EXE 280611
Item 9

Dog Control Orders

EXECUTIVE MEMBER: Councillor Allan Holliday, Portfolio Holder for Environment and Sustainability.

LEAD OFFICER: Keith Parker , Head of Neighbourhood Services

REPORT AUTHOR: Alana Mackinnon, Enforcement Manager.

WHAT BENEFITS WILL THESE PROPOSALS BRING TO COPELAND RESIDENTS?

The proposals will enable the Council to deal with irresponsible dog owners, encouraging more responsible dog ownership that will consequently lead to reduced levels of dog fouling occurring in the Borough.

WHY HAS THIS REPORT COME TO THE EXECUTIVE?

Following on from the consultation process, members are asked to review comments and make the decision as to the implementing of the Dog Control Orders or amending Dog Control Draft Orders.

RECOMMENDATIONS:

The report outlines the provisions of the Clean Neighbourhoods and Environment Act 2005 in respect of the introduction of dog control orders regarding failing to remove dog faeces, not keeping a dog on a lead, not putting and keeping a dog on a lead when directed to do so by an authorised officer, and permitting a dog to enter land from which dogs are excluded. The report seeks Executive approval following on from the consultation process.

It is recommended that:- That Executive request Council to approve the following matters:

(a) the outcome of the consultation exercise referred to in paragraph 2 of the report be noted;
(b) that, under section 55 of the Clean Neighbourhoods and Environment Act 2005, the draft orders attached as Appendix 1 to this report and titled (i) The Fouling of Land by Dogs (Copeland Borough Council) Order 2011; (ii) The Dogs on Lead by Direction (Copeland Borough Council) Order 2011; (iii) The Dogs Exclusion (Copeland Borough Council) Order 2011; and (iv) The Dogs on Leads

(Copeland Borough Council) Order 2011 be made and to come into force on the 3rd October 2011;
(c) the amount of a fixed penalty, payable for an offence under an order where a fixed penalty notice is issued, be fixed at £80;
(d) for the purposes of issuing fixed penalty notices that (i) the Enforcement Manager; (ii) Enforcement Officers; (iii) Beach Cleaning Operatives; and (iv) Police Community Support Officers be authorised for the purposes of section 59 of the Clean Neighbourhoods and Environment Act 2005 as authorised persons;"
(e) Executive review the Orders 12 months after implementation

1. INTRODUCTION

1.1 New dog controls within the Clean Neighbourhoods and Environment Act 2005 (CNEA) were designed by the Government to replace the Dogs (Fouling of Land) Act 1996, legislation which has provided a long-established system of dog control. It is no longer possible to make new bylaws or designations under this legislation.

Dealing with dog fouling and nuisance behaviour is a high priority with the public and is given emphasis by the Council.

1.2 Currently Copeland Borough Council enforces dog fouling offences under the Dogs (Fouling of Land) Act 1996. The Act states that any person who permits a dog that is in their charge to foul any area to which the public has access, is committing an offence.

Copeland Borough Council has issued 422 fixed penalty charge notices for dog fouling since it started issuing under current legislation back in 2001; this averages 46 fixed penalty charge notices issued per year across the following locations:-

Arlecdon	2
Cleator	13
Cleator Moor	38
Distington	4
Egremont	35
Ennerdale	1
Frizington	21
Gosforth	5
Haverigg	10
Lowca	1
Millom	33
Moor Row	3

Moresby	18
Pica	4
Seascale	8
St Bees	28
Whitehaven	198
Total	422

Penalties for this offence are by fixed penalty notice of £50 or, on summary conviction of the offender, a fine not exceeding level 3 (currently £1,000) on the standard scale. In 32 cases of the 422 above the dog owner elected to have their case heard in court, of these 31 were found in favour of the Council and one was lost on a technicality.

1.3 There are two sets of Regulations made under the Clean Neighbourhoods and Environment Act for the control of dogs. These are:-

(i) The Dog Control Orders (Prescribed Offences and Penalties etc) Regulations 2006; and

(ii) The Dog Control Orders (Procedures) Regulations 2006.

1.4 The CNEA and Regulations specify the offences and the procedures for the introduction of dog control orders.

1.5 The offences for which dog control orders are proposed are:-

(a) failing to remove dog faeces;
(b) not keeping a dog on a lead;
(c) not putting and keeping a dog on a lead when directed to do so by an authorising officer; and
(d) excluding dogs from land.

2. PROPOSED ORDERS

2.1 The four dog control orders proposed are

(a) The Fouling of Land by Dogs;
(b) The Dog on Leads by Direction;
(c) The Dogs on Leads; and
(d) Excluding Dogs from Land.

By law the orders cannot cover land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

2.2 *The Fouling of Land by Dogs Order* requires people in control of a dog to immediately remove faeces deposited by their dog. It is intended that this Order applies to all areas of land in the Borough which are open to the air and to which the public are entitled or permitted to have access (with or without payment). The Order would not apply to a registered blind person nor someone who has a dog trained by a prescribed charity to support a person suffering from a mobility or manual dexterity disability.

Consultation Response to The Fouling of Land by Dogs Order. No responses have been received from the general public or councillor against this order.

2.3 *The Dogs on Leads by Direction Order* requires people in control of a dog to put and keep the dog on a lead when told to do so by an authorised officer of the Council. It is intended that this Order applies to all areas of land in the Borough which are open to the air and to which the public are entitled or permitted to have access (with or without payment) other than those areas which are to be covered by the Dogs on Leads Order or Excluding Dogs from Land Order. The power to direct a dog to be on a lead can only be exercised if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog to any other person or to prevent the worrying or disturbance of any animal or bird.

Consultation response to The Dogs on Leads by Direction Order. No responses have been received from the general public or councillors against this order

2.4 *The Dogs on Leads Order* requires dogs to be kept on a lead. An offence is committed unless the offender has reasonable excuse for failing to do so or the owner or occupier of the land or person having control of the land has consented to the dog not being on a lead. Again the Order could apply to all areas of land in the Borough which are open to the air and which the public are permitted to have access (with or without payment). It is proposed in this case that the Order is restricted to the following areas:

(a) Highways, footways, footpaths and adjacent grass verges maintained at the public expense;
(b) All cemeteries/crematoriums' in the Borough;
(c) Council owned sports grounds/pitches;
(d) Beaches at St Bees, Haverigg, Silecroft and Seascale to include all grassed areas and associated car parks but excluding that part of the beach consisting of sand and shingle; and
(e) Trinity Gardens, Scotch Street, Whitehaven.

Consultation response to The Dogs on Leads Order. Responses received from the General public have been mixed on this order with comments

received both in support and against the proposal. Initial comments received against the order were negative as people incorrectly thought that dogs would no longer be able to run free on beaches without a lead. This misunderstanding was clarified by explaining that the proposed order suggests that beaches at St Bees, Haverigg, Silcroft and Seascale include all grassed areas and associated car parks but excludes that part of the beach consisting of sand and shingle.

Some of the responses suggest that this order cannot be patrolled or enforced while others had concerns that if a dog was on a lead it wouldn't be exercised properly.

2.5 *The Dogs Exclusion Order* will prohibit dogs from entering certain areas or if on the land from remaining on it. Defences are that there is reasonable excuse for the dog being on the land or the owner or occupier or person having control of the land has consented to the dog being there. The Order will not apply to dogs owned by a registered blind person, a dog trained by Hearing Dogs for Deaf People or dogs trained by a prescribed charity for people suffering from a mobility disability.

It is proposed that dogs are excluded from any area of land which comprises of a children's play area and which is owned or managed by the Council or a Town or Parish Council. Initial consultations with Town and Parish Councils support this proposal.

Consultation response to The Dogs Exclusion Order. No responses have been received from the general public or councillors against this order. However plans required some amendments to reflect correct areas of exclusion and some responses requested additional land to be included, such as a section of grass land in a residential area in Millom. Consideration was asked to be given to including St Nicholas' Gardens in Whitehaven in The Dogs Exclusion Order.

2.6 The penalty for an offence is on summary conviction a fine not exceeding level 3, currently £1,000. As an alternative to being prosecuted in a Magistrates' Court for such an offence an authorised officer may give the offender a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty. The amount of the fixed penalty can be set by the Council but must be in the range of £50 - £80. In this case it is recommended that the fixed penalty is fixed at £80.

2.7 For the purposes of issuing fixed penalty notices referred to in paragraph 2.6 and taking action under paragraphs 2.2 to 2.5 the Council can authorize an employee, any person who in pursuance of arrangements with the Council has the function of giving such notices and is so

authorised and an employee of another authority so authorised. In this case it is recommended that the following officers are authorised:

Enforcement Manager
Enforcement Officers
Beach Cleaning Operatives
Police Community Support Officers

2.8 With the report going to Full Council on 18 August the implementation timetable becomes:-

- Dog Control Orders are confirmed 18th August 2011
- Signage ordered week commencing 22nd August 2011
- Dog Control Orders Advertised 1st September 2011
- Signage positioned week commencing 26th September 2011
- Dog Control Orders come into force 3rd October 2011

3. OPTIONS TO BE CONSIDERED

3.1 The Executive are asked to support proposals to implement the four orders outlined above and recommend these to Full Council. It is further proposed that a review be conducted into the operation and effectiveness of the Orders 12 months after implementation to enable Members to consider changes and additions to the Orders based on the experience and stakeholder feedback to that point. It should be noted any subsequent amendments will be required to go through the full legal requirements including consultation, publication and signage.

4. CONCLUSIONS

4.1 Whilst the consultation resulted in 16 public responses and 6 from members, none have been entirely negative and there has been general support for the proposed orders. Consequently members are asked to support the introduction of these orders to enable enforcement measures to be taken to deal with irresponsible dog owners and help provide clean, green and safe neighbourhoods.

5. STATUTORY OFFICER COMMENTS

5.1 The Monitoring Officer's comments are: The report fully addresses the legal implications and procedures of making the orders. Post approval the orders will be advertised and published and signs erected on or near the land affected summarising the order in accordance with the statutory requirements.

5.2 The Section 151 Officer's Comments are:

I have no further Sec 151 comments

5.3 EIA if applicable: These proposals are cognisant of the circumstances surrounding 'working dogs' and make particular arrangements in relation to the dog fouling order as identified in 2.2 above. The Orders if approved will provide the Council with an additional tool to control dogs and dog fouling in public places thereby contributing to the general public interest in enjoying a safe and clean environment.

5.4 Other consultee comments, if any: None

6. HOW WILL THE PROPOSALS BE PROJECT MANAGED AND HOW ARE THE RISKS GOING TO BE MANAGED?

6.1 The proposal will be project managed by the Enforcement Manager supported by Neighbourhoods Services Management.

7. WHAT MEASURABLE OUTCOMES OR OUTPUTS WILL ARISE FROM THIS REPORT?

7.1 The number of fixed penalties issued is reported through the Councils performance monitoring system. Dog fouling is classified as litter and therefore the proposal will lead to an improvement in street cleanliness as measured by NI195.

7.2 Supports the Improving Quality of Life as set out in the Corporate Improvement Plan (2) To significantly improve the way services are provided to allow residents to live, work, learn and relax in a clean, safe and attractive environment.

List of Appendices

Appendix 1 – Consultation Responses
Appendix 2 – Draft Dog Control Orders and Schedules

List of Background Documents: Dog Exclusion Plans numbered 1 – 45 & Dogs on Leads Plans numbered 1 – 31. Copies available in the Members Room.

Appendix 1 – Consultation Responses

JC

Dr Ian R Hill
18 Fairladies, St Bees, Cumbria, CA27 0AR
Tel: 01946 823305

DOG FOULING ETC.

I have taken soundings from some of my constituents in St. Bees, and all accept that leaving dog faeces lying around is anti-social, and the Parish Council provide free doggy bags in an attempt to rid us of the problem. It is only partially successful, despite the penalties that may be levied under the prevailing legislation. Apart from the anti-social nature of those who ignore their pet's fouling, the fact that they are unlikely to be caught, coupled with the reluctance of observers to testify in court. further legislation is unlikely to change their behaviour.

People say that they have never seen any dog wardens in St Bees, and despite the fact that holiday makers come with their families, this aspect of policing seems to have been ignored. If people and their pets are not caught offending, and they perceive that the likelihood of being apprehended is slim, they will continue as before. Consequently any new legislation will be ignored, and the Council will look silly.

Whilst people accept that dogs should be kept on leads in the vicinity of children's play areas, such as the one at St Bees, they feel that the proposed wider scope of the demand is silly. The existing legislation ought to be sufficient to deal with unruly animals and their owners.

There is little hope of improving people's behaviour merely by the agency of new rules. If these are not policed effectively, then those who make the rules will look silly, and earn the contempt of the electorate who still have the same impediments to their lives.

4 June 11

Duddon Bank
Thwaites
Cumbria
LA18 5HT

Re: Proposed dog control order.

F.A.O. Janice Carrol.

Dear Miss Carrol.

Thank you for your letter and information on dog control.

I find the replies interesting but have not encountered any problems with my little use of the beaches, though I have come across people with an objection to dogs being allowed anywhere to foul the area, and on the other side, people with dogs who feel that their dogs, which never seem to go to the toilet, should be allowed to roam free anywhere.

In between there must be some control over where people and dog litter can be separated:

I was on a much used beach in France, for a day out, and was pleasantly surprised to see 'No Dogs' notices at all approaches to the beach, the grass, the dunes, and the tidal beach itself. This may have been on a holiday time- I can't remember, but the area was enjoyed by all, and not a dog in site. A security guard was seen occasionally patrolling the line of land adjoining the beach entrances, and there appeared to be no trouble.

It must be good for the animals to enjoy the sea and sand, but there would be a great Hullabaloo if humans used the beach as a toilet, and I think that the same should apply to all animals. It is objectionable to find excrement on any place used by the public, and some means must be used to stop it.

Can we afford the manpower to supervise the spread out beaches?
Can we train dog owners to use only set aside areas for their dogs, with facilities for the waste to be deposited and collected?
Can we afford to supply these areas and collection points, and monitor them?
The big one, and to my way of looking the best one, is. Can we change the mindset of the animal owners who believe that their dog is a part of the family which doesn't have to follow the same rules as us, and get them to pick up their litter?

We seem unable to change the British way of dropping litter, throwing it out of vehicles as we go along, fly tipping, and dropping stuff on the ground around a bin that hasn't been emptied, so I do not hold much hope of a mind change in the short term.

As well as changing the people's patterns, we have to tighten the councils approach as well. I feel that we do not have the penalties, or do not enforce them: We are too lenient often.

This is an abridged version of my thoughts-I hope you can come up with something.

Yours hopefully

G.Scurrah

File md/cbc

Janice Carrol

From: Cllr Michael McVeigh
Sent: 20 May 2011 11:13
To: Janice Carrol
Subject: dog consultation

Support the proposals, But we must always have the Sand beach freedom.

Michael.

Janice Carrol

From: Dixon [dixon731@btinternet.com]

Sent: 23 May 2011 10:54

To: Janice Carrol

Subject: Dog control order

Janice, re the above proposals I would like to make the following,
In a rural area of Copeland it is common practice for responsible dog owners to allow dogs off the lead under strict control.
I believe rural areas should be allowed to act in accordance with rural codes of responsibilty ,I fully support the issues of dog fouling, and to promote the councils approach to a cleaner environment. Can you please ensure my views are fed into the system.
Brian Dixon

Janice Carrol

From: Cllr Gillian Troughton
Sent: 23 May 2011 10:37
To: Janice Carrol
Cc: Cllr Dave Smith; Cllr Philip Greatorex
Subject: Dog control orders

Thank you for the documentation you have sent out about these.
Obviously being a new councillor I haven't had any consultation with anyone on these specific proposals. However one thing that cropped up time and again on the doorsteps in Bransty (particularly North Road and south View Road) was that although people0 were picking up and bagging the faeces they were then not disposing of it correctly: the favoured method seems to be throwing it into the nearest tree! (In fact one of the consultation letters makes a similar point.) I would therefore suggest that requirement to remove faeces from land is amended to include an additional requirement to dispose of it properly.

Cllr Gillian Troughton
Bransty Ward

E-mail: gillian.troughton@copeland.gov.uk
'obile: 0777 0966 953

Janice Carrol

From: Cllr Paul Whalley
Sent: 20 May 2011 12:26
To: Janice Carrol; Keith Parker
Subject: Consult on dog control orders

To Both
As my response on the above. I do not have a problem with what I have read. However I would be obliged if reassurance can be given that the Enforcement will be there to back up these proposals??
With Regards
Paul Whalley

Alana Mackinnon

From: [redacted]
Sent: 08 November 2010 11:23
To: DogControl
Subject: Dog Control Orders

Sirs,
I am writing with regard to dog fouling etc in the St Bees area. I am a member of the Beach Advisory Group and on the Parish Council and we currently provide Doggy bags free of charge in the cafe and shop for the use of dog walkers. I am in charge of replenishing these and there is an extremely good take up of them. I would like to make a few points however,

1) There is little or no presence currently to enforce the notices we already possess around the village. A few well publicised fines would do a great deal to raise awareness and provide a deterrent.
2) A number of dog owners will pick up faeces in a bag and then leave the bag at the side of the path – this is a particular problem on Tomlin leading up to St Bees Head and it is not unusual to see bags left in hedgerows etc. This needs to be addressed also.
3) The requirement for dogs to be kept on leads on St Bees beach is, I believe, a step too far. During the summer months there are children and families on the beach at weekends but for the rest of the time the beach is really only utilised by dog walkers and occasional kite surfers. The ability to be able to give a dog a run on the beach is a great attraction and there are many residents and visitors who greatly value this facility. As we have a designated area for the Quality Coast Award would it not be better to restrict dogs when in that zone during the summer months and allow them freedom for the rest of the year? On the promenade and grassed area there are problems with faeces and much more rigorous policing needs to take place there, loose dogs in these areas are a nuisance and should be controlled, again, a visible enforcement presence would be highly desirable. On the beach there is not much of a problem. I walk my dog daily from end to end and very rarely see any fouling on the sand itself.
4) Local residents, in conjunction with the police work hard to try to keep the beach areas and open spaces clean and free from litter and anti social behaviour. I personally have often picked up dog faeces from the pavements rather than leave it there – the streets and the foreshore are far worse than the beach itself.

We are all keen to do what we can in spite of the few dog owners who try to spoil things for the rest of us, but as with the problems of speeding and litter in the village there needs to be some kind of enforcement for what is already in place instead of injuring our tourist trade by taking away one of the few freedoms we have.

I hope these comments will be noted as they represent the views of many of my neighbours.

Yours faithfully

[redacted]

Alana Mackinnon

From: [redacted]
Sent: 03 November 2010 22:04
To: DogControl
Subject: Dog Control Orders Consultation.

Dear sirs,

I partially support the dog control orders and the tightening of controls generally especially in Cemeteries and childrens play parks etc. However, I **do not** support the proposed controls for Dogs On Leads Order 2010 in respect of my local beach at St Bees.

I am a responsible dog owner and always clean up after my dogs regardless of where we are. There are many many local responsible people walking dogs on our beach. We all pass the time of day, our dogs run free but still under control getting the exercise they need by chasing balls etc (which is not possible on a lead).

I do not agree that a dogs on lead order is either necessary or a proportionate response to problems caused on St Bees beach by the activities of dogs and those in charge of them. We are a local community of responsible dog owners and always clean up after our dogs. There are a minority of people who drive to our beach with dogs and don't clean up but we challenge them whenever we can. An order would not prevent them from continuing to spoil it for the rest of the responsible dog owning community - they are away in their cars and don't care. It is we locals who would suffer. What we need is more support from you against these few incomers and the ability to report these few to you or your dog wardens. I've never seen a dog warden on our beach and i go down twice a day.

Where else in St Bees can we responsible dog owners exercise our dogs off the lead locally and throw balls etc for our dogs who really do need that type of exercise.

I am aware that under the law you are required to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs. If you come to St Bees beach on any overcast or even wet day you will find responsible dog owners, each carrying full or empty dog bags and enjoying the benefits of dog walking, dog running, ball fetching and general community spirit. Very few non-dog owners use the beach on these wet days - we are by far the majority.

It would be disastrous to the small community to stop this happening. I do not support the Dogs on Lead Order 2010 in respect of St Bees Beach.

Yours, [redacted] St Bees.

[redacted]
St. Bees
Cumbria [redacted]

24th November 2010.

Copeland Borough Council
Dog Control Order
(Public Consultation)
Whitehaven CA28 8TD.

Dog Control Order.

I am writing to oppose the proposed dog control orders [redacted] relates to PART 2 of the order proposals KEEPING DOGS ON LEADS IN OPEN SPACES especially any restrictions proposed [redacted] local beaches:- i.e. St. Bees. Bees beach (which the restriction applies to) is used mainly by residential dog owners - it is very very rare that you find uncleared dog faecas.

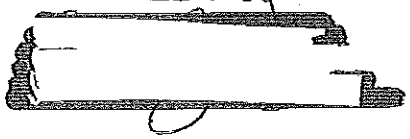
This is not a well used beach, even in the height of the summer months - the car park is never full, either in summer or winter, in 5 years I have never observed more than 40 people at any one time, including dog walkers - this does not reach the classification of a busy beach - Do Copeland Council believe we are Blackpool or Brighton.

Holiday makers come to the Whitehaven area because [redacted] freedom with their dogs. Whitehaven is ~~dying~~ dieing, lets bury it [redacted] with this ridiculous ruling - and work towards sacrificing our tourist industry.

How are these restrictions to be patrolled and enforced? How is the cost to be met?

We live in Cumbria a county of open spaces! lets turn Copeland area into a complete graveyard

Yours Sincerely



Sandwith

Whitehaven

Tel: 01946 590729

15 November 2010

Dear Sir/Madam,

Observations on proposed Dog Control Orders.

In 2008 I wrote to the Head of Leisure and Environmental Services, Mr Keith Parker, to voice my concerns about a number of dog-related issues in the area around our house on St Bees Head (copy of letter enclosed). I then had a meeting with Mr. T. Magean where we discussed those concerns and possible solutions. Mr. Magean explained that new Dog Control Orders were being written and that there would be some zones where dogs must be kept on leads. As an interim solution, 'scoop the poop' and 'dogs on leads' signs were erected in this area. These had little effect because stubborn dog-owners seemed to be confident that they were not lawful.

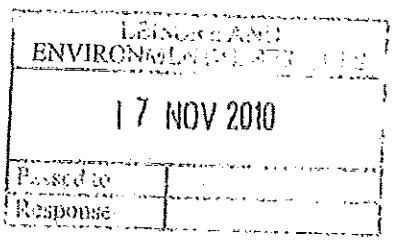
I have now looked at the details of the proposed 'dogs on leads' Order and can find no reference to this area. I am therefore writing to ask that consideration be given to including the area around our house and Birkhams Quarry. This is now a highly favoured view point and picnic area for many who are walking the Coast to Coast path or who walk the coastal paths between St Bees and Whitehaven. As you will know, the area is part of the Colourful Coast project that is capitalising on the obvious glories of the landscape between Whitehaven harbour and St Bees beach. On fine days there can be up to 30 dogs per day, many uncontrolled, running loose in this space where three busy footpaths converge. They can often be seen to be a nuisance to people who are taking the opportunity to picnic in a truly breathtaking spot.

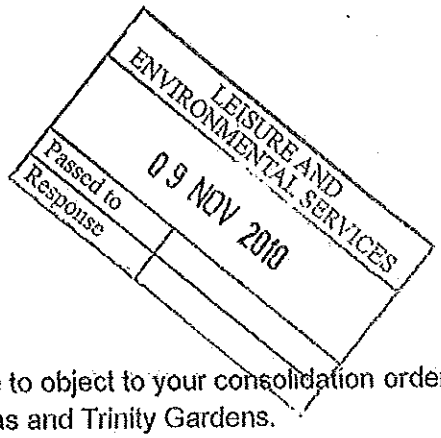
My original letter set out my concerns in 2008 but there have been some developments since then that I would like to bring to your attention to support my feeling that this should be a 'dogs on leads' zone. These are listed on an accompanying sheet. I believe that I am also speaking for many people who either can't (because they are visitors) or won't speak out.

I feel strongly that this should be a 'dogs on leads' zone and would ask that one of your officers visits to understand the area. I will be happy to guide someone around if you wish.

I look forward to hearing your thoughts about this issue. Thank you.

Yours sincerely,





Dear Sirs,

As a resident of Whitehaven Town Centre, I write to object to your consolidation order of allowing dogs to be on leads in both St Nicholas and Trinity Gardens.

It is in my view that both these areas should indeed be total dog bans.

These are areas on leisure and beauty not areas that you want to enjoy getting dog poo on your shoes.

Not only that BUT this is an area of remembrance of head stone what respect do we show to allow doge to be able to use these areas as a dog toilet.

There are many areas for dogs to be walked castle park is only a few meters away let the residents of Whitehaven have an area to be proud.

I myself have spoken with Reverent Bannister in the past and complained to him about dog mess in St Nicholas Garden in particular, and I know he would support such action to have these areas to have a total dog ban.

Concerned resident

[redacted] 22 November 2010 14:46
To: Info
Subject: Proposed dog control order

I have read the website proposals for preventing dog nuisance, which seem largely timely and appropriate.

But could you please advise on two points?

1 For the purpose of the control order, what is the status of the seashore? Parks, grounds and churchyards are listed specifically, but
nothing is said of beaches. If they are included in the term "open spaces" I would have thought parks and grounds so covered too.

2 Where, in the St. Bees area, would it be acceptable to exercise dogs off their leads? I trust the answer is not 'nowhere'.

[redacted]
St Bees, [redacted]

17/12/2010

Alana Mackinnon

From:
Sent: 03 November 2010 20:19
To: DogControl
Subject: Dog Control Orders - Consultation.

Dear sirs,

I am a responsible dog owner who always cleans up after my dogs be it in the street, on coastal paths or on the beaches of St Bees or Seascale.

I have enjoyed my privilege of walking my dogs off the lead over many years and enjoy the many benefits both to me and to my dogs.

Dogs should be allowed to exercise off the lead on these beaches as long as they are under control of responsible dog owners.

Dogs cannot get the exercise they need if kept on the lead, especially breeds such as setters.

Dog walking is a duty for the owner as well as a pleasure, and thus there is a far lower opt-out of regular exercise because of laziness, indifferent health and bad weather. This is clear to see on any rainy day on St Bees beach. To ban walking off the lead on our local beaches would result in owners driving to areas where we can walk our dogs off the lead and this is not good for the local communities, for local traffic and difficult roads or for the environment. Dog walking is especially recognised as excellent for the mental and physical health of old people, encouraging them to remain active, and giving them a feeling of usefulness and companionship.

Walking on a lead is unnatural and frustrating to a dog. I have always enjoyed being able to walk my dogs off lead in a responsible manner, from the earliest days of acquiring them as puppies. Obesity is common in dogs walked on lead, but dogs given regular off lead walks remain alert and slim. The dog's frustration if kept on lead is keenly felt by their owner, who also gets less pleasure from the walk.

If you go ahead and remove this privilege by enforcing powers to require dogs on leads on these beaches then I shall have nowhere locally to walk my dogs off the lead at all. You will be diminishing my ability to use and enjoy my local area which I currently support and maintain. There are literally hundreds of local people in the same situation.

You will be preventing one of the few pleasures in life for me (and many others) to have the pleasure of a well controlled dog walking the local beaches and giving no detriment to anyone. You will be taking away the pleasure of hundreds of responsible 'local' people to try to prevent a problem caused in the main by outside visitors to our beaches.

I ask that you consider: -

1. removing the beaches of St Bees, and Seascale from the Dogs On Leads Order 2010.
2. supporting the 'local' people in assisting the enforcement of existing powers at these beaches along the lines of the New Forest Dog Owners Group (NFDOG) by agreeing codes of conduct for existing dog owners and gaining support to take action against those few less responsible owners and allowing your local residents to enjoy amenities on their doorstep.

SILECROFT BEACH ADVISORY GROUP – Meeting – 17/11/10 Agenda/Minutes

1. Apologies
2. Dog Control Orders
3. Advertising Pamphlet for the coastal area
4. Notices/notice boards
5. Events Diary
6. Review of Summer season
7. Codes of Conduct
8. Toilets
9. Flag for 2011
10. AOB
11. Date of Next Meeting

Present S Capstick, P Clague, C Plane, P Rand, T Vaughan

Minutes

1. Apologies – S Mellen, C Wrigley, D Ward, I Harrison
2. The group were unanimously in favour of Proposal 1 (fouling of land by dogs) but there were some concems about the practicalities of Proposal 2 (keeping dogs on a lead) because of the fact that the award beach is such a small part of the whole beach area at Silecroft and well behaved dogs can easily be allowed to run off a lead away from the award beach. There could be difficulties expecting owners to put there dogs on a lead to pass over the award beach especially visitors to the area who did not know the local arrangements. However, although there would be a practical difficulty with enforcement, it probably would be a good order to have in place for the award beach so that badly behaved/dangerous dogs could be properly under control, in the vicinity of children and family groups. The group felt that there should be a limit placed on the number of dogs that could be exercised at the same time and enforcement officers should be seen regularly checking the beach area. Proposal 3 should be adopted for the use of enforcement officers but as far as Proposal 4 is concerned it does not seem appropriate for this order to be implemented at Silecroft which has always been a popular dog walking area for locals as well as visitors to the area
3. There was general support for a leaflet to promote activities along Copeland's beaches which should mention a number/all possibilities rather than highlighting one example on a beach like Silecroft which has so many possibilities. The pamphlet could also be a good medium for promoting the safe use of the beach and the importance of consideration and the safety of other users
4. It was reported that Copeland would be organising an independent audit of notices around the car park which everyone agreed needed attention. Copeland should involve LDNP in this exercise who themselves already have notices in place and Whicham PC who own the car park area. The group thought it would be an opportunity to incorporate all aspects of beach use on one or two itemised boards. However it was also felt that visitors did appreciate boards explaining local flora, fauna and geographical features of the area
5. There did not seem to be a necessity for a separate notice board for the beach advisory group at present, depending on the information that is eventually in place

26th October 2010

Home from home

Dog care service - elderly & special needs catered for.

Dear Mr Parker, I am writing to you regarding an article I read in my local evening paper. I cant wait for some of the proposals to be implement. As I work as a dog carer and walk 365 days of the year to see lots of things. Particularly loose dogs in areas where children are playing. I find over the last couple of years this seems to be worse. Dogs that attack off lead. My small dog of 5½ yrs of age was attacked several weeks ago and nearly died. There are so many people just letting their dogs loose, and not collecting up their dogg-doo-doos. I have found after many years I have to walk at different times, and different places due to other owners. I walk more than one dog at a time, but they are kept on lead in public areas, eg - parks, car parks. I can only wish, the sooner the better. Fine people more for dog dirt!

Yours sincerely

Mrs Barker

Contact - _____

Tel - _____

Holborn hill - Millom - Cumbria

Alana Mackinnon

From: [redacted]

Sent: 02 November 2010 08:40

To: DogControl

Subject: Supposed consultation

Sir/madam I am a dog owner (declaration of interest) and my dog is well trained (a gun dog) it walks off the lead most of the time with the exception of built up areas and busy roads. The broad statement in your order "open to the air" covers all areas and as usual CBC does not consider the obvious, how a dog can be exercised using a ball thrower if on a lead! I agree fully with the cleaning up after dogs as we do this but the blanket ban on dogs in open spaces is draconion. I know this is just a paper exercise as are all of CBCs so called consultations so do not expect any other views than that of blinkered, bigoted coucillors to hold sway. Example of this is the awful building Pears house which when I asked my local councillor what he thought of it, he replied he was "proud of it" (he is on the planning commitee). Yours

Alana Mackinnon

From: [redacted]

Sent: 28 October 2010 13:15

To: DogControl

Subject: Dogs and the Environment

Dear Sir/Madam,

I am currently an owner of Staffordshire Bull Terriers; I am on the committee of Morecambe Bay & Cumbria Staffordshire Bull Terrier Club and have represented The Kennel Club and Cumbrian dog walkers at meetings with Natural England and DEFRA.

I am writing to you to ask that Copeland Council places dog faeces receptacles at strategic places along the coastal walkways around Copeland and not just around the harbour, e.g. along the coast road from Whitehaven Railway Station to Parton, At Haig Pit Kells, At Woodhouse new Pharmacy, At Quarry cottages, Sandwith and other places where dog walkers would leave the coastal pathways also around the Parks in Copeland. These receptacles would positively encourage dog owners to dispose of there dog faeces at the start point of the walk and the end point of the dog walk before entering back onto the different estates around Copeland. I know that there are bins provided at some places around Copeland but there is nowhere near enough at this present time.

This was also asked for to be put forward in the coastal access bill 2009.

I would like my proposal to be put forward as part of the Consultation.

Sincerely

[redacted]

Woodhouse
Whitehaven
Cumbria

TEL: [redacted]

Alana Mackinnon

From: [redacted]
Sent: 28 October 2010 17:26
To: DogControl
Subject: Proposed dog control order, section2

Dear Sirs,

Proposed dog control order, section 2

I write to protest in the strongest possible terms against the proposal to force dogs to be kept on a lead in all open spaces within the borough, and in particular on St Bees' and other beaches. Clearly dog-fouling is an on-going problem which I would very much like to see addressed, but punishing all dogs in this way is unnecessarily cruel and likely to be ineffective.

This appalling proposal would deprive active dogs of any opportunity to run freely or interact naturally with other dogs, something which is essential to their health and well-being. Any observer of dog behaviour would be able to tell you that it is precisely those puppies which have been kept on the lead and prevented from meeting and greeting other dogs normally, which become nervous of / aggressive towards other dogs, which is often the preliminary to their aggression subsequently involving people. I have been bitten a number of times by dogs attacking my dog while it huddled against me for protection. On the occasion of my most serious injury, the attacking dog **was on the lead,** but dragged its owner along with it.

Moreover, it is these same dogs which become accustomed to fouling pavements and paths, since they have no other choice, and will often do so even when being dragged along **on the lead,** as the trails of excrement left along the paths and promenade at St Bees frequently demonstrate. I would also point out that the majority of owners who allow their dogs to foul the beach, promenade and surrounding play area are not the local, regular dog-walkers, but visitors, who are as unlikely to comply with the proposed order as with existing regulations. You may not be aware that we, the regular dog-walkers, remove considerable amounts of litter and excrement while exercising our own dogs, something we are unlikely to continue to do if we are driven elsewhere.

One of the problems which prevents regular dog-walkers and other users of the beach and paths from being able to do anything about either aggression or fouling, is that **offending owners cannot be identified** and therefore cannot be reported. This is because the offenders' **dogs do not have their owners' name and address on their collars,** (if they have collars!) even though this is a legal requirement. Might I therefore suggest that instead of penalising all dogs for the offences committed by a few owners, the Council abandon part 2 of their proposals and instead start checking dogs for identity tags and prosecuting those owners who are currently **breaking the existing law.**

You will no doubt be aware that the fouling problem at St Bees is a particular issue on the promenade and in the chidrens' play area, especially in the holiday season. I would greatly welcome proposals which would address this issue **effectively,** for example by banning all dogs, even on the lead, from that part of the promenade which runs from the beach cafe steps to the lifeboat ramp, during the period from Easter to the end of August. As the existing ban on dogs within the play area is regularly ignored, this ban clearly needs to be policed and enforced, or, ideally, the area enclosed with fencing.

I hope you will consider these alternative proposals instead of introducing your order, and **enforce the existing legislation** as a priority.

Yours faithfully,

[redacted]

Thursday 27th April 2011

home

Alana Mackinnon
Enforcement Manager
Copeland Borough Council
Whitehaven Commercial Park
Moresby Parks
Whitehaven
Cumbria
CA28 8YD

RE: Dog Control Order Public Consultation

Dear Ms Mackinnon

I am writing to you following a recent telephone conversation with yourself concerning including and area highlighted in green on the enclosed map of around Queens Park, Millom, on the Dog Control Order proposal.

A tenant from Queens Park originally raised the request for this area to be included in the dog control area proposal due to concerns they have for children in the area, and access to the back garden areas to their properties from this strip of land. At present people are allowing their dogs to run free on this land when walked, and there is easy access to a number of the back gardens on Queens Park from this land.

I have written to all tenants on Queens Park whose back garden area backs onto this land advising of the proposals which is being submitted and asking for them to contact if they are not happy to support this, on which we have had no response from anyone opposing this.

We would like to request that the land be included in the 'Keeping Dogs on Leads' order.

If you would like any further information please do not hesitate to contact me on the below number.

Yours sincerely

Jenny Lloyd
Housing Officer

COPELAND BOROUGH COUNCIL

28 APR 2011

NEIGHBOURHOOD SERVICES

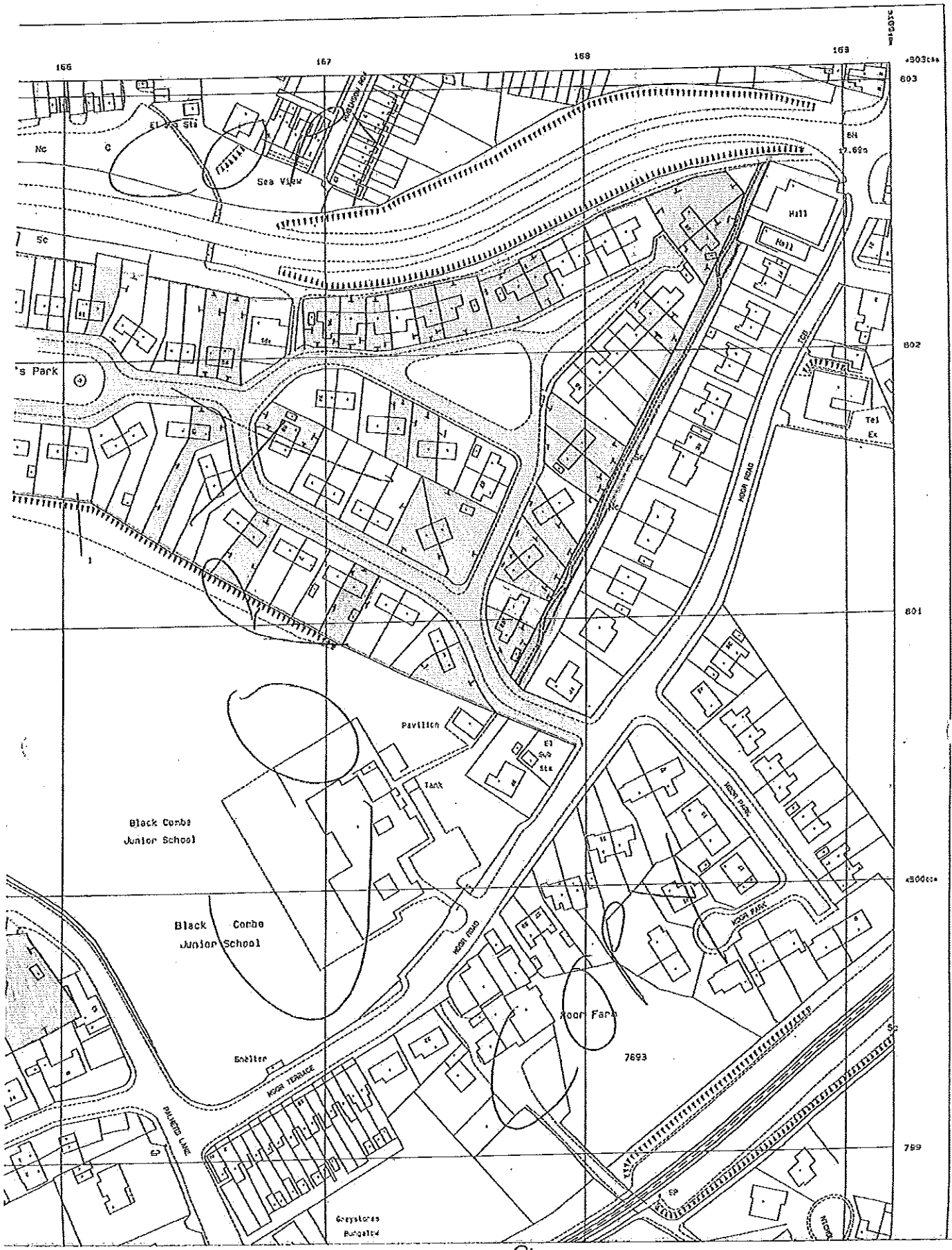
Home Group
6 Newton Street
Millom
Cumbria
LA18 4DR
Tel: 01229 773200

business for neighbourhoods

58

Option 1

Site-centred



, QUEENS PARK,
MILLOM, CUMBRIA

LEISURE AND ENVIRONMENTAL SERVICES
- 2 NOV 2010
Passed to

TEL:-

DEAR SIR/MADAM,

I WOULD LIKE TO APPLY FOR A DOG CONTROL ORDER STOPPING DOGS GOING ON TO A STRIP OF LAND TO THE REAR OF THE ABOVE PROPERTY WHERE I LIVE. THE STRIP OF LAND IN QUESTION RUNS PARRALLEL TO THE REAR OF QUEENS PARK HOUSES THAT NO' 88 TO NO 102, SEPARATING QUEENS PARK FROM MOOR ROAD. THE STRIP OF LAND IS ROUGHLY 30'-0" WIDE BY THE FULL LENGTH OF OUR ESTATE AND BELONGS TO HOME GROUP HOUSING ASSOC. WHO OWN THE HOUSE THAT I LIVE IN AND A NUMBER OF OTHERS THAT BACK ONTO THIS STRIP OF LAND.

A FEW OF THE RESIDENTS USE THE LAND AS A SHORT CUT TO AND FROM TOWN AND FOR CHILDRENS USE, TO PLAY ETC. WHICH IS WHY WE KEEP IT AS TIDY AS POSSIBLE KEEPING THE GRASS CUT ETC. BUT THERE ARE PEOPLE FROM OFF THE ESTATE WHOS ONLY USE IS TO FLY TIP AND TO WALK THEIR DOGS TO CLEAN THEMSELVES EVERY DAY I PICK UP AND DISPOSE OF OTHER PEOPLES DOG MESS SO THAT MY GRANDCHILDREN CAN PLAY SAFELY.

THE AREA WANTS FENCING AND GATING OFF WITH NO DOGS ALLOWED NOTICES AT BOTH ENDS.

YOURS

60

MIF

MILLOM TOWN COUNCIL

Town Clerk
Mrs C Burn
Telephone: 01229 772340
E-mail: theclerkmtc@aol.com

Millom Council Centre
St Georges Road
Millom
Cumbria
LA18 4DD

5/FH

Alana McKinnon
Enforcement Manager
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

4 February 2011

Dear Mrs McKinnon

Millom Town Council have recently been approached by Haverigg Residents Association regarding the proposed Dog Control Order.

HRA were asked by Copeland Borough Council to make comments on the order which they did, but none of their requests seem to have been incorporated into the order.

Millom Town Council would therefore like to support HRA's request of No Dogs and Dogs on Leads areas, as highlighted on the enclosed plan, being incorporated into the Dog Control Order if possible.

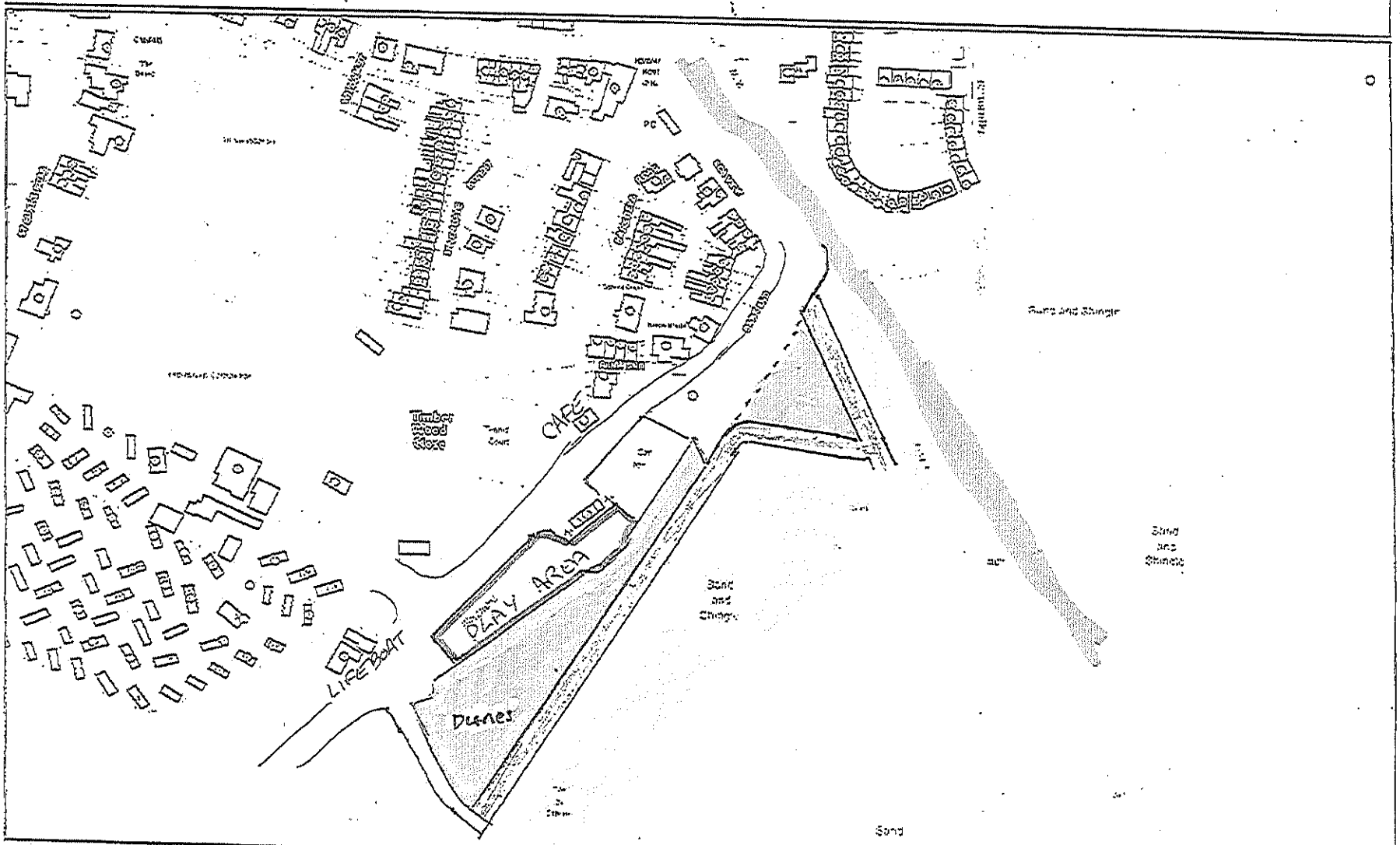
Many thanks

C Burn

C Burn
For Millom Town Council

HAVERIGG RESIDENT ASSOCIATION.

Haverigg Beach, Haverigg



NO DOGS

DOGS ON LEADS

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Scale 1/2310

Centre = 316076 E 478519 N

Date 19/10/2010

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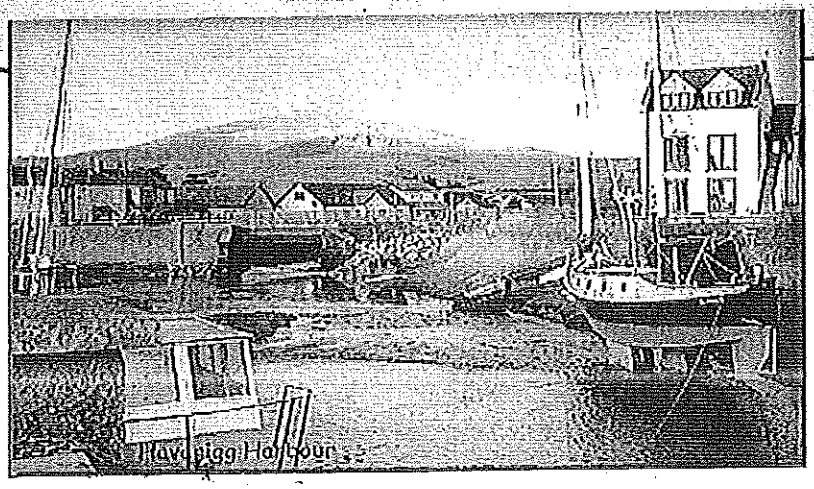
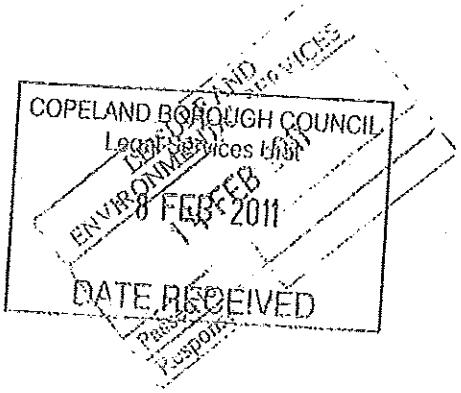
HAVERIGG RESIDENTS ASSOCIATION

Chair:
Mrs. F. Wilson
Chapel Cottage
Bankfield Road
Haverigg
Millom
Cumbria.



Hon: Sec:
Mrs. J. Roberts
18 Poolside
Haverigg
Millom
LA18 4HW
01229 770342
email:-robertsfamily18
@homecall.co.uk

Ms. M. Jewell
Senior Legal Services Manager
Legal & Democratic Services
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria CA28 7SJ



Dear Ms Jewell

Proposed Dog Control Orders

Thank you for your letter of 1 February 2011.

We are very pleased to see that the recommendation is to add the grassed triangular area into the Exclusion Order and also that the recommendation is to be made that a Dogs on Leads Order should now also apply to the car parks.

However, we note that the sand and shingle have not been included and are concerned as to the consequences of this on Copeland Borough Council's application for the Quality Coast Awards.

We are also concerned that there may be some difficulty in enforcing the Orders as there is no defined boundary between the children's play area and the dunes.

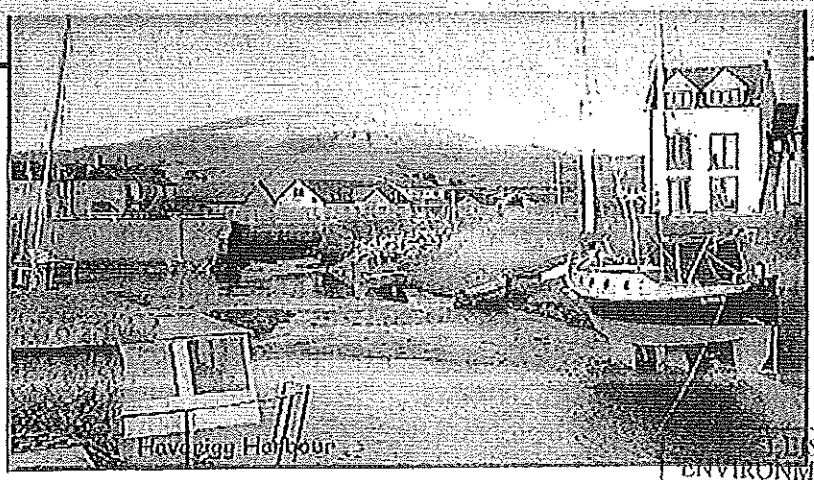
We are happy to assist Copeland Borough Council in achieving a workable Dog Control Policy, as such we will be inviting Ms. Alana Mackinnon to meet with the Residents Association and local councillors at the beach area to clarify the boundaries.

Yours sincerely

Jean Roberts

HAVERIGG RESIDENTS ASSOCIATION

Chair:
Mrs. F. Wilson
Chapel Cottage
Bankfield Road
Haverigg
Millom
Cumbria.


Haverigg Harbour

Hon: Sec:
Mrs. J. Roberts
18 Poolside
Haverigg
Millom
LA18 4HW
01229 770342
email:-robertsfamily18
@homecall.co.uk

Mr. K. Parker
Head of Leisure & Environmental Services
Copeland Borough Council
Whitehaven Commercial Park
Moresby Parks
Whitehaven. CA28 8YD

4 November 2010

Dear Mr. Parker

Marlene Jewel responded

Proposed Dog Policies (Copeland Borough Council) Order 2010

We were asked by Ms. Alana McKinnon in September 2008 for our opinions on a dog policy for Copeland Borough Council. We submitted a map and description of our suggestions in October 2008. We are disappointed in the result of two years labour by Copeland Borough Council as our suggestions have not been included in the new policies.

We have a serious dog fouling problem in Haverigg, but Copeland Borough Council's proposals are inadequate and do not give the impression that Copeland Borough Council is committed to tackling this problem. This is borne out by the statistic that forty two tickets per annum were issued, fewer than **one** ticket per week over the whole Copeland area.

You will see from the enclosed copy of our 2008 map that we wanted an exclusion zone for the beach and the triangular grass area. The reasons we gave are that our nursery children play on this part of the beach, which also had a Quality Beach Award for 2010. The grass triangle is used for many events including brass band concerts and children's games.

We have identified one of the causes of dog fouling to be from dogs arriving by car into the car park by the toilets, the car drivers let their dogs out to roam free on the beach, shielded from their owners' view by the sea defences. The policy on dogs on leads applies only to a narrow strip of grass between the car park and the sea defences, misleadingly called Haverigg beach in your policy.

The Copeland policy on dogs on leads fails to address the problem of unsupervised dogs roaming on the beach, and we feel that this is contrary to the Quality Coast Award.

We ask Copeland Borough Council to reconsider this disappointing set of policies.

Yours sincerely

Jean Roberts
Hon: Secretary

Enc: 2008 map and letter to Ms. Alana McKinnon

Alana Mackinnon
Enforcement Team Leader
Copeland Borough Council
Enforcement Unit
Whitehaven Commercial Park
Moresby Parks
Whitehaven CA28 8YD

7 October 2008

Dear Ms. Mackinnon

On behalf of Haverigg Residents Association may I thank you and your team for your attendance at our committee meeting on 25 September 2008. The committee were most impressed.

Further to the discussion on dog fouling - please note that our committee fully supports your proposals under the new legislation. I have enclosed a map showing the area which we would like to be considered as a zone of total exclusion for dogs.

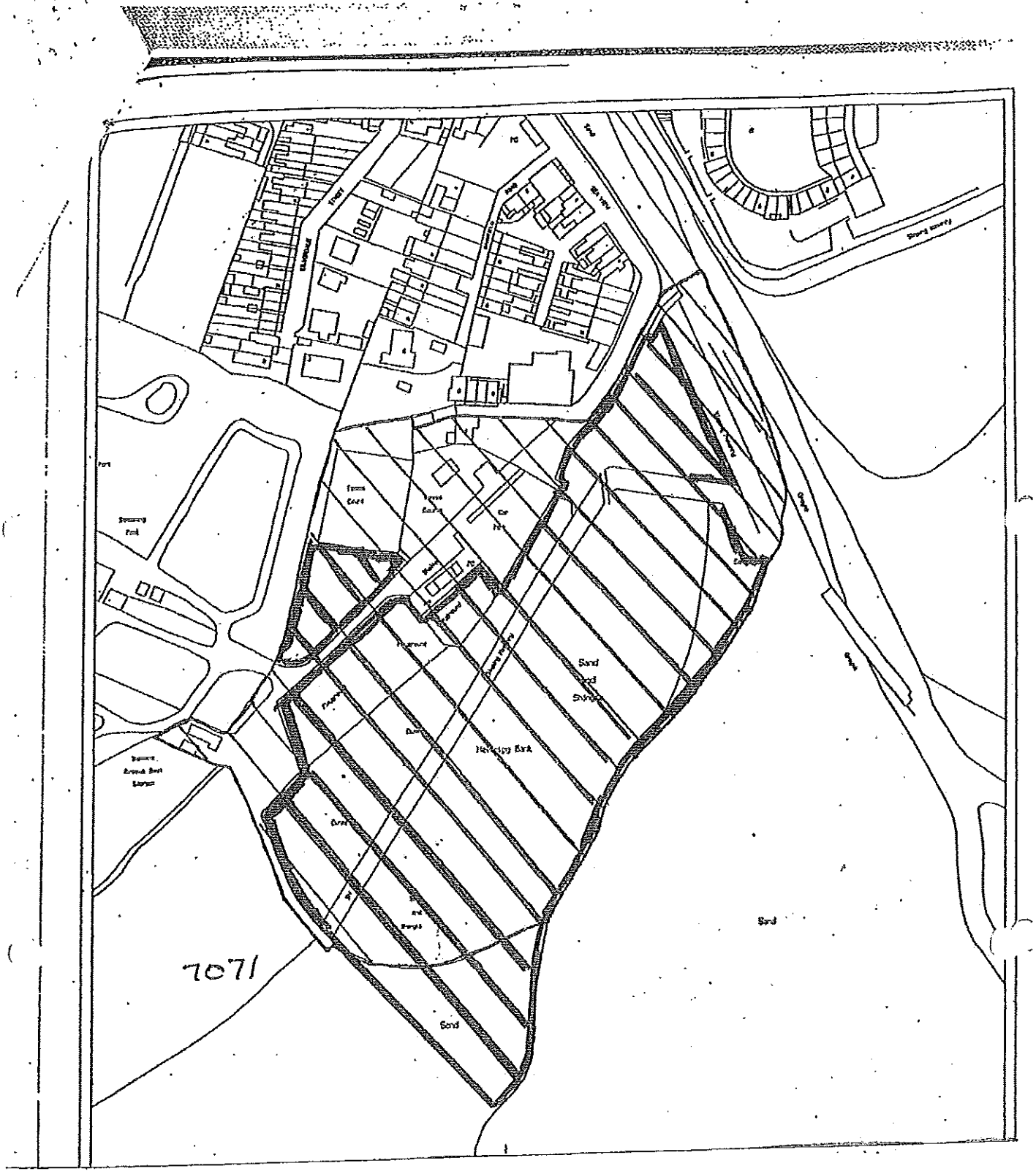
We would like to see signage and dog waste bins on the perimeter of this area, with enforcement and press coverage.

With regard to any extension of the dog fouling enforcement area, we would like to be part of any consultation process, and would be grateful if you would keep us informed.

Yours sincerely

Jean Roberts
Hon: Sec:

Cc: Millom Town Council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Appendix 2 - Draft Dog Control Orders and Schedules

The Clean Neighbourhoods and Environment Act 2005

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

The Fouling of Land by Dogs (Copeland Borough Council) Order 2010

The Copeland Borough Council hereby makes the following Order:

1. This Order comes into force on

2. This Order applies to the land specified in the Schedule

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 from the land forthwith, that person shall be guilty of an offence 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) 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);

(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

THE COMMON SEAL of
COPELAND BOROUGH
COUNCIL was herunto
affixed in the presence of: -

Head of Legal and Democratic Services

SCHEDULE

[Specification/description of land, or lands, to which the Order applies]

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of Copeland Borough Council

(i) which is open to the air (which includes any land which is covered if it is 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).

2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

The Clean Neighbourhoods and Environment Act 2005

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

The Dogs on Leads by Direction (Copeland Borough Council) Order 2010

The Copeland Borough Council (in this Order called "the Authority") hereby makes the following Order:

1. This Order comes into force on

2. This Order applies to the land specified in the Schedule.

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.

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

THE COMMON SEAL of
COPELAND BOROUGH
COUNCIL was herunto
affixed in the presence of: -

Head of Legal and Democratic Services

SCHEDULE

[Specification/description of land, or lands, to which the Order applies]

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Copeland Borough Council

   (i) which is open to the air (which includes any land which is covered if it is 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).

   Other than land to which the Dogs on Leads (Copeland Borough Council) Order 2010 applies.

2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under Section 39(1) of the Forestry Act 1967.

The Clean Neighbourhoods and Environment Act 2005

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

The Dogs Exclusion (Copeland Borough Council) Order 2010

The Copeland Borough Council hereby makes the following Order:

1. This Order comes into force on

2. This Order applies to the land specified in the Schedule.

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 doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing 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 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; 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).

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

THE COMMON SEAL of
COPELAND BOROUGH
COUNCIL was hereunto
affixed in the presence of: -

Head of Legal and Democratic Services

SCHEDULE

[Specification/description of land, or lands, to which the Order applies]

All the land which is in the administrative area of Copeland Borough Council and which is listed and described in the table below and shown edged red on the plans attached hereto and;

(i) which is open to the air (which includes any land which is covered if it is 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)

Plan no	Site Address	Description of Land
1	Land to the rear of Coronation Drive at Newtown, Frizington	Children's Play Area
2	Land at Nursery School, Main Street, Frizington	Children's Play Area
3	Land at Fairfield, Arlecdon, Frizington	Children's Adventure Play Area
4	Land at Bootle Village	Children's Play Area
5	Land at Bootle Station	Children's Play Area
6	Land at Jacktrees Road, Cleator Moor	Children's Play Area
7	Land at Mill Hill, Cleator Moor	Children's Play Area
8	Land at Prospect Row, Cleator	Children's Play Area
9	Land at St John's Close, Cleator Moor	Children's Play Area
10	Land at Barfs Road, Distington	Children's Play Area
11	Land at Hinnings Road, Distington	Children's Play Area
12	Land at Pica, Workington	Children's Play Area
13	Land at Orgill, Egremont	Children's Play Area
14	Land at Ling Road, Gulley Flats, Egremont	Children's Play Area
15	Playing Field at Moor Row	Children's Play Area
16	Ennerdale Community Recreational Park	Children's Play Area
17	Land at Gosforth Playing Fields	Children's Play Area
18	Land at Haile Village Hall	Children's Play Area
19	Kirkland Playground	Children's Play Area
20	Land at East Road, Lowca	Children's Play Area
21	Land at Millom Park, Millom	Children's Play Area
22	Land at Haverigg Pleasure Ground	Children's Play Area
23	Land at the Village Green, Kirksanton	Children's Play Area
24	Land at Churchill Drive, Moresby	Children's Play Area
25	Land at Recreation Ground, Moresby	Children's Play Area
26	Land at Playing Fields, Ravenglass	Children's Play Area
27	Land at Main Street, Parton	Children's Play Area
28	Land at Town End Playing	Children's Play Area

	Field, Seascale	
29	Land at Seascale Foreshore	Children's Play Area
30	Land at St Bees Foreshore	Children's Play Area
31	Land at Beckermet	Children's Play Area
32	Land at Calderbridge	Children's Play Area
33	Land at The Park, Thornhill, Egremont	Children's Play Area
34	Land at Keekle Play Area, Cleator Moor	Children's Play Area
35	Playground Whicham Parish	Children's Play Area
36	Land at Bransty, Whitehaven	Children's Play Area
37	Land at Castle Park, Whitehaven	Children's Play Area
38	Land at High Street, Whitehaven	Children's Play Area
39	Land at Jericho, Whitehaven	Children's Play Area
40	Land at Welfare Field, Kells	Children's Play Area
41	Land near Mirehouse Shops (Mirehouse East)	Children's Play Area
42	Land at Newlands Avenue, Mirehouse	Children's Play Area
43	Land at Woodhouse, Whitehaven	Children's Play Area
44	Land at Sandwith, Whitehaven	Children's Play Area
45	St Nicholas Gardens, Lowther Street, Whitehaven	

The Clean Neighbourhoods and Environment Act 2005

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

The Dogs on Leads (Copeland Borough Council) Order 2010

The Copeland Borough Council hereby makes the following Order:

1. This Order comes into force on

2. This Order applies to the land specified in the Schedule.

Offence

3. (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 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 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

THE COMMON SEAL of
COPELAND BOROUGH
COUNCIL was hereunto
affixed in the presence of: -

Head of Legal and Democratic Services

SCHEDULE

[Specification/description of land, or lands, to which the Order applies]

1. Subject to the exception in paragraph 3 below this Order applies to (a) all the land more particularly described in paragraph 2 and (b) all the land which is in the administrative area of Copeland Borough Council described in the table below and shown edged red on the plans numbered 1-32 and attached hereto

   (i) which is open to the air (which includes any land which is covered if it is 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)

2. All highways, footpaths, footways and adjacent grass verges maintained at public expense.

3. Excepted from the description in paragraph 1 and 2 above is land that is placed at the disposal of the Forestry Commission under Section 39(1) of the Forestry Act 1967.

Plan No	Description of Land
1	Low Road Cemetery, Whitehaven
2	Beck Bottom Cemetery, Whitehaven
3	St George's Cemetery, St George's Road, Millom
4	Cemetery House, North Road, Egremont
5	St James's Church, High Street, Whitehaven
6	St Mary's and St Michael's Churchyard, Egremont
7	The Priory Church of St Mary and St Bega, St Bees
8	St John's Church Beckermet, Cumbria
9	St Luke's Church, Haverigg, Millom
10	St Joseph's Church, Seascale, Cumbria
11	St Cuthbert's Church, Seascale, Cumbria
12	St Leonard's Church, Bankend View, Cleator
13	St John's Church, Cleator Moor, Cumbria
14	St Bega's RC Church, Cleator Moor
15	Church of the Holy Spirit, Distington
16	St Paul's Church, Church Street, Frizington
17	St Bridget's Church, Moresby, Whitehaven
18	Netherwasdale Cemetery

19	Beckermet Cemetery, Beckermet
20	Distington Hall Crematorium
21	St Bees Beach, St Bees
22	Haverigg Beach, Haverigg
23	Silecroft Beach, Silecroft
24	Seascale Beach, Seascale
25	King George V Playing Field, Cleator Moor
26	Copeland Athletics Stadium
27	Playing Field Red Lonning Estate, Whitehaven
28	Welfare Field, High Road, Kells
29	Playing Field, Ramsey Drive, Parton, Whitehaven
30	Greenbank Playing Field, St Bees
31	Trinity Gardens, Scotch Street, Whitehaven