

**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 on Leads (Footpath from St Uny Church to Porthkidney Sands, Lelant, St Ives)  
Order 2012**

The St Ives Town Council hereby makes the following Order:

1. This Order comes into force on *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 [times][periods] specified in Schedule 2]*, 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 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) 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.

**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

The land the Order applies to is the footpath from St Uny Church to Porthkidney Sands, Lelant, St Ives, which is shown edged red on the plan 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 – if applicable*

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

This Order applies at any time throughout the year.