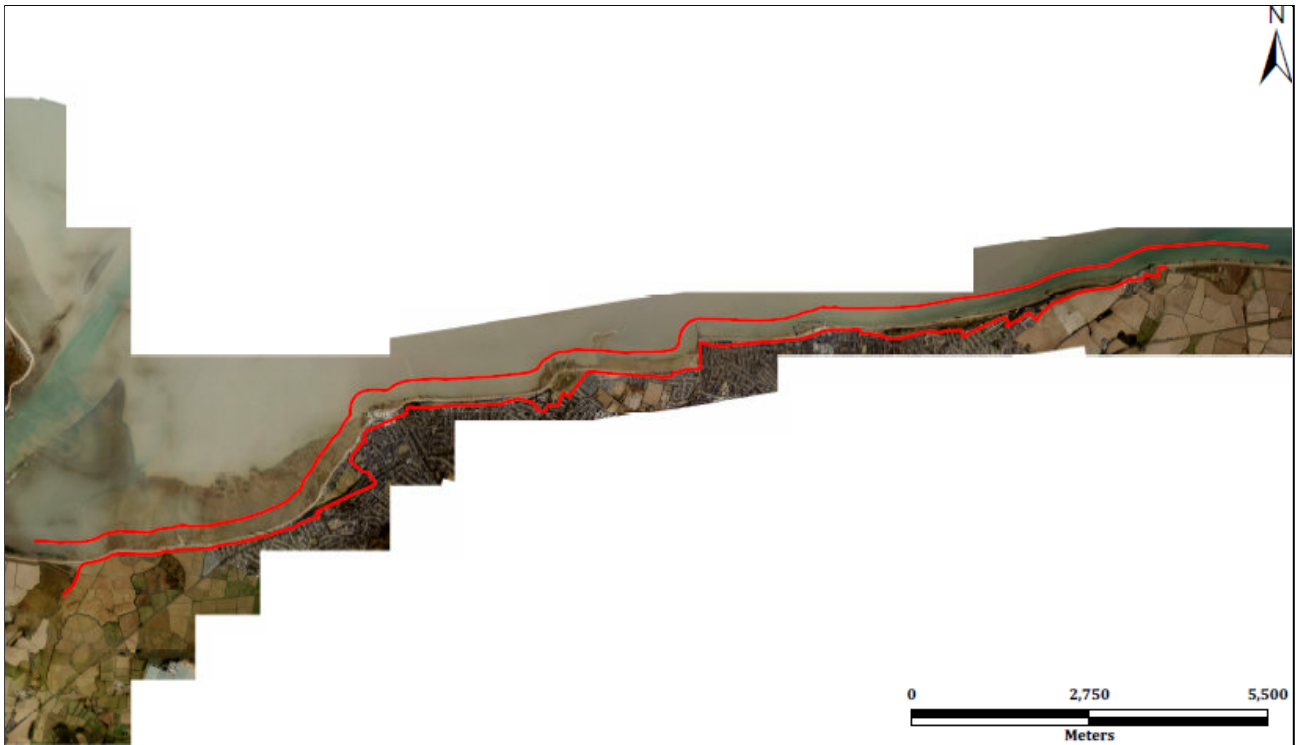
PRELIMINARY

1. The Council in making this Order is satisfied on reasonable grounds that:
 - a. The activities identified in paragraphs 6 and 7 of this Order below (~the Activities) have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - b. The effect or likely effect of the Activities:
 - i. Is, or is likely to be, of a persistent or continuing nature;
 - ii. Is, or is likely to be, such as to make the Activities unreasonable; and
 - iii. Justifies the restrictions imposed by the Order.
2. The Council is satisfied that the prohibitions and requirements imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. In making this Order the Council has given particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

AREA IN WHICH THIS ORDER APPLIES

4. This Order shall apply within the areas listed below identified inside the areas marked in red on the attached plan and known as Whitstable and Herne Bay Coastal Zone (the Restricted Area).

It shall include all public places (including land covered by water) between the line 300 metres north of the mean high tide mark southwards to the nearest highway where appropriate (Preston Parade at Seasalter) comprising all beaches, promenades, the sea wall and green spaces and specifically Faversham Road Car Park, Preston Parade slopes, Prospect Field nature reserve, West Cliff Bank, the Whitstable Harbour, Tankerton Slopes, Long Rock, Hampton Park, the Herne Bay Downs, Bishopstone and Reculver Country park.



DEFINITIONS

5. For the purposes of this Order:

- a. “*Public places*” mean any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- b. An “*Authorised Person*” means police constables, police community support officers and any person authorised by the Council to enforce this Order. Any Authorised Person must be able to present their authority upon request.
- c. The ‘*beach*’ means any area with shingle, sand or mud lying between the mean low tide mark and the seawall, promenade, paved area, cliff or grassland bordering the sea shore.

PROHIBITIONS AND REQUIREMENTS

6. Persons within the Restricted Area shall not without the permission of the Council (or where appropriate, the land owner)

- a. Urinate or defecate in any public place inside the Restricted Area (other than within designated public toilet facilities).
- b. Act in a disorderly manner so as to cause harassment, alarm, nuisance or distress to others in the locality.

- c. Light or fuel any open fire.
- d. Use, light or discard any disposable barbecue.
- e. Being in possession of any glass bottle on any beach (except where the bottle is being carried in transit).
- f. Drive, ride or be carried on any mechanically propelled vehicle.

For the avoidance of doubt this prohibition applies but is not limited to electric and motorised scooters, motorcycles. This prohibition does not apply to disabled mobility scooters/buggies or wheelchairs or electrically assisted pedal cycles on a lawful cycle route.

- g. Engage in recreational camping in any public places within the Restricted Area, including but not limited to pitching or occupying tents overnight. (sunshades, windbreaks, fishing shelters and baby shades excepted if there for a maximum of 12 hours)
- h. Remove, damage, deface or vandalise the land in the Restricted Area or any fixtures, fittings, flora and fauna therein. (lawful foraging for fruit, seaweed, samphire, fennel and mushrooms excepted)

For the avoidance of doubt this applies but is not limited to fences, barriers, gates, locks, waste bins, benches, notices and signs, trees, shrubs, flowers and digging over turf or soil for the use of metal detectors (other than on beaches and the foreshore)

- i. Harm or attempt to harm any wildlife (sea angling or lawful bait digging for personal use excepted).
- j. Enter or remain within any designated Wildlife Protection Zone if the area is temporarily or permanently marked off for the purposes of protecting wildlife.
- k. Bring or be in possession of any catapult.
- l. Climb on or jump from Council structures at Whitstable Harbour, Herne Bay Pier and breakwater and Hampton Pier.
- m. Throw stones, pebbles or anything else in a manner likely to cause alarm, injury or damage to property.
- n. Riding any bicycle without due care and attention or without due care and consideration for other users of that area.
- o. Bring, ride, beach or launch any jet ski other than in compliance with relevant bye laws and the Council registration scheme.
- p. Being in charge of any pleasure boat, windsurfer, kite board, jet ski or any other vessel and causing or permitting same to be used in a dangerous manner, without due care or attention or without reasonable consideration for other persons OR failing to comply with instructions from an Authorised Person in respect of said vessel.

7. Persons within the restricted area must:

- a. Stop drinking alcohol or hand over sealed or unsealed containers containing alcohol to an Authorised Person if asked to do so. In order to make this request the Authorised Person must only have a reasonable belief that: (i) the container contains alcohol and that (ii) the request to stop drinking or to surrender the container is necessary in order to prevent or reduce public nuisance or disorder.

8. Any person must provide their name and address if asked to do so by an Authorised Person. In order to make this request the Authorised Person must only have a reasonable belief that the person has breached paragraphs 6 or 7 of this Order.

(None of these provisions will apply to persons carrying out maintenance and improvement works with the permission of the Council or where appropriate, the landowner).

PERIOD FOR WHICH THIS ORDER HAS EFFECT

9. This Order was made on 2022 and will expire at 11.59pm on 2025 unless extended by further orders made pursuant to the Council's statutory powers.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

10. Under section 67 of the Act it is a criminal offence for a person without reasonable excuse to engage in any activity which the person is prohibited from doing by this Order, or to fail to comply with any requirement to which the person is subject under this Order.

11. A person found to be in breach of this Order under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000)

12. Alternatively, in accordance with section 68 of the Act an Authorised Person may issue a fixed penalty notice of up to £100 to anyone he or she believes has committed an offence under section 67 in relation to this Order.

Made this day of 2022

Signed X, Canterbury City Council.