

The Clean Neighbourhoods and Environment Act 2005

**The Fouling of Land by Dogs (Specified land within the administrative area of South Somerset) Order [2011]**

South Somerset District Council has made an Order under the above Act. It applies to land (as specified below) throughout the administrative area of South Somerset, subject to the statutory applications and exemptions.

From the 01 July 2011 a person who being in charge of a dog, without reasonable excuse, does not remove faeces deposited by the dog at any time, commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The offence does not apply to persons who are registered blind; or to a deaf person in respect of a dog which has been trained by Hearing Dogs for Deaf People; or to a person who 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 Dogs for Disabled, Support Dogs or Canine Partners for Independence and upon which he relies for assistance.

**This Order will apply to the following land:**

1. Land owned by or controlled by South Somerset District Council.
2. Land owned by or controlled by any Town or Parish Councils within the administrative area of South Somerset District Council.
3. Highway Land (as defined in the Highways Act 1980) in Somerset County Council's ownership, to include any road carriageway, footpath, bridleway, cycle track, footbridge, pedestrian subway or underpass and any adjoining verges.
4. Land owned or controlled by Recreational Ground Charities within the South Somerset District Council administrative area.

**This Order will not apply to:**

5. Land in private ownership.
6. Land held by a Charitable Trust but not falling within paragraph 4 above, (that owned or controlled by Recreational Ground Charities) within the South Somerset District Council administrative area.
7. Access Land (as defined in the Countryside and Rights of Way Act 2000) within the South Somerset District Council administrative area.
8. Land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

The Order may be inspected at and copies obtained from: The Council Offices,  
Brympton Way, Yeovil, Somerset BA20 2HT

Phil Jones  
Environmental Enforcement Supervisor

The Clean Neighbourhoods and Environment Act 2005

**The Dogs on Leads by Direction (Specified land within the administrative area of South Somerset) Order [2011]**

South Somerset District Council has made an Order under the above Act, whereby a dog must be put and kept on a lead when an authorised officer of this council has directed. The Order applies to land (as specified below) throughout the administrative area of South Somerset District Council, subject to the statutory applications and exemptions.

From the 01 July 2011 a person in charge of a dog, who without reasonable excuse, fails to comply with this Order, commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**This Order will apply to the following land:**

1. Land owned by or controlled by South Somerset District Council.
2. Land owned by or controlled by any Town or Parish Councils within the administrative area of South Somerset District Council.
3. Highway Land (as defined in the Highways Act 1980) in Somerset County Council's ownership, to include any road carriageway, footpath, bridleway, cycle track, footbridge, pedestrian subway or underpass and any adjoining verges.
4. Land owned or controlled by Recreational Ground Charities within the South Somerset District Council administrative area.

**This Order will not apply to:**

5. Land in private ownership.
6. Land held by a Charitable Trust but not falling within paragraph 4 above, (that owned or controlled by Recreational Ground Charities) within the South Somerset District Council administrative area.
7. Access Land (as defined in the Countryside and Rights of Way Act 2000) within the South Somerset District Council administrative area.
8. Land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

The Order may be inspected at and copies obtained from: The Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT

Phil Jones  
Environmental Enforcement Supervisor

## **Dog Control Orders – Frequently Asked Questions**

### **What are Dog Control Orders (DCOs)?**

DCOs were introduced by the Clean Neighbourhoods and Environment Act 2005 and replace the Dogs (Fouling of Land) Act 1996 and any byelaws relating to dogs. Councils can now make Orders for the following:

1. Dog fouling
2. Not putting & keeping a dog on a lead when instructed to do so by an authorised officer (of the Council).
3. To exclude dogs from specified areas
4. Not keeping a dog on a lead (at all times)
5. To specify the maximum number of dogs that can be taken onto land

### **What will it mean in South Somerset?**

At present, the District Council will make the first three types of Orders stated above, with the first exclusion Order relating to the lower fenced area at Nine Springs in Yeovil.

### **Why do we need DCOs?**

To ensure that everyone can enjoy our public spaces, without stepping in dog faeces, or being subject to the antics of a boisterous dog and also to protect habitats, livestock and children's play areas.

### **When will DCOs come into force?**

The Council will advertise the date each Order comes into force in the Western Gazette newspaper and on its website; further advertisement will take the form of notices, which will be erected at the appropriate sites

### **Where will DCOs apply in South Somerset?**

- Land owned by or controlled by South Somerset District Council
- Land owned by or controlled by any Town or Parish Councils within the administrative area of South Somerset District Council
- Highway Land (as defined in the Highways Act 1980) in Somerset County Council's ownership, to include any road carriageway, footpath, bridleway, cycle track, footbridge, pedestrian subway or underpass and any adjoining verges
- Land owned or controlled by Recreational Ground Charities within the South Somerset District Council administrative area

In summary this means it will apply to publicly owned or controlled land and recreational trust land that is not access land (as defined in the Countryside and Rights of Way Act 2000) or land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

### **Can new DCOs be made?**

Yes, further Orders can be made should the need be proven and the staff resources available.

### **Can DCOs be amended?**

Orders for Dog Fouling and to Put and Keep a Dog on a Lead when Directed, can be amended to cover more types of land if the 'need' has been established and there are sufficient staffing resources for enforcement. The land in question must however, still be open to air on one side and the public must be entitled or permitted to enter it with or without payment.

**Can town or parish councils make their own Orders?**

Yes. Town or Parish Councils can make their own Orders to exclude Dogs from certain areas or to introduce the other two types of Order that the District Council has not; however with regard to dog fouling and putting and keeping a dog on lead when directed, it may only make such Orders on land where the District Council has not included it in its own Order e.g. in relation to dog fouling, it may do so if the land is privately owned.

Should a Town or Parish Council wish to make an Order, they must follow the statutory procedure for consultation and implementation and will be responsible for the enforcement of that land.

If the District Council subsequently make an Order of the same type for land that the Town or Parish Council has already made an Order, that Order (meaning the Order of the Town or Parish Council), will cease to have effect.

**How long does a DCO last?**

DCOs last for an indefinite period, or until they are revoked, however Orders can specify the period(s) or times they apply.

**Is anyone exempt from DCO offences?**

Yes. If someone is blind or has a registered disability that affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects and has a dog trained by a prescribed charity and upon which they rely for assistance, they are not required to clear up after their dog has fouled neither do they commit an offence if their dog has entered land from which dogs are excluded. However these groups of people are still be required to put their dog on a lead when instructed to do so by an authorised officer.

**Who will enforce this legislation?**

The Streetscene enforcement officers

**Could anyone else be authorised to enforce DCOs?**

The District Council can appoint other suitably trained persons to carry out enforcement on their behalf where they have made the Order. Chief Police officers can also authorise community support officers and accredit other persons to issue fixed penalty notices.

**What are the penalties associated with DCOs?**

A Fixed Penalty Notice (FPN) may be issued where a suitably authorised officer believes that an offence has been committed and it is appropriate to do so. The FPN fee is £80 for all types of DCO offences, however an early payment fee of £50 will be levied if the payment is made within ten days. Failure to pay the FPN within 14 days may result in legal action being taken against the alleged offender. This action will be taken in the magistrates' court with a maximum fine of £1,000. The actual fine and awarding of costs is at the discretion of the magistrates.

**If dog-waste bins are not available, do I still have to clear up after my dog?**

Yes, ordinary litter bins can be used to dispose of dog faeces if it is double wrapped providing that a dog waste bin is not available. If neither types of bin are available, it must be taken home and disposed of.

**How do I obtain further information on dog control orders or report a problem?**

Problems can be reported via the councils website or by telephone 01935 462462.