

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Chief Executive: Steven Phillips

Date: 28 August 2020

Dear Member,

CABINET - WEDNESDAY, 2ND SEPTEMBER, 2020

Please find attached the following addendum reports/urgent items for consideration at the next meeting of the **Cabinet - Wednesday, 2nd September, 2020.**

Item

- a) Extension of Public Space Protection Orders at Aberavon Beach
(Pages 3 - 24)

Yours sincerely

Tammie Davies

p.p Chief Executive

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet
2 September 2020

Report of the Head of Streetcare
M. Roberts

Matter for Information

Wards Affected: ALL WARDS

Extension of Public Space Protection Orders at Aberavon Beach

1.0 Purpose of Report

1.1 To seek approval from Cabinet to extend the existing Public Spaces Protection Orders at Aberavon Beach for a further three years.

2.0 Executive Summary

2.1 The Council has for many years committed to dealing with the detrimental effects of dogs roaming freely on Aberavon Beach and Promenade, particularly during the summer period.

2.2 The Waste Enforcement team have enforced the existing Public Space Protection Orders since their introduction in October 2017, and the Dog Control By-Laws that preceded them.

2.3 The 2017 Orders are seasonal, operating between 1st May and 30th September annually when the beach and promenade are at their most populated. When operating they preclude dogs from entering a designated area of Aberavon beach and lower promenade, and prescribe that dogs must be kept on leads on the promenade during the same period.

2.4 The restrictions proposed within the proposed new 2020 Orders are the same as existing.

2.5 As part of the considering whether the existing orders should be extended when they run out this year, a six week consultation was recently carried out. As per statutory guidance, key stakeholders were sent information packs that contained all the relevant information in respect of the proposed extended Orders, and the

consultation was also made available online for public responses. There were 109 responses to the consultation with significant support for continuation of the Orders, although no direct responses were received from the Police, Kennel Club, or Dogs Trust. It is consequently proposed to extend the Orders for another three years. If the current Orders are not extended they will lapse on 20th October 2020.

3.0 Background.

- 3.1 Dog owners who fail to clean up after or control their dogs not only cause a nuisance but potentially threaten the health and wellbeing of the public. This is a particular issue on beach areas during the summer months when heavily populated with a significant number of children playing on the beach.
- 3.2 In 2017, the Council implemented Public Spaces Protection Orders at Aberavon Beach to replace the previous bylaws that were made defunct by a change in legislation. Such action was considered necessary to address the issue of ‘uncontrolled’ dogs on the basis that associated issues had previously had a detrimental effect on the quality of life for people on the seafront and beach, and would do so again if left unchecked.
- 3.3 The 2017 Orders preclude dog owners from taking their dogs onto a designated part of the beach and lower promenade from 1st May – 30th September annually, and prescribe that dogs must be kept on leads whilst on the promenade during the same period.
- 3.4 In detail, there are two Public Spaces Protection Orders, namely:
 - a. Public Spaces Protection Order 2017 (Dogs on Leads on Promenade); and
 - b. Public Spaces Protection Order 2017 (Exclusion of dogs from Aberavon Beach).
- 3.5 A public consultation was undertaken prior to the 2017 Orders being introduced and in determining what restrictions to include consideration was given to both people with and without dog who wished to visit the beach, and as a consequence certain areas were retained as ‘dog friendly’ all year round.
- 3.6 During the last two enforcement seasons, officers issued 139 Fixed Penalty Notices for breaches of the Orders and this number is

believed to represent only a small percentage of people who are still not complying with the restrictions. Notwithstanding this, both the Orders and associated enforcement have undoubtedly had a positive effect on the environment at Aberavon Beach with far fewer dogs being present on the restricted area during the summer season.

- 3.7 The existing Orders end on 20th October 2020 and consideration is required as to whether to extend them. A PSPO can only be created, renewed or extended if the Authority is satisfied, on reasonable (necessary and proportionate) grounds, that the following conditions have been met:
- a) The activities occurring in the public place have, or are likely to have, a detrimental effect on the quality of life of those in the locality.
 - b) The effect of the activities are, or are likely to be of a persistent or continuing nature, such as to make them unreasonable and justifying any restrictions or requirements imposed in the PSPO.
- 3.8 As part of considering these issues, another public consultation exercise was undertaken over a six week period which ended on 10th August 2020.
- 3.9 At the start of the process information packs were sent out to key stakeholders, including a questionnaire and notices of intent regarding extension of the orders, as follows:
- The Chief Officer of South Wales Police. (as prescribed in the guidance);
 - The Kennel Club;
 - The Dogs Trust; and,
 - The six local Members.
- 3.10 The associated documents, together with the questionnaire were also made available online with an invitation for the public to express their views.
- 3.11 Signage was also erected on the promenade at Aberavon Beach advising of the consultation process and the proposals with respect to a further three year extension of the Orders, including plans of the proposed restricted areas.

3.12 The responses to the consultation exercise have been collated and summary details are given in Appendix A. Further to the consultation it is proposed to extend the Orders for a further three years.

4.0 Financial Impact

4.1 None.

5.0 Integrated Impact Assessment

5.1 There proposed decision is simply to continue the current position and therefore no adverse impacts are expected.

6.0 Valleys Community Impacts

6.1 None.

7.0 Workforce Impacts

7.1 None.

8.0 Legal Impacts

8.1 There is no legal duty for the Authority to have any Public Spaces Protection Orders, instead it is a discretionary power. All actions in relation to the proposed extension of the existing orders have been undertaken in consultation with the Council's Legal Services.

8.2 Further to Section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014, before the time when the 2017 Orders are due to expire the Authority may extend the period for which it has effect, if it is satisfied on reasonable grounds, that doing so is necessary to prevent:

- a. Occurrence or recurrence after that time of the activities identified in the Order; or
- b. An increase in the frequency or seriousness of those activities after that time.

8.3 If the 2017 Orders are extended this must be done before they expire, that is, on 20th October 2020.

9.0 Risk Management Impacts

9.1 Should the 2017 Orders not be extended then it is expected that the anti-social behaviour associated with a lack of dog control would increase.

10.0 Consultation

10.1 As detailed above, the proposal to extend the current Orders has been subject to external consultation and details of consultation responses are given in Appendix A.

10.2 Of 109 respondents to the consultation:

- 81% lived in the Neath Port Talbot area;
- 63% were female;
- 69% were dog owners; and,
- The age group providing most responses was 40-49 year olds.

10.3 With respect to the promenade, approximately 87% of respondents agreed that there was a problem with unleashed dogs a similar percentage agreed it should be deemed an offence not to have dogs on a leash.

10.4 With respect to the beach, approximately 69% of respondents agreed that it should be deemed an offence to allow/take dogs onto the beach during the specified dates May 1st- September 30th.

10.5 No direct responses received from the Chief Police Officer, The Kennel Club or The Dogs Trust.

11.0 Human Rights

11.1 When deciding whether to extend the period for which a Public Spaces Protection Order has effect, and if so for how long, the Authority must have particular regard to the rights of freedom of expression, and freedom of assembly, as set out in Articles 10 and 11 of the European Convention on Human Rights. The restrictions imposed by the 2017 Orders, and the proposed 2020 Orders are considered proportionate for the prevention of crime and disorder.

12.0 Recommendations

12.1 It is recommended the Public Space Protection Orders set out in Appendices B and C are implemented from 19th October 2020.

13.0 Reason for Proposed Decision

13.1 To ensure that the 2017 Orders, currently operating seasonally at Aberavon Beach and Promenade, can be extended within the specified time and that enforcement action can continue.

14.0 Implementation of Decision

14.1 The decision is proposed for implementation after the three day call in Period.

15.1 List of Background Papers

15.1 None.

16.0 Appendices

Appendix A – Summary of consultation responses

Appendix B – Proposed new beach PSPO

Appendix C – Proposed new promenade PSPO

17.0 Officer contact details

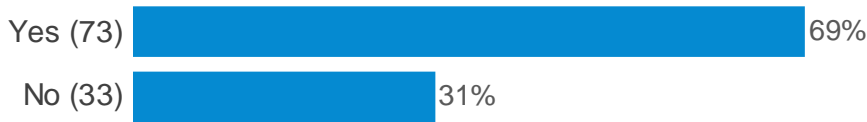
Mr Andrew Lewis, Waste and Neighbourhood Services Manager,
Tel: 01639 686021 or e-mail: a.lewis@npt.gov.uk

Aberavon Beach dog control

This report was generated on 11/08/20. Overall 108 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

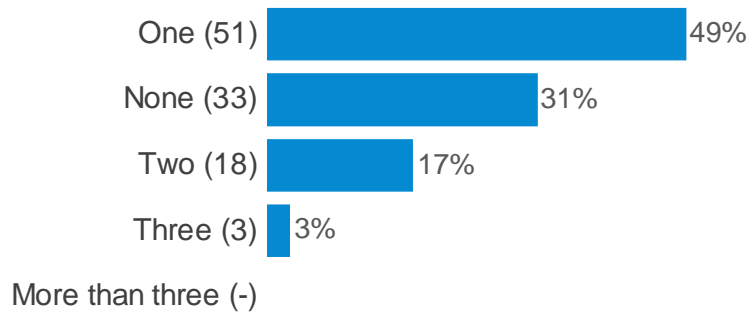
Do you own a dog(s)?



Are you a dog walker?

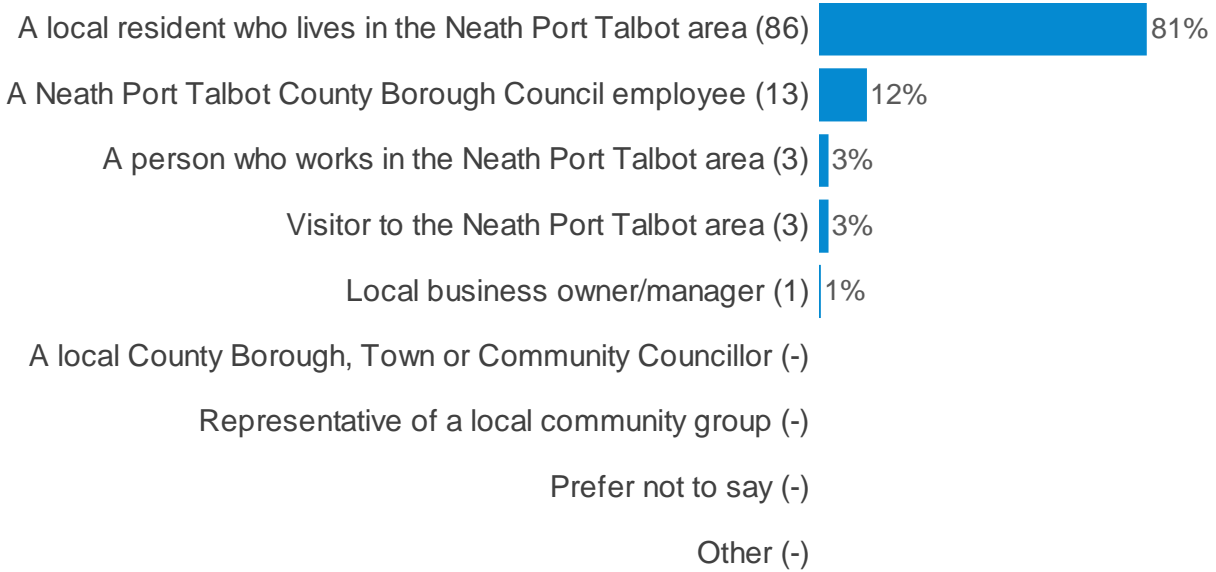


How many dogs do you walk?

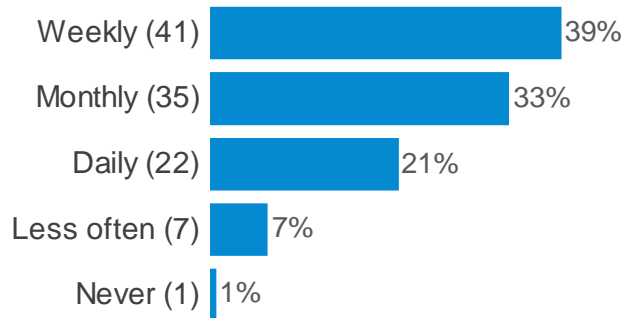


Aberavon Beach dog control

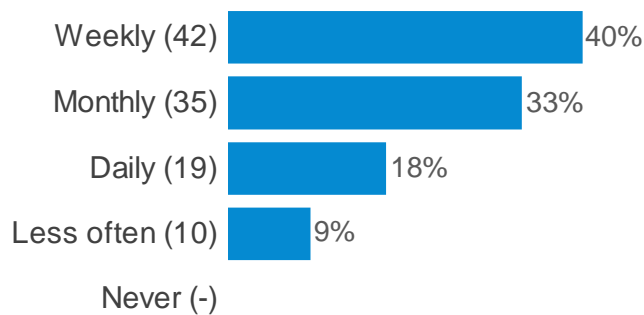
Who are you responding as?



How often do you visit Aberavon Beach?



How often to you visit the Aberavon Promenade?



Aberavon Beach dog control

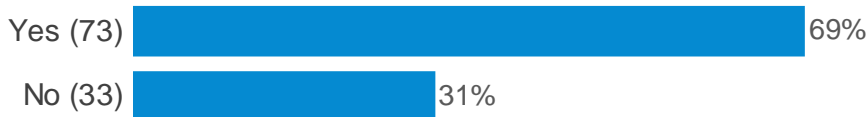
Do you think there is an issue with having dogs on Aberavon Beach during the high season between 1st May and 30th September?



Do you think there is an issue with dogs, not on leads, on Aberavon Promenade between 1st May and 30th September?



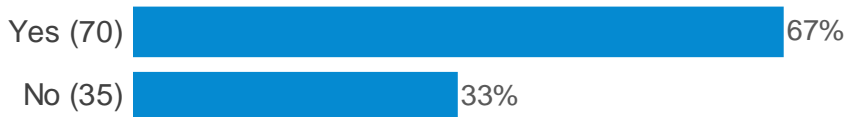
Do you think an extended PSPO to exclude dogs from Aberavon Beach (between 1st May and 30th September each year) will continue to protect local residents and visitors?



Do you think an extended PSPO to ensure dogs are kept on leads on from Aberavon Promenade (between 1st May and 30th September each year) will continue to protect local residents and visitors?



The Council is proposing to continue the existing power to make it an offence if a person in charge of a dog(s), allows that dog(s) on to Aberavon Beach between 1st March and 30th September, annually. Do you;

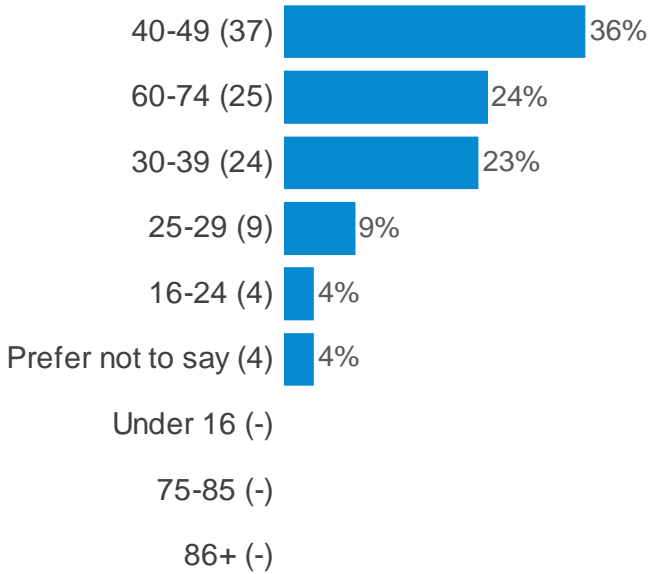


Aberavon Beach dog control

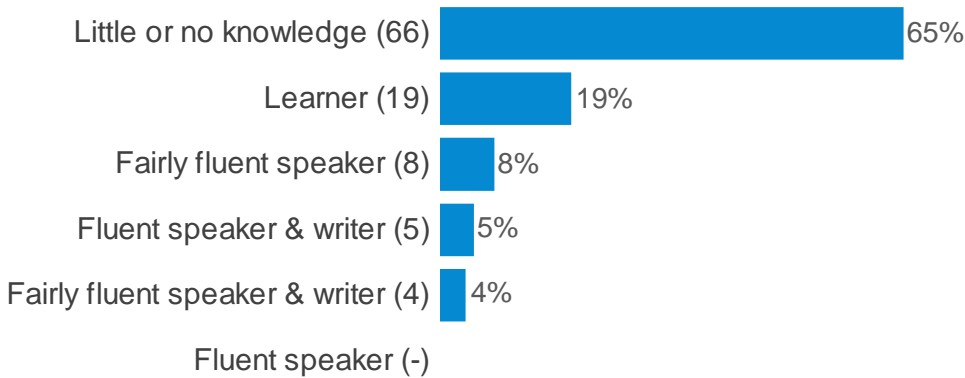
The Council is proposing to continue the existing power to make it an offence to if a person in charge of a dog(s), allows that dog(s) to be on Aberavon Promenade without a lead, between 1st March and 30th September, annually. Do you;



Age



Welsh Language – are you: (please P one answer)

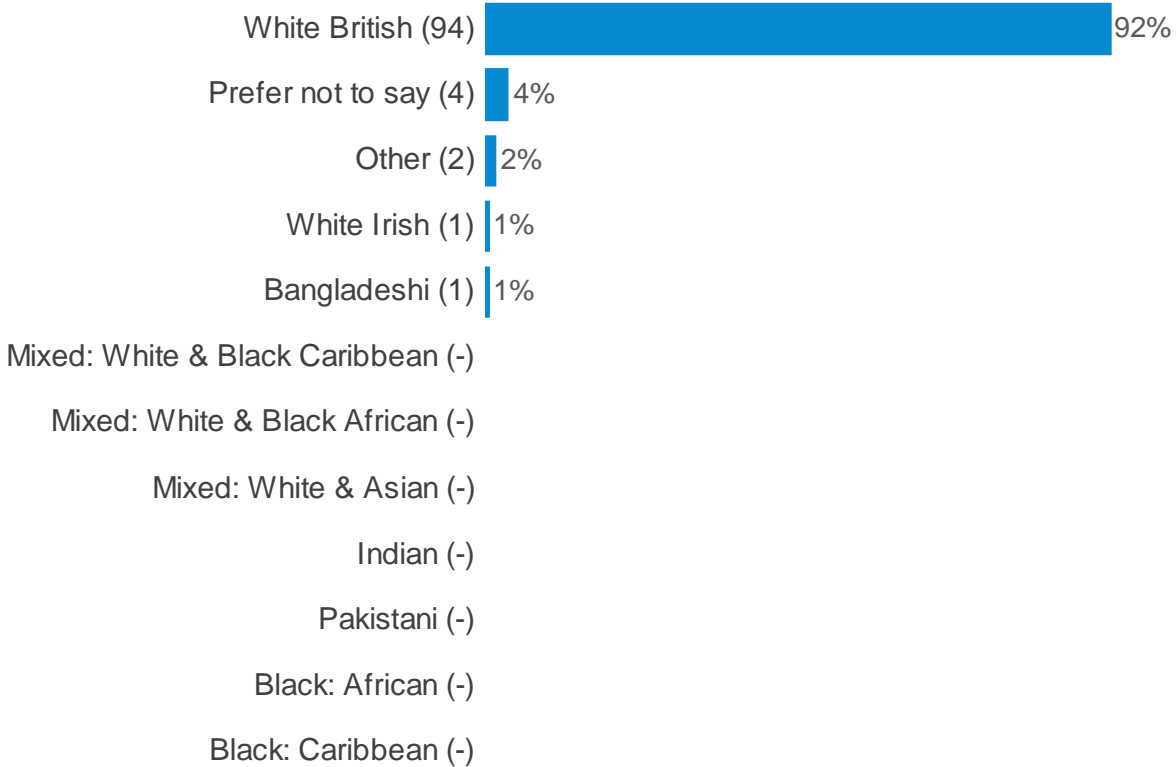


Aberavon Beach dog control

Do you consider yourself to have a disability? (please P one answer)



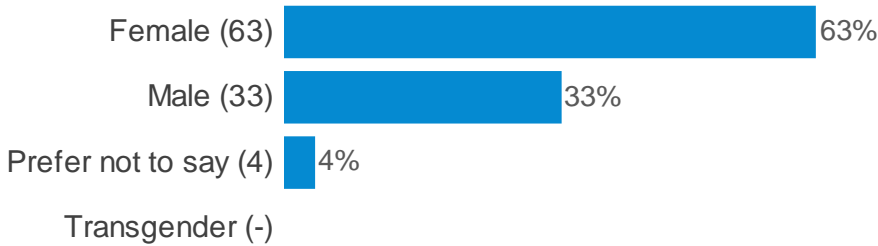
Ethnic origin: (please P one answer)



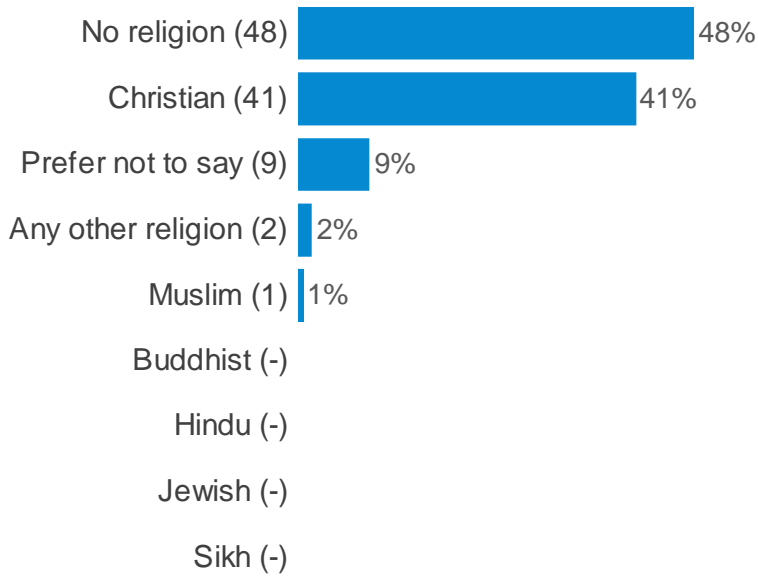
If other, please specify;

Welsh/Cypriot

Sex (please P one answer)



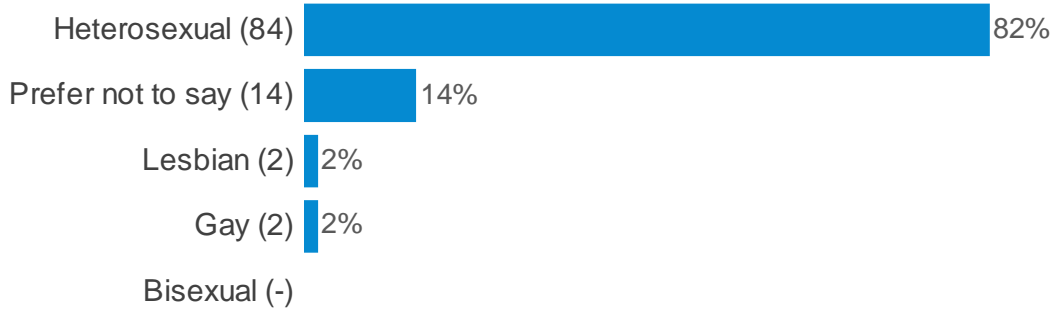
Religion/Belief: (please P one answer)



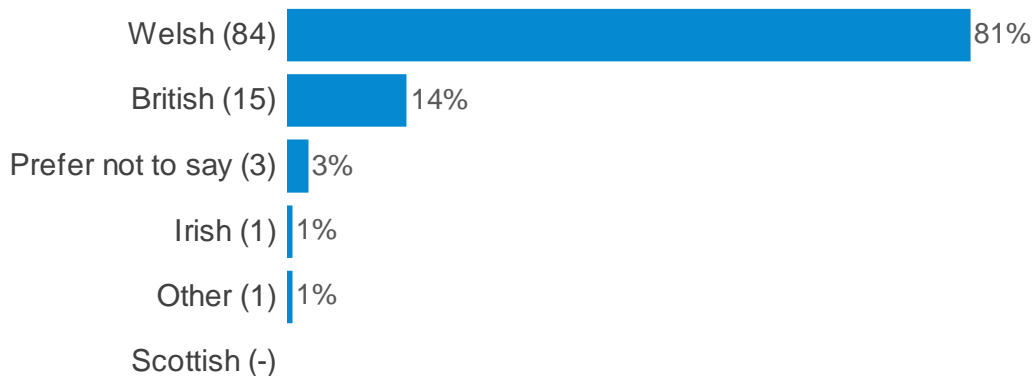
If you have another religion please specify;

Pagan
Pagan

Sexual Orientation (please P one answer)



Nationality (please P one answer)



If you have another religion please specify;

I am of English Nationality

Dogs should always be on a lead in a popular public space

Dogs should always be on a lead in public places

You left out English!

No other religion but should given a chance to comment on answers neath port talbot can put as many orders as they like on Aberavon for do

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACES PROTECTION ORDER
EXCLUSION OF DOGS FROM ABERAVON BEACH (1st MAY – 30th SEPTEMBER) ORDER 2017
(as extended 2020)

This Order may be cited as, 'Public Spaces Protection Order – Exclusion of dogs from Aberavon Beach (1st May – 30th September) Order 2017 (as extended 2020)'.

Neath Port Talbot County Borough Council (the "Council") being the appropriate local authority, and in pursuance of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (the "2014 Act"), permitted the Public Spaces Protection Order 2017 (Exclusion of dogs from Aberavon Beach) (the "Original Order") to automatically replace the previous Dog Control Order that had been in existence at Aberavon Beach.

The Council has, pursuant to Section 60 of the 2014 Act, extended the Original Order which came into force on 20th October 2017.

The Public Spaces Protection Order – Exclusion of dogs from Aberavon Beach (1st May – 30th September) Order 2017 (as extended 2020), comes into effect on 19th October 2020 at 12:00am (midnight), and will expire on 18th October 2023 at 11:59pm.

This Order applies to the land specified in Schedule 1.

This Order applies for the duration specified in Schedule 2.

Information

- a. Dogs that are allowed on Aberavon Beach can cause a nuisance and injury to members of the public, and other animals. Additionally, by allowing dogs on Aberavon Beach, it can affect the bathing water quality, and any potential fouling on the beach area during the bathing water season of 1st May to 30th September, each year.
- b. The Council is satisfied, on reasonable grounds, that the behaviour set out above has had, and is likely to continue to have, a detrimental effect on the quality of life of people within the County Borough.
- c. This Order is made with the intention of preventing, or reducing, the detrimental effects of the activities referred to above, by imposing reasonable restrictions and requirements by excluding dogs from Aberavon Beach.

Offence

1. A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 2, that person takes the dog onto, or permits the dog to enter or to remain on, the land specified in Schedule 1, unless:
 - a. That person has a reasonable excuse for doing so; or
 - b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her failing to do so.

Exemption(s)

2. The offence does not apply to a person who:
 - a. Is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - b. Is registered as, “sight impaired”, “severely sight impaired”, or as having, “sight and hearing impairments”, which, in combination have a significant effect on their day to day lives, in a register compiled under Section 18 of the Social Services and Well-being (Wales) Act 2014; or
3. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this Order, the burden of proof will be on that person to prove that they satisfy the requirements of the exemption being relied upon.

Definition(s)

4. For the purpose of this Order:
 - a. A person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time, unless, at the time when an offence under this Order has been committed, some other person is in charge of the dog;
 - b. An, “authorised person”, means a Police Constable, or a person authorised by the Council under Section 68 of the 2014 Act.

Penalty

5. A person who is guilty of an offence under this Order, shall, on summary conviction, be liable to a fine not exceeding level 3 on the standard scale (currently £1,000).

Fixed Penalty Notice

6. An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence under this Order. A person will have 14 days to pay the Fixed Penalty Notice of £75, or a discounted amount of £50, if paid within 10 days. A failure to pay the Fixed Penalty Notice will result in the Council commencing criminal proceedings at the Magistrates’ Court.

Appeal

7. In accordance with Section 66 of the 2014 Act, any interested person who wishes to challenge the validity of this Order on the grounds that:
 - a. the Council did not have the power to make the Order; or
 - b. a requirement under the 2014 Act has not been complied with.

may apply to the High Court, within six weeks from the date upon which this Order is made.

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACES PROTECTION ORDER
DOGS ON LEADS ON PROMENADE (1st MAY – 30th SEPTEMBER) ORDER 2017 (as extended
2020)

This Order may be cited as, ‘Public Spaces Protection Order – Dogs on leads on Promenade (1st May – 30th September) Order 2017 (as extended 2020)’.

Neath Port Talbot County Borough Council (the “Council”) being the appropriate local authority, and in pursuance of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (the “2014 Act”), permitted the Public Spaces Protection Order 2017 (Dogs on Leads on Promenade) (the “Original Order”) to automatically replace the previous Dog Control Order that had been in existence at Aberavon Beach.

The Council has, pursuant to Section 60 of the 2014 Act, extended the Original Order which came into force on 20th October 2017.

The Public Spaces Protection Order – Dogs on leads on Promenade (1st May – 30th September) Order 2017 (as extended 2020), comes into effect on 19th October 2020 at 12:00am (midnight), and will expire on 18th October 2023 at 11:59pm.

This Order applies to the land specified in Schedule 1.

This Order applies for the duration specified in Schedule 2.

Information

- a. When not properly supervised, and kept under control, dogs that are allowed off a lead in public areas – such as the Aberavon Promenade – can cause a nuisance and injury to members of the public, and other animals. Additionally, due to Aberavon Promenade being in the vicinity of a highway, dogs that are allowed off a lead can cause road traffic accidents.
- b. The Council is satisfied, on reasonable grounds, that the behaviour set out above has had, and is likely to continue to have, a detrimental effect on the quality of life of people within the County Borough.
- c. This Order is made with the intention of preventing, or reducing, the detrimental effects of the activities referred to above, by imposing reasonable restrictions and requirements on people whilst in charge of dogs on public land.

Offence

1. A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 2, on the land specified in Schedule 1, that person does not keep the dog on a lead, unless:
 - a. That person has a reasonable excuse for doing so; or
 - b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her failing to do so.

Definition(s)

2. For the purpose of this Order:
 - a. A person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time, unless, at the time when an offence under this Order has been committed, some other person is in charge of the dog;
 - b. An, "authorised person", means a Police Constable, or a person authorised by the Council under Section 68 of the 2014 Act.
 - c. A, "lead", means any cord, leash, rope or similar item used to control, tether or restrain a dog.

Penalty

3. A person who is guilty of an offence under this Order, shall, on summary conviction, be liable to a fine not exceeding level 3 on the standard scale (currently £1,000).

Fixed Penalty Notice

4. An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence under this Order. A person will have 14 days to pay the fixed penalty of £75, or a discounted amount of £50, if paid within 10 days. A failure to pay the Fixed Penalty Notice will result in the Council commencing criminal proceedings at the Magistrates' Court.

Appeal

5. In accordance with Section 66 of the 2014 Act, any interested person who wishes to challenge the validity of this Order on the grounds that:
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may apply to the High Court, within six weeks from the date upon which this Order is made.

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