

**DOG CONTROL ORDER – THE DOGS EXCLUSION (COPELAND BOROUGH COUNCIL) ORDER 2012**

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

LEAD OFFICER: Keith Parker, Head of Neighbourhood Services.

REPORT AUTHOR: Clinton Boyce, Legal Services Manager.

**RECOMMENDATIONS:**

- (a) that the outcome of the consultation exercise referred to in paragraph 1.4 of the report be noted;
- (b) that, under section 55 of the Clean Neighbourhoods and Environment Act 2005, the draft order attached as Appendix B to this report and titled 'The Dogs Exclusion (Copeland Borough Council) Order 2012 be made and to come into force on the 15<sup>th</sup> October 2012;
- (c) the amount of a fixed penalty, payable for an offence under the Order referred to in (b) above, where a fixed penalty notice is issued, shall be £80;
- (d) for the purposes of issuing fixed penalty notices that (i) the Waste and Enforcement Manager; (ii) the Enforcement and Support Services Team Leader; (iii) Enforcement Officers; (iv) Beach Cleaning Operatives; and (v) Police Community Support Officers be authorised for the purposes of section 59 of the Clean Neighbourhoods and Environment act 2005 as authorised persons; and
- (e) the Order referred to in (b) above be reviewed by the Executive in 2013 at the same time that the Orders made by Council on the 18<sup>th</sup> August 2011 and which came into force on the 9<sup>th</sup> November 2011 are reviewed.

**1. INTRODUCTION**

- 1.1 Members will recall making the following dog control orders at their meeting on the 18<sup>th</sup> August 2011:

The Fouling of Land by Dogs (Copeland Borough Council) Order 2011;  
The Dogs Exclusion (Copeland Borough Council) Order 2011;  
The Dogs on Leads (Copeland Borough Council) Order 2011; and  
The Dogs on Leads by Direction (Copeland Borough Council) Order 2011.

- 1.2 At the meeting of Council on the 13<sup>th</sup> October 2011 the commencement date for the above Orders was agreed as the 9<sup>th</sup> November 2011.
- 1.3 On the 9<sup>th</sup> November 2011 members also agreed that further proposals should be put forward for consultation. These proposals related to making a dog exclusion order which would exclude dogs from the play/multi use game areas at Gosforth Recreation Ground; Kells Welfare Field; Millom Park; Meadow Road, Mirehouse; and Sneckyeat, Hensingham.
- 1.4 In response to that consultation six replies were received and these are detailed in Appendix A to this report with officer comments thereon. As a result of the consultation only one amendment to the original proposal is proposed and this relates to Gosforth Recreation Ground. Originally it was just intended to include the multi-use games area, the separate play area having been included in the earlier orders. The Gosforth Parish Council would like to see the whole of the Recreation Ground, which is all used for play and sport, to be included in the current proposal. It is recommended that this request be agreed to.

## 2.0 PROPOSED ORDER

- 2.1 Taking into account the amendment referred to in paragraph 1.4 it is recommended that the Order as attached as Appendix B is made. Following the making of the Order and before it comes into force the Council must place signs near to the land in question summarising the Order, advertise the making of the Order, make the information available on the web site and send confirmation of the Order to specified persons/bodies. It is recommended that the commencement date for the purposes of paragraph 1 in the Order is specified as the 15<sup>th</sup> October 2012.
- 2.2 Referring to recommendations (c) and (d) above these follow the decision of Council on the 18<sup>th</sup> August 2011 and will ensure that the investigation and penalties for offences created by the proposed Order are the same as in the previous orders.
- 2.3 In respect of the review of previous orders and the proposed Order, if made, Council agreed last August to the Executive reviewing the Orders made after 12 months of operation. This review will commence early next year and reported to the Executive. Any amendments to existing Orders or the need for further Orders will be reported to a subsequent Council meeting.

## 3.0 STATUTORY OFFICER/EIA COMMENTS

- 3.1 Monitoring Officer: Legal comments are contained with the report.
- 3.2 Section 151 Officer: Will be funded from a review of earmarked reserves.
- 3.3 Equalities: The Order will contribute to achieving a safe and cleaner environment. Provision is already made for working dogs by the legislation. This enables a person who is assisted

by a dog due to a disability to continue to access the relevant area.

Appendices:

- A: Table of responses to consultation; and  
 B: Proposed Order.

Appendix A

Response number	Comments	Officer recommendation on comments
1	<p>Millom Park - (a) The public notice only referred to the multi-use games area and did not include the play area; and</p> <p>(b) query on whether all dogs must be on lead in the Park.</p> <p>Comments on Silecroft beach signage – will be considered as part of review early next year.</p>	<p>(a) Correct; the play area is already covered by the Order made on the 6<sup>th</sup> September 2011; and</p> <p>(b) Only if an authorised officer directs the dog to be on a lead due to nuisance or behaviour likely to cause annoyance or disturbance.</p> <p>Not relevant to current consultation.</p>
2	<p>Millom Park: due to it belonging to Lowther Estates it should be described in the Order as ‘Millom Pleasure Ground’.</p>	<p>The Park is owned by Millom Town Council and known as Millom Park; to refer to it as Millom Pleasure Ground could cause confusion.</p>
3	<p>Relates to Haig Restoration Park and query as to whether dogs should be on lead in that area. Not unless directed. Request for more dog litter bins.</p>	<p>Not relevant to current consultation.</p>
4	<p>General protest ‘at the dog walking</p>	<p>The proposals relate to the</p>

	restrictions being proposed'; complains about litter.	exclusion of dogs in play areas. This is sensible where children are playing.
5	Relates to Seascale and raises a number of issues regarding enforcement and bins – will be dealt with separately.	Not relevant to current consultation.
6	Gosforth Recreation Ground – whole area should be included.	Agreed.

## 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 2012

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: -

Legal Services Manager

**SCHEDULE**

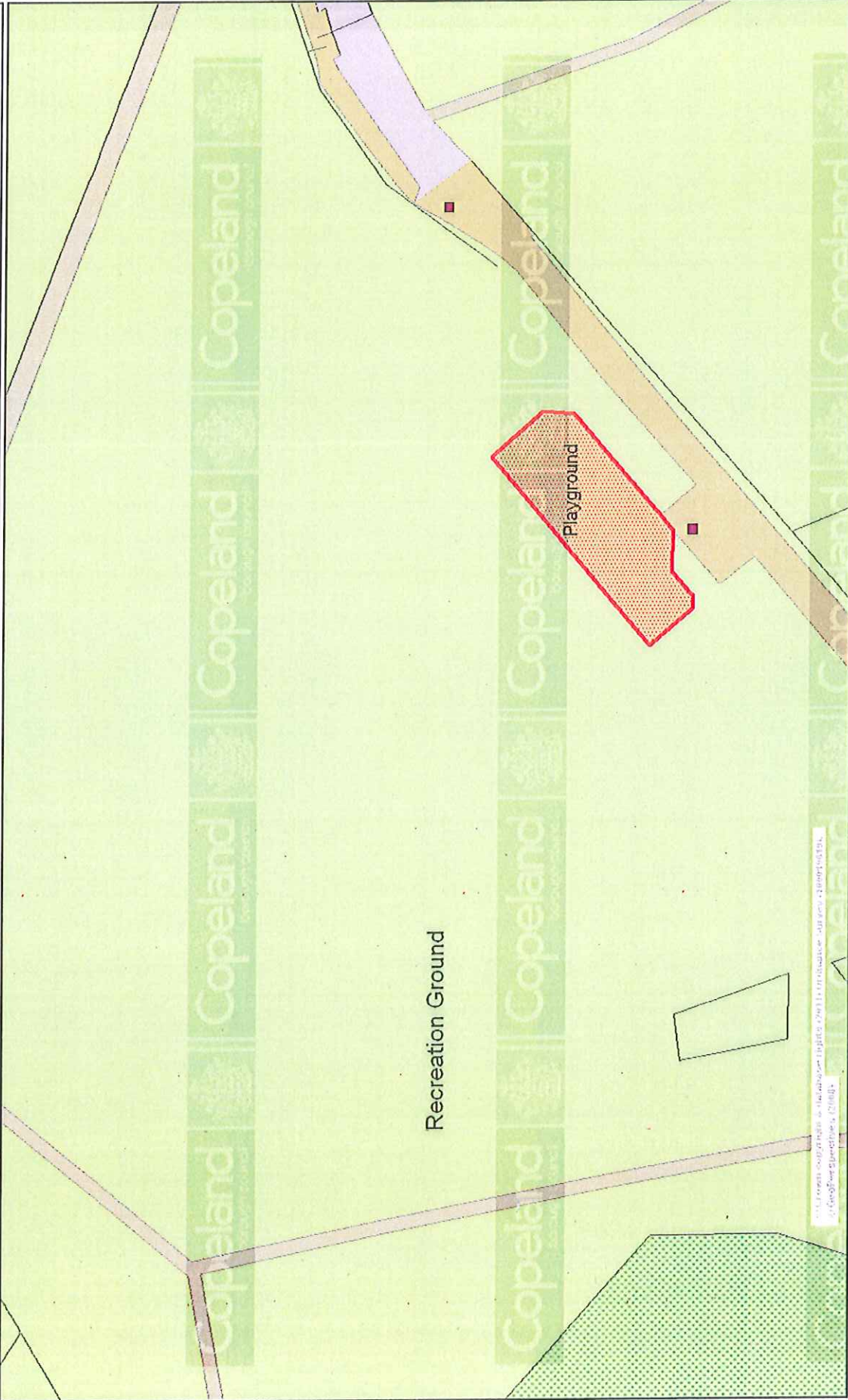
[Specification/description of land, or lands, to which the Order applies]

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 at Hensingham	Playground
2	Land at Hensingham	Multi-Use Games Area
3	Land at Mirehouse	Multi-Use Games Area and Play Area
4	Land at Gosforth Playing Fields	Multi-Use Games Area
5	Land at Welfare Fields, Kells	Multi-Use Games Area
6	Land at Millom Park, Millom	Multi-Use Games Area

The Dogs Exclusion Order, Land at Hensingham Playground, Hensingham, 1



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Date 19/10/2011

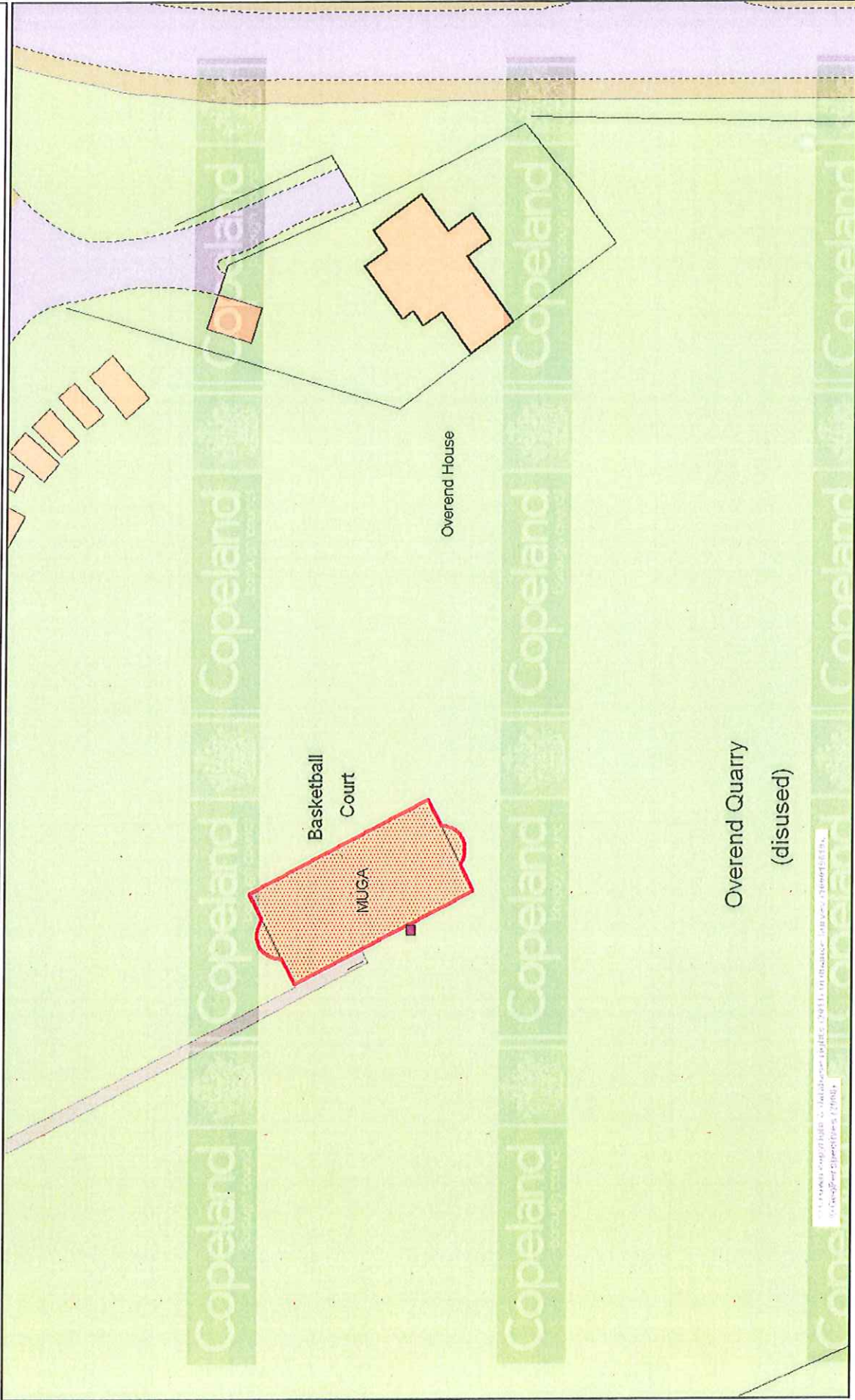
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The Dogs Exclusion Order, Land at Hensingham MUGA, Hensingham, 2



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Date 19/10/2011



The Dogs Exclusion Order, Land at Mirehouse MUGA, Mirehouse, 3



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Scale 1/1155

Centre = 298352 E 515643 N

Date 19/10/2011

The Dog Exclusion, Land at Gosforth Playing Field MUGA, Gosforth, 4



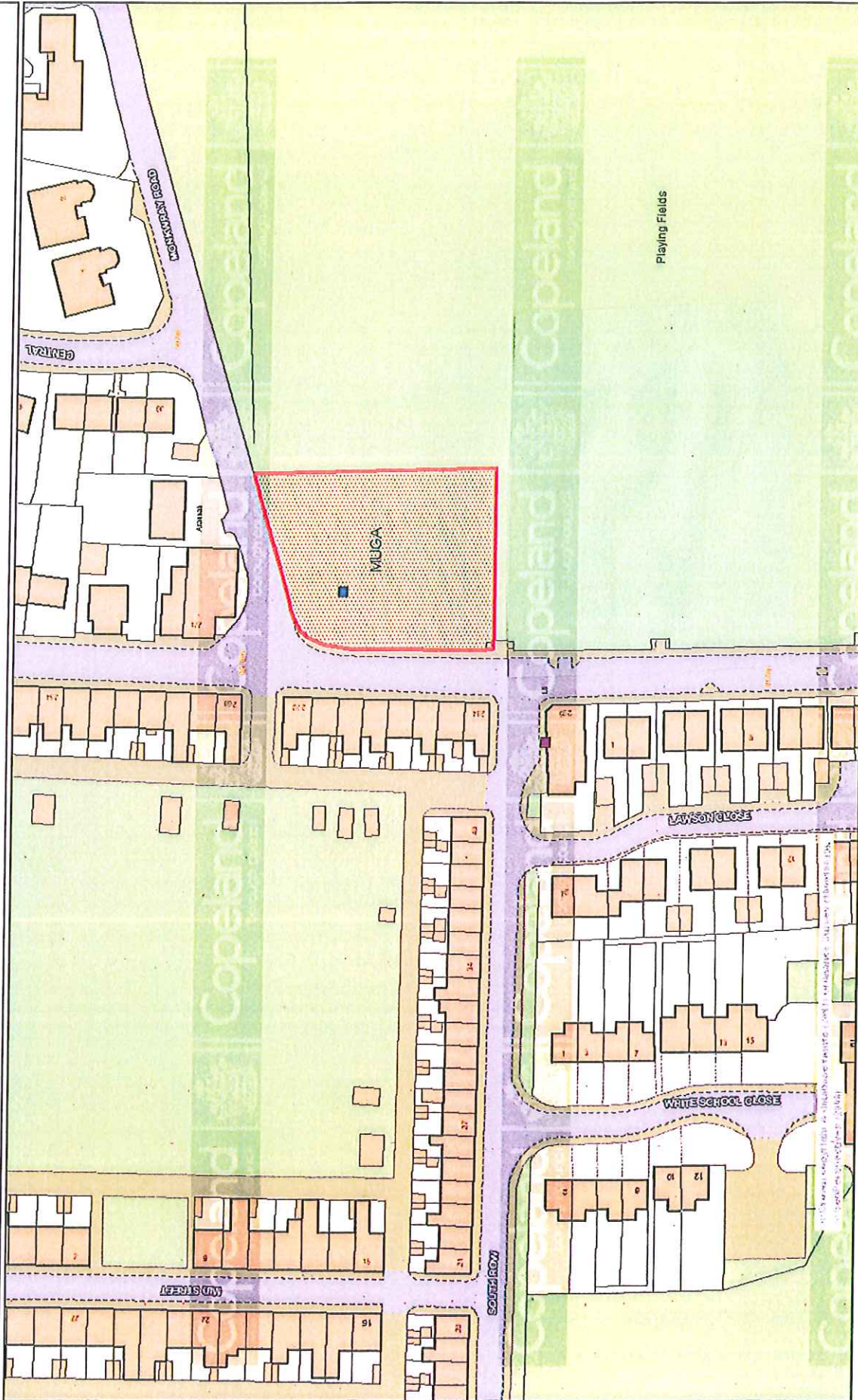
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Scale 1/1500  
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Date 9/8/2012



The Dogs Exclusion Order, Land at Welfare Fields MUGA, Kells, 5



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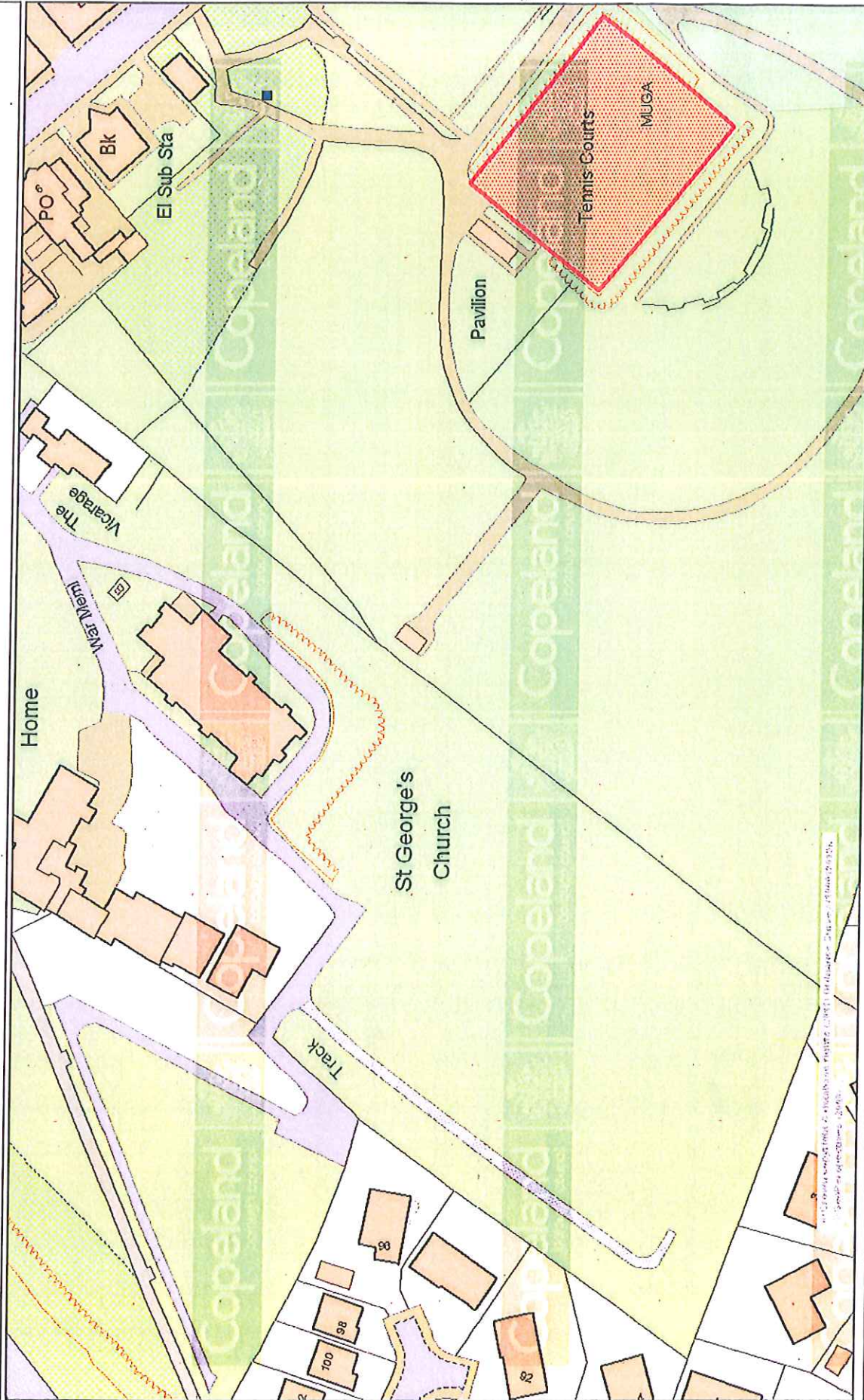


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Date 19/10/2011

The Dogs Exclusion Order, Land at Millom Park MUGA, Millom, 6



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