



## The Frome Town Council Dog Control Orders 2014

### The Clean Neighbourhoods and Environment Act 2005

#### The Dog Control Orders (prescribed Offences and Penalties, etc. Regulations 2006 (S.I.2006/1059))

The Frome Town Council (FTC) intends to make the Dog Control Orders detailed here and invites comments on the proposal by 9 October 2014.

When will the Orders come into force?	It is proposed the Orders will come into force on 23 October 2014, subject to this consultation.
What constitutes an offence?	Each order details what constitutes an offence against that order.
What are the penalties for non-compliance?	The maximum fine is level 3 on the standard scale, currently £1000. An authorised officer (usually a Police Officer or Police Community Support Officer) can give a fixed penalty notice, currently £80, in lieu of prosecution.
Are there any exceptions?	Where exceptions apply, they are detailed for each order. There is also a defence of reasonable excuse for all orders. [Note that under the Fouling of Land by Dogs Order, not having the means to clean up dog poo is not a reasonable excuse]
What land does it apply to?	The Dogs on Leads (FTC) Order 2014 applies to Frome Victoria Park between the hours of 10am and 6:30pm during the period from 1 April until 30 September.  The remaining Orders apply to all land that falls within the description of the Schedule(s) shown on the Order. The land to which each Schedule relates is given.
Where can I see the draft order?	The draft Orders can be viewed on the Council website at: <a href="http://www.frometowncouncil.gov.uk/frome-town-council/dog-control-orders">http://www.frometowncouncil.gov.uk/frome-town-council/dog-control-orders</a> Copies of the draft Orders can also be seen at the FTC Information Point in Frome Library and at the FTC office at 5 Palmer Street in Frome.
Can I comment on the proposal?	If you wish to object to any part of the proposal you may respond by email to <a href="mailto:stevensc@frometowncouncil.gov.uk">stevensc@frometowncouncil.gov.uk</a> Please enter 'Dog Control Consultation' in the subject box.  Written responses can also be sent to: Dog Control Consultation, Frome Town Council, 5 Palmer Street, Frome. BA11 1DS

## **SCHEDULE 1**

### **Land Designated by Description**

Any land within the administrative area of FTC which is open to the air, including covered land which is open to the air on at least on side, and to which the public are entitled or permitted to have access with or without payment of the following descriptions:

- (a) An area enclosed by a fence or wall or similar structure which is used as a play area for children.

## **SCHEDULE 2**

### **Land Designated Specifically**

- (a) Mary Baily playing field
- (b) Welshmill play park
- (c) Welshmill cycle pump-track
- (d) New Road play park

## **SCHEDULE 3**

### **Land Designated by Description**

Any land within the administrative area of FTC which is open to the air, including covered land which is open to the air on at least on side, and to which the public are entitled or permitted to have access with or without payment of the following descriptions:

- (a) Any highway, footways, and footpaths within the area of FTC over which the public have a right of way on foot and adjoining verges which are maintained at public expense. This may include some areas of access land.
- (b) All pedestrian areas within the area of FTC to which the public have right of access.
- (c) All open spaces which are owned, occupied or maintained by or on behalf of FTC.

The Dogs Exclusion (FTC) Order 2014	The Dogs on Leads by Direction (FTC) Order 2014	The Dogs on Leads (FTC) Order 2014	The Fouling of Land by Dogs (FTC) Order 2014
<p>FTC hereby makes the following Order:</p> <ol style="list-style-type: none"> <li>1. This Order comes into force on 23 October 2014</li> <li>2. This Order applies to any land to which the description in Schedule 1 applies and to the land listed in Schedule 2</li> <li>3. <b>Offence</b> <ol style="list-style-type: none"> <li>(a) 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 remain on, any land to which this Order applies unless-               <ol style="list-style-type: none"> <li>(i) he has a reasonable excuse for doing so; or</li> <li>(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.</li> </ol> </li> <li>(b) Nothing in this article applies to a person who-               <ol style="list-style-type: none"> <li>(i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or</li> <li>(ii) 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</li> <li>(iii) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move</li> </ol> </li> </ol> </li> </ol>	<p>The FTC hereby makes the following Order:</p> <ol style="list-style-type: none"> <li>1. This Order comes into force on 23 October 2014</li> <li>2. This Order applies to the land specified in Schedule 3</li> <li>3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order</li> <li>4. <b>Offence</b> <ol style="list-style-type: none"> <li>(a) 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 a dog on a lead of no more than 2 metres in length unless-               <ol style="list-style-type: none"> <li>(i) he has a reasonable excuse for doing so; or</li> <li>(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.</li> </ol> </li> <li>(b) For the purposes of this article-               <ol style="list-style-type: none"> <li>(i) 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</li> </ol> </li> </ol> </li> </ol>	<p>The FTC hereby makes the following Order:</p> <ol style="list-style-type: none"> <li>1. This Order comes into force on 23 October 2014</li> <li>2. This Order applies to Frome Victoria Park between the hours of 10am and 6:30pm during the period from 1 April until 30 September</li> <li>3. <b>Offence</b> <p>A person in charge of a dog shall be guilty of an offence if, on any land to which this Order applies he does not keep the dog on a lead of not more than 2 metres in length during the times specified, unless-</p> <ol style="list-style-type: none"> <li>(a) 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 remain on, any land to which this Order applies unless-               <ol style="list-style-type: none"> <li>(i) he has a reasonable excuse for doing so; or</li> <li>(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so</li> </ol> </li> <li>(b) 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</li> </ol> </li> </ol>	<p>The FTC hereby makes the following Order:</p> <ol style="list-style-type: none"> <li>1. This Order comes into force on 23 October 2014</li> <li>2. This Order applies to the land specified in Schedule 3</li> <li>3. <b>Offence</b> <ol style="list-style-type: none"> <li>(a) A person in charge of a dog shall be guilty of an offence if at any time he fails to clean up after his dog               <ol style="list-style-type: none"> <li>(i) he has a reasonable excuse for doing so but not having the means to clean up after a dog is not reasonable excuse</li> </ol> </li> <li>(b) Nothing in this article applies to a person who-               <ol style="list-style-type: none"> <li>(i) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or</li> <li>(ii) has a disability which affects his mobility, manual dexterity, physical coordination, 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</li> </ol> </li> <li>(c) For the purposes of this article-               <ol style="list-style-type: none"> <li>(i) 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</li> </ol> </li> </ol> </li> </ol>

<p>everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.</p> <p>(c) For the purposes of this article-</p> <p>(i) 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</p> <p>(ii) each of the following is a “prescribed charity”- Dogs for the Disabled (registered charity number 700454); Support Dogs (registered charity number 1088281); Canine Partners for Independence (registered charity number 803680).</p> <p><b>4. Penalty</b> 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.</p>	<p>charge of the dog.</p> <p>(ii) an authorised officer of the Authority may only give 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.</p> <p><b>5. Penalty</b> 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.</p>	<p><b>4. Penalty</b> 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.</p>	<p>time some other person is in charge of the dog;</p> <p>(ii) each of the following is a “prescribed charity”- Dogs for the Disabled (registered charity number 700454); Support Dogs (registered charity number 1088281); Canine Partners for Independence (registered charity number 803680)</p> <p><b>4. Penalty</b> 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.</p>
---	---	--	--

