

**DRAFT DOG CONTROL ORDERS**

**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 (Borough of Newcastle-under-Lyme) Order 2013**

The Borough Council of Newcastle-under-Lyme hereby makes the following Order:

1. This Order comes into force on xxxxxxxx
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.

Dated this the xx day of xxxx 2013

GIVEN UNDER THE COMMON SEAL )  
of the BOROUGH COUNCIL OF )  
NEWCASTLE-UNDER-LYME this )  
day of xxxxxxxxxxxxxxxxxxxxxx 2013 )  
in the presence of:- )

Councillor

Authorised Signatory

**SCHEDULE**

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

This Order applies to:

1. All land within the boundaries of Newcastle-under-Lyme Borough which is open to the air (which includes land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access (with or without payment)
2. Exemptions from the description in paragraph 1 above are:
  - (a) Forestry Commission land, or
  - (b) Land designated by the Secretary of State as land which is not subject to the Order.

**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 (Borough of Newcastle-under-Lyme) Order 2013**

The Borough Council of Newcastle-under-Lyme hereby makes the following Order:

1. This Order comes into force on xxxxxxxx
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 of not more than 2 metres [6ft 6 inches] in length, 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.

Dated this the xx day of xxxx 2013

GIVEN UNDER THE COMMON SEAL )  
 of the BOROUGH COUNCIL OF )  
 NEWCASTLE-UNDER-LYME this )  
 day of xxxxxxxxxxxxxxxxxxxxxx )  
 in the presence of:- )

Councillor

Authorised Signatory

**SCHEDULE**

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

This order applies to all land which is within the boundaries of Newcastle-under-Lyme Borough Council and which is:-

- (a) Crematorium, Church yards and cemeteries signed at its entrance(s) as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect).
- (b) Formal Gardens signed at its entrance(s) as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect).
- (c) Marked out sports pitches.
- (d) Unfenced children's play equipment and a portion of the playing fields extending 20 metres in all directions from it.

- (e) Fenced/enclosed school grounds (including school sports pitches) signed at its entrance(s) as a "Dogs on leads" area (whether the sign uses those particular words or words and/or symbols having like effect).
- (f) Fenced/enclosed portions of Apedale Country Park signed at its entrance(s) as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect) which are designated for wildlife conservation.
- (g) The northern portion of Bathpool Park, from its entrance & car park at Boathorse Road, along the main access path which runs: from the car park at Boathorse Road; adjacent to the children's play area: and rugby pitch; to the bridge at the foot of the ski slope, by the reservoir embankment.
- (h) Open space owned by parish and town councils signed at its entrance(s) as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect).

**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 (Borough of Newcastle-under-Lyme) Order 2013**

The Borough Council of Newcastle-under-Lyme (in this Order called "the Authority") hereby makes the following Order:

- 1. This Order comes into force on **1st day of April 2013**.
- 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 of not more than 2 metres [6ft 6 inches] in length, 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.

Dated this the **xx** day of **xxxx** 2013

GIVEN UNDER THE COMMON SEAL )  
 of the BOROUGH COUNCIL OF )  
 NEWCASTLE-UNDER-LYME this )  
 day of **xxxxxxxxxxxxxxxxxxxxxx** 2013 )  
 in the presence of:- )

Councillor

Authorised Signatory

**SCHEDULE**

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

This Order applies to

1. All land within the boundaries of Newcastle-under-Lyme Borough which is open to the air (which includes land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access (with or without payment)
2. Exemptions from the description in paragraph 1 above are –
  - (a) Forestry Commission land, or
  - (b) Land designated by the Secretary of State as land which is not subject to the Order.

**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 (Borough of Newcastle-under-Lyme) Order 2013**

The Borough Council of Newcastle-under-Lyme hereby makes the following Order:

1. This Order comes into force on **xxxxxx**
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.

Dated this the **xx** day of **xxxx** 2013

GIVEN UNDER THE COMMON SEAL )  
 of the BOROUGH COUNCIL OF )  
 NEWCASTLE-UNDER-LYME this )  
 day of **1st day of April 2013 1st day of April 2013xxxxx** 2013 )  
 in the presence of:- )

Councillor

Authorised Signatory

### SCHEDULE

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

This order applies to all land which is within the boundaries of Newcastle-under-Lyme Borough Council and which is

- (a) Fenced/enclosed, equipped children's play areas signed at its entrance(s) as a "dog exclusion area" which are designated and marked for children's play;
- (b) Fenced/enclosed games areas i.e. tennis and ball courts, multisport areas, skate parks;
- (c) The grassed portion of all bowling greens;
- (d) Fenced/enclosed school grounds (including school sports pitches) signed at its entrance(s) as a "dog exclusion area"
- (e) Fenced/enclosed portions of Apedale Country Park signed at its entrance(s) as a "dog exclusion area" which are designated for wildlife conservation
- (f) Open space owned by parish and town councils signed at its entrance(s) as a "dog exclusion area".