



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment, Regeneration and Streetscene Services Cabinet Board

9th February 2024

**Joint Report of
Head of Streetcare, Mr. Michael Roberts,
and
Head of Leisure, Tourism, Heritage and Culture, Mr Chris
Saunders**

Matter for Decision

Wards Affected: Sandfields West, Sandfields East

Public Space Protection Order, Aberavon Beach and Promenade

Purpose of the Report:

To seek approval 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. 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. PSPOs have to be renewed every three years. It should be noted that the vast majority of dog owners are responsible and cause few issues.

There were two PSPO's in force at Aberavon, which expired on the 20th October 2023, namely:

Public Spaces Protection Order – Exclusion of dogs from Aberavon Beach (1st May – 30 September) Order 2020; and

Public Spaces Protection Order – Dogs on leads on Promenade (1st May – 30th September) Order 2020.

The PSPOs were first introduced in 2017, after the old bylaws were no longer applicable after a change in legislation. They were renewed in 2020 and are now due for renewal again. As part of establishing or renewing a PSPO there is a legal process to be followed which includes a requirement for consultation. Given time constraints and the fact that the process is the same, it was proposed to introduce new Orders from the start of the new season in May 2024 as opposed to extending the expired Orders from September 2023. This provided an opportunity for a broader review. Any replacement Orders will need be in place for 1st May 2024.

As part of reviewing the orders, a six week consultation has recently been carried out. As per statutory guidance, key stakeholders were sent information packs that contained all the relevant information in respect of the proposed replacement Orders, and the consultation was also made available online for public responses. There were 690 responses to the consultation that contained a mixed response for the

continuation of the Orders, and although no direct responses were received from South Wales Police or the Dogs Trust, a letter was received from the Kennel Club, which is shown as point 105 on Appendix B.

In answer to the queries raised by the Kennel Club, the offences do not apply to a person who has a disability which affects their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, or in respect of a dog trained by a registered charity and upon which the person relies for assistance. Appropriate signage has been in place since the original Dog Control Orders and subsequent PSPOs have been in place. In all circumstances, enforcement officers would do a dynamic assessment in this regard at the time of dealing with any enforcement issues.

A response was also received from the RSPCA, which is shown as point 106 on Appendix B.

It is recommended that the previous PSPO's are made prior to the 1st May 2024 to ensure that appropriate dog control measures continue as appropriate at Aberavon Beach and Promenade

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). A total ban of dogs entering the designated area at any time during the summer season, is also a requirement for potential 'Blue Flag' status. Reports also show that dog fouling reports rise, when the PSPOs are not in effect.

To this end, the Council has had 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 bathing water season, 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. Across circa 5km of beachfront at Aberavon, 2km of the beach is impacted by the Orders meaning more than 50% is still available for dogs to use. The restrictions proposed from May 2024 are the same as previous restrictions.

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 beach users, and a significant number of young 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 Orders 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.

South Wales Police was asked to conduct a search of their records regarding the amount of dog incidents on the beach. They identified four reported incidents in September 2021; November 2021; January 2022; and April 2022.

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 on 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.

Consultation

As part of considering renewal of the Orders, a public consultation exercise was undertaken over a six week period which ended on the 17th November 2023.

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.

The associated documents, together with the questionnaire, were also made available online with an invitation for the public to express their

views. Signage was also erected on the promenade at Aberavon Beach, Neath Civic Centre and Port Talbot Civic Centre, advising of the consultation process and the proposals with respect to the Public Space Protection Orders, including plans of the proposed restricted areas at Aberavon Beach.

The responses to the consultation exercise have been collated and summary details are given in Appendix A, with the detailed response contained in Appendices B to G. Regardless of whether consultees identified as being an owner of a dog or not, the consultation identified a significant majority in favour of implementing a Public Spaces Protection Order for Dogs to be on leads on the Promenade. The responses to the consultation in respect of implementing the Public Spaces Protection Order for Exclusion of dogs from Aberavon Beach varied greatly however. Whilst a total of 54% of overall responses were against implementing the exclusion order on the beach, further analysis of the data illustrated a significant difference in responses between dog owners and those who do not own a dog. Whilst only circa 30% of dog owners were in favour of implementing this PSPO, some 85% of those that do not own a dog called for its implementation.

Some responses requested that time of day when the restriction is applied be considered to allow periods for locals to exercise their dogs unrestricted on the whole of the beach. On enquiry, Keep Wales Tidy have confirmed that Cornwall Council has been given special dispensation by the Blue Flag National Operator, to allow time restricted dog orders on some of their 'Blue Flag' Beaches. Conversely, Keep Wales Tidy has advised it would not allow time restrictions on a 'Blue Flag' Beach in Wales, when considering this award. Aberavon Beach was awarded a Seaside Award in 2023 and an application has been submitted for the same in 2024. The beach awards are largely predicated on water quality and if results continue to improve and stabilise as they have in recent years a future Blue Flag

application will be considered. No local authorities in Wales currently use time restricted dog control orders and enforcement officers views are that the use of time restrictions is likely to lead to problems with respect to applying a consistent approach to enforcement and also confusion, with any persons found on the restricted beach area protesting a lack of knowledge of the current time. Furthermore, to date people using the beach during the early hours of the summer months may well view it as a 'safe space' without concerns for free running dogs. With a time of day restriction there would also be the likelihood of more dog fouling incidents occurring on the restricted beach area.

It is noted if changes are made to the previous PSPO restrictions then signage would also have to be replaced at an estimated cost of £2,500.

Further to considering the consultation responses it is proposed to apply the Orders used to date for a further three years.

Financial Impacts:

There are no financial impacts associated with the recommendation of this report.

Should members decide to alter or not to implement the PSPOs there would be costs relating to signage estimated around £2500.

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 J, 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 would not have any adverse impact on people with protected characteristics or people's 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 the case for many years, the impact would be minimum and can be managed by an awareness programme if required. The initiative would also support the sustainable development principle as required by The Well-being of Future Generations (Wales) Act 2015.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

The implementation of PSPOs is a discretionary power and for any Order to be made or extended, a local authority must be satisfied it is reasonable and necessary to do so. The previous PSPOs in Aberavon expired in October 2023 at the end of the bathing season.

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. First, 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 previous PSPOs expired at the end of the last summer season. Should new PSPOs 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.

Recommendations:

Having had due regard to the first stage Integrated Impact Assessment, it is recommended the Public Space Protection Orders set out in Appendices H and I are implemented before the 1st May 2024.

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 - Public consultation results summary.

Appendix B - Comments disagreeing with the PSPO at Aberavon Beach.

Appendix C - Comments in favour with the PSPO at Aberavon Beach.

Appendix D - Comments suggesting dogs having leads on Aberavon Beach.

Appendix E - Other comments.

Appendix F - Staffing suggestions.

Appendix G - Comments proposing time based restrictions.

Appendix H - Proposed beach PSPO.

Appendix I - Proposed promenade PSPO.
Appendix J - Integrated Impact Assessment.

List of Background Papers:

None.

Officer Contact:

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