WEST DEVON BOROUGH COUNCIL

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

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

BOROUGH OF WEST DEVON DOGS ON LEADS ORDER 2014

West Devon Borough Council (in this Order called “the Council”) hereby makes the following Order:

1. Citation and Commencement

2. This Order was approved and made by the Council on the 7th October 2014 and comes into force on 22nd October 2014 and may be cited as the Borough of West Devon Dogs on Leads Order 2014.

3. This Order applies to the land specified in Schedule below.

4. In this Order “an Authorised Officer of the Council” means an employee of the Council, or, anyone who acts in the capacity of an agent of the Council under a contract, who is authorised in writing by the Council for the purpose of giving directions under this Order, or, any other such person who may be authorised by the Authority or by legislation (e.g. Police Community Support Officer) to enforce this Order.

5. Any reference to ‘he’ or ‘him’ or ‘his’ applies to any gender.

6. Offences

(1) A person in charge of a dog (or if a minor, the person responsible for the 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 doing 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) A person in charge of a dog (or if a minor, the person responsible for the dog) shall be guilty of an offence if, at any time, on open access land to which this Order applies (land subject to Part 1 of the Countryside and Rights of Way Act 2000) he does not keep the dog on a short fixed lead (2 metres or less) between 1st March and 31st July annually and at all times near livestock.
(3) 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.

7. Penalty

A person who commits an offence under this Order may either be issued with a Fixed Penalty Notice by an Authorised Officer for the sum of £80 (or any other such sum as may from time to time be permitted by legislation) OR be summoned, and if found guilty in the Magistrates' Court shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or any other penalty as may from time to time be permitted by legislation.

THE COMMON SEAL of WEST DEVON BOROUGH COUNCIL was hereunto affixed
in the presence of:—

Mayor

Authorised Officer
SCHEDULE

This Order applies to all land which is within the administrative area of the Council (not including areas from which dogs are excluded) and which are:

- Areas with retail premises designated as zone 1 under the Environmental Protection Act 1990 – i.e. where there are 2 or more commercial/shop premises
- Car parks
- Cemeteries, Churchyards and War Memorials
- Any fenced, hedged or walled pond, area of water or nature reserve
- Marked sports fields whilst organised sport is in progress
- Formal gardens and locations listed as:
  - Letherans Lane, North Tawton
  - Primary School footpath from Chestnut Terrace to Green Hill, Lamerton
  - Coronation Hall Grounds, Mary Tavy;
  - Taylors Green, Mary Tavy;
  - Women's Institute Garden, Mary Tavy
  - Village Green, Blackdown
  - Courtlands Play Area, Tavistock
  - Whitchurch Play Area, Tavistock
  - St Eustachius Churchyard, Plymouth Road, Tavistock
  - Meadows, Tavistock
  - Abbey Walk, Tavistock
  - Benson Meadow, Pixon Lane, Tavistock
  - St Johns Avenue, Tavistock