

The Clean Neighbourhoods and Environmental Act 2005
The Dog Control Orders (Prescribed Offences And Penalties, etc)
Regulations 2006 (SI 2006/1059)

The Fouling of Land by Dogs (Elmbridge Borough Council) Order 2011

The Elmbridge Borough Council hereby makes the following Order:

1. This Order comes into force on 24 May 2011.
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.

GIVEN under the Common Seal of Elmbridge Borough Council this 9th day
of MAY 2011

THE COMMON SEAL of ELMBRIDGE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of: -)



Head of Legal Services



SCHEDULE

Cemeteries

Burvale Cemetery
Cobham Cemetery
Hersham Cemetery
Long Ditton Cemetery
Molesey Cemetery
Walton Cemetery
Weybridge Cemetery

Recreation Grounds

Churchfields Recreation Ground
Claygate Recreation Ground
Cobham Recreation Ground
Coronation Recreation Ground
Elmgrove Recreation Ground
Emberside Recreation Ground
Grotto Road Recreation Ground
Grovelands Recreation Ground
Hersham Recreation Ground
Littleheath Recreation Ground
Long Ditton Recreation Ground
Lower Green Recreation Ground
Lynwood Road Recreation Ground

Molesey Hurst Recreation Ground
Oatlands Recreation Ground
Station Road Recreation Ground
Stoke D'Abernon Recreation Ground
Summer Road Recreation Ground
Waterside Drive Recreation Ground
West End Recreation Ground
West Molesey Recreation Ground

Parks

Ashley Park
George Froude Park
Hurst Park (includes Hurst Meadows)

Additional Lands

All lands at cemeteries, recreation grounds and parks to which the public are entitled or permitted to have access (with or without payment) in the administrative area of Elmbridge Borough Council as may be defined or created by the said Council from time to time.