

**Dog Control Orders
Clean Neighbourhoods and Environment Act 2005**

The Dog Control Orders (Prescribed offences and Penalties, etc) Regulations 2006
(SI 2006/1059)

THE FOULING OF LAND BY DOGS (WEST SOMERSET) ORDER 2010

The West Somerset Council makes the following Order:

1. The Order will come into force on the thirty first day of March 2010
2. This Order applies to the land specified in Schedule 1

Offence

3. (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces forthwith, that person shall be guilty of an offence unless -
 - a) he has 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 his failing to do so.
- (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) has a disability which affects his 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 he relies for assistance.
- (3) For the purposes of this article –
 - a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
 - d) each of the following is a “prescribed charity” –
 - i. Dogs for the Disabled (registered charity number 700454);
 - ii. Support Dogs (registered charity number 1088281);

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- iii. Canine Partners for Independence registered charity number 803680)

Penalty

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

Date Eighth of March 2010

I Timms
Group Manager, Housing and Community, West Somerset Council, West Somerset House, Killick Way, Williton, Somerset, TA4 4QA

Schedule 1:

Land designated by description;

Schedule 1 applies to all land in the West Somerset Council area which is open to air and to which the public are entitled or permitted to have access (with or without payment), including but not limited to, parks, public open spaces and highways.

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The Dogs on Leads by Direction (West Somerset) Order 2010

The West Somerset Council (in this order called “the Authority”) hereby makes the following order:

1. This order comes into force on the thirty first day of March 2010
2. This order applies to the land specified in the Schedule 1.
3. In this order “an authorised officer of the authority” means an employee or **agent** of the Authority who is authorised in writing by the authority for the purpose of giving directions under this order.

Offence

4. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead, unless-
 - a) he 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 his failing to do so.
- (2) For the purposes of this article-
 - a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
 - b) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this order applies] or the worrying or disturbance of any animal or bird.

Penalty

5. A person who is guilty of an offence under Article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date Eighth of March 2010

I Timms

Group Manager, Housing and Community, West Somerset Council, West Somerset House, Killick Way, Williton, Somerset, TA4 4QA

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Schedule 1

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the council and which is:-
 - i open to the air (which includes land that is covered but open to the air on at least one side) and
 - ii to which the public are entitled or permitted to have access (with or without payment).
 - iii All roads within the District of West Somerset (as defined by Section 142 of the Road Traffic regulation Act 1984)
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the forestry commissioners under section 39 of the Forestry Act 1967

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The Dogs Exclusion (West Somerset) Order 2010

The West Somerset Council hereby makes the following Order:

1. The order will come into force on the thirty first day of March 2010.
- 2 This Order applies to the land specified in the schedules below;

Offence

3. – (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless –

- a) he 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 his failing to do so.

- (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 he relies for assistance; or

- (c) has a disability which affects his mobility, manual dexterity, physical co-ordination to ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

- (3) For the purposes of this article –

- (a) a person who habitually has a dog in his possession shall be 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 as “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)

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Penalty

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

Date Eighth of March 2010

**I Timms
Group Manager, Housing and Community, West Somerset Council, West
Somerset House, Killick Way, Williton, Somerset, TA4 4QA**

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Schedule 1
Land (Dog Exclusion) designated by description

The order relates to the following areas:

1. **Minehead Beach from Golf Club Groyne to Harbour** (as shown on Map BAN002 hatched in red; see Schedule 2 for periods of exclusion)
2. **Henry Davey Children's Playing Field, Watchet** (as shown on Map BAN003 hatched in red)
3. **The Memorial Ground (Childrens Play Area and Putting Green) Watchet** (as shown on Map BAN004 hatched in red)
4. **Children's Play Area**. Opposite **Withycombe** Memorial Hall, Withycombe (as shown on Map BAN005 hatched in red)
5. **Children's Play Area, Brushford** (as shown on Map BAN006 hatched in red)
6. **Children's playground, Porlock Recreation Ground** (as shown on Map BAN007 hatched in red)
7. **Memorial Garden, Porlock Recreation Ground** (as shown on Map BAN008 hatched in red)
8. **Blenheim Gardens, Minehead** (as shown on Map BAN009 hatched in red)
9. **Irnham Road Recreation Ground, Minehead** (as shown on Map BAN010 hatched in red)
10. **Sports Field and Recreation Ground, Dulverton** (as shown on Map BAN011 hatched in red)
11. **Childs Play area Culvercliffe, Minehead** (as shown on Map BAN013 hatched in red)
12. **Millennium Rose Garden, Minehead** (as shown on Map BAN014 hatched in red)
13. **Children's Play area (beside Recreation Ground), Williton** (as shown on Map BAN015 hatched red)
14. **Dunster Marsh Playing Fields, Dunster** (as shown on Map BAN030 hatched red)
15. **Packhorse Playing Field, Dunster** (as shown on Map BAN031 hatched red)
16. **Football Playing Field, Dunster** (as shown on Map BAN035 hatched red)
17. **Dunster Cemeteries, Dunster** (as shown on Map BAN032 hatched red)
18. **Dunster St. Georges Church yard** (as shown on map BAN033 as hatched red)
19. **Dunster Village Gardens** (as shown on map BAN034 hatched red)
20. **Dunster Tithe Barn** (as shown on map BAN036 hatched red)
21. **Junior Playing Field, Hillview Road, Carhampton** (as shown BAN037 hatched red)
22. **Crowcombe Village Children's Play area and recreation ground** (BAN038)

All other existing Parish and Town Council byelaws not mentioned above relating to dog control remain unaltered.

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Schedule 2

The Order to exclude dogs on Minehead Beach as Schedule 1 between the golf course groyne to the harbour will be in force between 1st May and September 30th inclusive in any year

All other designated land contained in Schedule 1 is in force at all times

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The Dogs on Leads (West Somerset) Order 2010

The West Somerset Council (in this order called “the council”) hereby makes the following order:

1. This order comes into force on the thirty first day of March 2010
2. This order applies to the land specified in the Schedule1

Offence

3. (1) a person in charge of a dog shall be guilty of an offence if, at any time, on land to which this Order applies does not keep the dog on a lead, unless -
 - i. Has a reasonable excuse not to do so; or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) for the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

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

Date Eighth of March 2010

I Timms
Group Manager, Housing and Community, West Somerset Council, West Somerset House, Killick Way, Williton, Somerset, TA4 4QA

Schedule 1:

1. **Exmoor House Lawns, Dulverton** (as shown on Map DOL015 delineated in red)
2. **Lower Parks Walk, Minehead** section between entrances at Parkhouse Road and Periton Lane (as shown on Map DOL016 delineated in red)
3. **Minehead Seafront** (as shown on Map DOL017 delineated in red)
4. **Porlock Recreation Grounds** (as shown on Map DOL018 delineated in red)
5. **Porlock Churchyard and Cemetary** (as shown on Map DOL019 delineated in red)

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6. **Carpark opposite Memorial Hall, Withycombe** (as shown on Map DOL020 delineated in red)
7. **King George V Playing Field, Minehead** (as shown on Map DOL021 delineated in red)
8. **Cross Farm Park, Alcombe** (as shown on map DOL022 as hatched red)

Schedule 2

The Order will be in force at all times for the land specified in Schedule 1

All other existing Parish and Town Council byelaws not mentioned above relating to dog control remain unaltered.