

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet
25th June 2020

Report of the Head of Streetcare M. Roberts

Matter for Decision

Wards Affected: Sandfields East and Sandfields West

Public Space Protection Orders – Aberavon Beach

1. Purpose of Report

- 1.1. To seek approval from Cabinet to consult with external stakeholders with a view of extending the “Public Space Protection Orders 2017” at Aberavon Beach.

2. Executive Summary

Public Space Protection Orders only have a lifespan of three years. If the orders on Aberavon Beach and Promenade are to extend beyond October 2020 then a public consultation exercise needs to be completed and considered prior to October, in order to comply with legislative requirements.

3. Background.

- 3.1. For many years the Council has been committed to dealing with the detrimental environmental effects caused by uncontrolled dogs on Aberavon Beach and Promenade, particularly during the summer period.
- 3.2. Dog owners who fail to clean up after their dogs or control their animals not only cause a nuisance but potentially threaten the health and wellbeing of the public. This is particularly the case around the beach area during the summer months when there are many visitors and a significant number of children playing on the beach. To address this issue, the Council adopted the ‘Aberavon Beach Public Space Protection Orders’ in 2017, further to a change in legislation with dispensed with the former Dog Control Bylaws.

- 3.3. The PSPOs preclude dog owners from taking their dogs onto a designated part of the beach from May 1st - September 30th annually, in line with the holiday period. It also prescribes that dogs must be kept on a lead whilst on the promenade during the same period. Prior to the introduction of the orders, consideration was given to dog walkers who wished to visit the beach with their dogs, and as a consequence certain areas of the beach were omitted from the order for this purpose.
- 3.4. During the last two enforcement seasons, Waste Enforcement Officers have issued 139 Fixed Penalty Notices for a breach of the Orders. This has had a positive impact on the local environment generally, and children playing in the beach area in particular, although this number is believed to only represent a small percentage of the people who are still not complying with the requirements. Given the positive impact of the orders there is believed to be an expectation from the public that the Council will continue with controls and their policing along the Beach and Promenade during the summer periods.
- 3.5. All Public Space Protection Orders only have a lifespan of three years but can be extended at 'three year' intervals providing associated criteria is met. The expiry date for the current PSPOs in Aberavon is October 2020.
- 3.6. A PSPO can only be extended if the Local Authority concerned is satisfied on reasonable, necessary and proportionate grounds, that the following conditions have been met:
 - (1) 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; and,
 - (2) 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.
- 3.7. To extend a PSPO, a consultation exercise has to be undertaken for a minimum of 6-8 weeks to include dialogue with:
 - (1) The Chief Officer of South Wales Police;
 - (2) Any community representatives/groups that the Local Authority consider it appropriate to consult with, for example,

any particular groups that may have an interest in use of the facility such as dog walking associations, the Kennel Club or Dogs Trust; and,

- (3) The owners or occupiers of the land within the restricted area (other than land owned and occupied by the Council). In effect, members of the public who are non-dog owners who frequent the beach and any business operating at the location.

3.8. It is therefore proposed to undertake such consultation and, once completed, to report to Members detailing a summary of responses and any recommendations.

3.9. It is noted that where a Local Authority is considering extending an existing PSPO it must ratify the extension prior to the expiry date, in this case before October 2020.

4. Financial Impact

4.1. There are no financial impacts associated with this report.

5. Equality Impact Assessment

5.1. There are no equality impacts associated with this report.

6. Workforce Impact

6.1. There are no workforce impacts associated with this report other than officer time to conduct the consultation.

7. Legal Impact

7.1. The continuation of the PSPO is a discretionary power. The outcome report of the proposed public sounding exercise will be prepared in consultation with the Council's legal section.

8. Risk Management

8.1. There are no risk management issues associated with this report.

9. Consultation

9.1. The required consultation is the subject of the report.

10. Recommendations

- (1) That the Council undertakes a public consultation exercise on a proposal to extend the existing PSPOs at Aberavon Beach.
- (2) On completion of the consultation, a further report detailing a summary of responses and recommendations be presented for decision.

11. Reasons for Proposed Decision

- 11.1. To ensure that the Public Space Protection Orders currently operating seasonally at Aberavon Beach are subject to timely review so they can be extended if required.

12. Implementation of Decision

- 12.1 The decision is proposed for implementation after the three day call in period.

13. List of Background Papers

- 13.1. Nil.

14. Appendices

- 14.1. Nil.

15. Officer contact details

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