



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment, Regeneration and Streetscene Services Cabinet Board

14th September 2023

Report of the Head of Streetcare.

Mr. Michael Roberts

Matter for Decision

Wards Affected: Sandfields West, Sandfields East

Public Space Protection Order, Aberavon Beach and Promenade

Purpose of the Report:

To seek Cabinet Board approval to authorise a statutory consultation, with external stakeholders, on a proposal to make Public Space Protection Orders at Aberavon Beach and Aberavon Promenade under the Anti-social Behaviour, Crime and Policing Act 2014.

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 provided several tools and powers for use by local authorities to address and control a range of issues linked with anti-social behaviour. This included powers to introduce Public Space Protection Orders and

measures relating to the control of dogs. Although, the majority of dogs and their owners cause few issues, for many years the council has had in place By-laws, and in more recent years PSPOs, relating to the control of dogs on Aberavon Beach and Aberavon Promenade.

There are currently two PSPO's in force at Aberavon, namely:

Public Spaces Protection Order – Exclusion of dogs from Aberavon Beach (1st May – 30 September) Order 2017; and

Public Spaces Protection Order – Dogs on leads on Promenade (1st May – 30th September) Order 2017.

PSPOs have to be reviewed/renewed every three years and further to their initial introduction in 2017, on 2nd September 2020 Cabinet determined to extend the two current PSPO's under Section 60 of the 2014 Act. The orders are now due for review again, and unless they are further extended they will cease to have effect after 18 October 2023. There is a legal process including consultation which must be followed to extend a PSPO and this process is the same regardless of whether a local authority wants to extend or create a PSPO. Given time constraints and the fact that the process is the same, it is proposed to introduce new orders as opposed to extend the existing. This gives an opportunity for a broader review and for changes should that be desired. This report seeks permission to go to public consultation on the making of orders and contains details of the proposed consultation questionnaire. Any new orders would need be in place for 1st May 2024. The results of the consultation would be brought back to Members for decision.

Background:

General

For many years, the Council has been committed to dealing with the detrimental environmental effects caused by uncontrolled dogs on the Beach and Promenade, particularly during the summer seasonal period (from 1 May to 30 September, each year). This is also a requirement for potential 'Blue Flag' status.

To this end the Council has in place Public Space Protection Orders to preclude dog owners from taking their dogs onto a designated part of the beach from 1 May – 30 September annually, in line with the holiday period, and 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 orders for this purpose.

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 well-being of the public. This is particularly the case around the beach area during the summer months where 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. The order put in place seasonal restrictions relating to the control of dogs during the bathing season each year from 1st May to 30th September. PSPOs are only valid for three years and these PSPO's were extended for a further three years in 2020 after a public consultation.

The existing PSPOs are now due for review again, and unless they are further extended they will cease to have effect after 18 October 2023. There is a legal process including consultation which must be followed to extend a PSPO and this process is the same regardless

of whether a local authority wants to extend or create a PSPO. Given time constraints and the fact that the process is the same, it is proposed to introduce new orders as opposed to extend the existing. This gives an opportunity for a broader review and for changes should that be desired. This report seeks permission to go to public consultation on the making of orders and contains details of the proposed consultation questionnaire. Any new orders would need be in place for 1st May 2024. The results of the consultation would be brought back to Members for decision.

Enforcement

A breach of the a PSPO is a criminal offence, which can be dealt with either by way of a £75 Fixed Penalty Notice (FPN), or a prosecution resulting in a fine of up to £1,000 on conviction. Only those aged over 18 can be issued with a FPN. Enforcement is conducted by the Waste Enforcement Section within Neighbourhood Services. Officers also liaise with South Wales Police to ensure that front-line personnel such as Police Community Support Officers are also aware of the power, and how to utilise it, to help maximise the impact of the orders.

The current restrictions and associated enforcement is believed to be having a positive impact on the local environment generally, and children playing in the beach area in particular. Furthermore, given the positive impact 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.

Statutory Requirement for Consultation

There is a requirement on the Council to consult when implementing a PSPO, and a consultation exercise has to be undertaken for a minimum of 6-8 weeks. The specific wording of the legislation sets out who local authorities are obliged to consult and accordingly officers would consult with:

- The Chief Officer of South Wales Police;
- Any community representatives/groups that the local authority thinks it appropriate to consult. For example, any particular groups that may have an interest in the use of the facility such as dog walking associations; the Kennel Club, Dogs Trust etc.;
- The owners and/or occupiers of the land within the restricted area (other than land owner and/or occupied by the Council). In effect, members of the public who are non-dog owners who frequent the beach, and any business operating at that location.

We will also be consulting directly with the local Ward Members in the two wards affected.

Given the validity of the current orders are coming to an end, it is proposed to engage in a six week consultation exercise, to commence as soon as possible, via an open access online survey. The consultation would be publicised through the Council's website and social media, as well as by direct contact where possible. Public notices would also be displayed at key areas along Aberavon Beach and Promenade, inviting responses to the online survey questionnaire. Paper copies of the consultation would also be available on request. At the end of the consultation period, feedback would be collated and a report including a summary of responses and final proposals would be presented for approval.

Financial Impacts:

There are no financial impacts associated with this report.

Integrated Impact Assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix B, has indicated that a more in-depth assessment is not required. A summary is included below:-

A full impact assessment is not required as the proposals will not have any adverse impact on people with protected characteristics or people's ability the ability to use the welsh language. Generally, there is a positive impact in terms of biodiversity, with the only potential negative impact being the dispersal of dog walkers to other areas of the coast; however, as this is currently the status quo and has been for the past six years, the impact will be minimum and can be managed by an education programme if required. The initiative will also support the sustainable development principle as required by The Wellbeing of Future of Generations Wales Act.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

The implementation of PSPO's is a discretionary power and for an order to be made or extended, a local authority must be satisfied it is

reasonable and necessary to do so. The expiry date for the Current PSPOs in Aberavon is October 2023. Associated with any continuation a statutory consultation process must be undertaken and an outcome report of the proposed consultation exercise would be prepared following discussions with the Council's Legal Section.

The 'legal test' for the making of a PSPO relates to the impact of the anti-social behaviour. Section 59 of the 2014 Act, empowers local authorities to make a PSPO if they are satisfied on reasonable grounds that two conditions are met. Firstly, that:

- a) Activities carried on in a public space within the local authorities area have had a detrimental effect on the quality of life of those in the locality; and,
- b) It is likely that activities will be carried on in a public space within that area and that they will have such effect.

The second condition is that the effect of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the restrictions imposed by the PSPO.

Section 59(5) of the 2014 Act provides that the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to:

- Prevent the detrimental effect referred to above from continuing, occurring or reoccurring; or
- Reduce the detrimental effect or to reduce the risk of its continuance, occurrence of reoccurrence.

As referred to above, there is a statutory requirement for a local authority to consult with the persons and/or public bodies identified

above. Consideration of any representations received is important as when any new PSPO is made the order can be challenged in the High Court by any person directly affected by the making of an Order within six weeks of the PSPO being made.

Risk Management Impacts:

The existing PSPO's will effectively expire at the end of the current summer season. Should new PSPO's not be made then it is anticipated that anti-social behaviour associated with a lack of dog control would return and increase in the next summer season.

Consultation:

The requirement for consultation, if PSPOs are to remain in place at Aberavon Seafront, is the subject of the report.

Recommendations:

Having had due regard to the first stage Integrated Impact Assessment, it is recommended that Members:

1. Approve a six week public consultation on the proposal to make the new Public Space Protection Orders at Aberavon seafront;
2. Endorse the proposed consultation questionnaire as included as Appendix A.

Reasons for Proposed Decision:

To ensure that appropriate dog control measures continue as appropriate at Aberavon Beach and Promenade.

Implementation of Decision:

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

Appendices:

Appendix A – Proposed public consultation questions.

Appendix B – Integrated Impact Assessment

List of Background Papers:

None.

Officer Contact:

Mr James Davies, Neighbourhood Services Manager, 01639 686408,
j.davies19@npt.gov.uk