

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACES PROTECTION ORDER 2023
DOGS ON LEADS ON PROMENADE (1 MAY – 30 SEPTEMBER)**

PROPOSED ORDER

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 – Dogs on leads on Promenade (1 May – 30 September)’.

The Public Spaces Protection Order 2023 – Dogs on leads on Promenade (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.

Commented [GW1]: Carl, to insert when we know the relevant dates.

This Order applies:

1. To the land, specified in Schedule 1; and
2. For the duration, specified in Schedule 2.

Information

- a. When not properly supervised, and kept under control, dogs that are allowed off a lead in public areas can cause a nuisance and injury to members of the public, and other animals. Additionally, due to Aberavon Promenade being in the vicinity of a highway, dogs that are off a lead can cause road traffic accidents.

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.
 - c. A, “*Lead*”, means any cord, leash, rope or similar item used to control, tether or restrain a dog.

Offence[s]

2. A Person in Charge of a dog shall be guilty of an offence if, on the land specified in Schedule 1, during the periods specified in Schedule 2, a dog is not on a lead and that person does not comply with a direction given to him or her by an Authorised Officer to put and keep the dog on a Lead, 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.
3. For the purposes of Paragraph 2, an Authorised Officer shall only give a direction to put and keep a dog on a Lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or wildlife / bird on the land.

Exemption[s]

4. 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 4\(a\) to 4\(e\) above, but who the Council considers should be exempt due to the impairment of that particular person](#)
5. 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

6. 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

7. 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.

Between 1 May, up to and including 30 September, of every year after the date this Order comes into force.