

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.

