

CEREDIGION COUNTY COUNCIL

Report to:	Council
Date of meeting:	21 September 2023
Title:	Public Space Protection Order – Borth Beach
Purpose of the report:	For Council to approve the extension of a Public Space Protection Order (PSPO) for a designated area of Borth beach for a further three years.
For:	Decision
Cabinet Portfolio and Cabinet Member:	Councillor Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

Background

Prior to 2014, a section of Borth beach and promenade, had in place two Dog Control Orders (DCO's) made under the Clean Neighbourhoods and Environment Act 2005 - one excluding dogs from the beach (1st May – 30th September) and one requiring dogs to be on a lead on the promenade. These DCO's covered a section of the beach not covered by a local byelaw and were put in place in 2008.

They were introduced for the following reasons: -

- 1) Borth Community Council supported the geographical extension of the existing dog byelaws because of complaints from residents and visitors regarding dog fouling and out of control dogs.
- 2) This section of the beach is part of the Blue Flag Beach assessment area. Intentionally permitting dogs on the beach during the Blue Flag assessment period means the beach is not compliant with the imperative criteria required by the Foundation for Environmental Education who run the Blue Flag Programme potentially jeopardising the Blue Flag status of Borth Beach.

Before the introduction of the Dog Control Orders in 2008, consideration was given to balancing the interests of those in charge of dogs against the interests of those affected by the activities of dogs. In doing so, it was recognised that the public, and specifically children, should have access to dog-free areas and areas where dogs are kept under strict control. In addition, those in charge of dogs require access to areas where they can exercise their dogs without undue restrictions. Council was satisfied that there was ample opportunity for the free running of dogs on the area of the beach not covered by Dog Exclusion Byelaws, thus allowing dog owners to discharge their responsibilities under the Animal Welfare Act 2006.

In 2014, the Anti-social behaviour, Crime and Policing Act 2014 introduced Public Space Protection Orders which replaced the Dog Control Orders (DCO's). Existing

Dog Control Orders remained in force until 19 October 2017 but from the 20 October 2017 they automatically became PSPOs.

Implementation of an order makes it an offence when a person in charge of a dog takes a dog onto, or permits the dog to enter or to remain on, any land to which the Order applies (with exceptions), or fails to keep a dog on a lead (with exceptions). Offenders are liable to a summary conviction and a fine not exceeding £500.

In October 2020, the PSPO in Borth was due to expire, however, Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014, permits a local authority to extend a PSPO for a further three years, where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the Order.

Current position

In order for a PSPO to be continued the Authority must be reasonably satisfied that two conditions are met, namely:

- 1) *Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect; and;*
- 2) *The effect, or likely effect, of the activities is, or is likely to be, of a persistent nature; is, or is likely to be, such as to make the activities unreasonable and justifies the restrictions imposed by the notice.*

In 2020, the Council was satisfied that these conditions continued to be met and approved its renewal for a further three years and was extended until the 19th October 2023.

In order to extend the provision, Local Government Association Guidance (May 2017) states that a review must take place every three years and where a continuation of an existing order is involved, a full consultation is **not** required. A full consultation would be needed if the geographical boundaries of the designated area were to be changed or if additional activities were to be added to the ban.

Review of existing PSPO

A review of this PSPO has been carried out by Ceredigion County Council's Public Protection.

The Authority has contacted Dyfed Powys Police, Dyfed Powys Police & Crime Commissioner and Borth Community Council all of whom have been asked their opinion as to whether the order is still effective and if there is a necessity to continue provision. None have objected to the PSPO being renewed for a further three years.

At the time of preparing this report, we had not received a formal collective response from Borth Community Council, however, we are aware that they do not wish to see the PSPO lapse. The closing date set by the county council for responses was the 13th of August. Any further delay would result in the lapsing of the order and no deterrence would be in place.

In addition, since 20th October 2020, 40 complaints have been received by the Clic call centre, regarding dogs on beaches contrary to exclusion orders and requesting that more enforcement be carried out. Of these, 10 related to Borth. It is envisaged that if the PSPO was to lapse, it would only increase the number of complaints rather than reduce them, thus increasing the demand on Public Protection resources.

As things stand, we are reasonably satisfied that the two conditions of the PSPO as stipulated (above) in legislation have both been met and the PSPO should be extended for a further three years.

The report was considered by Cabinet during its meeting held on 05/09/23 and recommended for approval by Council.

Has an Integrated Impact Assessment been completed? If, not, please state why Yes, even though it is not required as this is an extension of an existing order.

Summary:

Long term: The PSPO will be required to be reviewed pursuant to implementation every three years to ascertain if it is still required.

Collaboration: Working collaboratively with Borth Community Council and Dyfed-Powys Police to continue the effectiveness of the PSPO.

Involvement: Public Protection enforcement activity promotes compliance and promotes and protects health and safety, thereby preventing harm from occurring. There is an emphasis on prevention and intervention rather than on enforcement.

Wellbeing of Future Generations:

Public Protection enforcement activity makes a contribution to a number of the Wellbeing goals within the Well-being of Future Generation (Wales) Act 2015.

Prevention: The existing orders banning dogs on the beach has had a positive impact in reducing antisocial behaviour.

Integration: The continuation of the PSPO will allow measures to be taken to address problems associated with dog-fouling on the beach, etc., where the Order applies to.

Recommendation(s):	That Council approve an extension to the Public Spaces Protection Order (PSPO) for prohibiting dogs in a designated area of Borth beach and requiring dogs to be kept on a lead in a designated area of Borth promenade for a further 3 years from 19.10.2023 until 19.10.2026 in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.
Reason(s) for decision:	<ul style="list-style-type: none"> • The current PSPO expires on the 19th October 2023. • There is a need to facilitate a continuation of measures by way of continuing the provision of the PSPO in Borth. This is required in order to address instances of dog fouling and related antisocial behaviour such as failing to keep dogs under control. • In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.
Overview and Scrutiny:	N/A
Policy Framework:	Corporate Strategy 2022-2027
Corporate Priorities:	Boosting the Economy, Supporting Businesses and Enabling Employment
Finance and procurement Implications:	Signage is already in place but some need replacing and enforcement is carried out mainly by authorised officers of Ceredigion County Council. These costs will be met from within existing budgets.
Legal implications:	None
Staffing implications:	None
Property/asset implications:	None
Risk(s):	Not having a valid PSPO in place will have an impact on the Council's ability to deal with any dog fouling/irresponsible dog owners at Borth beach not covered by the byelaws. This may have a detrimental effect on the residents and visitors of the County and on the reputation of the Council.
Statutory Powers:	Anti-social Behaviour, Crime and Policing Act 2014
Background Papers:	None
Appendices:	Appendix A- The Dogs Exclusion (On the Beach, Borth) Order 2008

Appendix B- The Dogs on Leads (On the Promenade, Borth)
Order 2008

Appendix C- Councils 2017 Bye-laws and PSPOS relating to
dogs on beaches and promenades (Borth - page 10)

Appendix D- FEE Blue Flag Beach Criteria and Explanatory
Notes (Criteria 23)

Appendix E- Local Government Association – Public Spaces
Protection Orders – Guidance for Councils 2017

Appendix F- Integrated Impact Assessment

**Corporate Lead
Officer:**

Alun Williams, CLO: Policy, Performance & Public Protection

Reporting Officer(s):

Rachel J Mills (Public Protection Officer) & Anne-Louise
Davies (Trading Standards & Licensing Manager)

Date:

07/09/2023