

**The Anti-social Behaviour, Crime and Policing Act 2014, section 60**

**Public Spaces Protection Order (Dog Control – Somerset West) 2024**

Somerset Council (hereinafter called “the Council”) in exercise of its powers under section 60 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that:

- activities carried out or likely to be carried out in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality,
- the effect or likely effect of the activities is or is likely to be, of a persistent or continuing nature,
- the effect or likely effect of the activities is or is likely to be, such as to make the activities unreasonable,
- justifies the restrictions imposed by the notice, and

**This Order** comes into force on **Day/Month/Year**

**Order Requirements**

Within these Order Requirements:

- (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 the time some other person is in charge of the dog;
- (b) “an authorised officer of the Council” means an employee, partnership agency or contractor of Somerset Council who is authorised in writing by Somerset Council for the purposes of giving directions under the Order.
- (c) A person shall also be guilty of an offence for failing to give details of their identity, when requested to do so by an authorised person in pursuance of the requirements of this Order.

**1. Dog Fouling of Land**

- (a) This part of the order applies to all public places within the previous district area of West Somerset, see schedule 1.
- (b) If a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied

permission then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

- (c) 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;
- (d) 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;

## **2. Dogs on Leads by Order**

- (a) This part of the order applies to all public places within the previous district area of West Somerset, see schedule 1.
- (b) A person in charge of a dog shall at any time within the restricted area comply with a direction given to him by an authorised officer to put and keep the dog on a lead unless;
  - i) he has reasonable excuse to fail to do so; or
  - ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so;
- (c) An authorised officer 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, or to a bird or any other animal.

## **3. Dogs on Leads**

- (a) This part of the order applies to land specified in schedule 2.
- (b) A person in charge of a dog shall be prohibited from taking the dog or permitting the dog to enter or to remain on any land unless the dog is kept on a lead of not more than 2 meters in length unless;
  - i) he has reasonable excuse to fail to do so; or
  - ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so;

## **4. Exclusion of Dogs**

- (a) This part of the order applies to land specified in schedule 3.
- (b) A person in charge of a dog shall be prohibited from taking that dog or permitting the dog to enter or remain on, any land to which this Order applies.

## **Exemptions**

Nothing in this order 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/her 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.

Each of the following is a “prescribed charity” –

- Dogs for the Disabled (registered charity number 700454),
- Support Dogs Limited (registered charity number 1088281),
- Canine Partners for Independence (registered charity number 803680)

## **Duration of Order**

This order shall remain in force for a period of three years unless extended under section 60 of the Act 2014.

## **Penalty**

Any person who without reasonable excuse fails to comply with the Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (£1,000).

A Fixed Penalty Notice may be issued to a person who an authorised person has reason to believe has committed an offence in relation to this Order, offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty (£100).

## **Appeal**

An interested person may apply to the High Court to question the validity of this order on the grounds that the local authority did not have power to make the order or that it has not complied with a requirement of the Act. An Appeal must be made within 6 weeks of the date on which the order is made.

Dated

## **Schedule 1**

### **Land (Dog Fouling) designated by description.**

Schedule 1 applies to all land in the Somerset Council area which was previously identified as West Somerset Council **(as shown on map WS/DFDOL/001)** which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, including but not limited to, parks, public open spaces and highways.

## **Schedule 2**

### **Land (Dogs on Leads by Order) designated by description.**

Schedule 1 applies to all land in the Somerset Council area which was previously identified as West Somerset Council **(as shown on map WS/DFDOL/001)** which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, including but not limited to, parks, public open spaces and highways.

### **Schedule 3**

#### **Land (Dog on Leads) designated by description.**

The order relates to the following areas:

1. **Lower Parks Walk, Minehead section between entrances at Parkhouse Road and Periton Lane** (as shown on map WS/DOL/001 & WS/DOL/002 hatched in blue)
2. **The Esplanade, Minehead Seafront** (as shown on map WS/DOL/003 hatched in blue)
3. **King George V Playing Field Car Park, Minehead** (as shown on map WS/DOL/004 hatched in blue)
4. **Millennium Rose Garden, Minehead** (as shown on map WS/DOL/005 hatched in blue)
5. **Cross Farm Park, Alcombe, Minehead** (as shown on map **WS/DOL/006** as hatched in blue)
6. **Exmoor House Lawns, Dulverton** (as shown on map WS/DOL/007 hatched in blue)
7. **Porlock Recreation Grounds, Porlock** (as shown on map WS/DOL/008 hatched in blue)
8. **Porlock Churchyard and Cemetery, Porlock** (as shown on map WS/DOL/009 & WS/DOL/012 hatched in blue)
9. **Carpark opposite Memorial Hall, Withycombe** (as shown on map WS/DOL/010 hatched in blue)

All designated land contained in schedule 3 is in force at all times.

## **Schedule 4**

### **Land (Dog Exclusion) designated by description.**

The order relates to the following areas:

1. **Minehead Beach from Golf Club Groyne to Jubilee Café steps** (as shown on map WS/BAN/001 hatched in red)
2. **Blenheim Gardens, Minehead** (as shown on map WS/BAN/002 hatched in red)
3. **Irnham Road Recreation Ground, Minehead** (as shown on map WS/BAN/003 hatched in red)
4. **Childrens Play Area Culvercliffe, Minehead** (as shown on map WS/BAN/004 hatched in red)
5. **Childrens Play Area, Periton Playing Field, Minehead** (as shown on map WS/BAN/018 hatched in red)
6. **Cuckoo Meadow Play Area, Whitworth Road, Minehead** (as shown on map WS/BAN/019 hatched in red)
7. **Children’s Play Area, Warren Road, Minehead** (as shown on map WS/BAN/020 hatched in red)
8. **Childrens Play Area, Cross Farm Park, Alcombe, Minehead** (as shown on map WS/BAN/005 hatched in red)
9. **Children’s Play Area, Brushford** (as shown on map WS/BAN/006 hatched in red)
10. **Junior Playing Field, Hillview Road, Carhampton** (as shown on map WS/BAN/007 hatched in red)
11. **Crowcombe Village Children’s Play area and Recreation Ground, Crowcombe** (as shown on map WS/BAN/008 hatched in red)
12. **Sports Field and Kings Corner Recreation Ground, Dulverton** (as shown on map WS/BAN/009 hatched in red)
13. **Barnsclose Play Area, Dulverton** (as shown on map WS/BAN/010 hatched in red)
14. **Dunster Marsh Playing Fields, Dunster** (as shown on map WS/BAN/011 hatched in red)
15. **Packhorse Playing Field, Dunster** (as shown on map WS/BAN/012 hatched in red)
16. **Dunster Parish Cemeteries, Dunster** (as shown on map WS/BAN/013 hatched in red)
17. **Football Playing Field, Dunster** (as shown on map WS/BAN/014 hatched in red)

18. **Dunster Village Gardens, Dunster** (as shown on map WS/BAN/015 hatched in red)
19. **Dunster Tithe Barn, Dunster** (as shown on map WS/BAN/016 hatched in red)
20. **Children's Play Area, Recreation Ground, Porlock** (as shown on map WS/BAN/017 hatched in red)
21. **Memorial Garden, Recreation Ground, Porlock** (as shown on map WS/BAN/027 hatched in red)
22. **Childrens Play Area, Timberscombe Play Area, Timberscombe** (as shown on map WS/BAN/025 hatched in red)
23. **Childrens Play Area, Recreation Ground, Washford** (as shown on map WS/BAN/028 hatched in red)
24. **Childrens Play Area, Belle Vue, Washford** (as shown on map WS/BAN/026 hatched in red)
25. **Childrens Play Area and Putting Green, The Memorial Ground, Watchet** (as shown on map WS/BAN/029 hatched in red)
26. **Henry Davey Children's Playing Field, Watchet** (as shown on map WS/BAN/021 hatched in red)
27. **Recreation Ground, Wheddon Cross** (as shown on map WS/BAN/022 hatched in red)
28. **Children's Play area, Recreation Ground, Williton** (as shown on map WS/BAN/023 hatched in red)
29. **Children's Play Area. Opposite Memorial Hall, Withycombe** (as shown on map WS/BAN/024 hatched in red)

The Order to exclude dogs on Minehead Beach as Schedule 4 between the golf course groyne to the Jubilee Café steps will be in force between 1<sup>st</sup> May and September 30<sup>th</sup> inclusive in any year

All other designated land contained in Schedule 4 is in force at all times