

## CYNGOR SIR CEREDIGION

<b>Adroddiad i'r:</b>	Cabinet
<b>Dyddiad y Cyfarfod:</b>	5ed o Fedi 2023
<b>Teitl:</b>	Gorchymyn Diogelu Mannau Agored Cyhoeddus – Traeth y Borth
<b>Pwrpas yr adroddiad:</b>	Ceisio cymeradwyaeth gan y Cabinet i ymestyn Gorchymyn Diogelu Mannau Agored Cyhoeddus ar gyfer ardal ddynodedig o draeth y Borth am dair blynedd arall.
<b>Er:</b>	Penderfyniad
<b>Portffolio Cabinet ac Aelod Cabinet:</b>	Y Cynghorydd Matthew Vaux, Aelod Cabinet ar gyfer Partneriaethau, Gwasanaethau Tai, Cyfreithiol a Llywodraethu a Diogelu'r Cyhoedd

### Cefndir

Cyn 2014, roedd gan ran o draeth a phromenâd y Borth ddau Orchymyn Rheoli Cŵn ar waith a wnaed o dan Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 - un yn gwahardd cŵn o'r traeth (1 Mai – 30 Medi) ac un yn ei gwneud yn ofynnol i gŵn fod ar dennyn ar y promenâd. Roedd y Gorchymynion Rheoli Cŵn hyn yn cwmpasu rhan o'r traeth nad oedd wedi'i chwmpasu gan is-ddeddf leol a chawsant eu rhoi ar waith yn 2008.

Cawsant eu cyflwyno am y rhesymau canlynol: -

- 1) Roedd Cyngor Cymuned y Borth yn cefnogi estyniad daearyddol yr is-ddeddfau cŵn presennol oherwydd cwynion gan drigolion ac ymwelwyr ynglŷn â baw cŵn a chŵn allan o reolaeth.
- 2) Mae'r rhan hon o'r traeth yn rhan o ardal asesu Traeth Baner Las. Mae caniatáu cŵn ar y traeth yn fwriadol yn ystod cyfnod asesu'r Faner Las yn golygu nad yw'r traeth yn cydymffurfio â'r meini prawf hanfodol sy'n ofynnol gan y Sefydliad Addysg Amgylcheddol sy'n rhedeg Rhaglen y Faner Las a allai beryglu statws Baner Las Traeth y Borth.

Cyn cyflwyno'r Gorchymynion Rheoli Cŵn yn 2008, ystyriwyd cydbwysu buddiannau'r rhai sy'n gyfrifol am gŵn yn erbyn buddiannau'r rhai yr effeithir arnynt gan weithgareddau cŵn. Wrth wneud hynny, cydnabuwyd y dylai'r cyhoedd, ac yn benodol plant, gael mynediad i ardaloedd di-gŵn a mannau lle cedwir cŵn o dan reolaeth lem. Yn ogystal, mae'r rhai sy'n gyfrifol am gŵn angen mynediad i fannau lle gall eu cŵn gael ymarfer heb gyfyngiadau gormodol. Roedd y Cyngor yn fodlon bod digon o gyfle i gŵn redeg yn rhydd ar y rhan o'r traeth nad yw'n dod o dan Is-ddeddfau Gwahardd Cŵn, gan ganiatáu i berchnogion cŵn gyflawni eu cyfrifoldebau o dan Ddeddf Lles Anifeiliaid 2006.

Yn 2014, cyflwynodd Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 Orchmynion Diogelu Mannau Agored Cyhoeddus a ddisodlodd y Gorchmynion Rheoli Cŵn. Parhaodd y Gorchmynion Rheoli Cŵn presennol mewn grym tan 19 Hydref 2017 ond o 20 Hydref 2017 daethant yn Orchmynion Diogelu Mannau Agored Cyhoeddus yn awtomatig.

Mae gweithredu gorchymyn yn ei gwneud yn drosedd pan fydd person sydd â gofal am gi yn mynd â chi ar unrhyw dir y mae'r Gorchymyn yn berthnasol iddo (gydag eithriadau), neu'n methu â chadw ci ar dennyn (gydag eithriadau). Mae troseddwr yn agored i euogfarn ddiannod a dirwy o ddim mwy na £500.

Ym mis Hydref 2020, roedd y Gorchymyn Diogelu Mannau Agored Cyhoeddus i fod i ddod i ben, fodd bynnag, mae Adran 60 o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 yn caniatáu i awdurdod lleol ymestyn Gorchymyn Diogelu Mannau Agored Cyhoeddus am dair blynedd arall os yw'n fodlon, ar sail resymol, bod gwneud hynny yn angenrheidiol i atal y gweithgareddau a nodir yn y Gorchymyn rhag digwydd neu rhag digwydd eto.

### **Y sefyllfa bresennol**

Er mwyn parhau â Gorchymyn Diogelu Mannau Agored Cyhoeddus rhaid i'r Awdurdod fod yn rhesymol fodlon bod dau amod yn cael eu bodloni, sef:

- 1) *Mae gweithgareddau sy'n cael eu cynnal mewn man cyhoeddus yn ardal yr Awdurdod wedi cael effaith niweidiol ar ansawdd bywyd y rhai yn yr ardal, neu mae'n debygol y bydd gweithgareddau'n cael eu cynnal mewn man cyhoeddus yn yr ardal honno ac y byddant yn cael effaith o'r fath; ac;*
- 2) *Mae effaith, neu effaith debygol, y gweithgareddau o natur barhaus, neu'n debygol o fod; ac yn gwneud neu'n debygol o wneud y gweithgareddau'n afresymol ac yn cyfiawnhau'r cyfyngiadau a osodir gan yr hysbysiad.*

Yn 2020, roedd y Cyngor yn fodlon bod yr amodau hyn yn parhau i gael eu bodloni a chymeradwywyd adnewyddu'r Gorchymyn Diogelu Mannau Agored Cyhoeddus am dair blynedd arall a chafodd ei ymestyn tan 19 Hydref 2023.

Er mwyn ymestyn y ddarpariaeth, mae Canllawiau Cymdeithas Llywodraeth Leol (Mai 2017) yn datgan bod yn rhaid cynnal adolygiad bob tair blynedd a phan fydd gorchymyn presennol yn parhau, **nid oes** angen ymgynghoriad llawn. Byddai angen ymgynghoriad llawn pe bai ffiniau daearyddol yr ardal ddynodedig yn cael eu newid neu pe bai gweithgareddau ychwanegol yn cael eu hychwanegu at y gwaharddiad.

### **Adolygiad o'r Gorchymyn Diogelu Mannau Agored Cyhoeddus presennol**

Cynhaliwyd adolygiad o'r Gorchymyn Diogelu Mannau Agored Cyhoeddus hwn gan wasanaeth Diogelu'r Cyhoedd Cyngor Sir Ceredigion.

Mae'r Awdurdod wedi cysylltu â Heddlu Dyfed Powys, Comisiynydd Heddlu a Throseddu Dyfed Powys a Chyngor Cymuned y Borth a gofynnwyd i bob un ohonynt am eu barn ynghylch a yw'r gorchymyn yn dal i fod yn effeithiol ac a oes angen parhau â'r ddarpariaeth. Nid oes yr un wedi gwrthwynebu adnewyddu'r Gorchymyn Diogelu Mannau Agored Cyhoeddus am dair blynedd arall.

Ar adeg paratoi'r adroddiad hwn, nid oeddem wedi derbyn ymateb ffurfiol ar y cyd

gan Gyngor Cymuned y Borth, fodd bynnag, rydym yn ymwybodol nad ydynt yn dymuno gweld y Gorchymyn Diogelu Mannau Agored Cyhoeddus yn dod i ben. Y dyddiad cau a bennwyd gan y cyngor sir ar gyfer ymatebion oedd 13 Awst. Byddai unrhyw oedi pellach yn arwain at ddirwyn y gorchymyn i ben ac ni fyddai unrhyw ataliaeth ar waith.

Yn ogystal, ers 20 Hydref 2020, mae canolfan alwadau Clic wedi derbyn 40 o gwynion ynghylch cŵn ar draethau yn groes i orchymynion gwahardd ac yn gofyn am ragor o orfodi. O'r rhain, roedd 10 yn ymwneud â'r Borth. Pe bai'r Gorchymyn Diogelu Mannau Agored Cyhoeddus yn dod i ben, rhagwelir y byddai ond yn cynyddu nifer y cwynion yn hytrach na'u lleihau, gan gynyddu'r galw ar adnoddau Diogelu'r Cyhoedd.

Fel y mae pethau ar hyn o bryd, rydym yn weddol fodlon bod dau amod y Gorchymyn Diogelu Mannau Agored Cyhoeddus fel y nodir (uchod) wedi'u bodloni ac y dylid ymestyn y Gorchymyn Diogelu Mannau Agored Cyhoeddus am dair blynedd arall.

**Oes Asesiad Effaith Integredig wedi ei gwblhau? Os na, esboniwch pam** Oes, er nad yw'n ofynnol gan mai estyniad i orchymyn sy'n bodoli eisoes yw hwn.

**Crynodeb:**

**Hirdymor:** Bydd yn ofynnol i'r Gorchymyn Diogelu Mannau Agored Cyhoeddus gael ei adolygu yn unol â'i weithredu bob tair blynedd i weld a oes ei angen o hyd.

**Cydweithio:** Cydweithio â Chyngor Cymuned y Borth a Heddlu Dyfed-Powys i barhau ag effeithiolrwydd y Gorchymyn Diogelu Mannau Agored Cyhoeddus.

**Cynnwys:** Mae gweithgarwch gorfodi Diogelu'r Cyhoedd yn hybu cydymffurfiaeth ac yn hybu ac yn diogelu iechyd a diogelwch, a thrwy hynny yn atal niwed rhag digwydd. Mae pwyslais ar atal ac ymyrraeth yn hytrach nag ar orfodi. Mae gweithgarwch gorfodi Diogelu'r Cyhoedd yn cyfrannu at nifer o'r nodau Llesiant yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

**Atal:** Mae'r gorchymynion presennol sy'n gwahardd cŵn ar y traeth wedi cael effaith gadarnhaol o ran lleihau ymddygiad gwrthgymdeithasol.

**Integreiddio:** Bydd parhau â'r Gorchymyn Diogelu Mannau Agored Cyhoeddus yn caniatáu i fesurau gael eu cymryd i fynd i'r afael â phroblemau sy'n gysylltiedig â baw cŵn ar y traeth, ac ati, lle mae'r Gorchymyn yn berthnasol.

**Llesiant Cenedlaethau'r Dyfodol:**

<b>Argymhelliad / Argymhellion:</b>	Bod y Cabinet yn cytuno i argymell i'r Cyngor y dylid ymestyn y Gorchymyn Diogelu Mannau Agored Cyhoeddus i wahardd cŵn mewn ardal ddynodedig o draeth y Borth a'i gwneud yn ofynnol i gŵn gael eu cadw ar dennyn mewn ardal ddynodedig ar bromenâd y Borth am 3 blynedd arall o 19.10.2023 tan 18.10.2026 yn unol â Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014.
<b>Rheswm / Rhesymau dros y penderfyniad:</b>	<ul style="list-style-type: none"> <li>• Daw'r Gorchymyn Diogelu Mannau Agored Cyhoeddus cyfredol i ben ar 19 Hydref 2023.</li> <li>• Mae angen hwyluso parhad mesurau trwy barhau â darpariaeth y Gorchymyn Diogelu Mannau Agored Cyhoeddus yn y Borth. Mae angen hyn er mwyn mynd i'r afael ag achosion o few cŵn ac ymddygiad gwrthgymdeithasol cysylltiedig megis methu â chadw cŵn dan reolaeth.</li> <li>• Er mwyn cydymffurfio â gofynion statudol a sicrhau bod y ddeddfwriaeth yn cael ei gorfodi'n briodol ac yn effeithiol.</li> </ul>
<b>Trosolwg a Chraffu:</b>	Amherthnasol
<b>Fframwaith Polisi:</b>	Strategaeth Gorfforaethol 2022-2027
<b>Amcanion Llesiant Corfforaethol:</b>	Hybu'r Economi, Cefnogi Busnesau a Galluogi Cyflogaeth
<b>Goblygiadau Cyllid a Chaffael:</b>	Mae arwyddion eisoes wedi'u gosod ond mae angen amnewid rhai ohonynt a gorfodir yn bennaf gan swyddogion awdurdodedig Cyngor Sir Ceredigion. Bydd y costau hyn yn cael eu talu o fewn y cyllidebau presennol.
<b>Goblygiadau cyfreithiol:</b>	Dim
<b>Goblygiadau staffio:</b>	Dim
<b>Goblygiadau eiddo / asedau:</b>	Dim
<b>Risg(iau):</b>	Bydd peidio â chael Gorchymyn Diogelu Mannau Agored Cyhoeddus dilys yn cael effaith ar allu'r Cyngor i ddelio ag unrhyw achosion o few cŵn/perchnogion cŵn anghyfrifol ar draeth y Borth nad ydynt yn dod o dan yr is-ddeddfau. Gall hyn gael effaith andwyol ar drigolion ac ymwelwyr y Sir ac ar enw da'r Cyngor.
<b>Pwerau Statudol:</b>	Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014

<b>Papurau Cefndir:</b>	Dim
<b>Atodiadau:</b>	<p><b>Atodiad A-</b> Gorchymyn Gwahardd Cŵn (Ar y Traeth, y Borth) 2008</p> <p><b>Atodiad B-</b> Gorchymyn Cŵn ar Dennyn (Ar y Promenâd, y Borth) 2008</p> <p><b>Atodiad C-</b> Is-ddeddfau a Gorchmynion Diogelu Mannau Agored Cyhoeddus y Cyngor 2017 yn ymwneud â chŵn ar draethau a phromenadau (Borth - tudalen 10)</p> <p><b>Atodiad D-</b> Meini Prawf Traeth Baner Las y Sefydliad Addysg Amgylcheddol a Nodiadau Esboniadol (Maen Prawf 23)</p> <p><b>Atodiad E-</b> Cymdeithas Llywodraeth Leol – Gorchmynion Diogelu Mannau Agored Cyhoeddus – Canllawiau i Gynghorau 2017</p> <p><b>Atodiad F-</b> Asesiad Effaith Integredig</p>
<b>Swyddog Arweiniol Corfforaethol:</b>	Alun Williams, Swyddog Arweiniol Corfforaethol: Polisi, Perfformiad a Diogelu'r Cyhoedd
<b>Swyddog Adrodd:</b>	Anne-Louise Davies (Rheolwr Safonau Masnach a Thrwyddedu) a Rachel J Mills (Swyddog Diogelu'r Cyhoedd)
<b>Dyddiad:</b>	23/08/2023



4012

**DYDDIAD**  
DATED

**12 Mawrth**  
12 March

**2008**  
2008

**CYNGOR SIR CEREDIGION COUNTY COUNCIL**

**GORCHYMYN GWAHARDD CŴN (AR Y TRAETH, BORTH) 2008**  
**THE DOGS EXCLUSION (ON THE BEACH, BORTH) ORDER 2008**

Miss C N Jones  
Cyfarwyddwr Cynorthwyol y Gwasanaethau Cyfreithiol  
Assistant Director of Legal Services  
Cyngor Sir Ceredigion County Council  
Penmorfa  
ABERAERON  
Ceredigion

**DEDDF CYMDOGAETHAU GLÂN A'R AMGYLCHEDD 2005**  
THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

**RHEOLIADAU GORCHMYNION RHEOLI CŴN (DARPARIAETHAU AMRYWIOL) (CYMRU) 2007 (OS 2007/702) (W.59)**  
THE DOG CONTROL ORDERS (MISCELLANEOUS PROVISIONS) (WALES) REGULATIONS 2007 (SI 2007/702) (W.59)

**Mae CYNGOR SIR CEREDIGION drwy hyn yn gwneud y Gorchymyn a ganlyn:**  
CYNGOR SIR CEREDIGION COUNTY COUNCIL hereby makes the following Order:

**GORCHYMYN GWAHARDD CŴN (AR Y TRAETH, BORTH) 2008**  
THE DOGS EXCLUSION (ON THE BEACH, BORTH) ORDER 2008

**Daw'r Gorchymyn hwn i rym ar y diwrnod 1<sup>af</sup> o Ebrill 2008.**  
This Order comes into force on the 1<sup>st</sup> day of April 2008.

**Mae'r Gorchymyn hwn yn gymwys i'r tir a bennir yn yr Atodlen amgaeedig.**  
This Order applies to the land specified in the Schedule attached.

**Y TRAMGWYDD**  
OFFENCE

- (1) Bydd person sydd â chyfrifoldeb dros gi yn euog o dramgwydd, yn ystod y cyfnod a bennir yn Atodlen 2, os bydd y person hwnnw yn mynd â'r ci ar unrhyw dir y mae'r Gorchymyn hwn yn gymwys iddo, neu yn caniatáu iddo fynd arno neu aros arno oni bai:-
- (a) bod gan y person hwnnw esgus rhesymol dros wneud hynny; neu
  - (b) bod perchennog y tir, meddiannydd y tir neu berson neu awdurdod arall sydd â rheolaeth dros y tir, wedi cydsynio (yn gyffredinol neu yn benodol) i'r person hwnnw wneud hynny.
- (1) A person in charge of a dog shall be guilty of an offence if, during the period specified in Schedule 2, that person takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless:-

- (a) that person has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person doing so

**(2) Nid oes dim yn yr erthygl hon yn gymwys i berson:-**

- (a) sydd wedi'i gofrestru fel person dall mewn gofrestr a luniwyd o dan adran 29 o'r Ddeddf Cymorth Gwladol 1948; neu
- (b) sydd yn fyddar, mewn perthynas â chi wedi'i hyfforddi gan Hearing Dogs for Deaf People (elusen gofrestedig rhif 293358) ac y mae'r person hwnnw yn dibynnu arno am gymorth; neu
- (c) sydd ag anabledd sy'n effeithio ar symudedd, ei ddeheurwydd llaw, ei gydlynedd corfforol, neu ei allu i godi, i gario neu i symud teclynnau beunyddiol, mewn perthynas â chi wedi ei hyfforddi gan elusen ragnodedig ac y mae'r person hwnnw yn dibynnu arno am gymorth.

**(2) Nothing in this article applies 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
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance; or
- (c) has a disability which affects that person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance

**(3) At ddibenion yr erthygl hon:-**

- (a) cymerir bod person y mae ci fel rheol yn ei feddiant â chyfrifoldeb dros y ci hwnnw ar unrhyw adeg onid oes rhyw berson arall â chyfrifoldeb dros y ci hwnnw ar yr adeg honno;  
a
- (b) mae pob un o'r canlynol yn "elusen a ragnodwyd":-
  - (i) Dogs for the Disabled (elusen gofrestedig rhif 700454);
  - (ii) Support Dogs (elusen gofrestedig rhif 1088281);
  - (iii) Canine Partners for Independence (elusen gofrestedig rhif 803680)

**(3) For the purposes of this article:-**

- (a) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
- (b) each of the following is a "prescribed charity":-
  - (i) Dogs for the Disabled (registered charity number 700454);
  - (ii) Support Dogs (registered charity number 1088281);
  - (iii) Canine Partners for Independence (registered charity number 803680)



**Y GOSB  
PENALTY**

**Bydd person sy'n euog o dramgwydd on dan erthygl 3 yn agored, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 3 ar y raddfa safonol.**

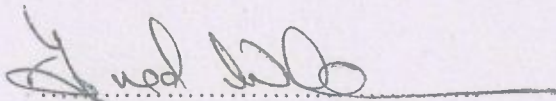
A person who is guilty of an offence under article 3 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Dyddiedig y 12<sup>fed</sup> o Fawrth 2008**  
Dated this 12<sup>th</sup> day of March 2008.

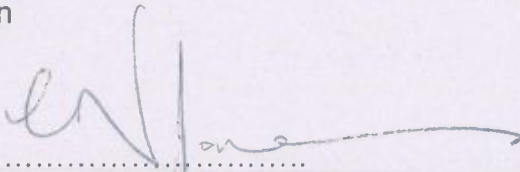
**Gosodwyd Sêl Gyffredin CYNGOR SIR CEREDIGION yma ym mhresenoldeb:-**

The Common Seal of CYNGOR SIR CEREDIGION COUNTY COUNCIL was affixed hereto in the presence of:-

4 0 1 2



**Cadeirydd**  
Chairman



**Cyfarwyddwr Cynorthwyol y Gwasanaethau Cyfreithiol**  
Assistant Director of Legal Services



# LOWER BORTH BEACH (4)



DOG BAN AREA



PROPOSED DOG BAN AREA



DOGS ON LEAD AREA

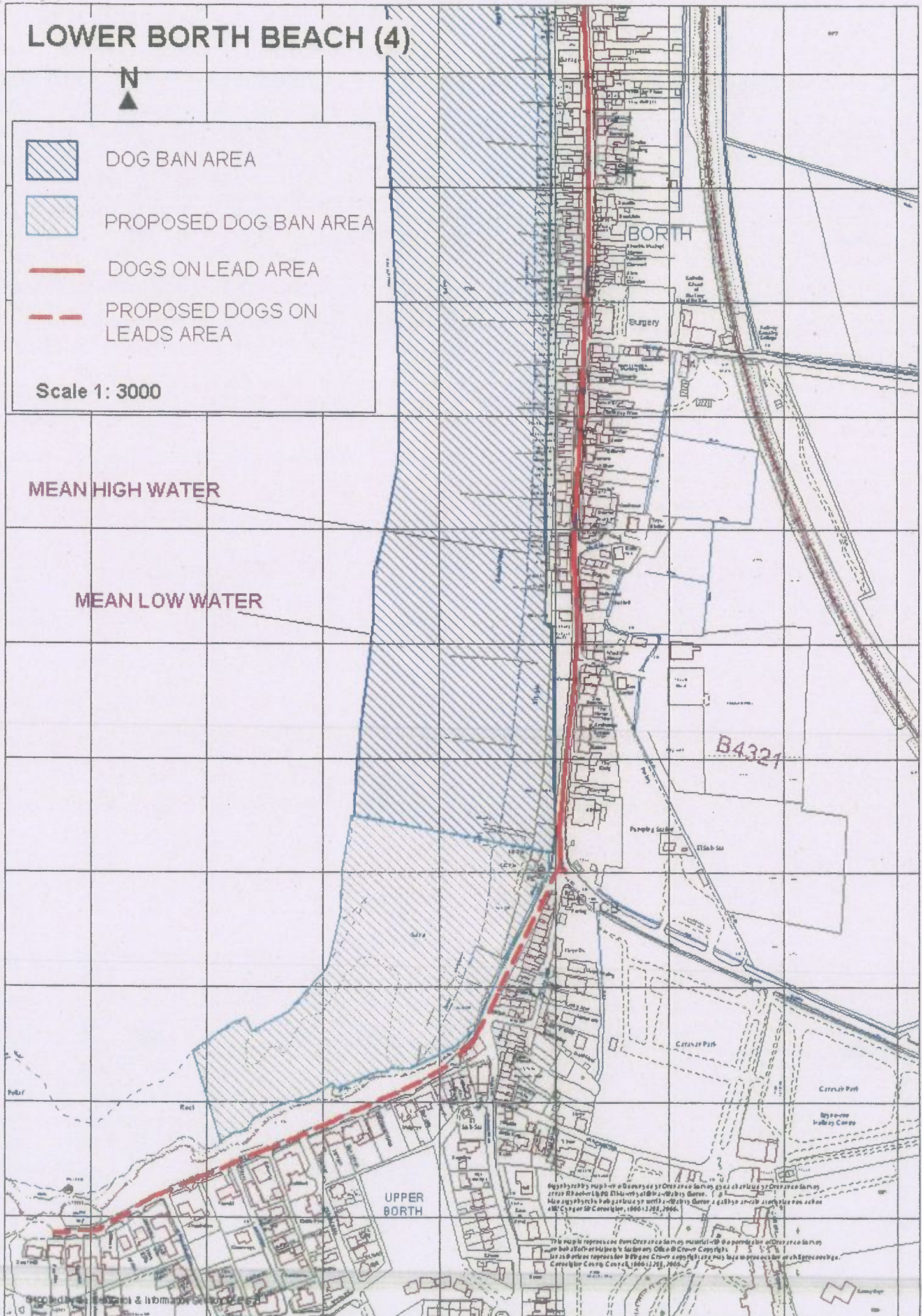


PROPOSED DOGS ON LEADS AREA

Scale 1: 3000

MEAN HIGH WATER

MEAN LOW WATER



**ATODLEN 1**  
**SCHEDULE 1**

**DISGRIFIAD O'R TIR Y MAE'R GORCHYMYN YN BERTHNASOL IDDO**  
**DESCRIPTION OF LAND TO WHICH THE ORDER APPLIES**

**Mae ardal y traeth yn Borth o'r slipwê ger Gorsaf y Bad Achub i'r Clogwynni ar ochr ddeheuol y traeth, hyd at bwynt gyferbyn â'r anheddau a elwir yn Redroofs.**

The Beach area in Borth from the slipway at the Lifeboat Station to the Cliffs at the south end of the beach, to a point opposite premises known as Redroofs.

**ATODLEN 2**  
**SCHEDULE 2**

**CYFNOD Y MAE'R DROSEDD YN BERTHNASOL IDDO**  
**PERIOD DURING WHICH THE OFFENCE IS TO APPLY**

**Rhwng 1 Mai a 30 Medi gan gynnwys y dyddiadau hynny yn ystod unrhyw flwyddyn.**

Between 1 May and 30 September inclusive in any year.

4 0 1 3



**DYDDIAD**  
DATED

**12 Mawrth**  
12 March

**2008**  
2008

**CYNGOR SIR CEREDIGION COUNTY COUNCIL**

**GORCHYMYN GWAHARDD CŴN (AR Y PROMENÂD, BORTH) 2008**  
**THE DOGS ON LEADS (ON THE PROMENADE, BORTH) ORDER 2008**

Miss C N Jones  
Cyfarwyddwr Cynorthwyol y Gwasanaethau Cyfreithiol  
Assistant Director of Legal Services  
Cyngor Sir Ceredigion County Council  
Penmorfa  
ABERAERON  
Ceredigion

**ADDF CYMDOGAETHAU GLÂN A'R AMGYLCHEDD 2005**  
**THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

**RHEOLIADAU GORCHMYNION RHEOLI CŴN (DARPARIAETHAU AMRYWIOL) (CYMRU) 2007 (OS2007/702) (W.59)**  
**THE DOG CONTROL ORDERS (MISCELLANEOUS PROVISIONS) (WALES) REGULATIONS 2007 (SI 2007/702) (W.59)**

**Mae CYNGOR SIR CEREDIGION drwy hyn yn gwneud y Gorchymyn a ganlyn:**  
CYNGOR SIR CEREDIGION COUNTY COUNCIL hereby makes the following Order:

**GORCHYMYN CŴN AR DENNYN (AR Y PROMENÂD, BORTH) 2008**  
**THE DOGS ON LEADS (ON THE PROMENADE, BORTH) ORDER 2008**

**Daw'r Gorchymyn hwn i rym ar y diwrnod 1<sup>af</sup> o Ebrill 2008.**  
This Order comes into force on the 1<sup>st</sup> day of April 2008.

**Mae'r Gorchymyn hwn yn gymwys i'r tir a bennir yn yr Atodlen amgaaedig.**  
This Order applies to the land specified in the Schedule attached.

**Y TRAMGWYDD**  
**OFFENCE**

- (1) Bydd person sydd â chyfrifoldeb dros gi yn euog o dramgwydd, yn ystod y cyfnod a bennir yn Atodlen 2, ar unrhyw dir y mae'r Gorchymyn hwn yn gymwys iddo, os na fydd y person hwnnw yn cadw'r ci ar dennyn, oni bai:-
- (a) bod gan y person hwnnw esgus rhesymol dros fethu â gwneud hynny; neu
  - (b) bod perchennog y tir, meddiannydd y tir neu berson neu awdurdod arall sydd â rheolaeth dros y tir wedi cydsynio (yn gyffredinol neu'n benodol) i'r person hwnnw fethu â gwneud hynny.
- (1) A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 2, on any land to which this Order applies that person does not keep the dog on a lead, unless:-

- (a) that person has a reasonable excuse for failing to do so; or  
(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so
- (2) **At ddibenion yr erthygl hon cymerir bod person y mae ci fel rheol yn ei feddiant â chyfrifoldeb dros y ci hwnnw ar unrhyw adeg onid oes rhyw berson arall â chyfrifoldeb dros y ci hwnnw ar yr adeg honno.**
- (2) For the purposes of this article a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Y GOSB**  
PENALTY

**Bydd person sy'n euog o dramgwydd o dan erthygl 3 yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.**  
A person who is guilty of an offence under article 3 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Dyddiedig y 12<sup>fed</sup> o Fawrth 2008**  
Dated this 12<sup>th</sup> day of March 2008.

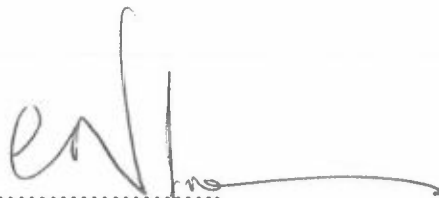
**Gosodwyd Sêl Gyffredin CYNGOR SIR CEREDIGION yma ym mhresenoldeb:-**

The Common Seal of CYNGOR SIR CEREDIGION COUNTY COUNCIL was affixed hereto in the presence of:-

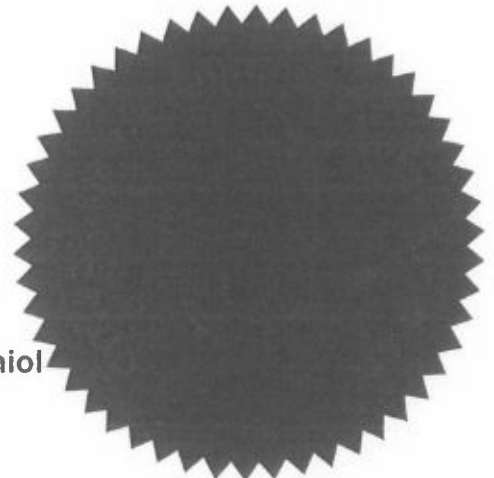
4 0 1 3



**Cadeirydd**  
Chairman



**Cyfarwyddwr Cynorthwyl y Gwasanaethau Cyfreithiol**  
Assistant Director of Legal Services



**Is-ddeddfau a Gorchmynion  
Gwarchod Gwagleoedd  
Cyhoeddus (PSPO)  
yn ymwneud â chŵn ar  
draethau a phromenadau**



Cyngor Sir  
**CEREDIGION**  
County Council

# IS-DDEDDFAU AR GYFER TRAETHAU A PHROMENADAU

Is-ddeddfau a wnaed gan Gyngor Sir Ceredigion yn unol ag Adrannau 82 ac 83 Deddf Diwygio Deddfau Iechyd y Cyhoedd 1907 ac Adran 235 Deddf Llywodraeth Leol 1972 ar gyfer glan y môr a'r promenadau.

## LLEOLIADAU

1. (1) Mae Is-ddeddfau 3 a 4 yn berthnasol i bob traeth sy'n rhan o'r glan môr a ddisgrifir yn Atodlen 1 ac a elwir yma wedi hyn "y Traeth" ac i unrhyw riu neu risiau sy'n arwain at unrhyw un o'r traethau hynny.

(2) Mae Is-ddeddf 5 yn berthnasol i bob un o'r promenadau a ddisgrifir yn Atodlen 2 ac a elwir yma wedi hyn "y Promenâd".

(3) Rhoddir gwybod am effaith yr Is-ddeddfau hyn drwy osod arwyddion mewn lleoedd amlwg ar y ffordd i'r Traeth a'r Promenâd.

## DEHONGLIAD

2. Yn yr Is-ddeddfau hyn:

(1) Mae "y Cyngor" yn golygu Cyngor Sir Ceredigion.

(2) At ddibenion yr Is-ddeddfau hyn bernir mai ceidwad y ci sydd â gofal amdano oni bai bod y ci wedi ei roi yng ngofal rhywyn arall pan ddaeth ar y traeth neu pan oedd yno.

(3) Ym mharagraff (2) uchod bydd "y Ceidwad" yn cynnwys perchennog y ci neu unrhyw un sydd ag ef yn ei feddiant yn rheolaidd.

## CŴN AR Y TRAETH

3. Rhwng 1 Mai a 30 Medi gan gynnwys y dyddiadau hynny bob blwyddyn, bydd unrhyw un (ac eithrio person sydd wedi ei gofrestru'n ddall) sydd â chi yn ei ofal ac heb esgus digonol yn caniatáu i'r ci hwnnw fynd ar y Traeth neu aros yno, yn euog o drosedd.

4. Caiff Swyddog y Cyngor neu unrhyw gwnstabl orfodi person â chi yn ei ofal sydd wedi mynd ar y Traeth fynd â'r ci o'r Traeth.



## CWN AR DENNYN

5. Rhwng 1 Mai a 30 Medi gan gynnwys y dyddiau hynny bob blwyddyn bydd unrhyw un â chi yn ei ofal ac sydd, heb esgus digonol, yn caniatáu i'r ci fynd ar y Promenâd neu aros yno, heb fod ar dennyn a heb ei rwystro rhag ymddwyn mewn modd a fyddai'n sail resymol dros annifyrrwch, yn euog o drosedd.

## COSB

6. Bydd unrhyw un a fydd yn troseddu yn erbyn Is-ddeddfau 3 neu 5 yn agored, ar gollfarn ddiannod, i ddirwy heb fod yn fwy na Lefel 2 ar y raddfa safonol.

## CADW HAWLIAU'R GORON A HAWLIAU ERAILL

7. Ni fydd dim yn yr Is-ddeddfau uchod yn cael ei ystyried neu ei weithredu yn hawl gan, neu ar ran, y Goron fel perchennog unrhyw ran o'r blaendraeth a gwely'r môr dan farc y llanw uchel, ar unrhyw ystad neu fudd mewn, neu hawl dros y cyfryw ran o'r blaendraeth a gwely'r môr ac ni chaiff dim yn y darpariaethau uchod neu a wneir drwy ddarpariaethau'r Is-ddeddfau uchod mewn unrhyw fodd ragfarnu neu andwyo hawliau a buddiannau'r Goron yn y cyfryw flaendraeth a gwely'r môr neu rwystro

gweithredu unrhyw hawl gyhoeddus neu ragfarn neu andwyo unrhyw hawl, pŵer neu frain ymarferadwy yn gyfreithiol gan unrhyw un dros ac mewn perthynas â'r blaendraeth a gwely'r môr.

## ATODLEN 1

“Y ci sy'n cael ei wahardd o'r traeth” y cyfeirir ato yn is-ddeddfau 3 a 4 yw'r ardal â llinellau glas ar y cynllun sydd ynghlwm wrth yr is-ddeddfau hyn.

## ATODLEN 2

“Y promenadau” y cyfeirir atynt yn is-ddeddf 5 yw'r ardal sydd wedi'i lliwio'n felyn ar y cynllun sydd ynghlwm wrth yr is-ddeddfau hyn.



# PSPO AR GYFER TRAETHAU A PHROMENADAU

Yn dilyn cyflwyno Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014, cyflwynwyd Gorchymyn Gwarchod Gwagleoedd Cyhoeddus (PSPO) gan alluogi awdurdodau lleol i barhau i weithredu unrhyw gyfyngiadau a oedd mewn grym dan y Gorchymynion Rheoli Cŵn blaenorol.

Nod PSPO yw cadw traethau'n fwy diogel a glân drwy wahardd cŵn ar y traeth a mynd i'r afael hefyd â phroblem cŵn sydd allan o reolaeth ac sy'n cael rhedeg yn rhydd heb dennyn ar y promenâd.

## GORCHYMYN HYSBYSU

Mae Cyngor Sir Ceredigion drwy hyn yn gwneud y Gorchymynion a ganlyn:

- GORCHYMYN GWAHARDD CŴN (AR Y TRAETH, BORTH) 2008
- GORCHYMYN CŴN AR DENNYN (AR Y PROMENÂD, BORTH) 2008

Daw'r Gorchymyn hwn i rym ar y diwrnod 1<sup>af</sup> o Ebrill 2008. Mae'r Gorchymyn hwn yn gymwys i'r tir a bennir yn Atodlen 1 isod.

## TROSEDD

1. Bydd person â chyfrifoldeb am gi yn euog o drosedd os bydd y person hwnnw, rhwng 1 Mai a 30 Medi gan gynnwys y dyddiadau hynny bob blwyddyn, yn mynd â'r ci ar unrhyw dir y mae'r Gorchymyn hwn yn gymwys iddo, neu yn caniatáu iddo fynd arno neu aros arno, ac nad yw'n cadw'r ci ar dennyn, oni bai :

- (a) bod gan y person hwnnw esgus rhesymol dros wneud hynny; neu
- (b) bod perchennog y tir, meddiannydd y tir neu berson neu awdurdod arall â rheolaeth dros y tir, wedi cydsynio (yn gyffredinol neu yn benodol) i'r person hwnnw wneud hynny.

2. Nid oes dim yn yr erthygl hon yn gymwys i berson:

- (a) sydd wedi'i gofrestru'n berson dall mewn cofrestr a luniwyd yn unol ag Adran 29 Deddf Cymorth Gwladol 1948;
- (b) sydd yn fyddar, mewn perthynas â chi wedi'i hyfforddi gan Hearing Dogs for Deaf People (elusen gofrestredig rhif 293358) ac y mae'r person hwnnw yn dibynnu arno am gymorth;
- (c) sydd ag anabledd sy'n effeithio ar symudedd y person hwnnw, ei ddehurwydd llaw, ei gydlynedd corfforol neu ei allu i godi, cario neu symud gwrthrychau bob dydd, mewn perthynas â chi wedi ei hyfforddi gan elusen ragnodedig ac y mae'r person hwnnw yn dibynnu arno am gymorth.

### 3. At ddibenion yr erthygl hon:

(a) cymerir bod gan berson y mae ci yn ei feddiant bob amser gyfrifoldeb dros y ci hwnnw ar unrhyw adeg oni bai bod gan berson arall gyfrifoldeb dros y ci hwnnw ar yr adeg honno; a

(b) mae pob un o'r canlynol yn "elusen a ragnodwyd":

- Dogs for the Disabled (elusen gofrestrdig rhif 700454)
- Support Dogs (elusen gofrestrdig rhif 1088281)
- Canine Partners for Independence (elusen gofrestrdig rhif 803680)

### COSB

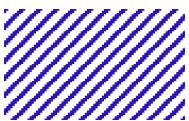
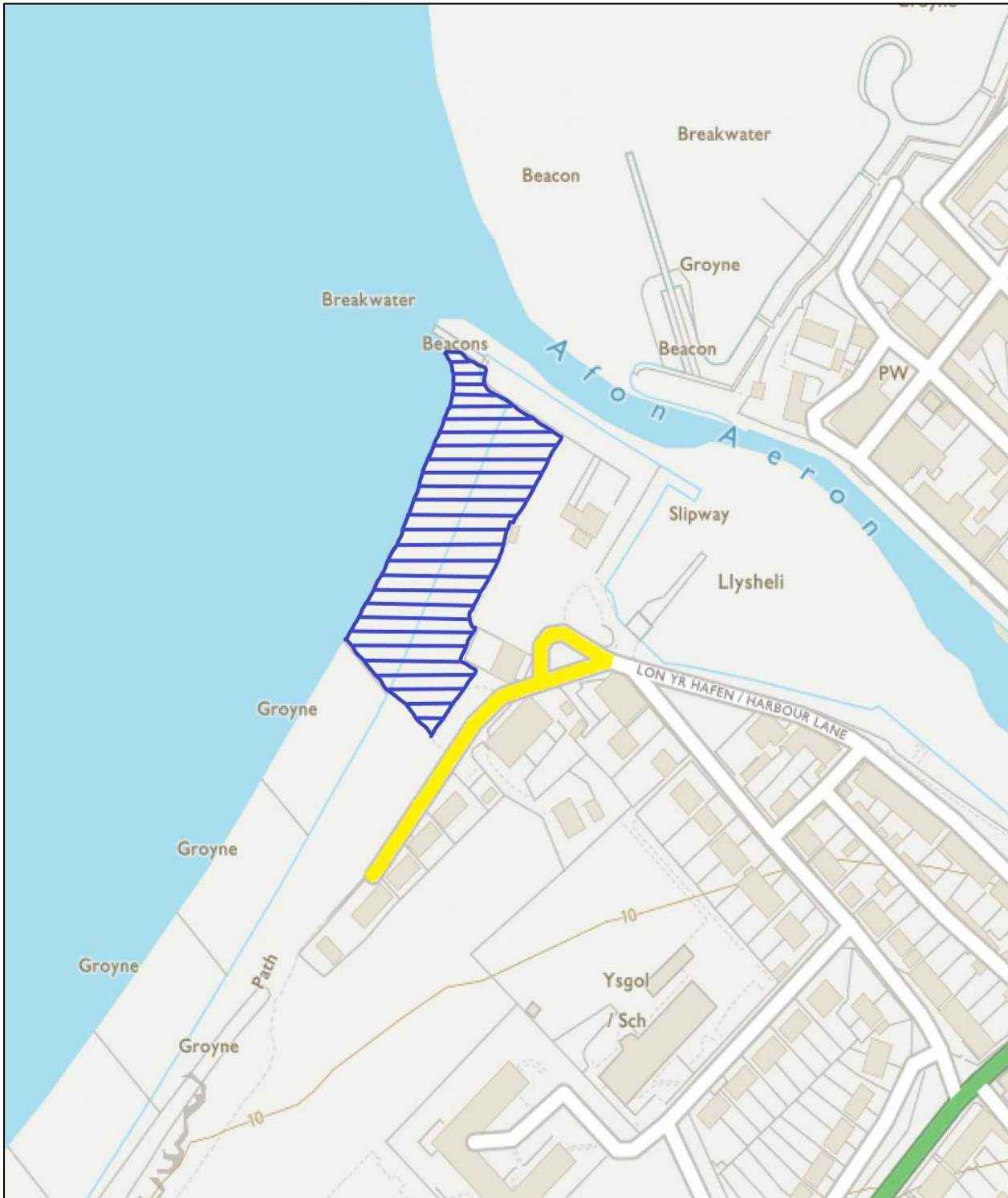
Bydd person sy'n euog o drosedd yn unol ag erthygl 3 yn agored, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 3 ar y raddfa safonol.

### ATODLEN 1

"Y ci sy'n cael ei wahardd o'r traeth" y cyfeirir ato yn y GORCHYMYN GWAHARDD CŴN (AR Y TRAETH, BORTH) 2008 yw'r ardal â llinellau du ar y cynllun sydd ynghlwm wrth y ddogfen hon.

"Y promenadau" y cyfeirir ato yn y GORCHYMYN CŴN AR DENNYN (AR Y PROMENÂD, BORTH) 2008 yw'r ardal sydd wedi'i lliwio'n goch ar y cynllun sydd ynghlwm wrth y ddogfen hon.

# ABERAERON- TRAETH Y DE

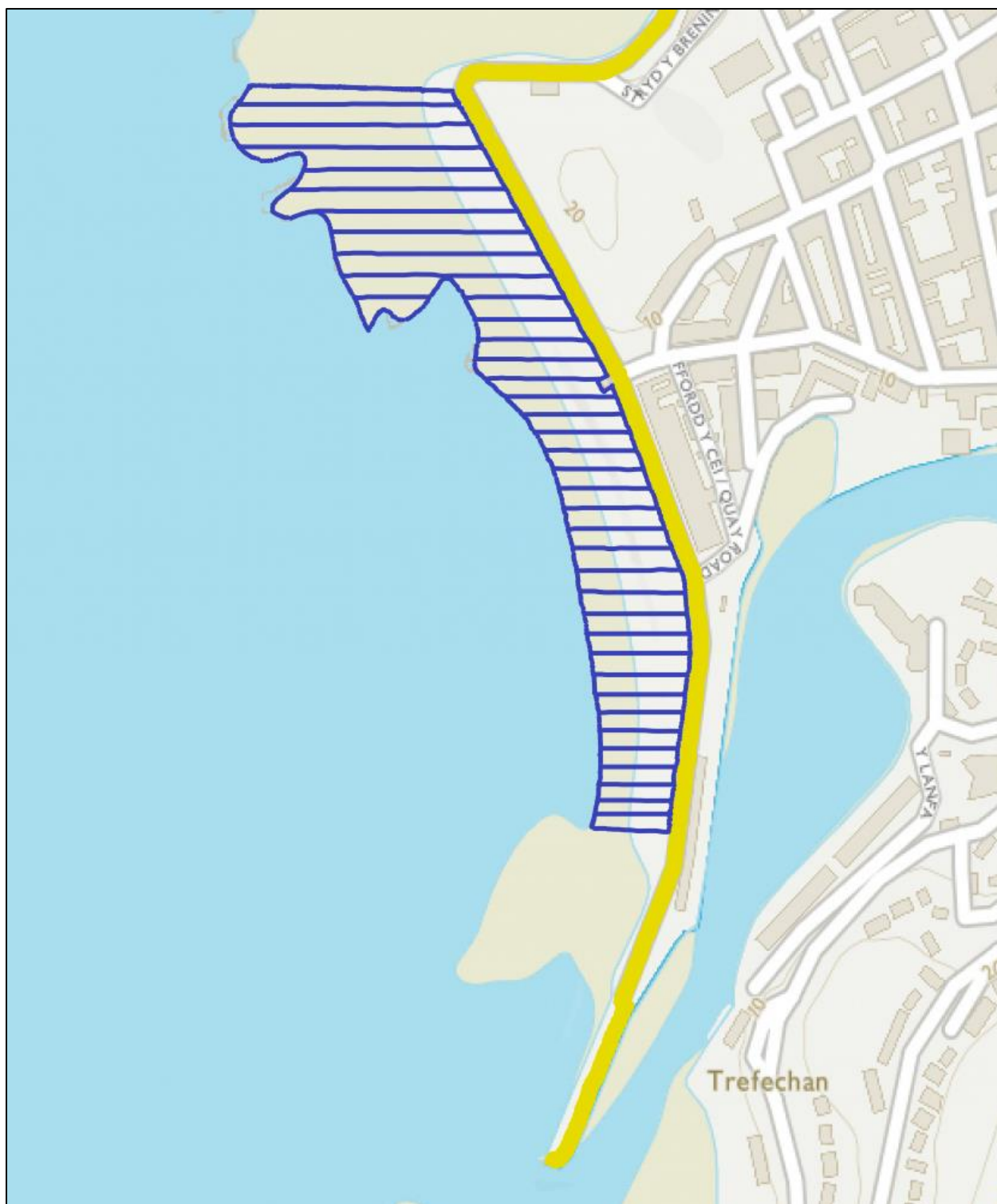


Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# ABERYSTWYTH- TRAETH Y DE



Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# ABERYSTWYTH- TRAETH Y GOGLEDD



Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# ABERPORTH- TRAETH DOLWEN



Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# BORTH



Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi



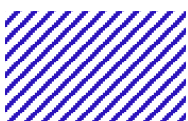
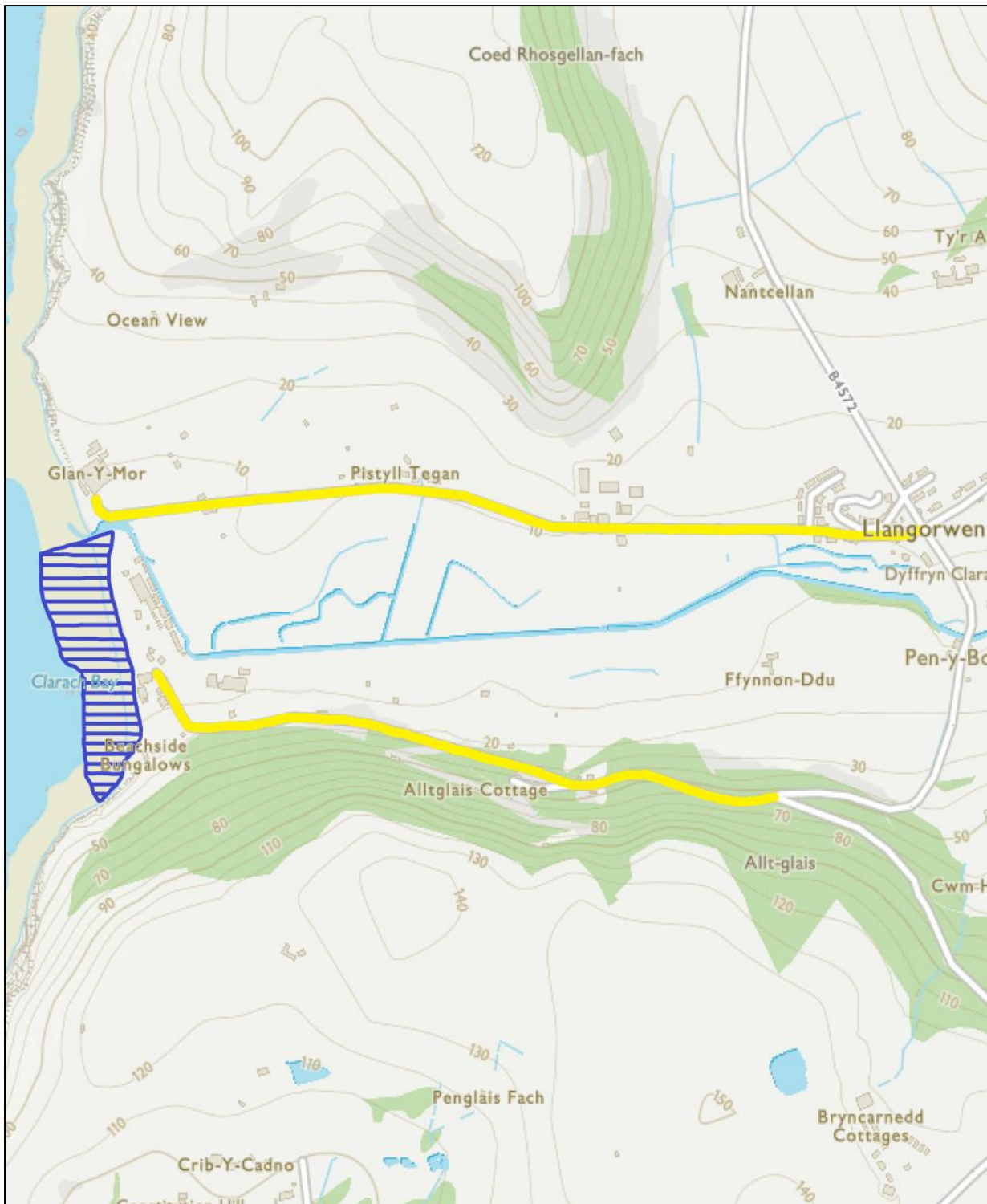
Ardal PSPO gwahardd cŵn  
rhwng 1 Mai a 30 Medi



Ardal PSPO cŵn ar dennyn  
rhwng 1 Mai a 30 Medi



# CLARACH

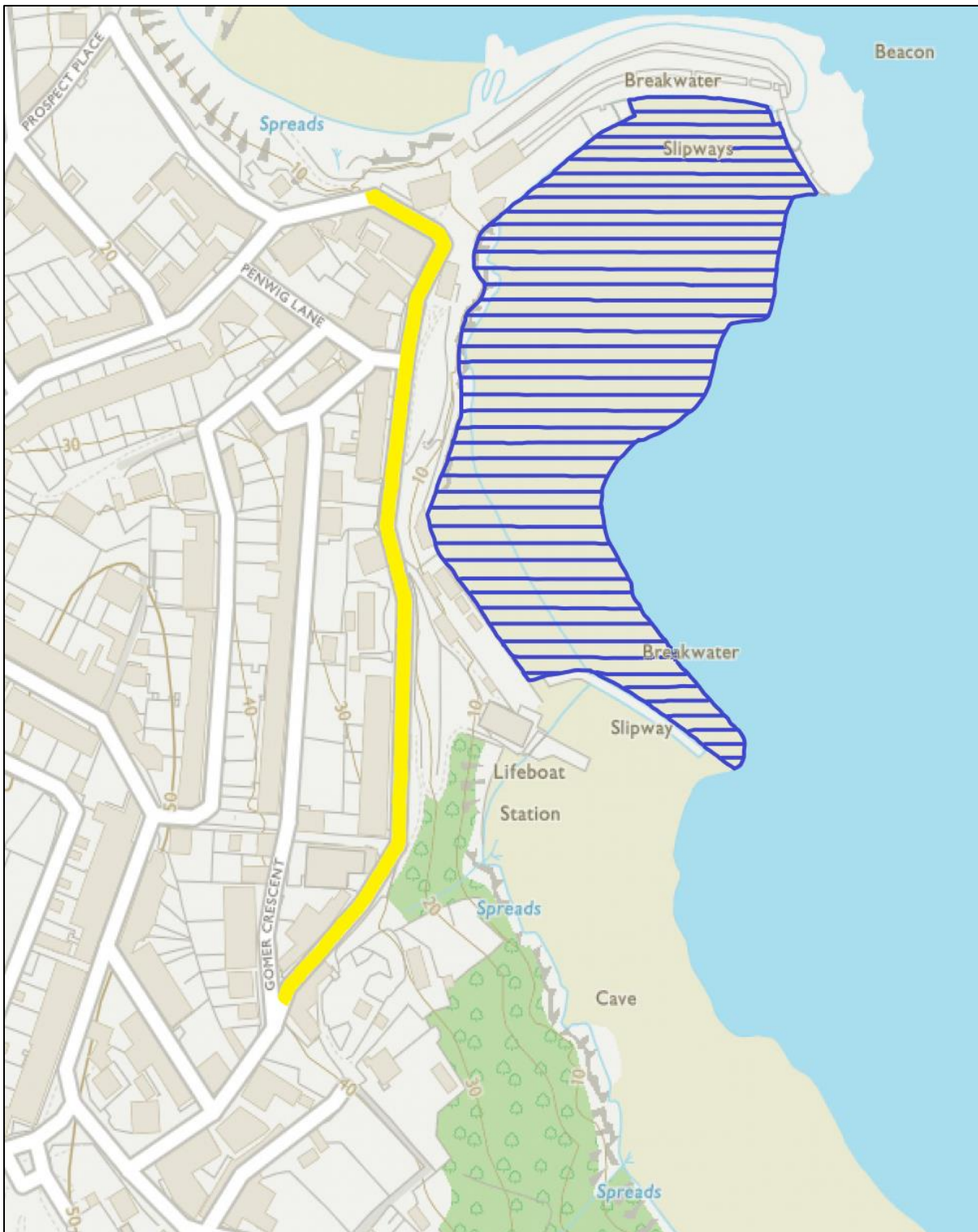


Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# CEI NEWYDD

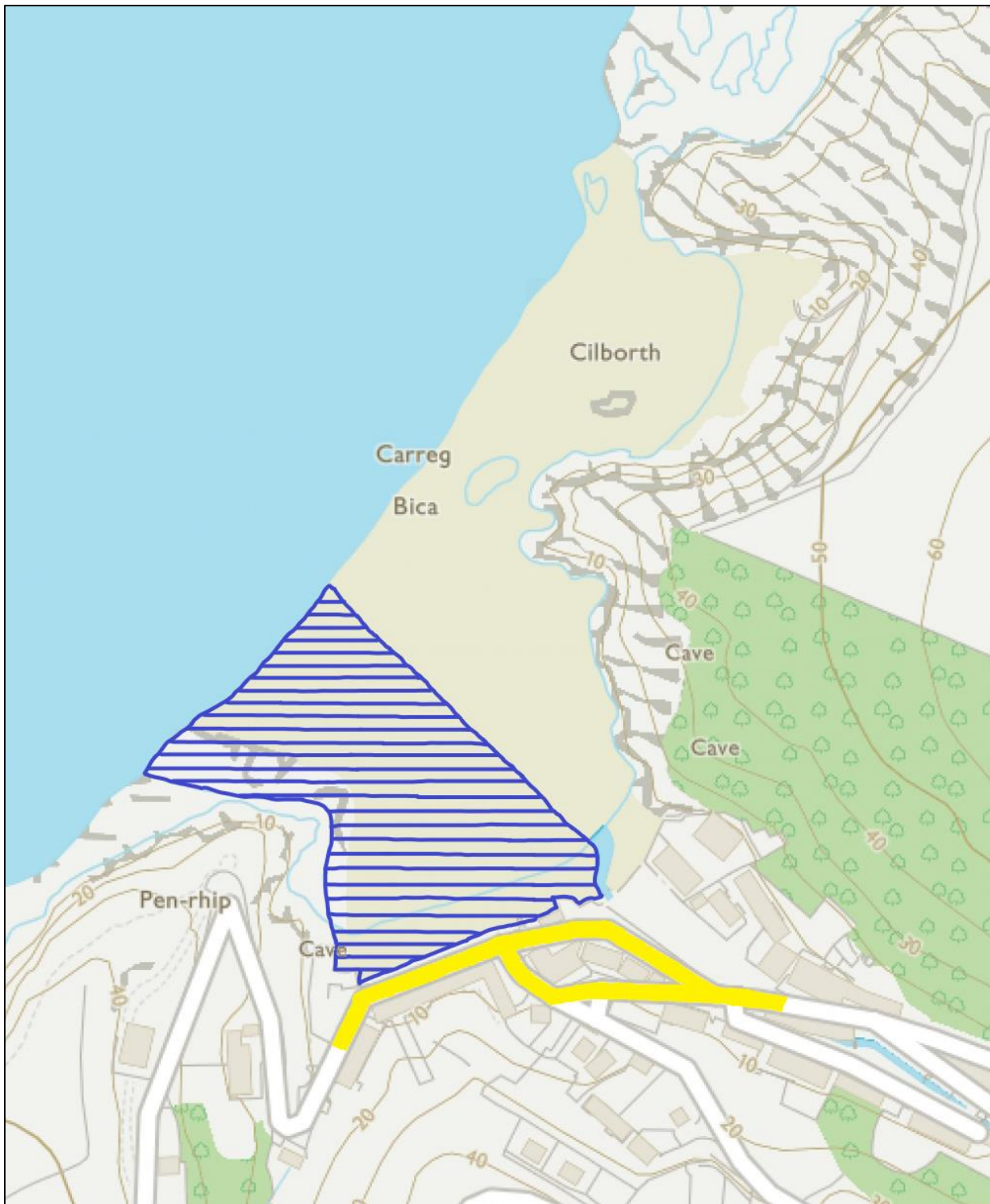


Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# LLANGRANNOG

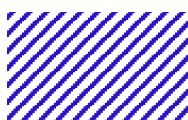
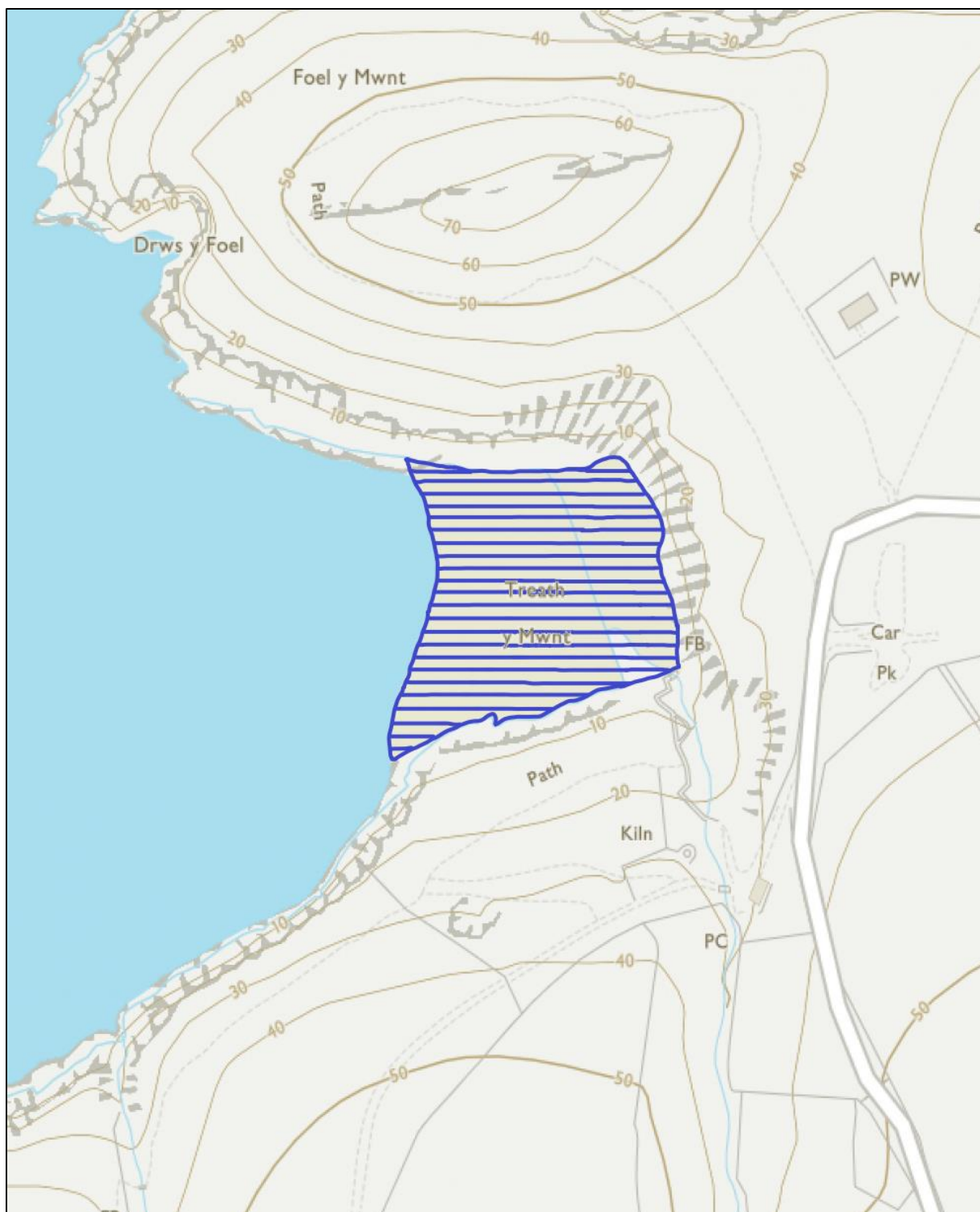


Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# MWNT

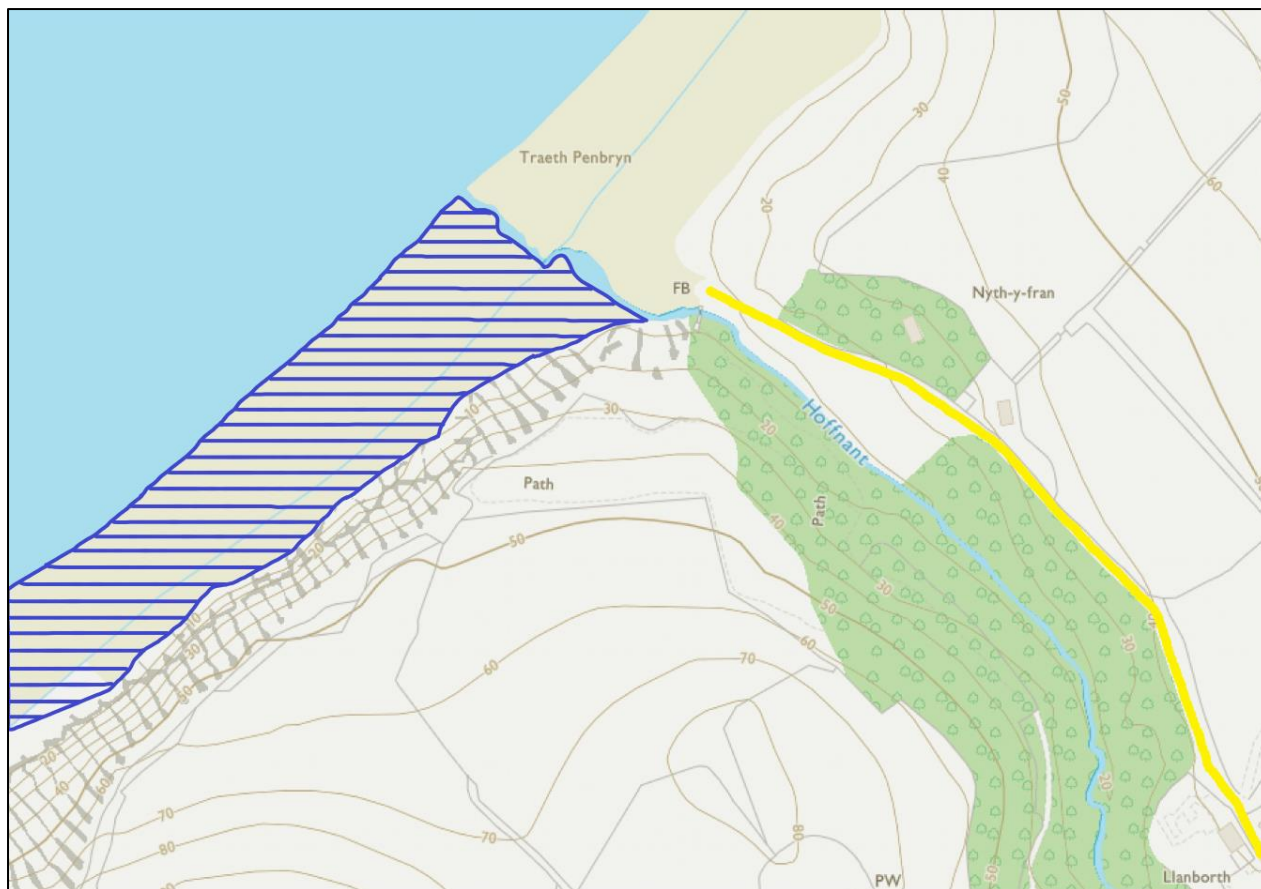


Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# PENBRYN

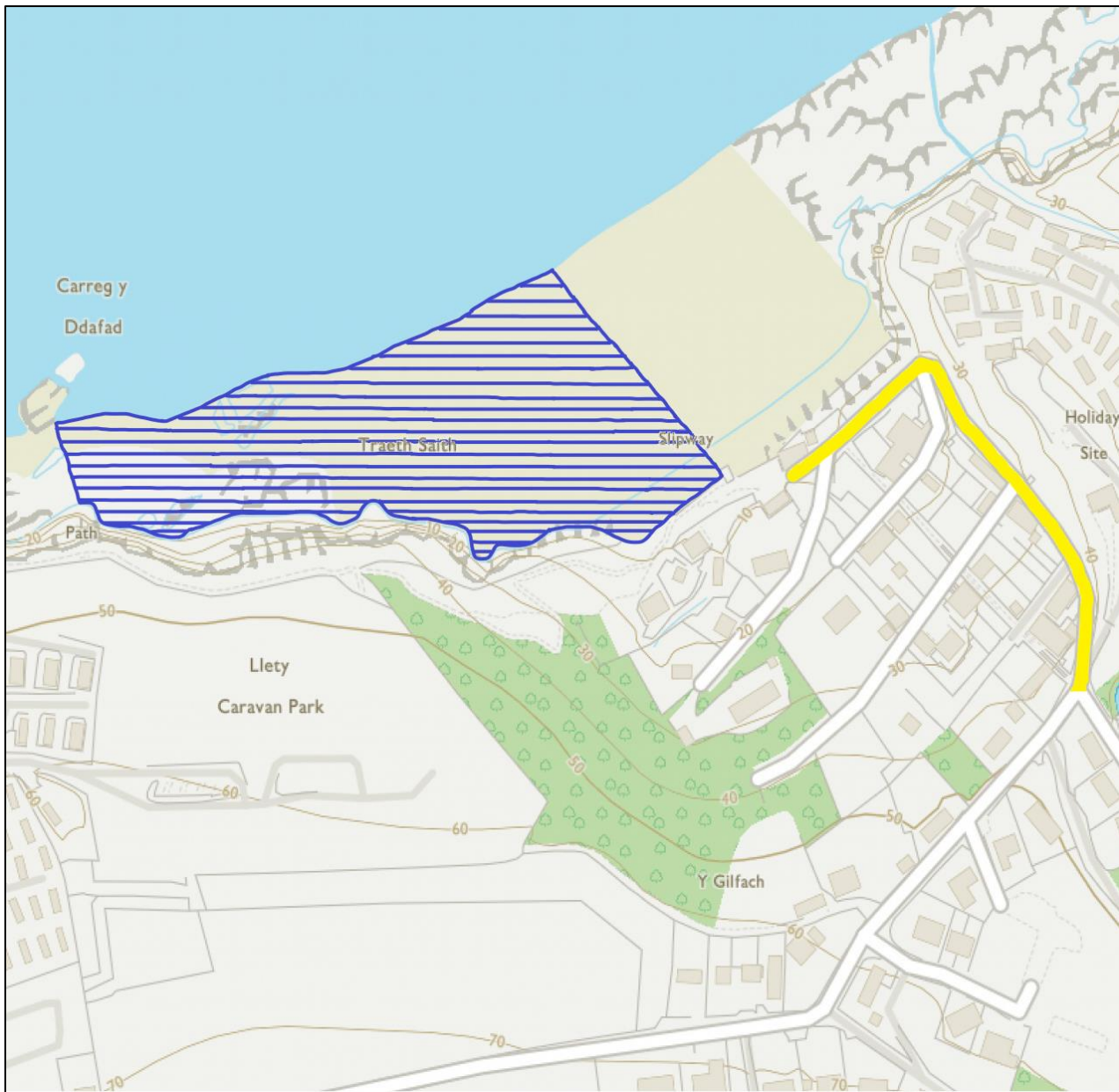


Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi

# TRESAITH



Ardal gwahardd cŵn rhwng 1  
Mai a 30 Medi



Ardal cŵn ar dennyn rhwng 1  
Mai a 30 Medi



## **BLUE FLAG BEACH CRITERIA AND EXPLANATORY NOTES 2021**

### **INTRODUCTION**

The Blue Flag Programme for beaches, marinas and tourism boats is run by the international, non-governmental, non-profit organisation FEE (the Foundation for Environmental Education). The Blue Flag Programme started in France in 1985. It has been implemented in Europe since 1987 and in areas outside of Europe since 2001 when South Africa joined. Today, Blue Flag has become a truly global Programme, with an ever-increasing number of countries participating in it.

The Blue Flag Programme promotes sustainable development in freshwater and marine areas. It challenges local authorities and beach operators to achieve high standards in the four categories of water quality, environmental management, environmental education and safety. Over the years, the Blue Flag has become a highly respected and recognised award working to bring together the tourism and environmental sectors at local, regional and national levels.

The explanatory notes given in this document make up the common and shared understanding of the Blue Flag beach criteria and the requirements for the implementation thereof. The explanatory notes provide details on the assessment and management of compliance with the Blue Flag beach criteria.

The criteria are categorised as either imperative or guideline. Most beach criteria are imperative, i.e. the beach must comply with them in order to be awarded Blue Flag accreditation. If they are guideline criteria, it is preferable that they are complied with, but not mandatory.

It must be emphasised that the Blue Flag beach international criteria in this document are the minimum criteria. A National Operator can choose to have stricter criteria to what is outlined here, as long as they are in the same line of philosophy as the Blue Flag international criteria. These more stringent criteria must be approved by the National Jury and communicated to the International Jury. Moreover, the beach administrator must be informed about the stricter criteria before the beginning of the following Blue Flag season.

These beach criteria and explanatory notes are to be used by all Blue Flag applicants in order to understand the requirements that must be met before a beach can receive Blue Flag accreditation. For guidance purposes, this document should also prove valuable for the management of those beaches already accredited with Blue Flag status. The beach criteria and explanatory notes also serve as a guide for the National, Regional and International Blue Flag Juries when making decisions about a Blue Flag beach candidate.

During the Blue Flag season, the flag must fly at the beach. The flag is both a symbol that the beach participates in the Programme but also an indication of compliance with the criteria. The flag may either be flown 24 hours a day during the Blue Flag season or only during the hours when the beach meets all the Blue Flag criteria. In the case of the former, there must be adequate signage indicating the time when services (e.g. life-saving), and facilities (e.g. toilets) are in operation.

If a beach that has Blue Flag accreditation does not comply with the Blue Flag criteria, the flag may be permanently or temporarily withdrawn from the beach. There are several degrees of non-compliance:

1. A **minor non-compliance** occurs when there is a problem with only one imperative criterion, which is of little or no consequence to visitor health and safety and the beach environment.

Should the non-compliance be to the detriment of visitor health and safety or the beach environment, it must be treated as major non-compliance.

When minor non-compliance occurs and can be immediately rectified, the flag is not withdrawn, and the non-compliance is only registered in the control visit report. If, however, a minor non-compliance cannot be rectified immediately, the beach is given ten days in which to comply fully with all criteria. The flag is withdrawn until all problems are rectified, and this is noted on the Blue Flag national and international websites.

2. **Multiple non-compliance** relates to non-compliance with two to three imperative criteria which are of little or no consequence to visitor health and safety and the beach environment.

Should any of the non-compliance be to the detriment of visitor health and safety or the beach environment, it/they must be treated as major non-compliance.

When multiple non-compliances occur, the beach is given ten days in which to comply fully with all criteria, the flag is withdrawn until all the problems are rectified, and the national and international websites are updated accordingly.

3. **Major non-compliance** occurs when the beach does not comply with one or several criteria, with a consequence for the health and safety of the beach user or to the environment, as well as the general perception of the beach and therefore the Programme.

When detecting a major non-compliance, the flag is withdrawn immediately and for the rest of the season. The beach information board must clearly indicate that the Blue Flag award has been withdrawn. The national and international websites are updated accordingly.

In all cases of non-compliance, the National Operator must immediately inform the local authority/beach operator about the observed areas of non-compliance. Information about the reason for a withdrawal of the flag must be posted clearly at the beach. The local authority/beach operator must inform the National Operator of re-compliance with the criteria and present the appropriate documentation needed. The flag can then be raised at the beach again. The National Operator should also consider a follow-up control visit to check that the beach does comply. In the event that the local authority/beach operator does not ensure and document re-compliance with the criteria within ten days, the National Operator must ensure that the Blue Flag is withdrawn for the rest of the season at the beach.



In the event that conditions on the beach change and the Blue Flag has to be temporarily withdrawn, e.g. when climatic events cause damage to the beach or an emergency arises, the beach management must inform the National Operator that the Blue Flag has been temporarily withdrawn and the national and international websites must be updated accordingly.

Apart from updating the national and international Blue Flag websites of the status of the beach, the National Operator must inform the Blue Flag International Head Office about the non-compliance. If the non-compliance is noted by an international controller, the National Operator has to give feedback to the Blue Flag International Head Office within 30 days.

The applicant for Blue Flag accreditation is the authority charged with responsibility for the beach. This may be a local municipality, private hotel, national park, or private beach operator. A beach may be eligible for Blue Flag accreditation if it is legally designated as a bathing area and it has the necessary facilities and services to comply with the Blue Flag criteria.

A beach must be accessible to all (regardless of age, gender, political views, religion) in order to be eligible for Blue Flag accreditation. It is preferable that beach users be granted free access to a Blue Flag beach, i.e. to use the beach and its facilities without paying a fee. Blue Flag, however, recognises that at some beaches, e.g. private beaches, members of the public are charged a small, reasonable fee to access the beach. Other payments may be levied for services in the area, e.g. for parking or hiring of equipment, but have to stay within the reasonable limits. If a beach wishes to have an entry fee higher than 30 US dollars, it must apply for a dispensation case to the International Jury.

FEE, and the National Operator in a country, reserve the right to refuse or withdraw Blue Flag accreditation from any beach where the local authority/beach operator is responsible for violations of national environmental regulations or otherwise acts in discord with the objectives and spirit of the Blue Flag Programme. Blue Flag beaches are subject to announced and unannounced control visits by the National Operator and FEE International.

## **ENVIRONMENTAL EDUCATION AND INFORMATION**

Each beach must provide at least five environmental education activities to the public, preferably during its Blue Flag season. It is possible for beaches managed by the same municipality to provide the same five environmental education activities.

Each beach must have at least one Blue Flag information board in place, containing all the information required by the criteria listed below. For long beaches, it is recommended that more than one Blue Flag information boards are installed (approximately one every 500 metres). All Blue Flag information boards must follow national standards with respect to information, content and design. These Blue Flag information boards must be in place at all Blue Flag beaches.

### **Criterion 1. Information about the Blue Flag Programme must be displayed.**

Information about the Blue Flag Programme must be displayed on the Blue Flag information board. The correct Blue Flag logo must be used, in accordance with the FEE branding guidelines. The essence of each of the four categories of the Blue Flag criteria must be explained in this information. The length of the Blue Flag season must also be included.

The information could also be posted at other locations, e.g. at major access points, lifeguard stations, other beach facilities, or in parking areas. Tourist information offices should also have information about the Blue Flag Programme.

Contact details for the local, national and international Blue Flag representatives must be posted as well.

In areas of international tourism, it is recommended that the information be provided in relevant languages.

In the event that the Blue Flag is temporarily withdrawn, a relevant notice must be posted at the beach informing the public as to the reasons why the flag was withdrawn.

Blue Flag beaches could promote the Green Key Programme as another eco-label run by FEE with a message such as: "Along with the Blue Flag, the Foundation for Environmental Education also develops another eco-label for various tourism enterprises: Green Key. Find more information at: [www.greenkey.global](http://www.greenkey.global) (or the national Green key website of the country)"

*Appendix B provides an example of how the Blue Flag information can be presented.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

### **Criterion 2. Environmental education activities must be offered and promoted to beach users.**

Environmental education activities promote the aims of the Blue Flag Programme by:

- increasing the awareness of, and care for, the local environment by recreational users and residents.
- training personnel and tourist service providers in environmental matters and best practices.
- encouraging the participation of local stakeholders in environmental management within the area.

- promoting sustainable recreation and tourism in the area.
- promoting the sharing of ideas and efforts between the Blue Flag Programme and other FEE Programmes (YRE, LEAF, Eco-Schools and Green Key).

The planned environmental education activities for the coming season must be included in the application documents, and so must a report on activities carried out during the previous Blue Flag season (if applicable).

At least five different activities must be offered to the municipality or community - preferably during the Blue Flag season. The activities should focus on the environment, environmental issues, Blue Flag issues or sustainability issues. At least some of the activities should be carried out at the beach and have a direct focus on the beach environment.

The educational activities must be effective and relevant, and each year the local authority must re-evaluate the activities that were implemented and work towards constantly improving them.

Where the planned environmental education activities are of interest to and involve, the general public or beach users, these activities must be publicised in good time to inform the public about the opportunities they offer. Such activities must also be publicised on the Blue Flag information board, but could also be publicised in other areas in the beach area, in local centres, in newspapers and other media.

The environmental education activities must be clearly disseminated to the public. Preferably, the activities should be posted on the common information board. However, dissemination could include an updatable list posted at the kiosk or clubhouse, SMS notification or other means of communication. Whatever the platform for dissemination is, it has to be stated on the information board where the user can find out more about the activities.

Furthermore, these environmental education activities must be offered for free. A small participatory fee is accepted if needed to cover costs such as lunches, water, etc. but no business benefits can be made through these environmental education activities.

Local authorities/beach operators are encouraged to implement and/or support sustainable development projects in which public participation is a key element, e.g. United Nations Sustainable Development Goals initiatives.

If specific sensitive natural areas (including Marine Protected Areas) exist near a Blue Flag beach (e.g. mangroves or seagrass beds), it is strongly recommended that some of the educational activities address these sensitive natural areas.

Examples of good educational activities can be downloaded from the internal pages of the Blue Flag international website ([www.blueflag.global](http://www.blueflag.global)).

*Appendix C provides further background on the environmental education activities.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 3. Information about bathing water quality must be displayed.**

Bathing water quality information must be displayed on the Blue Flag information board. It is recommended that a table or figure with easily identifiable symbols that correspond to the results be

used. The information must also clearly explain how the water quality results relate to the imperative criteria for water quality, with specific reference to sampling frequency and the conditions under which Blue Flag status can be withdrawn.

The authority in charge of providing the bathing water quality results must do so shortly after the analysis so that the data can be updated regularly. It is the responsibility of the local authority to ensure that the beach operator/beach management receives the information no later than one month after the sampling date. The complete and detailed data must be made available by the local authority to anybody upon request.

*Appendix D provides an example of how this information could be presented.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 4. Information relating to local eco-systems, environmental elements and cultural sites must be displayed.**

The aim of this criterion is to ensure that beach users are well informed and educated about relevant environmental elements (including valuable cultural sites/communities), local ecosystems and any sensitive areas in the surrounding environment so that they are encouraged to learn about and experience the environment in a responsible way.

Information about coastal zone ecosystems, wetland areas, unique habitats or any sensitive natural areas must be displayed at or close to the Blue Flag beach. The information must include details about the natural area and a code of conduct for visitors to the area. If the full information is not available on the Blue Flag information board, there must at least be a short notice on the board informing the public about the nearby sensitive areas and where they can find further information.

Relevant environmental information could furthermore be displayed at tourist sites, at the natural areas, or in tourist information offices. The information can be published in tourist brochures, local newspapers or pamphlets created specifically for this purpose. In areas that are visited by a high number of tourists, it is recommended that the information be presented in more than one way, as listed above, and it should be presented in relevant languages.

In the case of sensitive underwater environments, specific information about these areas must be provided for divers and snorkelers.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 5. A map of the beach indicating different facilities must be displayed.**

A map showing the boundaries of the Blue Flag beach area and the location of key facilities and services must be posted on the Blue Flag information board. The map must be of good quality, easy to read and properly oriented.

Pictograms should preferably be used.

The required map elements (where applicable) should include “You are here” pointers, and show the location of:

- lifeguards or lifesaving equipment
- the area patrolled (for beaches with lifeguards)
- first aid equipment
- telephones
- toilets (including toilets for disabled people)
- drinking water
- car and bicycle parking areas
- authorised camping sites at/near the beach
- recycling facilities
- location of water sampling point(s)
- access points and access for disabled persons
- zoning (swimming, surfing, sailing, boating, etc.) where applicable
- nearby public transport
- footpaths
- demarcation of Blue Flag area
- location of other information boards
- rivers and inflows
- local landmarks (where applicable)
- stormwater outlets
- nearby sensitive natural areas, etc.
- direction (North)
- scale bar

For guidelines on the design and suitability of maps for Blue Flag beaches, visit [www.blueflag.global](http://www.blueflag.global).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 6. A code of conduct that reflects appropriate laws and/or regulations governing the use of the beach and surrounding areas must be displayed.**

The code of conduct must address the activities of beach users and their conduct on the beach. The beach code of conduct must be displayed on the Blue Flag information board. The information could furthermore be posted at other locations, e.g. at all major entrance points, near to the relevant activity (i.e. a “No Diving” sign on a pier) or as information at the relevant sites. Internationally recognised symbols, e.g. pictograms, must be used wherever possible.

The code of conduct must include rules about the presence of domestic animals, zoning (when appropriate), fishing, litter management, the use of vehicles, camping, fires, etc.

Laws and/or regulations governing beach usage and management should be available to the public at the office of the local authority/beach operator.

The period when the lifesaving equipment and/or lifeguards, and first aid, are available must be clearly marked on the Blue Flag information boards and at the lifeguard station. An explanation of the emergency flag system in use must also be provided.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

## **WATER QUALITY**

The Blue Flag Programme requires that beaches achieve Excellent bathing water quality. The bathing water quality standards have been based on the most appropriate international and national standards and legislation.

Blue Flag is an international award - and it, therefore, has one minimum global standard for water quality. The standards described here for bathing water quality for beaches must be adopted unless stricter national standards are already in existence, e.g. testing for total coliform bacteria. In that case, the beach must comply with the more demanding national standards for bathing water quality.

### **Criterion 7. The beach must fully comply with the water quality sampling and frequency requirements.**

A Blue Flag beach must have at least one sampling point, which must be located where the concentration of bathers is highest. In addition, where there are potential sources of pollution, e.g. near streams, rivers or other inlets, stormwater outlets, etc. additional sampling points must be established at these sites to provide evidence that such inflows do not affect bathing water quality.

All sampling points of the applicant beach must comply with the Blue Flag bathing water quality criteria.

Samples for microbiological and physical-chemical parameters must be taken.

Similarly, in the case of inland waters where the water is supplemented by outside sources during dry periods, the water quality of the outside source must meet the Blue Flag bathing water quality standards.

Samples should be taken 30 cm below the water surface except for the mineral oil samples that should be taken at surface level.

### **How often must a sample be taken?**

For each sampling point, there must be no more than 31 days between any two water samples during the Blue Flag season. This includes the gap between the pre-season sample and the following in-season sample. The Blue Flag Programme does not accept applications from beaches, irrespective of the length of the Blue Flag season, where less than five samples have been taken. This means that a minimum of five samples must be taken, evenly distributed during the season. The first sample must be taken within 31 days before the official starting date of the Blue Flag season.

Only one sample value per day is to be recorded in the percentile calculation.

When sample results raise a concern about a possible increase in levels of pollution, it is recommended to temporarily increase the sampling frequency in order to track any possible pollution incident.

In the event of short-term pollution, one additional sample is to be taken to confirm that the incident has ended. This sample is not part of the set of bathing water quality data. If necessary to replace a discarded sample, an additional sample is to be taken seven days after the end of the short-term pollution. Discounting of samples because of short-term pollution during the last assessment period

is allowed for maximum 15% of the total number of samples provided for in the monitoring calendar established for that period, or one sample per bathing season, whichever is greater.

When calculating 15% of the total number of samples provided for that period, the result must be rounded up or down.

The rule is:

Anything lower or equal to 49 should be rounded down (for example: a result of 2,49 gives a possibility of discounting two samples).

Anything higher or equal to 50 should be rounded up (for example: a result of 2,50 gives a possibility of discounting three samples).

Both the original and the additional samples have to be sent as a dispensation case to the International Jury for the evaluation (see Appendix A on dispensation cases).

In case of an oil spill, abnormal weather or other extreme events which can have a serious adverse effect on the quality of the bathing water or the health of the bathers, the beach manager must temporarily take down the Blue Flag and clearly state the reason on the information board. It is recommended that the wording of this information is along the lines: "This beach has recently experienced abnormal weather/extreme event. Swimming is not recommended at this time due to the possibility of pollution/danger to the bathers."

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 8. The beach must fully comply with the standards and requirements for water quality analysis.**

An independent person, officially authorised and trained for the task, must collect the samples.

An independent laboratory must carry out the analysis of the bathing water samples. The laboratory must be nationally or internationally accredited to carry out microbiological and physical-chemical analyses. The testing method and data resulting from it must also be accredited.

In the event that the sampler or the laboratory is not independent, at the time of application, a dispensation must be requested and details provided as to why this is required, e.g. in some cases beaches are considerable distances away from the services necessary to meet this requirement.

**Methods of analysis:**

In the interest of increased quality and comparability of the bathing water quality data used for the evaluation of candidates for the Blue Flag, FEE finds that methods of analysis that ensure certain trueness, reproducibility, repeatability and comparability between methods should be used. FEE follows European (CEN) or International (ISO) standards in its recommendations regarding parameters and acceptable methods of analysis.

Water quality results must be provided to the National Operator as soon as they are made available but not later than one month after the sample has been taken.

A sampling calendar must be established prior to the start of the bathing season. Sampling must take place no later than four days after the date specified in the sampling calendar unless there are

exceptional circumstances preventing this. In such a case, the National Jury must submit the beach as a dispensation case to the International Jury (*see Appendix A for more information on dispensation cases*).

**Sampling history:**

The water quality results for the previous four seasons must accompany all applications. In order to be eligible for the Blue Flag, the beach must show -through these reports- that the bathing water quality standards were met in the previous seasons.

For new countries or new beaches, results from a minimum of 20 samples per sampling point taken within the proposed Blue Flag season must be available for Blue Flag accreditation to be considered. The sampling history may be taken in one Blue Flag season in order to be able to apply the following year. The applicant beach may also choose to take fewer samples and wait to apply when 20 samples per sampling point have been collected (for example taking ten samples in year 1, 10 more in year 2 and applying in year 3). Remember that a minimum of 5 samples has to be taken per Blue Flag season and that the sampling frequency detailed in criterion 7 must be respected.

The water quality information of the current season must be posted on the Blue Flag information board, in accordance with Criterion 3. *See Appendix D for a recommendation for presenting water quality information on Blue Flag beaches.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 9. Industrial, waste-water or sewage-related discharges must not affect the beach area.**

A bathing water profile must be compiled for every Blue Flag beach. A bathing water profile includes identification of potential sources of pollution, a description of the physical, geographical and hydrological characteristics of the bathing water, as well as an assessment of the potential for cyanobacteria and algae formation.

It is recommended that there should not be any industrial, urban wastewater or sewage-related discharges into the Blue Flag area or immediate buffer zone/surrounding area. If there are discharge points in the area of the beach, these must be documented at the time of application.

Where combined sewage overflow discharges or other urban/industrial wastewater discharges are identified within, or immediately adjacent to, the proposed award area, information to warn the public that there is an intermittent discharge which could, in the short term, impact the bathing water quality must be provided.

The collection, treatment and discharge of urban wastewater in the community must meet national/international standards and comply with national/international legislation. For EU member countries, there are requirements for the treatment and effluent quality given in the EU Urban Waste Water Treatment Directive (91/271/EEC). A number of new EU countries have been granted dispensation from the EU Directive. Regardless of national/ international standards and legislation, this wastewater or other discharges must not negatively affect the environment or compromise the water quality standards of a Blue Flag beach.

Regarding industrial pollution, notification must be given about industrial facilities and plants in the vicinity of the beaches, stating their likely influence on the environment. Moreover, the appropriate authorities must confirm in writing that the area is being monitored to ascertain the environmental



impacts of nearby industrial facilities and confirm that the facilities do not pose a public health risk or environmental hazard.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 10. The beach must comply with the Blue Flag requirements for the microbiological parameter Escherichia coli (faecal coli bacteria) and intestinal enterococci (streptococci).**

The microbiological parameters to be monitored are given below:

Parameter	Coastal and transitional waters Limit values	Inland waters Limit values
Escherichia coli (Faecal Colibacteria)	250 cfu/100 ml	500 cfu/100 ml
Intestinal Enterococci (streptococci)	100 cfu/100 ml	200 cfu/100 ml

- cfu = colony forming units (of bacteria)

**Accepted percentile:**

For the evaluation of an applicant beach, the Blue Flag Programme requires 95<sup>th</sup> percentile compliance with the above limit values. This is in accordance with the EU Bathing Water Directive (2006) as well as the recommendation of the World Health Organisation. The percentile has to be calculated for each parameter and also met for each parameter. For example, if the 95<sup>th</sup> percentile is below the limit values for Escherichia coli but not for Intestinal Enterococci, then the beach cannot be awarded with the Blue Flag.

*Details on how to calculate the 95th percentile can be found in Appendix F. A calculation spreadsheet, however, is available on the internal Blue Flag database. All bathing water sample results must be entered into the spreadsheet, and the percentiles will be calculated automatically. This sheet must be sent to Blue Flag International with the application.*

For EU countries implementing the Blue Flag, it is imperative that an applicant beach is classified as having 'Excellent' water quality.

As stated previously, discounting of a sample may be considered in case of extreme (weather) conditions. Should this be necessary, applicant beaches must be sent in as dispensation cases. See *Appendix A for further details on dispensation cases.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 11. The beach must comply with the Blue Flag requirements for physical parameters.**

Water quality can also be affected by physical and chemical parameters such as oil and floatables:

- There must be no oil film visible on the surface of the water, and no odour detected. Ashore and on land the beach must be monitored for oil and emergency plans should include the required action to take in case of such pollution.

- No floatables may be present, such as tarry residues, wood, plastic articles, bottles, containers, glass or any other substances.

Immediate action should be taken if abnormal changes are detected. This includes abnormal changes in the colour, transparency and turbidity of the water. Should physical and chemical pollution be detected repeatedly, the Blue Flag must be taken down for the remainder of the season, and the beach will not be eligible for the Blue Flag the following year unless the applicant fulfils the conditions for applying as a dispensation case.

Other tests can be conducted, such as the pH value of the water (its value ranges from 6 to 9 in most bathing waters).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

## ENVIRONMENTAL MANAGEMENT

**Criterion 12. The local authority/beach operator should establish a beach management committee.**

The beach management committee should be charged with ensuring compliance with all environmental management criteria, including Coastal and Marine Protected Area requirements if appropriate. The committee should consist of all relevant stakeholders at the local level. Relevant stakeholders could be a local authority representative, hotel manager, beach manager, lifeguard, educational representative, local NGO, or other stakeholders such as community representatives, special user groups, Coastal and Marine Protected Area representatives, etc.

The beach management committee should co-operate with and support the local authority/beach operator and could institute environmental management systems and conduct environmental control visits of the beach and its facilities.

Where appropriate, a beach management committee may operate over a number of Blue Flag beaches within a local authority or an area/region, i.e. there is no need for a separate beach management committee for each individual Blue Flag beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
	All regions

**Criterion 13. The local authority/beach operator must comply with all laws and/or regulations affecting the location and operation of the beach.**

The beach must comply with laws and/or regulations pertaining to issues related to coastal zone planning, environmental management, wastewater management, environmental conservation, and others in order to receive and maintain Blue Flag status. The applicant must ensure that the facilities and activities under his/her responsibility comply with these laws and/or regulations. The management of the beach location, facilities, beach operation and immediate surrounding area must comply with official development plans and planning regulations. The legislation may include regulations for land-use zoning and planning, sewage/industrial waste effluent discharge, environmental health, conservation plans, operations licenses and permits, etc.

The location of facilities and use of the beach area and its vicinity must be subject to planning guidelines.

This includes environmental impact assessments. At the time of application for Blue Flag status, the applicant authority must provide written evidence from the planning department that all buildings on the beach meet local building regulations.

Existing beach facilities, construction and other use of the beach and its vicinity must be in compliance with laws regulating the use of the coastal zone or freshwater areas, including environmental conservation regulations. The inland beach area, including dunes, paths, and parking areas must be properly maintained according to coastal zone management principles.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 14. Sensitive areas must be managed.**

Some sites at/near the Blue Flag beach may be very sensitive and require special management. In these cases, the beach operator must consult an appropriate conservation organisation or expert for advice on how to manage these sites. Where areas require special management, at the time of application, the applicant must provide confirmation that this consultation has taken place and that a management plan will be implemented.

However, the sensitivity of certain areas may prevent them from being part of a Blue Flag beach or from having information posted at the beach directing people to the area. An increased number of visitors could endanger wildlife and/or habitats, e.g. using land space for the construction of facilities, parking, paths, etc. As a general rule, Blue Flag accreditation is only given to sites that can demonstrate management of visitors and recreational use that prevents long-term irreversible damage to the local natural environment.

If a Blue Flag beach is in or near a Coastal and/or Marine Protected Area, it is necessary to consult with the Coastal and/or Marina Protected Area management in order to ensure compatibility with ecosystem conservation and biodiversity goals.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 15. The beach must be clean.**

The beach and surrounding areas, including paths, parking areas, and access paths to the beach must always be clean and maintained. Litter should not be allowed to accumulate, causing these areas to become unsightly or hazardous.

The beach must comply with national guidelines or legislation concerning litter and waste management. Beach cleaning may be mechanical or manual, depending on the size, appearance, and sensitivity of the beach and its surroundings. In high use areas, where possible, mechanical sieving and deep cleaning of the sand should be carried out occasionally to remove small size waste, such as cigarette butts, etc.

During stormwater flows, the outlets and surrounding areas must be kept clean.

Cleaning of the beach must be carried out with consideration for local flora and fauna, e.g. where turtles may have buried eggs in the sand. The use of insecticides or chemicals for cleaning the sand or surrounding environment is not allowed. Cleaning in Protected Areas as well as sensitive areas (sand dunes, etc.), must be done in accordance with the existing laws and regulations, and advice from the relevant authority.

For information about the management of algal waste and seaweed, refer to criterion 16.

To determine the cleanliness level of the beach, it is recommended that a Beach Litter Measuring system, or similar system, be used. (See Appendix G for further details).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 16. Algal vegetation or natural debris must be left on the beach.**

Algal vegetation is generally accepted as referring to seaweed. Seaweed and other vegetation/natural debris are natural components of both freshwater and marine ecosystems. These ecosystems must be considered as living and natural environments and not only as a recreational asset to be kept tidy. Thus, the management of seaweed or other vegetation/natural detritus on the shore should be sensitive to both visitor needs and biodiversity. Natural disposal by tides and waves at the beach is accepted, as long as it does not create a nuisance.

Vegetation should not be allowed to accumulate to the point where it becomes a hazard; however, only if it is absolutely necessary should vegetation be removed. This could include accumulation of seaweed in warm weather causing decay, which in turn produces odours that attract flies and their larvae. Rotting seaweed could also be slippery and become a hazard for people walking on the shoreline. It could also reduce access to the beach for recreational activities or for disabled users.

If vegetation is removed, then consideration must be given to its disposal in an environmentally-friendly way, e.g. through composting or for fertilizer use. It is recommended that not 100% of the seaweed is removed, but that removal focuses on the areas where the accumulation creates problems. Wherever possible, environmental specialists should be consulted regarding the management of algal vegetation on the beach.

In some areas, seaweed is dried on the beach for later use as fertilizer or dune stabiliser. While this good practice should not be discouraged, it is also necessary to ensure that it does not create a nuisance for beach users.

If vegetation accumulation is persistent on the beach, it is recommended that a seaweed management strategy is developed, as a part of the beach management plan.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 17. Waste disposal bins/containers must be available at the beach in adequate numbers, and they must be regularly maintained.**

Waste disposal bins or litter bins (preferably with covers) should be of a suitable design and appearance as well as being functional. It is recommended that bins made of environmentally friendly products are used, e.g. bins made of recycled composite plastics or wood.

There should be an adequate number of bins on the beach, and they should all be regularly maintained, well secured, and spaced appropriately. Individual bin capacity, the number of users on the beach and how frequently the bins are emptied determine the number and minimum space between bins placed on the beach. During the peak tourist season, the spacing between bins and the frequency of emptying should be adjusted as necessary.

In summary, when choosing and locating bins, the following factors should be considered:

- Bin capacity.
- Environmentally friendly products.
- Type and source of litter.
- Volume of pedestrian traffic.
- Servicing methods and intervals (including peak times).

- Local environment, e.g. winds, high tides, scavenging seagulls.
- Accessibility, e.g. height, surface.

The collected waste should only be disposed of in licensed facilities that are approved by authorities on the basis of environmental requirements. The duty of the community receiving the Blue Flag is to make sure that the waste is properly disposed of.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 18. Facilities for the separation of recyclable waste materials must be available at the beach.**

Should the community have a local recycling facility, containers must be made available at the beach for these materials, e.g. glass, cans, plastic, paper, etc. The receptacles should be properly designed and managed for the type of waste received, should be emptied regularly, and be well placed for accessibility.

The recycling facilities should accommodate the collection and separation of as many different types of materials as possible, three being the minimum.

On application, the local authority/beach operator must indicate whether the local authority has facilities for the recycling of waste. If no such facilities exist, the applicant must apply for a dispensation from this criterion.

Blue Flag encourages all local authorities/beach operators to promote recycling and waste separation at the beach, even if the community does not have a local recycling facility.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 19. An adequate number of toilet or restroom facilities must be provided.**

The number of toilets/restrooms available at the beach must reflect the average number of beach visitors during the peak season, the length of the beach and the number and location of major access points.

The toilet or restroom facilities must be easy to locate through signage and through information on the map on the Blue Flag information board.

The presence of showers (on the beach or in the buildings), changing rooms and nappy changing facilities are furthermore encouraged. Restrooms/toilets may also be located in nearby shops, restaurants, cafeterias or other establishments open to the general public. Facilities for disabled visitors should also be provided (see criterion 32).

Toilet or restrooms facilities must be equipped with washbasins, soap and clean towels (paper or cloth) or a hand-dryer.

Access to the toilet/restroom facilities must be safe.

Consideration should also be given to the design and maintenance of these facilities. They should be well integrated within the built and natural environment, and they must be regularly maintained so

as to present a well-maintained appearance and to prevent vandalism of buildings.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 20. The toilet or restroom facilities must be kept clean.**

The toilet/restroom facilities must be kept clean at all times. The frequency of checking and cleaning the facilities must reflect the intensity of use. Beaches with a high number of daily visitors must have their facilities checked and cleaned every day or several times a day. The use of environmentally friendly cleaning materials, soap and towels is recommended.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 21. The toilet or restroom facilities must have controlled sewage disposal.**

Sewage or effluent from the toilets must not enter the ground or the water untreated. In villages, communities, or in a municipality with sewage treatment facilities, the toilet facilities must be connected to the municipal sewer.

For facilities located outside areas serviced by the municipal sewage system and/or at remotely located beaches, individual treatment and regularly emptied holding tanks that prevent untreated sewage, effluent or seepage from entering the ground or the water -and which do not adversely affect the environment- are acceptable.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 22. There must be no unauthorised camping or driving and no dumping on the beach**

Unauthorised camping, driving and dumping must be prohibited on the beach. Information about these restrictions must be displayed at the beach (as part of the code of conduct, Criterion 6).

Vehicles (except for those used for the purpose of cleaning and safety, e.g. for moving lifeguard equipment, or emergency vehicles) must not be allowed on Blue Flag beaches. For cases, however, where vehicles cannot be entirely prohibited, this must be adequately justified, and they must be properly managed. Areas for driving and parking, as well as car-free zones, must be designated and, whenever the situation requires it, police or traffic guards must control the beach. If vehicles are allowed, they must be prohibited from entering the high water zone at any time. The major part of the beach must be designated entirely vehicle-free. These sites must submit their application with a dispensation claim for this criterion.

Where there are no physical barriers preventing access to the beach by vehicles and where there are problems with unauthorised vehicles, camping or dumping, bylaws must be put in place to prohibit these activities. Information about these by-laws must be displayed. The use of the beach or its nearby areas as dumps for litter and other waste is not accepted.

In the case of specially planned events that involve the use of vehicles on the beach, a special management plan must be drawn up and applied to prevent damage to the ecosystem, as well as risks

to beach users. See Appendix H for guidelines on events on Blue Flag beaches.

Parking for emergency vehicles must be provided in close proximity to the beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 23. Access to the beach by dogs and other domestic animals must be strictly controlled.**

Dogs or pets, other than assistance dogs are not allowed on a Blue Flag beach or in the Blue Flag area if it is part of a larger beach. If the presence of pets is permitted by the local and national legislation, animals are only allowed in the parking areas, walkways and promenades in the inland beach area and must under control.

If the beach is patrolled by mounted police measures must be taken to ensure that no faecal matter contaminates the beach.

Wherever possible stray animals must be managed, and systems should be in place to remove stray animals from the beach. Measures must also be put in place to prevent access to the beach by stray animals. If stray animals are able to access the beach and cannot be controlled, it is recommended that the beach operator/local authority erect signs informing the public about this fact. It is also recommended that information be displayed about what the public should do should stray animals be seen on the beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 24. All buildings and beach equipment must be properly maintained.**

Consideration must be given to the appearance of buildings and structures at the beach. They should be well integrated within the natural and built environment, should adhere to construction standards and meet environmental and aesthetic requirements.

Equipment on the beach includes facilities or services not discussed in any other criteria, e.g. playgrounds and piers. Equipment must be regularly maintained and checked in order to ensure that it is safe to use. Consideration must be given to: the cleanliness of equipment, its condition, the environmental effects of paint and other materials used for maintaining the equipment/buildings and any potential risk associated with its deterioration and malfunction. Wherever possible, environmentally friendly products should be used.

All construction work or hazardous structures must be fenced off to prevent access by the public. When and if construction takes place during the Blue Flag season, all Blue Flag criteria must be met during the period of the construction. Also, construction activities must not affect beach users.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 25. Marine and freshwater sensitive habitats (such as coral reefs or seagrass beds) in the vicinity of the beach must be monitored.**

If there is a sensitive habitat (such as a coral reef or seagrass beds) located within 500 metres from



any part of a Blue Flag beach, a monitoring programme must be established to monitor the health of the habitat (coral reef or seagrass beds) at least once a season.

An expert organisation or relevant authority must be consulted regarding the monitoring and management of this sensitive area.

The “Reef Check” Coral Reef Monitoring Programme could be used. *See Appendix G for further details of the Reef Check monitoring system.*

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions where applicable.	

**Criterion 26. A sustainable means of transportation should be promoted in the beach area.**

This criterion refers to all actions that:

- encourage public and collective transport.
- encourage bicycling, bike renting and facilities for bike parking.
- support plans to organise traffic and reduce the peak traffic periods.
- develop pedestrian access.

The Blue Flag Programme encourages the promotion of alternative means of transportation, e.g. beach shuttles, bicycle rental or free bicycles. Such initiatives should be given particular attention in communities with high traffic densities in the beach area or where the beach is located in a sensitive area.

It is recommended that the local authority/beach operator implements a traffic management plan to reduce traffic volumes and the impact of traffic on land use and air pollution in the Blue Flag and surrounding areas.

It is also recommended that information about the availability of sustainable transportation be made available on the Blue Flag information board.

IMPERATIVE CRITERION	GUIDELINE CRITERION
	All regions

## **SAFETY AND SERVICES**

### **Criterion 27. Appropriate public safety control measures must be implemented.**

The beach operator must ensure that safety measures comply with the national legislation regarding beach safety.

Moreover, it is strongly recommended that the beach operator undertakes a safety risk assessment for each designated bathing area. This safety risk assessment is to be carried out by the appropriate national authorities or, where applicable, by a Full Member organisation of the International Life Saving Federation (ILS), see Appendix I.

The public safety control measures recommended by the safety risk assessment should be implemented as a priority, based on available resources.

Irrespective of the above, a Blue Flag beach with a high number of visitors must be guarded/patrolled by an adequate number of lifeguards placed at appropriate intervals as recommended in the risk assessment and according to the beach characteristics and use. The number of lifeguards must increase according to peak usage, and a minimum of two every 200m is recommended for those beaches which have not undertaken a risk assessment.

Lifeguards must have appropriate national or international qualifications. Certificates must be checked prior to employment and must be made available to the National Operator upon request. Lifeguards must only be employed for lifeguarding and not in combination with other duties, such as water sports, rentals and services, cleaning etc.

Lifeguards must be easily recognisable. It is therefore recommended that lifeguards wear the internationally recognised red/yellow uniform. Lifeguards must be provided with appropriate lifesaving equipment.

Bathing areas patrolled by lifeguards must be clearly marked out. The area must be defined on the map, on the information board and/or physically on the beach with markers or flags. The International Lifesaving Federation (ILS) recommends that flags and signs should be in accordance with ISO 20712. Additionally, Blue Flag international pictograms should be used.

On beaches, with low hazard risks and with few<sup>1</sup> users, public rescue equipment can replace lifeguards, unless the national legislation or the safety risk assessment states otherwise.

Public rescue equipment could include: lifebuoys, hooks, lifejackets, life rafts, etc. The equipment must be regularly inspected and must fulfil national/international guidelines.

Where public rescue equipment is provided, it must be clearly positioned, visible and located at regular intervals, allowing it to be reached quickly from any point on the beach. On beaches without lifeguards, maximum intervals of 100 metres between the equipment are recommended for those beaches which have not undertaken a risk assessment. Public rescue equipment must be accompanied by instructions for use and what to do in the event of a rescue. It is recommended that the location of equipment is identified by an emergency marker. The location of the lifesaving equipment/lifeguard tower must be indicated on the beach map on the Blue Flag information boards.

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<sup>1</sup> Few = An average of less than 50 beach users per day over a period of 4 weeks during the high season.

The period when the public rescue equipment and/or lifeguards, and first aid are available must be clearly marked on the Blue Flag information boards and at the lifeguard station(s). An explanation of the beach safety flag system in use must be provided.

The lifesaving equipment must include access to an emergency phone unless the risk assessment states otherwise. The equipment must be regularly inspected and must fulfil national/international guidelines.

The beach operator must provide safety instructions which must be posted on the information board and other appropriate place(s) on the beach.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 28. First aid equipment must be available on the beach.**

The first aid may be available by means of: a) a lifeguard on-site, and/or b) an attended first aid station with trained personnel, and/or c) equipment located in a shop or other beach facility at the beach, and/or d) directly available to the public on the beach. It is strongly recommended that busy beaches and family beaches have first-aid stations with staff in attendance. First-aid personnel must have appropriate qualifications.

First aid stations should have the following equipment a) adequate first aid stock (basic first aid supplies such as bandages, gloves, disinfectant, plasters, etc.) b) cold water and, preferably, hot water c) first aid bed d) oxygen cylinder and mask e) immobilizing trauma board (e.g. immobilizing blocks or spider harness) f) other equipment (shark attack pack), etc.

First-aid stations or the location of first-aid equipment must be clearly sign-posted so that beach visitors may easily locate them (including on the map of the Blue Flag information board). See Criterion 5. In addition, the period during which first aid is available must be clearly informed.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 29. Emergency plans to cope with pollution risks must be in place.**

The emergency plan must provide a clearly identified procedure, facilitating efficiency in the case of an emergency. An emergency could result from oil spills, hazardous/toxic waste spills entering the beach from the sea, discharge of stormwater, hurricanes, algal blooms that could be dangerous, etc. An emergency in this context would be defined as an event which leads to a large scale impact on the beach or bathing water.

In order to quickly address pollution at the local level in coordination with local authorities, the following should be included:

- identification of individuals to contact in case of pollution.
- involvement of all administration services and individuals necessary to intervene.
- procedure for the protection or evacuation of people if necessary.
- procedure of public warning and information.
- withdrawal of the Blue Flag.

The emergency plan must specify who should be contacted in the case of a pollution incident. A responsible local person must be designated for this position. It must also specify who does what in the case of an emergency, including pollution incidents.

The emergency plan must furthermore prove compliance with other national legislation in the area, e.g. a national oil spill contingency plan.

As long as the hazard persists, the public should be informed of the pollution or potential danger by posting information at the beach, at all access points, in the media, tourist offices and through any other relevant means of communication. If the hazard is in the form of large scale polluted water, then the public must be informed that bathing is not safe and the beach should be closed to swimming. A case of pollution constitutes an infringement of Blue Flag criteria. To ensure the integrity of the Blue Flag, the flag must be temporarily withdrawn and information posted on the Blue Flag information board at the beach.

Emergency phone numbers for the police, first aid, and other relevant emergency numbers, along with the contact details for emergency services in the event of an oil or toxic chemical spill, must be posted at the beach, preferably on the Blue Flag information board.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 30. There must be management of different users and uses of the beach so as to prevent conflicts and accidents.**

Beaches that support multiple activities must have management plans to prevent accidents and conflicts. This must include zoning for swimmers, surfers, windsurfers and motor craft. At the same time, recreational use of the beach must be managed without a negative impact on the natural environment or the biodiversity of the beach, and with consideration for aesthetic issues.

Swimmers should be protected from all sea craft (motor, sail or pedal). Where necessary, zoning through the use of buoys, beacons or signs must be in place. The same must be done for surfing areas. Distinctions should be made between motor, paddle or sail craft. The use of these various activities must be separated.

Powerboats and powered craft should operate at least 100-200 metres away from the swimming area. The exact distance is to be determined by the local regulatory authority. Furthermore, patrons who operate powered craft must be provided with guidelines regarding the use of their craft and the location of different zones.

The relevant authority or designated persons, for example, lifeguards, must enforce the zoning of the different recreational areas in the water. Different activities on the beach must also be clearly marked and zoned.

Consideration must also be given to potential noise impact from various activities (motorised activities, stereos and kites, etc.).

If special temporary events are to be held on the beach, then these should take place outside of the main swimming areas. If special activity events prevent the beach from complying with any of the Blue Flag criteria, then the flag must be withdrawn for the duration of the event. When such an event takes place, users of the beach must be notified through public warnings at the beach and, preferably,

in the local media prior to the event. *See Appendix I for guidelines for events on Blue Flag beaches.*

The beach itself must be managed in accordance with an environmental plan that protects sensitive species and habitats at the beach. This can be achieved through zoning or other preventative actions. In some cases, it may be necessary to restrict, disperse or otherwise manage certain activities. Beaches with sensitive dune or other habitats must be managed in such a way as to protect these sensitive habitats, e.g. protective fences. Recreational activities must be managed to prevent environmental degradation, e.g. coastal erosion or damage to vegetation, as well as to prevent birds and other wildlife, e.g. breeding turtles, from being disturbed.

Some particularly sensitive sites may require careful planning and management. In such cases, evidence must be provided to show that recognised local conservation organisations or groups have been approached and that a management plan has been drawn up.

Besides the use of physical separation of the different users, zoning must be clearly indicated on the map on the Blue Flag information board, and information could also be given at access and entry points (see Criterion 5).

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 31. There must be safety measures in place to protect users of the beach, and free access must be granted to the public.**

The public must have access to Blue Flag beaches without being a client of a certain hotel or beach club. Access to the beach should preferably be free, although at some beaches public access is provided through charging a small and reasonable fee (no more than 30 US dollars).

Access to the beach must be safe. Beaches that are physically challenging must have facilities for safe access, e.g. secured steps with handrails. Similarly, there must be designated pedestrian crossings on busy roads in the vicinity of the beach.

Beach promenades and steps onto the beach must be complete and in good condition. The car park surface must be in good order. Parking places reserved for the use of disabled persons must be available and must be clearly marked. See Criterion 22 for information related to parking on the beach. Other access paths must also be safe, with regulations for cars and bicycles. Bicycle paths should be encouraged whenever relevant.

Where promenade edges are higher than 2 metres above the beach, warning signs and/or a barrier must be in place to prevent accidents. This is especially important where the beach surface is rocky. Consult criterion 33 regarding access for people with physical disabilities.

Visitors to the beach should be safe while on the beach. Information about safety must be readily available. The times of availability of lifesaving services and first aid must be clearly marked on the Blue Flag information boards or at the lifeguard station. In addition, an explanation of the emergency flag system, if in use, must be provided.

If needed, adequate security must be available at the beach in the form of trained and qualified guards responsible for patrolling. The guards must wear easily identified uniforms and should be able to present their licence as trained security personnel on request.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

**Criterion 32. A supply of drinking water should be available at the beach.**

There should be a potable water source at the beach, e.g. from a fountain, pipe, tap, etc. This source can be in the restroom/toilet block or on the beachfront, and it must be protected from contamination by animals.

IMPERATIVE CRITERION	GUIDELINE CRITERION
	All regions

**Criterion 33. At least one Blue Flag beach in each municipality must have access and facilities provided for the physically disabled.**

It is strongly recommended that all Blue Flag beaches have facilities that allow access by the physically disabled, granting them access to the beach, surrounding buildings, and the restroom facilities. It is a Blue Flag requirement that at least one beach in every municipality must provide these facilities. It is a Blue Flag recommendation that at this beach, if possible, there is access to the water for the physically disabled.

Access to the beach must be facilitated by access ramps designed for users with various disabilities. It is recommended that the ramp design and material fit the natural environment and, wherever possible, environmentally friendly materials are used, i.e. recycled composite plastics.

Facilities must be designed for wheelchair and other disabled users and should comply with the ISO Standard Code for Access. The beach must comply with national regulations regarding access and facilities for people with disabilities. In addition, parking areas must have reserved spaces for disabled parking. If access ramps cannot be provided due to the topography, e.g. at steep cliffs, the local authority must apply for a dispensation for this criterion.

If none of the Blue Flag beaches in a local authority can provide access and facilities for the disabled, a request for a dispensation for this criterion must be documented in the application.

IMPERATIVE CRITERION	GUIDELINE CRITERION
All regions	

## APPENDIX A: Dispensation cases

All imperative criteria have to be complied with in order to obtain the Blue Flag. In the event of discussions arising out of the National Jury processes, and if an applicant has failed to fulfil some of the imperative criteria, the National Jury could forward a beach to the International Jury as a dispensation case. In the case of an application requiring a dispensation, the National Jury must forward the case to the International Jury with the necessary background documentation and an explanation as to what imperative criteria have not been fulfilled and giving reasons as to why a dispensation is requested.

Dispensation cases may arise when a beach has exceeded the required limit values of bathing water quality criteria because of a known, documented incident during the bathing season. Dispensation cases argued on the basis of incidents considered unusual but not atypical of the site are not considered.

Most frequently, request for dispensation is caused by exceptional/extreme weather conditions impacting on compliance with the water quality criteria. A National Jury can, in such cases, give a dispensation to omit a sample if the national authority's controlling bathing water quality regulations officially approve such a dispensation. Furthermore, an official statement from national weather authorities stating that the weather was exceptional must accompany the request for dispensation. For EU-member countries: if the request for dispensation of omission of a sample has been approved by the European Commission, and written proof of the European Commissions' approval is provided to the International Coordination, then the case is not considered as a dispensation case.

If a case of high pollution levels can be attributed by way of documentary evidence to other issues, such as an accident or another unavoidable incident, it is also possible to forward to the National Jury, such a candidate as a dispensation case. The documentation must show that the problem has been rectified and that the pollution was undoubtedly linked to the incident in question.

A beach can apply for dispensation when:

- facilities are under construction at the time of the application but will be finished by the start of the season.
- owing to extreme weather conditions, the imperative criteria on the beach are not met, e.g. signage or walkways, access to the beach has been damaged, etc. However, these must be rectified by the start of the season.
- a beach is not accessible to the physically disabled, yet it is the only beach in a local authority to run the Blue Flag Programme. The beach must present a plan on how and when the beach can fulfil the relevant criteria as a central part of the dispensation application.
- the location of the beach is such that the distance from services renders it unable to meet an imperative criterion, e.g. an accredited laboratory.

## **APPENDIX B: Information about the Blue Flag Programme must be displayed.**

**[Criterion 1]**

### **THE BLUE FLAG PROGRAMME**

This beach has been given Blue Flag accreditation. The Blue Flag is an environmental award, given to communities that make a special effort to manage their coastal/inland water environment and beaches with respect for the local environment and nature. To attain the Blue Flag, the community and its beach operators have to fulfil a number of criteria covering water quality, environmental information and education, safety, service and facilities.

This effort by the local community and its beach operators ensures that you and your family can expect to visit clean and safe environments at selected bathing sites. And it makes sure that the local community maintains a basis for sound development.

#### **Facts about the Blue Flag:**

The Blue Flag is awarded by the Foundation for Environmental Education (FEE), a non-governmental environmental organisation, which is represented by national organisations in each of the participating countries.

The Blue Flag is an environmental award for beaches, sustainable boating tourism operators, and marinas. Only local authorities or private beach operators can apply for a Blue Flag for beaches. The criteria for Blue Flag beaches cover four main areas: a) water quality, b) environmental information and education, c) environmental management, and d) safety and services.

The criteria of the Programme are developed over time so that participating beach operators have to keep working on solving relevant environmental problems to get the Blue Flag. Blue Flag accreditation is only given for one season at a time, and the award is only valid as long as the criteria are fulfilled. When this is not the case, the responsible persons at the local level are obligated to take the Blue Flag down.

The national FEE member organisation monitors the Blue Flag sites during the season.

#### **You can help the Programme by also taking actions to protect the environment:**

Use the litter-bins on the beach and recycle waste if possible.

Use public transport, walk or rent a bike to get to the beach.

Obey the beach code of conduct.

Enjoy the nature of the beach and its surroundings, and treat it with respect.

Choose a holiday destination that cares for its environment - and an environmentally friendly hotel too, if possible. Along with the Blue Flag, the Foundation for Environmental Education also develops another eco-label for touristic enterprises: Green Key. Find more information at: [www.green-key.org](http://www.green-key.org)

#### **Local, National and International Blue Flag responsible parties:**

Name and address of the local responsible person, national Blue Flag operator and the International Co-ordination must be posted.

Text to accompany the names and addresses could be the following: "These are the names and addresses of the local, national and international Blue Flag contacts. It will assist the Programme, if you could report on how these beaches comply with the Blue Flag standards. In this way, you can help ensure that the Blue Flag standard continues to be met."



**Types of Activities**

There must be a mixture of different types of environmental educational activities for different user groups. Some activities must be carried out at the beach and have a direct focus on the beach or coastal environment. The different types of activities can be divided into five categories:

Activities for Passive Participation: This could include exhibitions, films, presentations, slide shows, conferences, debates, presentations by international experts, etc.

Activities for Active Participation: This includes guided tours, educational games, theatre/plays, cleaning days, coast observation days, diving/snorkelling orientation sessions, beach inspections, photography or drawing contests, nature conservation projects, green technology projects, “Adopt a Beach” programmes, community coastal monitoring programmes, etc.

Training Activities: This could be training for teachers, beach or marina staff, persons in charge of children groups, lifeguards, cleaners, law enforcement officers, specific national training programmes, etc.

Publishing and Media: The production of leaflets, stickers, interpretive signs, postcards, school and municipal newsletters, books, T-shirts, bags, posters, radio broadcasts, etc.

Blue Flag Environmental Information Centre: It is strongly recommended that Blue Flag beaches provide an Environmental Information Centre (station, kiosk), where specific information about Blue Flag and environmental education issues can be provided. Such a centre must offer both activities and exhibitions and provide environmental and nature information in order to qualify as an environmental interpretation or education centre. Information about its location and activities must be provided at the beach or in nearby tourist information offices. The centre should be open to, and have activities and information for the general public, not only local school children.

**Target groups**

The activities should target a wide range of different groups. It is important that the beach operator, together with other operators in the area, organise a programme to educate and raise awareness within the many different interest groups that influence the use of the local environment. These interest groups could be visitors, locals, tourism employees, fishermen, local industries, etc.

The types, number and target groups of activities should match the situation. For example, in a major tourist destination, more than one activity per season should be available to the general public.

**Connection with existing programmes**

The activities can be part of already existing environmental education programmes, implemented either on-site or in the local community (Sustainable Development Goals related activities, Eco-Schools activities, etc.). It is also recommended that the beach operator work together with local NGOs in setting up educational activities.

**Information about Activities**

Information about the publicly accessible activities must be made available at the beach and preferably also in local tourism newspapers or magazines or posted in local tourism offices. The published information should include: the kind of activities, when and where are they going to take place, who they are for, etc.

**Not Acceptable**

Activities that are not acceptable for meeting this criterion are:

Activities held to meet other Blue Flag criteria such as the general cleaning of the beach, waste management, recycling, and posted environmental information otherwise required on the information board (i.e. information on surrounding sensitive environments), etc.

Activities focusing only on tourism without a specific focus on sustainable tourism.

Activities otherwise implemented by the local authority or beach operator as part of the standard management of health, safety, transportation or tourism.

**APPENDIX D: Recommendations for presenting water quality information on Blue Flag beaches.**

Example of a coastal water beach:

[Criterion 3]

Beach: \_\_\_\_\_

Local authority: \_\_\_\_\_

Contact person: \_\_\_\_\_

Telephone no: \_\_\_\_\_

Date												
<b>Escherichiacoli / Faecal coliform</b>												
☺ < 250cfu/100ml												
☹ >250cfu/100 ml												
<b>Intestinal Enterococci / Faecal streptococci</b>												
☺ <100/100 ml												
☹ >100/100 ml												

<p><b>Blue Flag and bathing water quality</b></p> <p>This beach has met the Blue Flag water quality standards. The bathing water is continuously monitored for the different types of bacteria shown in the tables. The bathing water is tested at least every 31 days. In the table, you can see when the water has been analysed and how many bacteria were found.</p> <p>A small number of bacteria tells you that the water is very clean - a high number of bacteria tells you that the water may be polluted and could contain bacteria from sewage.</p>	<p><b>What do the results mean?</b></p>	
	<p><b>Faecal coliform / E.coli</b></p> <p>☺ Below 250</p> <p>☹ Above 250</p>	<p><b>Faecal streptococci / Intestinal enterococci</b></p> <p>☺ Below 100</p> <p>☹ Above 100</p>
	<p><i>Excellent bathing water</i></p>	
	<p><i>Is allowed a few times during the season</i></p>	

## APPENDIX E: the 95th percentile

The 95th percentile is a calculation method used to obtain the average amount of pollution. In terms of Bathing Water sampling results, the value shows the results that are less than or equal to the limit values 95% of the time. The standards refer to values that would be exceeded by less than 5% of the time.

The 95th percentile is derived through the following calculation (based on the explanation in the EU Bathing Water Directive 2006):

1. Take the log<sub>10</sub> value of all bacterial enumerations in the data sequence to be evaluated. Zero values cannot be used and should be replaced by a value of 1 (or the minimum value allowed)
2. Calculate the mean of the log<sub>10</sub> values ( $\mu$ )
3. Calculate the standard deviation of the log<sub>10</sub> values ( $\sigma$ )
4. The upper 95 percentile is derived from the following equation:  $\text{antilog}(\mu + 1,65 \sigma)$
5. The resulting value must be within the limit values as stated above

A calculating spreadsheet is available on the Blue Flag Podio Library.

## APPENDIX F: Beach Litter Measuring System – a method of mapping the status of litter on a beach [Criterion 15]

In order to determine the cleanliness on the beach, the Beach Litter Measuring System could be used by the beach manager or the National Operator when conducting beach monitoring visits.

The system differentiates between bulky litter (>10 cm) and fine litter (<10 cm). It takes a closer look at the amount of litter in defined representative areas on the beach. According to the amount of litter, beaches are classified into different cleanliness levels (A+ to D). The method combines taking pictures and making counts.

At a Blue Flag Beach, the cleanliness level should be A+ or A.

Step by step guidance on how to define your beach's cleanliness level:

### Bulky Litter

1. Define an area of 100 m<sup>2</sup> (10 m x 10 m) for your bulky litter count and take a photo (Choose the dirtiest 100 m<sup>2</sup> that you can find on the beach).
2. Count the units of bulky litter (>10 cm) within the area.
3. Take a picture of the area (to keep as proof),
4. Determine the cleanliness level with the help of the beach litter indicator (see below)

### Fine Litter

1. Define an area of 1 m<sup>2</sup> for your fine litter count and take a photo (choose the dirtiest area within the 1 m<sup>2</sup>)
2. Count units of fine litter (<10 cm) within the area
3. Take a picture of the area (to keep as proof)
4. Determine the cleanliness level with the help of the beach litter indicator (see below)

### Beach Litter Indicator

Number of litter units per area	Cleanliness level
0	A+ Very Clean
1-3	A Clean
4-10	B Moderately Clean
11-25	C Dirty
> 25	D Very Dirty

### General

1. Keep a record of your measurements (date, time, location, circumstances, weather conditions, cleanliness level(s) for bulky litter, cleanliness level(s) for fine litter, other comments).
2. Repeat these steps at different locations along the beach if possible.
3. Repeat the measurement at different times during a season and different times of the day if possible.

It is important to keep in mind that starting to use this system might require more time in the beginning.

Once you get some exercise or training, it will be a quick, easy and helpful tool.

For a more detailed version of the beach litter indicator or a description of the system, please visit the Blue Flag website or contact the Blue Flag International Head Office.

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1 The Beach Litter Measuring System was developed by the Keep Holland Tidy Foundation and the Royal Dutch Touring Club.

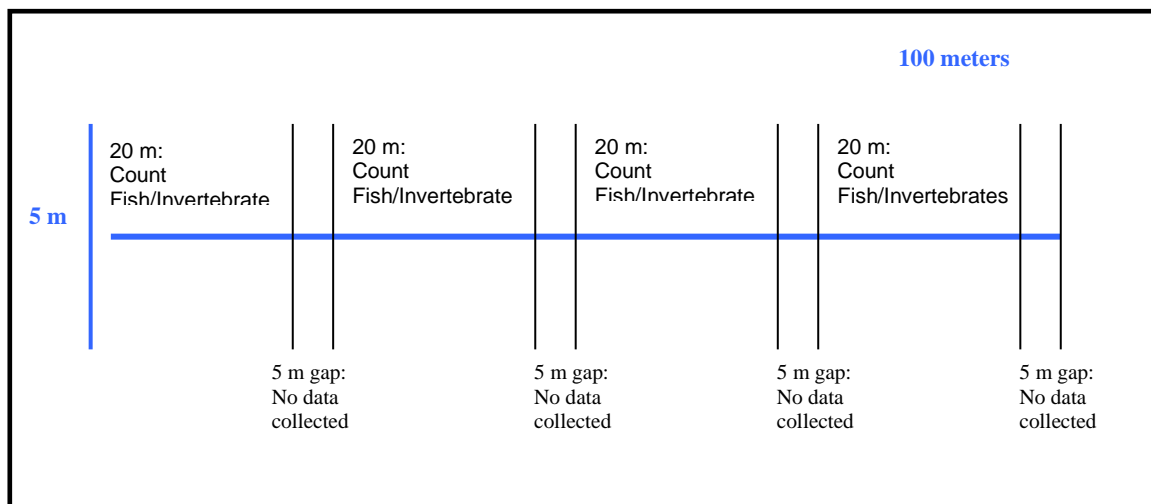
Below is a very brief description of the content of the “Reef Check” monitoring programme. For full information about the “Reef Check” system and information about national/international support, please consult <http://www.reefcheck.org>.

“Reef Check” is designed for use by volunteer, non-scientist snorkelers or scuba divers. A local “Reef Check” team should be established with a scientist and a group of snorkelers and divers trained to carry out the analyses. The team members must be skilled at identifying the indicator organisms and substrate categories. It is strongly recommended that the team attend a “Reef Check” training session. If there are already “Reef Check” teams established at the national or local level, these teams can be approached for support.

In order to carry out the monitoring, the following equipment is necessary: a copy of the instruction manual, indicator organism ID cards/books, GPS, transect lines, underwater paper and waterproof pencils/markers, buoys, plumb line and safety gear.

If possible, the monitoring should take place at two depths: shallow water (2-6 metre depth) and mid-reef (6-12 metre depth). Reefs in many areas are, however, not suitable for monitoring at more than one depth.

A 100-metre transect should be established (preferably parallel to the shore). The transect must be divided into 4 x 20-metre observation areas divided by 4 x 5-metre gaps. For re-survey, it is important



to document or permanently mark the transect start/endpoints.

The “Reef Check” coral reef monitoring program consists of four types of data collection methods: 1) Site description (environmental conditions and ratings of human impacts), 2) Fish counts, 3) Invertebrate counts, 4) Substrate type measurements.

The site description includes information about: location (overall and exact location), survey time, nearby population, weather conditions, rating of human impacts on the coral reef and the possible protection of the coral reef. The substrate survey includes the record of the substrate at points with 0.5-meter intervals along the 4 x 20-metre transect. The substrate must be classified in one of the following categories: hard coral, soft coral, recently killed coral, nutrient indicator algae, sponge, rock, rubble, sand, silt/clay, or other substrate. In the “Reef Check” manual, there is more information about how to conduct the substrate survey and classify the substrate.

The level of coral bleaching, presence of coral disease, presence of litter and coral damage must be

noted.

Each region has different indicator fish and invertebrate species that should be counted along the 4 x 20-metre transect. In the “Reef Check” website and manual, there is more information about the fish and invertebrate species to include in the counting and information about how to conduct the counts. Finally, it is recommended to supplement the survey with photo and/or video documentation.



## APPENDIX H: Guidelines for events on Blue Flag beaches

[Criterion 30]

Should events be planned for Blue Flag beaches, it is recommended that the beach operator attempt to achieve a win-win situation regarding both hosting the event and maintaining Blue Flag status. Events on Blue Flag beaches are not incompatible with the management of the Blue Flag Programme. However, the event should not compromise Blue Flag standards. The Blue Flag should not be lowered simply because an event is planned on the beach.

The decision to allow events to take place on beaches is ultimately the decision of the beach operator managing that facility and would, as such, be guided by local by-laws and other legislation. Should the beach operator be concerned about potential impacts on Blue Flag standards,, early contact and discussion with the National Operator is recommended. It is reiterated that it is the responsibility of the beach operator to ensure that Blue Flag standards are met.

If necessary, additional resources, e.g. cleaning staff, portable toilets, etc. should be brought in to ensure that the standards do not drop.

Wherever possible, the Blue Flag area should be zoned (including the use of buoys – where appropriate – in the water) so that a designated Blue Flag swimming area is still retained and the beach can still fly the flag. It is not recommended that the whole beach be dedicated to the event.

Wherever possible, every attempt should be made to ensure that all the Blue Flag standards are still met on the beach during the event.

In terms of the criteria of Blue Flag, compliance with all environmental and building legislation also applies to any events and/or the construction of facilities on the beach. This includes the possibility of undertaking Environmental Impact Assessments or producing environmental reports on the impact of the event on the natural surroundings. In this case, permission from the relevant environmental authorities in the region would be necessary.

The public must be given advance warning of any events planned for Blue Flag beaches. This could be in the form of posters or other information at the beach, through announcements in the local media, or on local authority/beach operator websites if appropriate. A notice indicating details of the event, duration of the event, where more information can be obtained, where complaints can be made, etc. must be posted at the beach.

In case of an activity that takes place on the beach after hours, i.e. for those beaches that withdraw the flag at the end of the day when criteria are no longer met, the beach operator must ensure that the beach and the facilities are cleaned and returned to order before the flag is due to be raised the next morning, even if this means the cleaning teams must work through the night. So, if the flag is normally raised at 08h00 in the morning, the facilities must meet Blue Flag standards by 08h00 in the morning.

It is recommended that the local authority/beach operator consider a fee to be levied on the organisers of events hosted on Blue Flag beaches and that this income be used to make improvements to the beach or within the local area.

## Appendix I – Guidance on ILS Safety Risk Assessment for Beaches [Criterion 27]

### INTRODUCTION

The International Lifesaving Federation (ILS) is the world authority in the global effort to prevent drowning and works with national life-saving organisations to improve drowning prevention, water safety, water rescue, lifesaving, lifeguarding and lifesaving sport. FEE and ILS have therefore entered a Memorandum of Understanding where FEE recognises ILS as being the world authority in the global effort to prevent drowning.

FEE encourages National Operators and local authorities to work with ILS national organisations when possible.

ILS will undertake risk assessments all over the world and take care that information boards, according to ISO 20712, are placed at as many beaches as possible. When this is not possible, an independent risk assessment may be conducted. Below are guidelines produced by ILS.

### BACKGROUND

Risk management can be defined as a logical and systematic approach of identifying, analysing, assessing, countering, monitoring and communicating risks associated with any activity or process. In its *Guidelines for safe recreational water environments (Vol.1)* the World Health Organization states: 'Assessment of hazard and risk inform the development of policies for controlling and managing risks to health and well-being in water recreation. ... The assessment of a beach or water should take into account several key considerations, including:

- the presence and nature of natural or artificial hazards,
- the severity of the hazards as related to health outcomes,
- the availability and applicability of remedial actions,
- the frequency and density of use,
- the level of development.

### PRINCIPLES

The purpose of hazard and risk assessment is to assess the probability that certain events will take place and assess the potential adverse impact these events may have on people, property or the environment, or other adverse outcomes.

ILS sees the implementation of risk assessments for all aquatic locations as a key element of the strategies to reduce injury and loss of life or other adverse impacts on the aquatic environment.

A generic framework and the main elements of the risk management process identified are:

- Communication and consultation
- Establishing the context
- Risk identification
- Risk analysis
- Risk evaluation
- Development of a risk control measures plan
- Monitor and review

This framework is consistent with the international standard ISO 31000 – Risk Management – Guidelines on principles and implementation of risk management.

The basic rationale for conducting a risk assessment is:

1. Identify the hazards of a particular location and assess the risks of possible human interaction with the hazard.
2. Provide the basis for a risk management plan.
3. Improve safety and reduce the risk of death or injury at the location.
4. Ensure the best use of resources and encourage effective management and cost-effective operations.
5. Reduce the potential for litigation stemming from accident and management practices.
6. Provide guidance for the development of policy, procedure and practices.

A **hazard** is a source of potential harm or a situation with a potential to cause a loss.

The term **risk** is used to describe the probability that a given exposure to a hazard will lead to an adverse outcome.

The job of accurately analysing the potential personal risk to the public at a coastal and/or beach location is complex. The determination and evaluation of potential risks is made more complicated in coastal regions due to the continually changing nature of the environment. Coastal regions are dynamic environments where the presence and level of a potential danger varies with numerous factors such as time, water conditions, weather and human interaction.

In order to effectively assess hazards and their associated risks, the assessor must understand all the contributing factors that come together to create the danger, for example, the beach topography, the prevailing weather and wave climates, and the number of people who use the beach and their chosen activities.

Consideration is required to counter (control) and manage the risks to ensure visitors can enjoy the safest aquatic recreation possible. Solutions may include any one or combination of the following “hierarchy” of controls.

1. Removal of risk; hazards, people or both, where possible (Elimination).
2. Remove access to the location at which the hazard may present a risk (Isolation).
3. Share the risk with another party or parties, for example through contracts, partnerships or insurance (Transfer).
4. Install a barrier such as a fence or vegetation (Engineering control).
5. Management (Administrative) controls that may include:
  - a. Community education programmes to raise awareness of potential hazards.
  - b. International standard signage to ISP 20712, which will enable visitors to make informed decisions on whether they wish to proceed into an area or undertake a particular activity.
  - c. Supervision through the deployment of appropriately trained personnel, such as lifeguards.
  - d. Implementation of appropriate emergency management systems.
  - e. Use and appropriate positioning of public rescue equipment, such as lifebuoys/rings.
  - f. Zoning, such as the use of marker buoys and flags to define areas in which non-compatible activities should be conducted such as powerboats, swimming and sailing.
6. Retain and management of the risk (Residual risk).

## REFERENCES

International Life Saving Federation (ILS), 2007, ILS Beach Risk Assessment Policy.  
International Life Saving Federation of Europe (ILSE), 2007, ILSE Risk Assessment Guidelines.  
International Life Saving Federation of Europe (ILSE), 2010, ILSE Designated Bathing Area Risk Assessment Report.  
International Standards Organisation (ISO), 2008, ISO 20712 Water Safety Signs and Beach Safety Flags (Parts 1, 2 & 3).  
Royal National Lifeboat Institution (RNLI), 2007, *A guide to coastal public rescue equipment*  
World Health Organisation (WHO), 2003, *Guidelines for safe recreational waters Volume 1 - Coastal and freshwaters*.

## Appendix J – Blue Flag Guidelines for further developments of your beach

### ENVIRONMENTAL EDUCATION AND INFORMATION

Information about the Blue Flag Programme and the other FEE eco-labels must be displayed. **The staff on the beach must be educated about Blue Flag and be able to provide information about it to the beach users.**

**Twice a year, there is a meeting with the staff about BF measurements/environment/sustainability.**

This is preferably done before and after the Blue Flag season, but for those beaches with year-long seasons, meetings can be held every six months.

The discussions can be verified by reports of minutes of management meetings.

**Every employee knows about BF, can communicate about BF with the guests**

There is an internal system in the beach management so that new staff is informed about the Blue Flag Programme, and that, especially for new employees, there is training about what Blue Flag criteria mean in their job. Part-time staff employed in high-season is also informed about Blue Flag.

### ENVIRONMENTAL MANAGEMENT

**The water consumption in the sanitary facilities and showers must be controlled.**

1. There is a maximum flow of 9 /minute out of showers
2. There is a maximum flow of 6 litres/minute out of the taps.
3. There is a maximum flow of 6 litres per toilet flush.

The beach uses water-saving measures in taps, showers and toilets. The flow of water taps for washbasins is up to 6 litres per minute. The flow of showers is up to 9 litres per minute. For the flushing of all toilets, not more than 6 litres of water are used.

The beach management should also influence the water consumption of private companies or businesses on the beach, such as restaurants, which could then implement the Green Key criteria and obtain the Green Key certification.

Exceptions:

When toilets have a greywater system or have a stop button, a maximum of 9 litres per flush is sufficient.

In addition to the reduction of water consumption, the beach takes additional measures. These could include the use of pressure or sensor faucets, a system to stop the water flow easily, payment system (coins, Sep key), use of greywater, a water recycling system, etc.

**There must be an environmental policy and an environmental plan for the beach. The plan should include references to water management, waste and energy consumption, health and safety issues as well as the use of environmentally friendly products wherever possible. All employees must be informed and educated about these issues.**

→ same as for marinas and boats

The beach, including the lifeguard station and private businesses, registers its annual consumption data of energy, water, waste, and (optionally) cleaning products. These data are converted into indices. An excel sheet is used for this purpose.

The records must show the following information:

- quantities of gas, electricity, water,
- all charges for gas, electricity, water,
- cost per unit consumption of gas, electricity, water.

There is an energy control visit every 5 years

The beach management has commissioned a further study of the energy performance of the recommended measures. The measures are included in the sustainability programme (guideline 2).

**Only environmentally friendly cleaning products (which are certified with an ecolabel) must be used for the cleaning of the facilities on the beach.**

Sanitary and interior cleaning products must have an accredited environmental label or must be products not included in the blacklist (see attachment 1: Green Key blacklist).

Sanitary and interior cleaners must have an eco-label, for example. European Ecolabel, Nordic Swan and Blue Angel).

When outsourcing the cleaning operations, the existing contract should be reviewed with the above terms to be included in the next contract review, and definitely within one year after the initial assessment for the Blue Flag.

Exception:

Specific cleaners that are regulated by laws for health and safety, hygiene and/or food safety (HACCP), either periodically or in case of an emergency, are not covered by this criterion.

For daily cleaning activities, only fibre cloth products are used.

**Only environmentally-friendly toiletries, paper towels and toilet papers must be provided in the sanitary facilities on the beach. Soap and other personal care products must be provided in dispensers with a dosing system.**

Paper towels and toilet paper must be made of non-chlorine bleached paper or must have an eco-label.

**Only energy-efficient lighting must be used. Sensors which regulate the use of the light should be installed wherever considered as being useful.**

All lighting is energy efficient (PSL, TL, SL, LED, etc.). Not later than one year after the inspection of the beach, energy-efficient lighting is used in and around (= outdoors) the buildings. For bulbs not meeting the criterion, the beach provides a substitution plan.

Energy-efficient lighting has a minimum light output of 40 lumen/watt. PL, TL, SL and LED lighting satisfy this condition. Halogen lighting and traditional light bulbs are not to be used on the beach anymore.

If there is no suitable alternative, a beach may get a dispensation for this point. The beach operator must demonstrate that it can not be technically realized or that the required investment has a payback period of > 5 years.

In and around the buildings on the beach, there is a substantial use of lighting sensors to prevent unnecessary illumination.

- Explanation: Lighting Sensors can turn lights on/off based on, for example, the presence of people (motion sensor) or too little light (light sensor). In this manner, unnecessary operation of lamps is prevented.

**The energy supply on the beach should be based on renewable sources.**

The beach uses renewable energy sources.

- Explanation: This includes renewable energy sources such as wind, solar and water; through solar, windmills, photovoltaic solar cells (electricity generation) or similar renewable energy, tylen hose for heating (tap) water etc.  
100% of the total amount of electricity is generated sustainably.
- Explanation: Sustainably generated electricity refers to electricity generated from renewable energy sources such as solar, wind and water. There are various names used: green energy, green electricity or natural electricity.

Green gas: The total amount of purchased gas is generated sustainably from biomass. Explanation: Green gas is gas produced from biomass. This "biogas" is brought into the natural gas, thus reducing the use of existing fossil natural gas resources. If you purchase green gas, then this is accompanied by a certificate of origin.

**The beach and beach equipment/facilities should aim at being climate neutral.**

The beach management carries out a CO2 study for its activities (e.g. to set a fixed CO2 footprint) to investigate if it can be carbon neutral.

Explanation: Working with CO2 emission certificates is always the culmination of activities. Save first, then see whether the beach itself can generate renewable energy. The third step is to neutralize CO2 emissions by purchasing CO2 certificates for the remaining CO2 emissions.

**Artificially made green areas and gardens on the beach must be maintained sustainably.**

**Chemical pesticides and fertilizers cannot be used more than once a year unless there is no organic or natural equivalent.**

As no chemical pesticides or fertilizers should be used on the establishment's premises, an alternative could be to use gas flames or mechanical herbicides. By using gas flames, the best effect is achieved if the plants are not burned down to the ground but rather just scorched.

**Flowers and gardens must be watered in the early morning or after sunset**

This criterion aims to reduce the water consumption, especially when tap water is used for watering. It is the best way to avoid evaporation and have the best impact on the roots of plants.

**Rainwater is collected and used for watering flowers and gardens**

This criterion also aims to reduce tap water consumption. An alternative water system to store and use rainwater limits the use of freshwater for watering.

**When planting new green areas, endemic or native species are used.**

Endemic species use less water than non-endemic, and their use preserves the biodiversity of the surroundings.

When making a plan for new green areas, think of the following components:

- a. introduction (including business data);
- b. a global inventory of paved surfaces, plant and trees species on and around the beach and a description of present landscape elements;
- c. a description of how current and future natural areas on and around the beach are handled (e.g., in terms of pruning, lawn mowing, weed control etc.);
- d. a management plan for nature on and around the beach. This plan looks at the desired future development;
- e. summary measures and costs of the plan;
- f. + appendices outline.

**Artificially made beaches must be created and maintained sustainably.**

A beach which has been artificially created must be managed in a sustainable way. Ecological evaluations must be undertaken in order to ensure a positive impact.

For example, the ecological impact of the sand brought to create the beach must be minimised as much as possible.

**The facilities on the beach must be made of environmentally friendly materials. Local suppliers should be preferably used when equipping the beach with new buildings, infrastructure or furniture.**

Encompasses buildings, furniture, infrastructure etc.

**Also: Environmental friendly painting**

For painting works, less environmentally harmful paints that have an eco-label are used. Explanation: When painting the buildings on the beach, use only environmentally friendly interior and exterior paint. The paints have a label such as Ecolabel, EU ecolabel or similar.

During new construction, reconstruction or renovation of the beach, the business will take into account the environment and sustainability of materials used.

Explanation:

- The purchased wood that is used for building is durable'
- Certified wood that has been approved by national authorities is used, for example, TPAC (Timber Procurement Assessment Committee) approved.
- The Energy Performance Coefficient (EPC) is at least 5% lower than required in national legislation.
- Other measures could be: buffering rainwater, water conservation, protection of biodiversity, promotion of environmentally friendly mobility or reduction of emissions and pollution by equipment used for building or by innovations in the use of the building.

Based on the sustainable procurement policy, the beach management makes demands on its suppliers. The beach management asks suppliers for a signed declaration of delivery of sustainable products and services.

Explanation: A sustainability declaration is a document describing the requirements of the beach management from suppliers and in which the supplier declares to be committed to this effect.

**CSR**

**The beach management has a CSR policy, covering the areas of Human Rights, Labour Equity, Environmental Education, and Anti-Corruption.**

**There is a declaration of CSR policy by the beach management**

The beach management has a CSR policy statement in which it defines its objectives on sustainability and corporate social responsibility. The statement must be prominently displayed.

→ Explanation:

A CSR policy is a statement of the senior management of the beach, indicating that sustainability and CSR are an integral part of business.

The statement pays at least attention to:

- general CSR objectives/sustainability outline, policy concern for people/planet/profit, and structural part of business objectives,
- implementation activities, which should be in accordance with company policies and procedures established,



- general rules regarding the implementation of the company's sustainability policy, with regard to the fulfilment of legal requirements, staff training and recording/monitoring of the environmental performance of the company.

**The beach develops a CSR programme for the next three years**

The sustainability program covers three years, and shows which environmental sustainability actions will take place to reduce the consumption of gas, water, electricity and waste (prevention) in that period. The policy also includes activities and measures in the area of procurement, transport management, community involvement, etc. Take the international Blue Flag criteria as a guide.

**Every employee can provide input to CSR**

The beach management has the policy that all staff members can provide input to CSR/Sustainability. For example, there is a "suggestion box" where the staff can submit their ideas about increasing sustainability on the beach.

**The beach management takes at least two measures during the controlling period to promote community involvement and social responsibility.**

**Social/community involvement**

The beach management takes at least two measures to encourage sustainable relationships in the immediate environment and to fulfil its commitment to perform better in the social field.

For example, the beach management:

- promotes good relations with local residents/stakeholders, and works on a long-term relationship with them (offers free facilities, organizes free events, provides an annual offering to compensate for any inconvenience).
- stimulates the local economy/
- works with other local organizations, such as local associations, environmental organisations, etc.
- is actively involved in a charity or conservation organization.
- provides free communication platforms for charity.
- distributes sustainable gifts and/or sale items.
- sponsors social/community organisations, directly or indirectly, materially or immaterially, or is committed to a social purpose
- participates actively in charity work.

**Blacklist Green Key cleaning products.**

**FEE/Green Key**

Blacklist for cleaning products in the Green Key Programme

The Blacklist is prepared by the consultant organisation, Ecoconso.

This list covers multi-purpose and sanitation products (typical cleaning products). For cleaning in any other specific area that needs special products, one must check for compliance with national legislation.

**Surfactants:**

Surfactants that are not readily biodegradable under aerobic condition

Surfactants that are not biodegradable under anaerobic conditions and that are classified with H400/R50 (very toxic to aquatic life), Alkylphenoethoxylates (APEOs), onylphenoethoxylates (NPEOs) and derivatives.

Quaternary ammonium compounds that are not readily biodegradable.

**Sequestering or anti-scaling agents:**

EDTA (ethylenediamine tetraacetate) and its salts, phosphates.

**Acids:**

Phosphoric acid, hydrochloric acid, sulphuric acid.

**Bases:**

Ammonium hydroxide.

**Solvents:**

Detergents containing more than 6% by weight of VOCs with a boiling point lower than 150°C.

**Chlorine:**

Reactive chloro-compounds (such as sodium hypochloride).

**Conservators:**

Formaldehyde.

Antimicrobial or disinfecting ingredients added for other purposes than preservation.

Bioaccumulable preservatives classified as H410, H411, R50/53 or R51/53. Preservatives are not regarded as bioaccumulable if BCF < 100 (bioconcentration factor) or logKow < 3 (log octanol/water partition coefficient)

# Public Spaces Protection Orders

Guidance for councils

# Foreword

Local authorities understand well how anti-social behaviour can blight the lives of people in their local communities, with those affected often feeling powerless to act. Councils have a key role to play in helping make local areas safe places to live, visit and work and tackling anti-social behaviour continues to be a high priority for local authorities and their partners across the country.

Councils know the issues that affect their localities the most and are well placed to identify how best to respond. Public Spaces Protection Orders (PSPOs), introduced in 2014, sit amongst a broad range of powers and tools to help tackle anti-social behaviour locally. PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They are not about stopping the responsible use of the night-time economy, or preventing young people from seeing their friends – but they do provide councils with another instrument to help deal with persistent issues that are damaging their communities.

PSPOs have not been welcomed by all, attracting some criticism over their introduction, or about how particular PSPOs have been implemented. As a result, in December 2017 the Home Office updated its statutory guidance on anti-social behaviour powers, according to the Anti-Social Behaviour, Crime and Policing Act 2014. The changes are reflected in this document. In light of the updated guidance, councils may find it useful to consider the current restrictions in their local area and whether the PSPO needs to be amended at the time of its renewal. It's important to note, that when used appropriately, proportionately and with local support, PSPOs can be a positive device that help to prevent anti-social behaviour, and can provide an effective response to some of the issues local residents and businesses face on a daily basis.

This guidance aims to set out the issues to consider where local areas are contemplating introducing a PSPO, and offers practical guidance on the steps to take if councils choose to do so. It should be read in conjunction with the Home Office's statutory guidance on the Anti-social Behaviour, Crime and Policing Act 2014.

**Councillor Anita Lower**

Deputy Chair and Anti-social Behaviour Champion  
LGA Safer and Stronger Communities Board

# Public Spaces Protection Orders

## Legislative background

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

PSPOs are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replace Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders.<sup>1</sup> Existing DPPOs, Gating Orders and Dog Control Orders which automatically become PSPOs (as of 20 October 2017).

## Overview of Public Spaces Protection Orders

The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented.

Orders can be introduced in a specific public area where the local authority<sup>2</sup> is satisfied on reasonable grounds that certain conditions have been met. The first test concerns the nature of the anti-social behaviour, requiring that:

- activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
- the effect or likely effect of these activities:
  - is, or is likely to be, persistent or continuing in nature
  - is, or is likely to be, unreasonable

1 Replacing orders under The Criminal Justice and Police Act 2001, the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005 respectively.

2 This covers district councils, London Boroughs, county councils in an area where there is no district council in England (along with City of London and the Council of the Isles of Scilly) and county councils or a county borough councils in Wales.

- justifies the restrictions being imposed.

The Home Office statutory guidance re issued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.<sup>3</sup>

A single PSPO can be used to target a range of different ASB issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.

As a minimum, each PSPO must set out:

- what the detrimental activities are
- what is being prohibited and/or required, including any exemptions
- the area covered
- the consequences for breach
- the period for which it has effect.

There are further specific provisions regarding some types of PSPO, which will be covered in detail below.

A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

The legislation sets out a number of additional requirements for consultation and communication before an Order is introduced, once it is implemented and where it is extended, varied or discharged. PSPOs can be legally challenged under the 2014 Act on certain grounds.

Beyond this broad framework, detailed further below, councils can decide how best to implement PSPOs in their local areas. This guidance sets out some suggested

approaches based on good practice from around the country.

## Using Public Spaces Protection Orders

Local partners have a vast range of tools and powers at their disposal to respond to concerns about anti-social behaviour in their locality, from measures aimed at tackling the causes of ASB, awareness-raising, through to enforcement.

Used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents. They can send a clear message that certain behaviours will not be tolerated, and help reassure residents that unreasonable conduct is being addressed.

However, PSPOs will not be suitable or effective in all circumstances, and it is important to consider carefully the right approach for identifying and addressing the problem behaviour. This is especially important when the activities may also have positive benefits. Other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced anti-social behaviour strategy. Considering non-statutory solutions, perhaps delivered in partnership with community, civic or membership organisations may be equally valid in the right circumstances.

### Choosing the right tool

Choosing the right approaches for responding to the ASB should start with identifying the specific issue or issues of concern, and considering what is likely to be the most targeted and effective response in the circumstances.

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670180/2017-12-13\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf)

Some issues may be adequately addressed using other tools. For instance, awareness-raising campaigns about the impact of certain activities on others, improved community engagement, or offering support to those exhibiting certain behaviours may be enough to address the ASB identified.

In some areas, codes of practice around certain practices such as busking<sup>4</sup>, or posters setting out ‘good behaviour’ associated with activities such as skateboarding, have provided effective solutions in responding to particular concerns.

Street fundraising for instance, is governed by an independently set Code of Fundraising Practice and the Institute of Fundraising provides a free service for councils to limit the location, number and frequency of fundraising visits. Around 125 councils have taken advantage of these voluntary agreements, rather than use PSPOs.

In other circumstances it may be more appropriate to use tools such as community protection notices (CPNs). CPNs are used against specific individuals responsible for causing harm, or for tackling particular problem premises, unlike PSPOs which create a broader ban covering a whole area. Similarly, in many cases existing legislation covering various forms of anti-social behaviour or public order may be adequate.

Feedback from councils suggests that effective consultation with partners, stakeholders and the wider community can help to identify the best way forward (see also support evidence and consultation, below).

**“PSPOs aren’t the answer for everything – you need to start by looking at what the issue really is. Often there are easier and more effective tools for dealing with the problem.”**

Cheshire West and Chester Council

<sup>4</sup> See, for example, City of York Council: [https://www.york.gov.uk/info/20081/arts\\_and\\_culture/1155/busking\\_in\\_york](https://www.york.gov.uk/info/20081/arts_and_culture/1155/busking_in_york)

Where local areas decide that introducing a PSPO may be appropriate, it should be noted that the most robust Orders directly address the detrimental behaviour, rather than activities which may not in themselves be detrimental or which target characteristics that might be shared by some of those responsible (or with the wider public). The Home Office’s statutory guidance reiterates that PSPOs should be used responsibly and proportionately, only in response to issues that cause anti-social behaviour, and only where necessary to protect the public.

There are also a number of practical considerations which should be borne in mind when choosing the right tool. PSPOs can be resource-intensive to introduce and enforce and there will need to be commitment from partners to ensure it can be implemented effectively.

Councils will need to be satisfied that where they choose to pursue introducing an Order as part of their strategy, they have met the requirements of the legislation. This is covered in detail in the following sections.

## Introducing a PSPO

Where councils have identified that a PSPO may be a suitable response to a particular local issue, they will then need to consider how to ensure they meet the statutory criteria. This will include determining:

- the appropriate scope of the Order
- the area covered by the restrictions
- the potential impact of the proposals
- how each of the restrictions meets the legal test.

Councils will also need to consider how best the Order should be worded and establish an evidence base to support the proposals, incorporating a consultation process. Other issues, such as the practical implications around implementation and what is possible to enforce, will also need to be borne in mind.

Early engagement with partners and stakeholders can be useful in understanding the nature of the issue, how best to respond – and, if an Order is proposed, how it might be drafted. This is likely to require involvement, and pooling of information, from a variety of sources, including councillors and officers from across council departments (including, for example, community safety, environmental health, parks, equalities, legal), police colleagues and external agencies.

It is useful for local areas to seek early contact with interest groups when scoping their proposals, to help identify how best to approach a particular issue, before the formal statutory consultation takes place. For example, a local residents' association or regular users of a park or those involved in specific activities in the area, such as buskers or other street entertainers. An effective consultation process with a range of stakeholders will also help to assess the impact of the ASB and where an appropriate balance for restrictions on behaviour should lie (see supporting evidence and consultation, below).

**“Engagement with representative groups early on was really constructive – they helped advise us on other legislation we needed to be mindful of, and helped us draft something that worked.”**

**Carmarthenshire County Council**

Ongoing engagement with, and commitment from, partners will be crucial for introducing, implementing and enforcing a PSPO and ensuring there are resources available to support it.

#### **Activity subject to an Order – overview**

PSPOs can be used to restrict a broad range of activities. Under section 59 of the 2014 Act, local authorities must be satisfied on reasonable grounds that the activity subject to an Order:

- has a detrimental effect on the quality of life of those in the locality (or it is likely

that activities will take place and have such an effect)

- is (or is likely to be) persistent or continuing in nature
- is (or is likely to be) unreasonable
- justifies the restrictions being imposed.

PSPOs must set out clearly what the detrimental activities are. What may be regarded as ‘anti-social’ is a subjective concept, and similarly determining whether or not behaviour is detrimental and unreasonable can present some challenges and will require careful consideration.

Councils will need to assess how certain behaviours are perceived, and their impact – both on the community broadly, and on its most vulnerable individuals. Some areas have included an additional test locally that the behaviour needs to be severe enough to cause alarm, harassment or distress. Collating evidence that illustrates the detrimental impact of particular activities will be important (see supporting evidence and consultation, below).

When assessing what is ‘unreasonable’ activity, councils will need to balance the rights of the community to enjoy public spaces without ASB, with the civil liberties of individuals and groups who may be affected by any restrictions imposed. Further, some of those affected by possible restrictions may be vulnerable and councils need to look carefully at what impact the proposals might have on certain groups or individuals (see assessing potential impact and the Equality Act, below).

#### **Appropriate restrictions**

As set out above, the restrictions imposed by an Order must be reasonable, and either prevent or reduce the detrimental effect of the problem behaviour, or reduce the risk of that detrimental effect continuing, occurring or recurring. Ensuring that the prohibitions or requirements included in a PSPO are solid, easily understood and can withstand scrutiny is key.

Orders must state what restrictions are being imposed to either prohibit certain things, and/or require certain things to be done by those



engaged in specific activities. PSPOs are most effective and most robust to challenge where they are **tightly drafted and focus on the precise harmful behaviour identified**. Being clear on addressing the problem behaviour in an Order can help avoid the risk of unduly pursuing individuals who may not be causing any real harm.

### **Homeless people and rough sleepers**

The Home Office guidance sets out that PSPOs should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. It suggests the council should consider whether the use of a PSPO is the appropriate response and if it will have a detrimental impact on homeless people and rough sleepers. Councils will find it useful to consult with national or local homeless charities on this issue, when councils are considering restrictions or requirements that could affect homeless people and rough sleepers.

### **Groups hanging around/standing in groups/playing games**

It is important that any Orders put in place do not inadvertently restrict everyday sociability in public spaces. Restrictions that are too broad or general in nature may, for instance, force young people into out-of-the-way spaces and put them at risk. It is useful to consider whether there are alternative spaces that they can use. The Home Office guidance notes that people living in temporary accommodation may not be able to stay in their accommodation during the day and may find themselves spending extended time in public spaces. It's important to consider when putting in place any restrictions that public spaces are available for the use and enjoyment of a broad spectrum of the public, and that people of all ages are free to gather, talk and play games.

In the London Borough of Brent, residents and park users identified issues with public defecation, alcohol use, public disturbances and intimidation. The council introduced a PSPO targeting the cause of the ASB – groups congregating, attracted by offers of casual labour. The council was keen not to enforce against rough sleepers or job-seekers but instead outlaw the offering of employment within the area, and the running of an unlicensed transport service. The aim was to deter those seeking to exploit casual labourers and those profiting from bringing certain groups to the area.

Proposals should clearly define which specific behaviours are not permitted or are required, and any exemptions that might apply. Careful wording will help people to understand whether or not they are in breach once the Order has been implemented and give them an opportunity to modify their behaviour. It will also help to avoid any unintended consequences. Councils' legal teams should be able to advise on the precise wording to use.

### **Limitations**

There are some limitations set out in the legislation regarding behaviours that can be restricted by PSPOs. Under the 2014 Act, local authorities must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, extending, varying or discharging an Order. These cover freedom of expression, and freedom of assembly and association respectively (although it is worth noting here that PSPOs might be considered appropriate for addressing aggravating behaviours such as the use of noise-enhancing equipment like amplifiers). Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles.

Where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as licensed premises.

Further, there are some restrictions under section 63 on what action might be taken for a breach of an Order that prohibits consumption of alcohol (see enforcement and implementation, below).

Where Orders will restrict public rights of way, section 64 of the Act requires authorities to consider a number of issues, including the impact on those living nearby and the availability of alternative routes – and sets out some categories of highway where rights of way cannot be restricted. Councils may also conclude that PSPOs restricting access should only be introduced where the ASB is facilitated by the use of that right of way – otherwise it may be more appropriate to draft an Order focussed on the problem behaviour instead.

Some PSPOs have been introduced to address ASB linked with ingesting new psychoactive substances (NPS). The Psychoactive Substances Act 2016 introduces new legislation regarding the production and supply of NPS, but, unlike controlled drugs, does not criminalise the possession of substances alone.<sup>5</sup> Effective implementation and enforcement of PSPOs that deal with the consumption of psychoactive or intoxicating substances will require particularly careful consideration. Wording of these Orders should be precise to avoid any unintended consequences, ensuring it is clear what substances are covered or exempted.<sup>6</sup>

### **Area subject to an Order**

The Act and Home Office statutory guidance set out the types of land which can be subject to a PSPO, or where additional considerations or requirements apply (eg when undertaking the consultation process). The activity restricted by an Order must be carried out in a public place, which is defined in the legislation as ‘any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission’.

<sup>5</sup> Unless in a custodial institution.

<sup>6</sup> It may be useful to refer to The Psychoactive Substances Act 2016, which includes a list of substances that might be deemed to produce a psychoactive effect when consumed but which are exempt from the scope of the 2016 Act – for instance medicinal products, nicotine or caffeine.

There may be some restrictions on the activities that can be prohibited on certain types of land (registered common land, registered town or village greens and open access land) which should also be considered. For instance, restrictions on access to registered common land may be subject to a separate consents process under The Commons Act 2006.<sup>7</sup> Further, for Orders that restrict public rights of way, section 65 of the 2014 Act sets out certain categories of highway to which such an Order cannot apply.

For addressing behaviour on privately-owned open spaces, other approaches may be more effective and appropriate. Private landowners are responsible for behaviours which occur upon their land and where landowners can be identified and traced, councils should work with them to address problem behaviour. Where landowners do not engage, councils may utilise other tools and powers available to them, such as Community Protection Notices or Civil Injunctions.

In Oldham, the council has successfully worked with a group of landowners and residents to enable them to find their own solutions to improve security and reduce ASB.

Determining the extent of the geographical area covered by an Order will mean identifying what is proportionate in the circumstances and restricting activities only where necessary – ie only where the legal test is met. It may be difficult to demonstrate that the statutory criteria under section 59 have been met across an entire broad geographical area; evidence about the extent of the anti-social behaviour within a locality should be used to inform appropriate boundaries (see supporting evidence and consultation, below).

<sup>7</sup> Further information and links to additional guidance: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364851/Public\\_and\\_open\\_spaces\\_information\\_note.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf)

In some cases of course it will not be appropriate to introduce broad-scale restrictions. When drafting an Order placing restrictions on dogs for instance, it should be considered that owners have a duty under the Animal Welfare Act 2006, to provide for their animal's welfare, which includes exercising them. In determining the area covered by restrictions, councils should therefore consider how to accommodate the need for owners to exercise their animals.

The area which the PSPO will cover must be clearly defined. Mapping out areas where certain behaviours **are** permitted may also be helpful; for instance identifying specific park areas where dogs can be let off a lead without breaching the PSPO.

## Controlling the presence of dogs

The Home Office guidance encourages councils to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Councils should also consult dog law and welfare experts, for example, vets or animal welfare officers and organisations affected by restrictions before seeking to a PSPO. It may be useful to consult the Kennel Club on these issues.

The Department for Environment, Food and Rural Affairs has produced guidance in the form of a practitioner's guide on a range of tools available to deal with irresponsible dog ownership, for example, the use of a Community Protection Notice.

Where parish and town councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experiencing by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO.

Practical issues, such as effective enforcement and erecting signs in (or near) an area subject to an Order – as required by the legislation – should also be borne in mind when determining how large an area the Order proposals might cover.

### Displacing behaviour

Notwithstanding the requirements outlined above, when defining the area restrictions should cover, consideration should be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring authority. It is worth noting here that the legislation allows for Orders to address activity that 'is likely to' occur in that public place. Local areas can therefore consider whether there are any legitimate concerns that introducing an Order in one area, and not another, could simply move issues somewhere else – and thus whether it would be appropriate to extend into a larger area or adjacent street. Councils will however need to ensure that a proportionate approach is taken overall, and that there is evidence to support using a broader approach.

Where there are concerns that activity may be displaced into other areas, authorities should contact neighbouring councils to discuss managing any unintended consequences.

### Order exemptions

The legislation allows for Orders to apply only in particular circumstances and may include certain exemptions. Restricting behaviours only at certain times of day, or on a seasonal basis, can help to balance the needs of different groups and may be easier to enforce. Orders might only cover times of day when the issue is particularly acute, or when the problem behaviour will have more of an impact on others. Similarly, some types of ASB can be seasonal in their nature, for example relating to school holidays or summer weather. It may be the case that only at certain times will the behaviour be regarded as sufficiently 'detrimental' to satisfy the legislative test.

Exemptions for particular groups may be appropriate. For instance, for PSPOs controlling the use of dogs, it is likely that

assistance dogs should be exempt; this will need to be explicitly stated in the wording of the Order.<sup>8</sup> Exemptions might also cover particular circumstances where restrictions may or may not apply. Undertaking an effective impact assessment (see assessing potential impact and the Equality Act, below) should help to identify the consequences of a proposed Order on specific groups and therefore whether certain exemptions would be appropriate.

### **Assessing potential impact and the Equality Act 2010**

It is important for councils to consider carefully the potential impact of a PSPO on different sections of their communities. In introducing an Order, councils must take care to ensure that they comply with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO should therefore be reviewed to determine how they might target or impact on certain groups.

Although it is not a specific requirement of the legislation, it is recommended that areas undertake an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.<sup>9</sup> This process will help councils to establish any potential negative impacts and consider how to mitigate against these. This exercise will also help to ensure transparency.

Areas that have undertaken an EIA before introducing a PSPO have reported how useful this was<sup>10</sup>, providing an opportunity to give full and separate consideration to the effect that each of the prohibitions or requirements might have on those in particular groups, and

enabling areas to consider how they could minimise any negative consequences – both in terms of the scope of the proposals and in how they might be implemented. Undertaking an EIA before introducing a PSPO can help to inform how best to balance the interests of different parts of the community, and provide evidence as to whether or not the restrictions being proposed are justified – as required by section 59 of the 2014 Act.

### **Duration of PSPOs**

Orders can be introduced for a maximum of three years, and may be extended beyond this for further three-year period(s) where certain criteria are met (see extension, variation and discharge, below). The proposed length should reflect the need for an appropriate and proportionate response to the problem issue. Some areas have introduced shorter Orders to address very specific issues, where it is felt that a longer-term approach is unnecessary.

## **Supporting evidence and consultation**

Local areas will, of course, need to satisfy themselves that the legislative requirements are met before an Order can be introduced, and obtaining clear evidence to support this is important. Collating information about the nature and impact of the ASB subject to the PSPO are core elements of the evidence-gathering and consultation process and will help inform the council's view as to whether the requirements under section 59 of the Act have been fulfilled.

The evidence will need to be weighed up before authorities can determine whether or not it is appropriate and proportionate to introduce a PSPO at all, and if so, whether the draft proposals are suitable. It can be used to help shape the scope of the Order, including any exemptions – such as times of day when a behaviour might be prohibited – and can also help to determine what area the Order should cover and how long it should last. The most robust Orders will be supported by a solid evidence base and rationale that sets out how

<sup>8</sup> This differs from some Dog Control Orders, which automatically excluded assistance dogs from restrictions.

<sup>9</sup> The Equality Duty covers: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Marriage and civil partnership are also covered in some circumstances.

<sup>10</sup> See example from Oxford City Council: <http://mycouncil.oxford.gov.uk/ieDecisionDetails.aspx?AllId=10095>

the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response.

The nature of this evidence, and how it should be weighted, is largely down to councils to determine, although obtaining a range of data from different sources as part of this process will be particularly useful in informing decision-making, and may help to avoid challenge further down the line (see further evidence, below, for specific examples). The Act does however require that there is a consultation process before an Order can be made (and held again when an Order is extended, varied or discharged).

### **Statutory consultation – who to contact?**

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification (see also publication and communication, below).

Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

There are additional requirements under the Act regarding Orders that restrict public rights of way over a highway (see below), but beyond this, and the broad requirements above, local authorities can determine for themselves what an appropriate consultation process might entail. However, this does provide an important opportunity to seek a broad range of views on the issue and can be invaluable in determining ways forward, establishing the final scope of the proposals and ascertaining their impact.

Encouraging open discussion as part of the consultation process can help to identify how best to balance the interests of different groups – both those affected by the anti-social

behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.

‘Community representatives’ are defined broadly in the Act as ‘any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area’. This gives councils the freedom to determine who best to contact given local circumstances and the scope of the proposals. Those who will be directly affected by the Order, or groups representing their interests, should be directly approached. Further, several areas have reported that they found it useful to actively seek out stakeholders who might oppose the proposals during their consultation.

In several areas early discussions with stakeholders who might be affected by a PSPO have proven very useful. This engagement, often before a more formal consultation process, not only provides an opportunity to discuss the anti-social behaviour and its impact on others, but also gives the council an in-depth understanding of stakeholders’ key concerns, and tests the impact that any restrictions on behaviour might have. This has helped scope the proposals and in some cases identified alternative ways of tackling the problem behaviour.

Identifying appropriate stakeholders to approach will obviously depend on the nature and scope of the PSPO in question. Alongside residents, users of the public space, and those likely to be directly affected by the restrictions, this might include residents’ associations, local businesses, commissioned service providers, charities and relevant interest groups.

The Kennel Club (via KC Dog) has been contacted by several councils looking to introduce PSPOs affecting dogs and their owners. Where an Order will restrict access over land, utility service providers should be included within the consultation process.

## Consultation approaches

Councils should use a range of means to reach out to potential respondents, some of whom may be unable to feed back in certain ways, eg online. Local demographics and the characteristics of those who may be most affected by the ASB or the Order can also help to identify the best mechanisms for ensuring a comprehensive consultation process (for instance, using social media where young people may be particularly affected). Similarly, different tools may be utilised in various ways to enrich the information gathered – for instance, a survey of park users which is repeated at various times of day to cover a range of people using the public space.

Existing meetings such as ward panels may provide opportunities to discuss the issue and encourage more formal consultation responses. Securing written statements from those particularly affected, such as landowners, can be particularly useful in building the evidence base for supporting the introduction of a PSPO.

In Cheshire West and Chester their PSPO consultation not only asked respondents whether or not they found particular activities problematic, but also whether or not that behaviour should be addressed via a PSPO. By asking open questions that allowed for free comments, it provided an opportunity for respondents to give their views on what they felt should be a proportionate response to each specific issue identified.

An effective consultation should provide an overview of what the local issues are, set out why a PSPO is being proposed, and what its impact would be. Publishing details of the extent of the problem behaviour can assist respondents to understand why a PSPO is being considered and help inform views on whether it would therefore be an appropriate response.

The consultation should also provide sufficient means for respondents to oppose the proposals and may also be used to elicit

views on alternative approaches. Achieving a healthy response rate, with considered responses, will help to support the evidence base for introducing an Order and refuting challenge.

**“The open consultation format was actually really useful in identifying new issues. We haven’t lost anything from the process; all these things have gone into action plans to try and sort out.”**

Cheshire West and Chester

Examples of consultation methods from local areas include:

- online questionnaires
- postal surveys
- face-to-face interviews
- contact with residents’ associations
- focus groups with stakeholders and interest groups representing those who will be affected
- discussions with service providers working directly with affected groups
- discussions at ward panel meetings
- publicity via local press or social media
- publications in libraries and other public buildings
- on-street surveys
- drop-in sessions in the area subject to the PSPO.

Surveys or questionnaires have been an integral part of councils’ consultation processes for PSPOs and provide a chance to test the extent to which the proposals satisfy the statutory requirements under section 59. The questions might explore:

- what effect the activities in question have on residents, businesses and visitors – and whether this is detrimental

- how safe respondents feel and what impacts on this
- how often problem behaviours are personally encountered by individuals
- when and where problems occur
- whether the behaviour is so unreasonable that it should be banned.

Feedback from some areas suggests that seeking expert advice on drafting questions and undertaking consultations can help ensure that questions are appropriately phrased, clear and objective.

There are no statutory requirements about the length of the consultation process. However it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order, taking into account for instance any holiday periods that may affect response rates – this may take several weeks or even months. Some issues may require time to fully explore and understand – councils should not be reluctant to extend the initial consultation period if it is clear that this would be beneficial in the longer-term.

### **Additional requirements for PSPOs restricting public rights of way**

In the case of Orders restricting access over public highways (eg through the installation of gates), the Act sets out specific additional requirements for the consultation process. The council must notify those who may be potentially affected by the Order, let them know how they can see a copy of the PSPO proposals and when they need to submit any responses, and is required to consider any representations made. Councils must also consider the effect of the restrictions on occupiers of premises adjacent to or adjoining the highway, on other people in the locality and, where this is a through route, whether a reasonably convenient alternative is available. These considerations should include, for example, access for emergency services or utility companies.

Achieving support from the local community for these types of Orders is particularly

important for ensuring their success; if gates are regularly left open by residents then it is unlikely that the ASB will be addressed.

In Oldham, a two-stage process is used for consultation for PSPOs that restrict access over public highways.

After local discussions it was found that often directly-affected properties were occupied by transient residents who were less likely to respond to a consultation process. This negatively impacted upon settled residents as non-responses were not counted towards the approval rate for schemes and failure to reach the agreed approval rate resulted in proposals not being progressed any further.

Working with residents and councillors, the policy was amended and now states that if, after two contacts, there is no response from a household directly affected by the proposal, and in the absence of a clear objection, the default position becomes support for the proposed Order, thus achieving a much higher level of support for the proposals. In order to achieve a balance the approval rate required to move to the next step of broader consultation was increased to 90 per cent.

### **Consultation outcomes**

Consultation responses will clearly require some analysis once they are collected. Councils might consider examining the demography of respondents to the consultation. This can help to gauge whether they are, for example, residents or visitors, and can be useful in determining who is likely to be impacted most by either the problem behaviour or restrictions on behaviour. This can be useful in helping to shape the final Order provisions.

**“The consultation allowed us to measure the fear of crime – often things are not reported and the statistics don’t show this.”**

Cheshire West and Chester Council

Councils may wish to publish the outcomes of their consultation process, and other supporting evidence, in the interests of transparency (subject to data protection requirements).

### Further evidence

As noted above the 2014 Act requires local authorities to formally consult with the police and the police and crime commissioner (PCC) – and there should be further engagement with relevant lead officers from the police to help build the evidence base and identify the potential impact of an Order. Early engagement with and support from police partners is likely to be key in introducing an Order. As well as assisting with identifying the problem behaviour and therefore the scope of any responses, this can also help to draw out some of the more practical implications of introducing an Order, such as how it will be enforced – which may shape how the PSPO is drafted.

Alongside eliciting views from the police and PCC, there may be a number of additional sources of information that help to inform decision-making and support (or oppose) the introduction of an Order or specific prohibitions. These might include:

- the community safety partnership's strategic assessment
- police data on crime and anti-social behaviour incidents (including the impact of some problem behaviours, such as excessive drinking)
- hospital data on ingesting new psychoactive substances
- calls to 101
- calls to council services reporting incidents
- residents' logs and photographs of anti-social behaviour
- mapping of problem areas
- data on the effectiveness of previous Gating Orders or Dog Control Orders
- CCTV footage of incidents
- reports from council staff such as park wardens and cleaners.

Collecting data covering a prolonged period may help to satisfy the legislative requirement that the activities subject to the draft Order are persistent. Some areas have collated evidence covering a two year period in order to demonstrate this.

## Political accountability, scrutiny and sign-off

Within the confines of the framework outlined above (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, ensuring that the statutory requirements have been met and giving final approval for an Order to go ahead.

Close involvement of councillors and ensuring political buy-in throughout the implementation process are key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration. Many areas have agreed that final approval and sign-off of PSPOs should be undertaken at cabinet/ executive or Full Council level.

In ensuring that the requirements under section 59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.

Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.



Councillors will also have an important role in examining the processes used in drafting the proposals. This will include analysing the outcomes of the consultation process and other supporting evidence offered to satisfy the statutory criteria, and determining whether, on balance this provides sufficient grounds to proceed (it should be noted here the need to ensure compliance with data protection legislation when sharing this information).

Several areas have used overview and scrutiny committees to examine draft Orders and challenge proposed ways forward. This adds a further element of democratic accountability and helps to ensure that decisions made are sound and transparent. In several cases, involvement from scrutiny committees has helped to focus the scope of Orders proposed.

Committees provide a useful mechanism to test the proposals and their potential impact, and the evidence base for introducing them; front-line councillors can provide different perspectives and may also offer suggestions for alternative approaches.

### Suggested questions for overview and scrutiny committees

What evidence is there that the anti-social behaviour is or is likely to be persistent, detrimental and unreasonable?

Why is a PSPO being proposed to address this issue or issues?

Is the proposed restriction proportionate to the specific harm or nuisance that is being caused?

What alternative approaches are available and why is a PSPO appropriate in these circumstances?

Will the proposals alleviate each of the problem behaviours?

Have exemptions been considered?

What might be the unintended consequences for each aspect of the

### PSPO?

What will be the impact on different groups? Has an equalities impact assessment been undertaken and what were its findings? What can be done to mitigate against any negative consequences?

How have the consultation outcomes and other evidence collated been taken into account?

How will the PSPO be enforced for each restriction/requirement? Are there sufficient resources to do this effectively?

## Enforcement and implementation

### Enforcement protocols

As noted earlier, issues regarding some of the more practical aspects of implementation and enforcement of PSPOs should be borne in mind from the beginning of the planning process – and may help shape the scope and wording of the Order itself. Further, effective implementation of a PSPO is likely to be part of a broader strategic approach that includes a number of different initiatives to tackle the problem issues.

Beyond this, local areas will want to develop specific protocols regarding enforcement action, before the Order is implemented. These protocols should incorporate expert input on the issues related to the ASB in question, and, recognising that there may be other options available to address a particular ASB incident, provide guidance on what might be the most appropriate legislative (or other) tool to use in different circumstances. Some areas have developed a process map to provide a step-by-step diagram to agreed enforcement procedures.

Protocols should also cover what should be done in the event of a breach. It is an offence under section 67 of the 2014 Act to breach an Order without a reasonable excuse. In the case of Orders that prohibit alcohol

consumption, where it is reasonably believed that a person has been or intends to consume alcohol, it is an offence under section 63 either to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol or a container for alcohol).

Procedures should therefore consider circumstances where there may be a 'reasonable excuse' for breaching the Order, for instance a medical reason for public urination (such circumstances may be covered explicitly as exemptions in the wording of the Order). Protocols also provide a further opportunity to recognise that some of those responsible for the behaviour covered in the Order may themselves be vulnerable and in need of support; they should therefore include referral pathways where there are any safeguarding concerns, and signpost to other services.

In the London Borough of Brent enforcement of the PSPO is shared between the police and the council with joint visits from UK Border Agency and Brent's employment and skills team, who seek to offer routes into legitimate employment for jobseekers.

Who is responsible for enforcement will vary across areas. In some, enforcement will be undertaken by council officers – this may include ASB officers, housing officers, park wardens, etc – and in others this may be undertaken in partnership with police officers and/or police community support officers. Protocols may therefore require agreement regarding patrolling activity and reporting arrangements – some of which will be informed by the specific behaviour in question. Some authorities have also encouraged local people to report incidents of possible breaches, which can help shape enforcement responses going forward, particularly around timetabling patrols.

**“Local communities have helped to identify the peak periods for problems in the park – patrol times can then be planned accordingly.”**

#### Coventry City Council

As well as developing protocols, training will help delegated officers to understand how the Order should be enforced in practice. In Cheshire West and Chester, this included training from the ambulance service to reinforce that the safety of individuals was paramount and help officers understand, for instance, the possible dangers of ingesting psychoactive substances.

Some areas have used a 'soft-launch' period as the Order becomes live. This provides an opportunity to test protocols with officers before full implementation. It also gives councils the chance to raise awareness of the new pending prohibitions – and demonstrate that some behaviours have been causing concern. However areas should consider how to manage any risks if implementation is delayed.

#### Fixed penalty notices

As noted above, it is an offence under section 67 to breach an Order without reasonable excuse, and where Orders prohibit alcohol consumption, it is an offence under section 63 to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol/a container for alcohol).

Under the Act, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach. Section 68 sets out a framework for issuing FPNs but councils will also have their own broader protocols around issuing fines to which they should also refer – this might cover, for instance, whether or not fines are issued to those aged under 18. Protocols should also cover when it would be appropriate to pursue an individual further where an FPN is issued but remains unpaid after the prescribed period. In addition, there will be a need to plan for practical elements before implementation, such as developing

specific FPN templates for dealing with PSPO breaches.

**“There was some concern that a £100 FPN might not be an adequate deterrent and that a broader financial range for FPNs, up to £400, would be preferred. However, the current arrangements do allow for a summons to court to be issued for persistent offenders where multiple FPNs have been issued.”**

#### **Royal Borough of Kensington and Chelsea**

It will not always be appropriate to issue FPNs. Warnings may often be sufficient, and in many areas this is the initial preferred response. In some, advice sheets are handed out in the majority of cases, informing recipients that their behaviour breaches an Order, giving them the chance to comply or providing an opportunity for them to be moved on. Councils have reported that in most cases this has been sufficient to address the behaviour and there has been no need to take further action.

#### **Publication and communication**

Using an effective communication strategy to raise awareness about a PSPO is important throughout the implementation process, and should incorporate contact with partners and stakeholders as well as members of the public. Successful communications can help with informing the appropriate scope of an Order, engaging members of the community and others during the consultation process, and ensuring effective enforcement.

The legislation also sets out a number of requirements. Draft proposals for a PSPO must be published as part of the consultation process. For new or varied Orders the text must be published; for extended or discharged Orders the proposal must be publicised.

Home Office guidance suggests the close or direct involvement of elected members will help to ensure openness and accountability. The guidance suggests this can be achieved, for example, where the decision is put to the Cabinet or full council.

The area covered by the proposals must be well defined; publishing maps of the affected area will help to clarify where behaviours are controlled. There are requirements in the legislation for notifying any parish or community councils in the affected area, and for notifying the county council where the Order is being made by a district council. There are further requirements for formal notifications regarding Orders that restrict access to public highways (see also supporting evidence and consultation, above).

Regulations set out additional requirements regarding the publication of PSPOs<sup>11</sup> that have been made, varied or extended, stipulating that these must be:

- published on the local authority’s website
- erected on or adjacent to the place the Order relates to, and is sufficient to draw attention, setting out the effect of the Order and whether it has been made, varied or extended.

The same requirements apply where an Order has been discharged, and must also include the date at which it ceases to have effect.

Signs publishing the Order in the affected locality do not necessarily need to set out all the provisions of the Order, but rather state where this information can be found. Multiple signs are likely to be required, particularly where the Order covers a large area.

These requirements should be regarded as a minimum and a range of options should be explored; in practice it is helpful to use a variety of means to help publicise the Order to raise awareness, avoid confusion and give people the opportunity to comply.

<sup>11</sup> Statutory Instruments 2014 no. 2591 The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders)

Effective communication helps people understand what behaviours are expected in particular areas, and reduces the need to rely on enforcement measures.

In some areas leaflets have been printed detailing the new prohibitions in different languages, for distribution by officers. Similarly the nature of the Order itself may suggest some communication channels may be more effective than others. For instance, an Order covering the ingestion of legal highs at a music festival in Chelmsford was promoted via a social media campaign to reflect the demographics of those most likely to be attending the festival and who are likely to be reached via these means.

Effective communication with residents and partners throughout can also help manage expectations about the impact of introducing an Order. Putting a PSPO in place can be a lengthy process and it is important to maintain communication about when it will come into effect and/or be enforced and if other measures are being utilised in the interim. In addition this can help residents to understand that simply having an Order in place is unlikely to resolve an issue overnight – which may be even more important where there has been media interest in the proposals.

### **Legal challenge**

PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation. Challenges must be made to the High Court within six weeks of the Order being made, and by an individual who lives in, regularly works in or visits the restricted area. The High Court can uphold, quash or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict. As with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

### **Extension, variation and discharge**

A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under section 60 of the Act are met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years. Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate.

Councils should consider carefully what length of time would be reasonable and proportionate given the nature of behaviour in question and the impact of the restrictions being posed – byelaws, which are permanent, may be more appropriate if the issue concerned is unlikely to be transient. The impact of the original Order should be evaluated before any extensions are approved – where ASB has been completely eradicated as a result of a PSPO, it is proportionate and appropriate to consider the likelihood of recurrence of problems if the Order is not extended.

Orders can also be varied under the Act, by altering the area to which it applies, or changing the requirements of the Order. The same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied, as set out earlier in this guidance. Similarly, PSPOs can be discharged before their original end date.

Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process (see publication and communication, above). Similarly, under section 72 councils are required at all of these stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998 (see limitations, above).

In light of the updated statutory guidance from the Home Office on anti-social behaviour powers, published in December 2017, councils should review their PSPOs

when they are up for renewal and take into account these recent changes to the statutory guidance.

protocols are being used and whether practices are appropriate and consistent.

### **Existing Designated Public Place Orders, Gating Orders and Dog Control Orders**

Any DPPOs, Gating Orders or DCOs are automatically treated as if they were provisions of a PSPO. The transitioned Order will then remain in force up to a maximum of three years (2020) from the point of transition.

There is no requirement in the legislation for councils to undertake a new consultation process where existing DPPOs, Gating Orders or DCOs automatically transition, although local areas may consider reviewing these current Orders ahead of this time to ensure their provisions meet the legal tests for PSPOs. It is recommended that councils publicise any PSPOs that replace existing DPPOs, Gating Orders or DCOs to help raise public awareness.

Local councils have the discretion to consider what changes to signage are needed to notify members of the public. Any extension, variation or discharge of a transitioned PSPO would mean the local councils should carry out the necessary consultation and publication of the proposed Order.

### **Evaluating impact**

As noted above, evaluating the impact of a PSPO will be important when considering extending or varying an Order, however assessing the effects, and effectiveness of the Order, should form part of ongoing performance management. Several areas have introduced procedures to monitor the impact of an Order at regular intervals.

A thorough evaluation will help to determine if the PSPO has addressed each aspect of the problem behaviour, whether discharging or varying the Order would be appropriate – and why – and what any variations might look like. Crucially it will also help measure the impact on people, including identifying any unintended consequences of the provisions. It should consider whether there has been any displacement of the issue to other areas and might also look at how enforcement

# Resources

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals

**Home Office, December 2017**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670180/2017-12-13\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf)

A councillors' guide to tackling new psychoactive substances

**LGA 2016**

<http://www.local.gov.uk/councillors-guide-tackling-new-psychoactive-substances>

A guide to community engagement for those contemplating management on common land

**Natural England, 2012**

[www.historicengland.org.uk/images-books/publications/common-purpose/](http://www.historicengland.org.uk/images-books/publications/common-purpose/)

Dealing with irresponsible dog ownership: Practitioner's manual

**Defra, 2014**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/373429/dog-ownership-practitioners-manual-201411.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf)

Ending rough sleeping by 2012:

A self-assessment health check

**Department for Communities and Local Government, 2009**

<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/housing/pdf/endroughsleeping.pdf>

Reform of anti-social behaviour powers:

Public and open spaces

**Home Office information note, Home Office, 2014**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364851/Public\\_and\\_open\\_spaces\\_information\\_note.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf)

## Legislation

**Anti-social Behaviour, Crime and Policing Act 2014**

[www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2](http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2)

**Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014**

<http://www.legislation.gov.uk/uksi/2014/2591/contents/made>

**Human Rights Act 1998**

[www.legislation.gov.uk/ukpga/1998/42/contents](http://www.legislation.gov.uk/ukpga/1998/42/contents)

**Psychoactive Substances Act 2016**

[www.legislation.gov.uk/ukpga/2016/2/contents](http://www.legislation.gov.uk/ukpga/2016/2/contents)











**Local Government Association**

Local Government House  
Smith Square  
London SW1P 3HZ

Telephone 020 7664 3000  
Fax 020 7664 3030  
Email [info@local.gov.uk](mailto:info@local.gov.uk)  
[www.local.gov.uk](http://www.local.gov.uk)

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REF 10.21

# Cyngor Sir Ceredigion – Aseiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



**Atodiad F**

Mae'r **Aseiad Effaith Integredig** hwn yn cynnwys nodau Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, yr egwyddorion Datblygu Cynaliadwy, Deddf Cydraddoldeb 2010, Mesur y Gymraeg 2011 (gofynion Safonau'r Gymraeg), ac ystyriaethau Rheoli Risg, i osod sylfaen ar gyfer proses benderfynu effeithiol ac i sicrhau ein bod yn cydymffurfio â'r ddeddfwriaeth berthnasol.

## 1. MANYLION Y CYNNIG: (Polisi / Newid amcan / Arbed arian)

Teitl y cynnig	Gorchmynion Diogelu Mannau Cyhoeddus (PSPOs)
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Maes gwasanaeth	Polisi, Perfformiad a Diogelu'r Cyhoedd	Swyddog Arweiniol Corfforaethol	Alun Williams	Cyfarwyddwr Strategol	Barry Rees
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Enw'r swyddog sy'n cwblhau'r AEI	Anne-Louise Davies	E-bost	annelouise.davies@ceredigion.gov.uk	Ffôn	
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### Rhowch ddisgrifiad cryno o bwrpas y cynnig

Mae Diogelu'r Cyhoedd wedi cynnal adolygiad o'r Gorchmynion Gwarchod y Cyhoedd presennol gyda'r bwriad o ymestyn parhad y cyfyngiadau presennol ar gŵn ar ran o draeth y Borth.

Ar bwy fydd y cynnig hwn yn effeithio'n uniongyrchol? (e.e. y cyhoedd, grwpiau penodol fel grwpiau ieuencid, gofalwyr, pobl sy'n defnyddio'r ffyrdd, pobl sy'n defnyddio parciau gwledig, pobl sy'n cael budd-daliadau, aelodau staff, neu bobl sy'n meddu ar y nodweddion gwarchodedig a nodir yn y Ddeddf Cydraddoldeb ac y mae'n rhaid i'r awdurdod roi sylw dyledus iddyn nhw).

Y cyhoedd, yn enwedig perchnogion cŵn lleol yn ogystal ag ymwelwyr â chŵn, a defnyddwyr eraill traeth Borth.

**RHEOLI'R DDOGFEN:** Dylid defnyddio'r AEI yn ystod camau cyntaf y broses benderfynu, ac yna dylid ei mireinio drwy gydol y broses benderfynu. Mae'n bwysig cadw cofnod o'r broses hon er mwyn i ni allu dangos sut rydyn ni wedi trin a thrafod datblygu cynaliadwy, y Gymraeg a chydraddoldeb, lle bynnag y bo modd.

Awdur	Cam yn y broses benderfynu	Rhif y fersiwn	Dyddiad trafod	Disgrifiad cryno o unrhyw newidiadau a wnaed ar ôl trafod
Anne-Louise Davies	Cabinet	1	05.09.23	

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



<b>AMCANION STRATEGOL Y CYNGOR:</b> Pa un o amcanion strategol y Cyngor y mae'r cynnig yn mynd i'r afael ag ef, a sut?	
Hybu'r economi, cefnogi busnesau a galluogi cyflogaeth	
Creu cymunedau gofalgarg ac iach	Mae rhan o draeth y Borth wedi'i nodi, a bydd yn parhau i fod â chyfyngiad i wahardd cŵn o'r traeth a mynnu bod cŵn ar dennyn ar y promenâd, sy'n amddiffyn y cyhoedd (preswylwyr lleol, ymwelwyr a thwristiaid) rhag gwrth-ymddygiad cymdeithasol a niwsans sy'n gysylltiedig â gweithgareddau perchnogion cŵn anghyfrifol h.y. cŵn yn baeddu a chŵn sydd allan o reolaeth.
Darparu'r dechrau gorau mewn bywyd a chaniatáu i bobl o bob oed ddysgu	
Creu cymunedau cynaliadwy sy'n fwy gwyrdd ac sydd wedi'u cysylltu'n dda â'i gilydd	

**SYLWCH:** Wrth i chi lenwi'r ffurflen hon, bydd gofyn i chi ddarparu **tystiolaeth i ategu'ch safbwyntiau**. Bydd angen i chi gynnwys eich safbwynt cychwynnol, y mesurau a'r astudiaethau sydd wedi llywio'ch ffordd o feddwl, a'r farn rydych chi wedi dod iddi. O wneud hyn, bydd modd i chi nodi a fydd unrhyw newidiadau a fydd yn deillio o roi'r argymhelliad ar waith yn cael effaith gadarnhaol neu negyddol. Ymhlith y ffynonellau data mae:

- *Data meintiol – data sy'n darparu gwybodaeth rifyddol e.e. ffigurau poblogaeth, nifer y defnyddwyr, nifer y bobl nad ydynt yn ddefnyddwyr*
- *Data ansoddol – data sy'n darparu dystiolaeth o argraffiadau pobl o'r gwasanaeth/polisi a'u barn amdano e.e dadansoddiad o gŵynion, canlyniadau grwpiau ffocws, arolygon*
- *Data am y boblogaeth leol, gan gynnwys ffigurau'r cyfrifiad (megis Proffil Iaith Ceredigion a Data Cydraddoldeb Ceredigion)*
- *Data o'r Arolwg Cenedlaethol o Aelwydydd*
- *Data am ddefnyddwyr gwasanaeth*
- *Adborth o ymgynghoriadau ac ymgyrchoedd ymgysylltu*
- *Argymhellion pwyllgor craffu*
- *Cymariaethau â pholisïau tebyg awdurdodau eraill*
- *Cyhoeddiadau academaidd, adroddiadau ymchwil, adroddiadau ymgynghorwyr ac adroddiadau am unrhyw ymgynghoriad ag e.e. undebau llafur neu'r sectorau gwirfoddol a chymunedol, dogfen 'A yw Cymru'n Decach'*
- *Data Sgiliau Iaith Gymraeg staff y Cyngor*

**2. EGWYDDORION DATBLYGU CYNALIADWY:** Ym mha ffordd mae'r pum egwyddor datblygu cynaliadwy, fel y'u nodir yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, wedi'u hymgorffori a'u blaenoriaethu yn natblygiad eich cynnig?

Egwyddor Datblygu Cynaliadwy	Ydy'r cynnig yn dangos eich bod wedi bodloni'r egwyddor hon? Os yw'n gwneud hynny, disgrifiwch sut. Os nad yw'n gwneud hynny, eglurwch pam.	Pa dystiolaeth sydd gennych i ategu'r farn hon?	Pa gam (gampau) allwch chi ei gymryd (eu cymryd) i liniaru unrhyw effeithiau negyddol neu i gyfrannu'n well at yr egwyddor hon?

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



<p><b>Hirdymor</b> Sicrhau cydbwysedd rhwng anghenion tymor byr ac anghenion tymor hir a'r angen i gynllunio ar gyfer y dyfodol</p>	<p>Bydd angen adolygu'r Gorchmynion Gwarchod Mannau Cyhoeddus yn unol â'u gweithredu bob tair blynedd i weld a oes eu hangen o hyd.</p>	<p>Yn 2014, cyflwynodd Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismaona 2014 Orchmynion Diogelu Mannau Cyhoeddus a ddisodlodd y Gorchmynion Rheoli Cŵn (DCO's) a oedd eisoes yn bodoli ar gyfer y rhan hon o draeth y Borth. Ym mis Hydref 2017, daeth y DCOs hyn yn PSPOs yn awtomatig.</p>	<p>Cynhelir adolygiadau fel y disgrifir.</p>
<p><b>Cydweithio</b> Cydweithio â phartneriaid eraill i gyflawni canlyniadau</p>	<p>Mae Diogelu'r Cyhoedd bob amser yn croesawu cyswllt a thrafodaeth gyda chynrychiolwyr Cyngor Cymuned Borth. Gofynnir am farn Heddlu Dyfed Powys, a Chomisiynydd Heddlu a Throseddu Dyfed Powys bob amser hefyd fel rhan o unrhyw adolygiad gan fod gorfodi'r GDMC yn ddyletswydd ar y cyd.</p>	<p>Mae Diogelu'r Cyhoedd yn cadw data ar unrhyw adroddiadau am unrhyw weithgarwch gwrthgymdeithasol sydd wedi'i wahardd yn yr ardal PSPO. Defnyddir y data i fonitro tueddiadau a datblygiadau.</p>	<p>Monitro tueddiadau a datblygiadau i sicrhau effeithiolrwydd y Gorchmynion.</p>
<p><b>Cynnwys</b> Cynnwys pobl sydd â diddordeb a gofyn am eu barn</p>	<p>Mae Diogelu'r Cyhoedd wedi gofyn am farn ystod eang o bartïon â diddordeb - Tîm Datblygu Economaidd a Thwristiaeth Cyngor Sir Ceredigion, Cadwch Gymru'n Daclus, Achubwyr Bywyd yr RNLI, yn ogystal â chynrychiolwyr Cyngor Cymuned Borth, Heddlu Dyfed Powys, a Chomisiynydd Heddlu a Throseddu Dyfed Powys.</p>	<p>Cymuned Cyngor, Heddlu Dyfed-Powys a'r Swyddfa Dyfed-Powys Heddlu a Throsedd Nid yw'r Comisiynydd wedi cyflwyno unrhyw wrthwynebiad i'r adnewyddiad.</p>	<p>Mae rhai aelodau o Gyngor Cymuned y Borth wedi gofyn i'r Awdurdod ystyried cyflwyno mynediad wedi'i amseru i gŵn i'r ardal GDMC o'r traeth er mwyn caniatáu cŵn ar y traeth rhwng 6pm a 10am er mwyn caniatáu i berchnogion cŵn, yn enwedig y rhai ag anableddau, sy'n byw yn y rhan ddeheuol o'r pentref, i gael mynediad i'r traeth i ymarfer eu ci. Bydd adroddiad i'r Cabinet/Cyngor yn gofyn am benderfyniad ynghylch a oes angen ymgynghoriad llawn. Bydd datganiad i'r wasg ynghylch</p>

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



			adnewyddu'r Gorchymyn a fydd yn tynnu sylw at y ffaith bod cŵn yn parhau i gael eu gwahardd o'r ardal GGMC ar y traeth, ac yn nodi pa drosedd y bydd pobl yn ei chyflawni os ydynt yn torri'r Gorchymyn.
<b>Atal</b> Darparu adnoddau i atal problemau rhag codi neu waethygu	Estyniad y PSPO ar gyfer a bydd tair blynedd pellach yn sicrhau y parhau â mesurau i fynd i'r afael â hwy y problemau a ddisgrifiwyd.	Data Diogelu'r Cyhoedd	Arwyddion eisoes yn eu lle ond angen eu gwella.
<b>Integreiddio</b> Effeithio'n gadarnhaol ar bobl, yr economi, yr amgylchedd a diwylliant, a cheisio sicrhau bod pob un ohonynt ar ei ennill	Mae'r Gorchymyn presennol eisoes wedi cael effaith gadarnhaol o ran lleihau'r ymddygiad gwrthgymdeithasol a'r niwsans gysylltiedig â gweithgareddau perchenogaeth anghyfrifol o gŵn a chaniatáu i swyddogion gorfodi'r heddlu/cyngor roi cosbau penodedig.	Roedd y cyflwyniad gwreiddiol o'r y DCOs wedi cael cefnogaeth eang, ac mae hyn yn parhau i fod yn wir fel PSPOs.	Fel y nodir uchod, gwnewn yn siŵr bod y gorchymyn yn cael ei hysbysebu'n glir i godi ymwybyddiaeth y cyhoedd.

**3. NODAU LLESIANT:** Ydy'r cynnig yn cyflawni unrhyw rai o'r saith nod llesiant cenedlaethol a amlinellwyd yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015? Eglurwch yr effaith (gadarnhaol a negyddol) yr ydych yn ei disgwyl, ac awgrymwch sut i liniaru unrhyw effaith negyddol neu i gyfrannu'n well at y nod. Mae angen i ni sicrhau nad yw'r camau rydyn ni'n eu cymryd i gyflawni un o'r nodau'n niweidio'r camau i gyflawni nod arall.

Nod llesiant	Ydy'r cynnig yn cyfrannu at y nod hwn? Disgrifiwch yr effeithiau cadarnhaol neu negyddol.	Pa dystiolaeth sydd gennych i ategu'r farn hon?	Pa gam (gamau) allwch chi ei gymryd (eu cymryd) i liniaru unrhyw effeithiau negyddol neu i gyfrannu'n well at yr egwyddor hon?
<b>3.1. Cymru lewyrchus</b> Defnyddio adnoddau mewn modd effeithlon, datblygu poblogaeth fedrus ac addysgiedig, creu cyfoeth, darparu swyddi			
<b>3.2. Cymru gydnerth</b> Cynnal a gwella bioamrywiaeth ac ecosystemau sy'n ategu			

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



cydnerthedd ac sy'n gallu addasu i newid (e.e. newid hinsawdd)			
<b>3.3. Cymru iachach</b> Mae llesiant corfforol a meddyliol pobl cystal â phosibl ac mae pobl yn deall yr hyn sy'n effeithio ar iechyd	Ydy – Gwarchodir lles corfforol y cyhoedd gan y Gorchymyn hyn gan ei fod yn lleihau ymddygiad gwrth-gymdeithasol yn y maes a nodir.	Cefnogir fel a ddisgrifiwyd yn flaenorol.	Fel y nodir uchod, bydd cyhoeddusrwydd yn sicrhau bod y Gorchymyn yn cael ei hysbysebu'n glir i godi ymwybyddiaeth y cyhoedd. Bydd ymgynghoriad llawn yn cael ei gynnal os bydd y Cabinet/Cyngor yn penderfynu bod angen hynny. Bydd adolygiadau fel y disgrifir hefyd yn cael eu cynnal.
<b>3.4. Cymru o gymunedau cydlynus</b> Cymunedau atyniadol, hyfyw a diogel sydd â chysylltiadau da	Bydd pobl leol a thwristiaid fel ei gilydd yn elwa gan y Gorchymyn o ran gwella lefelau o drosedd ac anhrefn.	Cefnogir fel a ddisgrifiwyd yn flaenorol.	Fel y nodir uchod, bydd cyhoeddusrwydd yn sicrhau bod y Gorchymyn yn cael ei hysbysebu'n glir i godi ymwybyddiaeth y cyhoedd. Bydd ymgynghoriad llawn yn cael ei gynnal os bydd y Cabinet/Cyngor yn penderfynu bod angen hynny. Bydd adolygiadau fel y disgrifir hefyd yn cael eu cynnal.
<b>3.5. Cymru sy'n gyfrifol ar lefel fyd-eang</b> Rhoi sylw i'r effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol			

<b>3.6. Cymru sy'n fwy cyfartal</b> Mae pobl yn gallu cyflawni eu potensial ni waeth beth fo'u cefndir neu'u hamgylchiadau	Disgrifiwch pam y bydd yn cael effaith gadarnhaol/negyddol neu fawr ddim effaith o gwbl.	Pa dystiolaeth sydd gennych i ategu'r farn hon?	Pa gam (gamau) allwch chi ei gymryd (eu cymryd) i liniaru unrhyw effeithiau negyddol neu i gyfrannu'n well at yr egwyddor hon?
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<p>Yn yr adran hon mae angen i chi ystyried yr effaith ar grwpiau cydraddoldeb, y dystiolaeth ac unrhyw gamau yr ydych yn eu cymryd ar gyfer gwella.</p> <p><i>Ydych chi wedi ystyried sut allai'r cynnig effeithio ar grwpiau cydraddoldeb fel y'u diffinnir yn Neddf Cydraddoldeb 2010? Mae'r rhain yn cynnwys y grwpiau a ganlyn: oedran, anabledd, ailbennu rhywedd, hil, crefydd neu gred, rhyw, cyfeiriadedd rhywiol, priodas neu bartneriaeth sifil, beichiogrwydd neu famolaeth.</i></p> <p><b>Ystyriwch y canllaw a ganlyn hefyd:</b>  <a href="#">Comisiwn Cydraddoldeb - Asesu Effaith a Dyletswydd Cydraddoldeb</a></p>	<p><i>Gan ddefnyddio eich tystiolaeth, ystyriwch yr effaith ar bob un o'r grwpiau gwarchoddedig. Bydd angen i chi ystyried a yw'r grwpiau hyn yn cael mynediad cyfartal at y gwasanaeth, neu a oes angen iddyn nhw gael y gwasanaeth mewn ffordd wahanol i bobl eraill oherwydd eu nodweddion gwarchoddedig? Nid yw'n dderbyniol dweud yn syml y bydd y cynnig yn fanteisiol/anfanteisiol i bawb. Dylech ddangos eich bod wedi ystyried yr holl dystiolaeth sydd ar gael a rhoi sylw i unrhyw fylchau neu anghyfartaledd a ddaeth i'r amlwg.</i></p>	<p><i>Mae'n hollbwysig casglu data a thystiolaeth cydraddoldeb ar gyfer AEI. Dylech ystyried pwy sy'n defnyddio'r gwasanaeth neu bwy sy'n debygol o'i ddefnyddio. Os na fyddwch yn defnyddio <u>data</u> nac yn <u>ymgysylltu</u> os ydych yn bwriadu cyflwyno newid, gallai penderfyniadau wynebu her gyfreithiol. Dylech gyplysu hyn â'r blwch <b>cynnwys</b> yn y templed hwn. Dylech hefyd ystyried y canllawiau cyffredinol.</i></p>	<p><i>Gall y camau hyn gynnwys amryw o gamau cadarnhaol a fydd yn sicrhau bod modd i'r sefydliad drin unigolion yn unol â'u hanghenion, hyd yn oed os bydd hynny'n golygu ei fod yn trin rhai pobl yn fwy ffafriol nag eraill er mwyn iddyn nhw gael canlyniad da. Gallech hefyd gymryd camau i bennu unrhyw fylchau yn y data neu gamau i ymgysylltu â'r rheini y bydd y cynnig yn effeithio arnynt neu y mae'n debygol o effeithio arnynt. Mae angen cyplysu'r camau hyn ag adran 4 yn y templed hwn.</i></p>								
<p><b>Oedran</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar bobl oherwydd eu hoedran? (Ticiwch ✓)</p>	<p>Bydd parhad y gwaharddiad ci yn y maes penodol o fudd i bob grŵp oedran o ran lefelau gwell o drosedd ac anhrefn.</p>	<p>Cefnogir fel y disgrifiwyd yn flaenorol. Data Diogelu'r Cyhoedd mewn perthynas â lefel y cwynion.</p>	<p>O ystyried bod rhai aelodau o Gyngor Cymuned y Borth wedi gofyn i'r Awdurdod ystyried cyflwyno mynediad wedi'i amseru i gŵn i'r ardal PSPO o'r traeth er mwyn caniatáu cŵn ar y traeth rhwng 6yh a 10yb er mwyn caniatáu i berchnogion cŵn, yn enwedig y rhai ag anableddau, sy'n byw yn yr ardal rhan ddeheuol y pentref, i gael mynediad i'r traeth i ymarfer eu ci, gellid cynnal ymgynghoriad llawn i asesu'r angen i gyflwyno mynediad wedi'i amseru i'r ardal o draeth y Borth sy'n cael ei warchod gan y PSPO presennol ac i</p>								
<table border="1"> <tr> <td>Plant a phobl ifanc hyd at 18 oed</td> <td>Cadarnhaol</td> <td>Negyddol</td> <td>Dim/Fawr ddim</td> </tr> <tr> <td></td> <td>✓</td> <td></td> <td></td> </tr> </table>	Plant a phobl ifanc hyd at 18 oed	Cadarnhaol	Negyddol	Dim/Fawr ddim		✓					
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	✓										



# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



						<p>ystyried os fydd hi'n bosib i orfodi unrhyw newidiadau o'r fath o fewn y 12 mis nesaf.</p> <p>Fel arall, cynhelir adolygiad fel y disgrifir hefyd.</p>
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<b>Anabledd</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar bobl oherwydd eu hanabledd? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd i bob grŵp anabledd o ran gwella lefelau o droseddu a anhrefn.	Fel yr uchod.	O ystyried bod rhai aelodau o Gyngor Cymuned y Borth wedi gofyn i'r Awdurdod ystyried cyflwyno mynediad wedi'i amseru i gŵn i'r ardal PSPO o'r traeth er mwyn caniatáu cŵn ar y traeth rhwng 6yh a 10yb er mwyn caniatáu i berchnogion cŵn, yn enwedig y rhai ag anableddau, sy'n byw yn yr ardal rhan ddeheuol y pentref, i gael mynediad i'r traeth i ymarfer eu ci, gellid cynnal ymgynghoriad llawn i asesu'r angen i gyflwyno mynediad wedi'i amseru i'r ardal o draeth y Borth sy'n cael ei warchod gan y PSPO presennol ac i ystyried os fydd hi'n bosib i orfodi unrhyw newidiadau o'r fath o fewn y 12 mis nesaf.
Nam ar y clyw	Cadarnhaol ✓	Negyddol	Dim/Fawr ddim			
Nam corfforol	Cadarnhaol	Negyddol	Dim/Fawr ddim ✓			
Nam ar y golwg	Cadarnhaol ✓	Negyddol	Dim/Fawr ddim			
Anabledd dysgu	Cadarnhaol ✓	Negyddol	Dim/Fawr ddim			
Salwch hirdymor	Cadarnhaol ✓	Negyddol	Dim/Fawr ddim			
Iechyd meddwl	Cadarnhaol ✓	Negyddol	Dim/Fawr ddim			
Arall	Cadarnhaol ✓	Negyddol	Dim/Fawr ddim			

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



<b>Trawsrywiol</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar bobl drawsrywiol? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Trawsrywiol	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
<b>Priodas neu bartneriaeth sifil</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar briodas neu bartneriaeth sifil? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Priodas	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Partneriaeth sifil	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
<b>Beichiogrwydd neu famolaeth</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar feichiogrwydd neu famolaeth? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Beichiogrwydd	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Mamolaeth	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
<b>Hil</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar hil? ( Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Gwyn	Cadarnhaol	Negyddol	Dim/Fawr ddim			

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



	✓					
Grwpiau ethnig cymysg / aml-ethnig	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Asiaidd / Asiaidd Prydeinig	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Du / Affricanaidd / Caribiaidd / Du Prydeinig	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Grwpiau ethnig eraill	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					

<b>Crefydd neu ddim cred</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar bobl â gwahanol grefyddau, credoau neu ddim cred? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Cristnogion	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Bwdhyddion	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Hindŵiaid	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Dyneiddwyr	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



Iddewon	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Mwslimiaid	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Sikhaid	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Pobl heb gred	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Eraill	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					

<b>Rhyw</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar ddynton a/neu fenywod? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Dynion	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Menywod	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					

<b>Cyfeiriadedd rhywiol</b> Ydych chi'n credu y bydd y cynnig hwn yn cael effaith gadarnhaol neu negyddol ar bobl â gwahanol gyfeiriadedd rhywiol? (Ticiwch ✓)				Yn gyffredinol, bydd parhad y gwaharddiad cŵn o fudd holl aelodau'r cyhoedd yn o ran lefelau gwell o trosedd ac anhrefn.	Fel yr uchod.	Fel yr uchod.
Pobl ddeurywiol	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

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Dynion hoyw	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Menywod hoyw / lesbiaid	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					
Pobl heterorywiol	Cadarnhaol	Negyddol	Dim/Fawr ddim			
	✓					

**Rhoi sylw dyledus i dri nod y Ddyletswydd Cydraddoldeb – penderfynu a fydd y cynnig yn eich cynorthwyo i roi terfyn ar wahaniaethu, i hybu cydraddoldeb ac i feithrin cysylltiadau da, neu'n eich rhwystro rhag gwneud hynny.**

### 3.6.2. Sut allai/mae'r cynnig yn helpu i hybu/hyrwyddo cyfle cyfartal?

*Dylech ystyried a fydd y cynnig yn eich helpu chi i wneud y pethau a ganlyn:* • Dileu neu leihau anfantais • Diwallu anghenion pobl â nodweddion penodol • Annog pobl â nodweddion penodol i gymryd mwy o ran

Nid yw parhad y gwaharddiadau cŵn yn hyrwyddo cydraddoldeb fel y cyfryw ond mae'n cael gwared ar yr anfantais y gall pobl ddod ar ei thraws wrth fod yn ddiodefwr neu'n dyst i ymddygiad gwrthgymdeithasol sy'n gysylltiedig â gweithgareddau perchnogion cŵn anghyfrifol h.y. cŵn yn baeddu a chŵn allan o reolaeth ar yr adran o traeth a ddynodwyd gan y PSPO.

### 3.6.3. Sut allai/mae'r cynnig/penderfyniad yn helpu i roi terfyn ar wahaniaethu, aflonyddu neu erledigaeth anghyfreithlon?

*Dylech ystyried a oes tystiolaeth ar gael sy'n dangos:* • Y gall y cynnig beri i bobl â nodweddion penodol gael eu trin yn llai ffafriol • Y gallai'r cynnig arwain at wahaniaethu anuniongyrchol • Bod y cynnig yn fwy tebygol o'ch cynorthwyo i wneud addasiadau rhesymol neu'ch rhwystro rhag gwneud hynny

Fel yr uchod.

### 3.6.4. Sut allai/mae'r cynnig yn effeithio ar hybu/hyrwyddo cysylltiadau da a chydlyniant cymunedol ehangach?

*Dylech ystyried a fydd y cynnig yn eich helpu chi i wneud y pethau a ganlyn:* • Mynd i'r afael â rhagfarn • Hybu dealltwriaeth

Fel yr uchod.

## Rhoi sylw dyledus i Ddyletswydd Economaidd-gymdeithasol Deddf Cydraddoldeb 2010.

**Mae Anfantais Economaidd-gymdeithasol yn golygu byw dan amgylchiadau cymdeithasol ac economaidd llai ffafriol nag eraill o fewn yr un gymdeithas.**

*Fel corff cyhoeddus rhestredig, mae'n ofynnol bod Cyngor Sir Ceredigion yn rhoi sylw dyledus i Ddyletswydd Economaidd-gymdeithasol Deddf Cydraddoldeb 2010. I bob pwrpas, mae hynny'n golygu cynnal asesiad o'r effaith ar dlodi. Mae'r ddyletswydd yn cynnwys pawb sy'n dioddef o anfantais economaidd-gymdeithasol, gan gynnwys rhai sydd â nodweddion gwarchoddedig.*



## 3.6.5 Pa dystiolaeth sydd gennych am anfanteision economaidd-gymdeithasol ac anghydraddoldebau o ran canlyniad mewn perthynas â'r cynnig?

Disgrifiwch pam y bydd yn cael effaith bositif/negyddol neu effaith ddibwys.

Tystiolaeth anecdotaidd gan rai aelodau o Gyngor Cymuned y Borth nad oes gan rai perchnogion cŵn, yn enwedig y rhai ag anableddau, sy'n byw yn rhan ddeheuol y pentref, unrhyw le addas i ymarfer eu cŵn yn ystod cyfnodau pan fo'r cyfyngiadau mewn grym. Mae cais wedi'i wneud i gynnal ymgynghoriad i asesu budd y cyhoedd o ran llacio amodau'r Gorchymyn Diogelu Mannau Cyhoeddus presennol ar y sail y gallai'r Gorchymyn Diogelu Mannau Cyhoeddus effeithio'n negyddol ar bersonau â nodweddion gwarchoddedig.

Pe bai mynediad wedi'i amseru i gŵn i'r ardal PSPO yn cael ei gyflwyno ar gyfer perchnogion cŵn anabl, byddai'n gwanhau/llacio'r Gorchymyn presennol ac felly'n debygol o gael effaith negyddol ar effeithiolrwydd y Gorchymyn a byddai'n cynyddu'r galw i fonitro a gorfodi unrhyw ddarpariaethau newydd. Fel y mae ar hyn o bryd, mae'r gorchymyn presennol yn diogelu'r cyhoedd i gyd (preswylwyr lleol, ymwelwyr a thwristiaid) rhag ymddygiad gwrthgymdeithasol a niwsans sy'n gysylltiedig â gweithgareddau perchnogaeth cŵn anghyfrifol, ac mae'n debygol y byddai ond yn cynyddu nifer y cwynion yn hytrach na'u lleihau, gan gynyddu'r galw ar adnoddau Diogelu'r Cyhoedd.

Pa dystiolaeth sydd gennych i gefnogi'r farn hon?

Cyn 2014, roedd gan ran o draeth a phromenâd y Borth ddau Orchymyn Rheoli Cŵn (DCO) a wnaed o dan Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 - un yn gwahardd cŵn o'r traeth (1af Mai - 30 Medi) ac un yn mynnu bod cŵn yn cael eu cadw. bod ar dennyn ar y promenâd. Roedd y DCOs hyn yn cwmpasu rhan o'r traeth nad oedd yn dod o dan is-ddeddf leol a chawsant eu rhoi ar waith yn 2008.

Cawsant eu cyflwyno am y rhesymau canlynol: -

- 1) Roedd Cyngor Cymuned y Borth yn cefnogi estyniad daearyddol yr is-ddeddfau cŵn presennol oherwydd cwynion gan drigolion ac ymwelwyr ynglŷn â chŵn yn baeddu a chŵn allan o reolaeth.
- 2) Mae'r rhan hon o'r traeth yn rhan o ardal asesu Traeth y Faner Las. Mae caniatáu cŵn ar y traeth yn fwriadol yn ystod cyfnod asesu'r Faner Las yn golygu nad yw'r traeth yn cydymffurfio â'r meini prawf hanfodol sy'n ofynnol gan y Sefydliad Addysg Amgylcheddol sy'n rhedeg Rhaglen y Faner Las a allai beryglu statws Baner Las Traeth y Borth.

Cyn cyflwyno'r Gorchymynion Rheoli Cŵn yn 2008, ystyriwyd cydbwysu buddiannau'r rhai sy'n gyfrifol am gŵn yn erbyn buddiannau'r rhai yr effeithir arnynt gan weithgareddau cŵn. Wrth wneud hynny, cydnabuwyd y dylai'r cyhoedd, ac yn benodol plant, gael mynediad i ardaloedd di-gŵn a manau lle cedwir cŵn o dan reolaeth llym. Yn ogystal, mae'r rhai sy'n gyfrifol am gŵn angen mynediad i fannau lle gallant ymarfer eu cŵn heb gyfyngiadau

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



gormodol. Roedd y Cyngor yn fodlon bod digon o gyfle i redeg cŵn yn rhydd ar y rhan o'r traeth nad yw'n dod o dan Is-ddeddfau Gwahardd Cŵn, gan ganiatáu i berchnogion cŵn gyflawni eu cyfrifoldebau o dan Ddeddf Lles Anifeiliaid 2006.

Pa gam/camau gweithredu allwch chi eu cymryd i liniaru unrhyw effeithiau negyddol neu gyfrannu'n well at effeithiau positif?

Fel yr uchod.

<b>3.7. Cymru â diwylliant bywiog lle mae'r Gymraeg yn ffynnu</b> Mae diwylliant a threftadaeth Cymru a'r Gymraeg yn cael eu hybu a'u gwarchod. <i>Yn yr adran hon, mae angen i chi ystyried yr effaith, y dystiolaeth ac unrhyw gamau yr ydych yn eu cymryd i wella. Dylech wneud hyn i sicrhau nad yw'r cyfleoedd sydd ar gael i bobl sy'n dewis byw eu bywydau a defnyddio gwasanaethau drwy gyfrwng y Gymraeg yn waeth na'r cyfleoedd sydd ar gael i'r rheini sy'n dewis gwneud hynny drwy gyfrwng y Saesneg, a hynny yn unol â Mesur y Gymraeg 2011.</i>				Disgrifiwch pam y bydd yn cael effaith gadarnhaol/negyddol neu fawr ddim effaith o gwbl.	Pa dystiolaeth sydd gennych i ategu'r farn hon?	Pa gam (gamau) allwch chi ei gymryd (eu cymryd) i liniaru unrhyw effeithiau negyddol neu i gyfrannu'n well at yr egwyddor hon?
A fydd y cynnig yn cael ei roi ar waith yn ddwyieithog (Cymraeg a Saesneg)?	Cadarn haol ✓	Negydd ol	Dim/Fawr ddim	Amherthnasol		Sicrhau bod yr holl arwyddion perthnasol yn ddwyieithog. Datganiad i'r Wasg a Bydd cyhoeddi'r Gorchmynion bod yn ddwyieithog.
A fydd y cynnig yn effeithio ar y cyfleoedd i bobl ddefnyddio'r Gymraeg?	Cadarn haol	Negydd ol	Dim/Fawr ddim ✓	Amherthnasol		
A fydd y cynnig yn cynyddu neu'n lleihau'r cyfleoedd i bobl gael gwasanaethau drwy gyfrwng y Gymraeg?	Cadarn haol	Negydd ol	Dim/Fawr ddim ✓	Amherthnasol		

# Cyngor Sir Ceredigion – Asesiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



Sut fydd y cynnig yn sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg?	Cadarn haol	Negydd ol	Dim/Fawr ddim	Amherthnasol		
			✓			
A fydd yn gwarchod, yn hybu ac yn cyfoethogi diwylliant a threftadaeth lleol?	Cadarn haol	Negydd ol	Dim/Fawr ddim	Amherthnasol		
			✓			

**4. ATGYFNERTHU'R CYNNIG:** Os yw'r cynnig yn debygol o effeithio'n negyddol ar unrhyw rai o'r materion uchod (gan gynnwys unrhyw rai o'r nodweddion gwarchodedig), pa gamau ymarferol/newidiadau allai helpu i liniaru neu i ddileu unrhyw effeithiau negyddol a nodwyd yn adrannau 2 a 3?

## 4.1 Camau

Beth fyddwch chi'n ei wneud?	Pryd fyddwch chi'n ei wneud?	Pwy sy'n gyfrifol?	Cynnydd
Cyflwyno adroddiad i'r Cabinet/Cyngor i ofyn i ymestyn y gorchymyn am dair blynedd arall.	5/9/2023 & 21/9/2023	Anne-Louise Davies	Ar amser
Cysylltu â Chyngor Cymuned y Borth ynghylch canlyniad eu cyfarfod cyhoeddus	Ar ôl y 4/9/2023	Anne-Louise Davies	I'w gadarnhau
Os fydd angen, cynnal ymgynghoriad llawn	Yn ystod y flwyddyn ariannol 2024/2025	Anne-Louise Davies	I'w gadarnhau

## 4.2. Os na fyddwch yn cymryd unrhyw gamau i ddileu neu i liniaru'r effeithiau negyddol, rhwch gyfiawnhad.

*(Cofiwch: os ydych chi wedi nodi gwahaniaethu anghyfreithiol uniongyrchol a phosibl o ganlyniad i'r cynnig hwn, rhaid i chi newid neu ddiwygio'r cynnig.)*

## 4.3. Monitro, gwerthuso ac adolygu

*Sut fyddwch chi'n monitro effaith ac effeithiolrwydd y cynnig?*



# Cyngor Sir Ceredigion – Aseiad Effaith Integredig (AEI)

Offeryn integredig sy'n sylfaen ar gyfer proses benderfynu effeithiol



5. RISG: Beth yw'r risg sydd ynghlwm wrth y cynnig hwn?					
Meini prawf asesu effaith	1 – Isel iawn	2 – Isel	3 – Canolig	4 – Uchel	5 – Uchel iawn
Meini prawf asesu tebygolrwydd	1 – Annhebygol o ddigwydd	2 – Llai tebygol o ddigwydd	3 – Yr un mor debygol o ddigwydd ac o beidio digwydd	4 – Mwy tebygol o ddigwydd	5 – Tebygol o ddigwydd
Disgrifiad o'r risg	Effaith (difrifoldeb)		Tebygolrwydd (y gallu i gyflawni)		Sgôr risg
Llai tebygol o ddigwydd	2		1		2
Allai eich cynnig chi effeithio ar faes gwasanaeth arall?					
O bosib, y Tîm Datblygu Economaidd a Thwristiaeth.					

6. CYMERADWYO			
Swydd	Enw	Llofnod	Dyddiad
Rheolwr y Gwasanaeth	Anne-Louise Davies		23/8/2023
Swyddog Arweiniol Corfforaethol	Alun Williams		23/8/2023
Y Cyfarwyddwr Strategol	Barry Rees		
Deiliad y Portffolio	Cynghorydd Matthew Vaux		