

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACES PROTECTION ORDER 2023
EXCLUSION OF DOGS FROM ABERAVON BEACH (1 MAY – 30 SEPTEMBER)

Neath Port Talbot County Borough Council (the “Council”), being the local authority, and in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the “2014 Act”), and all other enabling powers, and being satisfied that irresponsible and uncontrolled dog control activities has a detrimental effect on the quality of life of those in the locality, and that the conditions set out in Section 59 of the 2014 Act are met, hereby makes the following Public Spaces Protection Order.

This Order may be cited as, ‘Public Spaces Protection Order 2023 – Exclusion of dogs from Aberavon Beach (1 May – 30 September)’.

The Public Spaces Protection Order 2023 – Exclusion of dogs from Aberavon Beach (1 May – 30 September), comes into effect on **DAY MONTH** 2024 at 12:00am, and will remain in force for a period of three [3] years from this date, unless extended by further Orders made under the Council’s statutory powers.

This Order applies:

1. To the land, specified in Schedule 1; and
2. 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 from 1 May to 30 September, each year.

Definition(s)

1. For the purpose of this Order:
 - a. A, “*Person in Charge*”, means the person who has the dog in his/her possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession.
 - b. An, “*Authorised Officer*”, means a constable of South Wales Police, or an officer authorised by the Council under Section 68 of the 2014 Act.

Offence

2. 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[s] onto, or permits the dog[s] to enter or to remain on, the land specified in Schedule 1, unless:
 - a. That person has a reasonable excuse for doing so; and/or
 - b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her doing so.

Exemption[s]

3. The offence[s] 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 any other legislation](#); and/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 any other legislation](#); and/or
 - c. [Has a physical or mental impairment which has substantial and long-term adverse effects on the ability to carry out normal day-to-day activities including affecting his/her: mobility; manual dexterity; physical co-ordination or ability to lift; carry or otherwise move everyday objects in respect of a dog trained by a registered charity or such other charity/approved body as is considered appropriate by the Council and upon which he/she relies for assistance; and/or](#)
 - d. [Is training an assistance dog for a registered charity or such other charity/approved body as is considered appropriate by the Council; and/or](#)
 - e. Is using a working dog for purposes of: law enforcement; agriculture; or statutory emergency services; [and/or](#)
 - f. [Is not a person falling within the criteria mentioned in paragraphs 3\(a\) to 3\(e\) above, but who the Council considers should be exempt due to the impairment of that particular person](#)

4. 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.

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 Officer may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence under this Order. A Person in Charge will have fourteen [14] days to pay the fixed penalty of £75, or a discounted amount of £50, if paid within ten [10] days. A failure to pay the Fixed Penalty Notice may result in the Council or South Wales Police commencing criminal proceedings at a local 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.

