

**PROPOSED ORDER  
UNDER FORMAL CONSULTATION,  
6 JULY 2012 TO 28 SEPTEMBER 2012**

*Note: after the formal consultation process, if the review concludes that this is the correct course of action to follow, than this draft Order will be enacted. However, should the town council determine as a result of the consultation that this is not the correct course of action to follow, then an alternative course of action will be taken.*

**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 (*Carbis Bay Beach (Carbis Bay), Porthgwidden Beach (St Ives), Porthmeor Beach (St Ives), and Porthminster Beach (St Ives)*) Order No. [ 1 ] of 2012**

The *St Ives Town Council* hereby makes the following Order:

1. This Order comes into force on the *10 November 2012*
2. This Order applies to the land specified in Schedule 1

**Offence**

3. (1) A person in charge of a dog shall be guilty of an offence if, *at any time during the periods specified in Schedule 2*] 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.

Given the Common Seal of St Ives Town Council

This day of 2012

Executed as a Deed by )  
 The St Ives Town Council )  
 Whose Common Seal was )  
 Here unto affixed in the )  
 Presence of

Authorised Officer

**SCHEDULE 1**

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

The Order applies to land at *(Carbis Bay Beach (Carbis Bay), Porthgwidden Beach (St Ives), Porthmeor Beach (St Ives), and Porthminster Beach (St Ives))* which is shown edged red on the plans attached to the Order and which is open to the air and to which the public are entitled or permitted to have access (with or without payment).

For the purposes of this Schedule, any land which is covered is to be treated as land which is “open to the air” if it is open to the air on at least one side.

**[SCHEDULE 2**

*[Specification of times or periods during which the offence is to apply]]*

This Order applies at any time from the Sunday before Easter until 30 September each year.