

# 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 1<sup>st</sup> May and 30<sup>th</sup> 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 20<sup>th</sup> 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 1<sup>st</sup> May – 30<sup>th</sup> 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 20<sup>th</sup> 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 10<sup>th</sup> 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 20<sup>th</sup> 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 1<sup>st</sup>- September 30<sup>th</sup>.

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 19<sup>th</sup> 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](mailto:a.lewis@npt.gov.uk)