

Report to Cabinet

Subject: Approval to extend the Public Space Protection Order (dog fouling)
Borough-Wide

Date: 3 September 2026

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Wards Affected

Borough-Wide

Purpose

To seek approval to extend, for a further three years, the existing Public Spaces Protection Order for dog fouling (Gedling Borough Council) which is due to expire on 20 October 2026.

Key Decision

This is not a key decision

Recommendation(s)

THAT Cabinet:

- 1) Approves a further three-year extension of the current Public Spaces Protection Order (PSPO) for dog fouling at Appendix 1 in accordance with Section 72 of the Antisocial Behaviour, Crime and Policing Act 2014.
- 2) Approve that the fixed penalty level for breaches of the PSPO remains set at £100, payable within 14 days

1 Background

- 1.1 In 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. This legislation provides local authorities with powers to make Public Spaces Protection Orders (PSPOs). PSPOs are intended to address activities carried out in public spaces which have a detrimental effect on the quality of life of those in the locality. The Act repealed and replaced all

Dog Control Orders including the Dogs (Fouling of Land) Orders. The Council implemented a PSPO enforce dog fouling offences across the borough on 20th October 2020. The current PSPO was extended on the 20th of October 2023 and allowed Gedling Borough Council to continue to be able to enforce dog fouling offences across the borough. The current PSPO is due to expire on 20th October 2026.

- 1.2 The offence of dog fouling is frequently reported borough-wide each year. In the last 3 years, the Council has continued to receive a significant number of reports regarding this issue. In 2023/2024 there were 185 reports of dog fouling, in 2024/2025 there were 193, and in 2025/2026 there were 93 reports up to 29th January 2026.
- 1.3 The Neighbourhood Warden Service, which previously carried out education and enforcement activity, was disbanded in August 2025. Since 17th November 2025, enforcement responsibility for dog fouling has been transferred to Waste Investigations, Support and Enforcement Ltd (WISE). WISE officers are now authorised to enforce the dog fouling PSPO and have the delegated powers to issue £100 Fixed Penalty Notices (FPNs) for breaches of the Order. If an individual fails to pay an FPN the matter is referred back to the Council to consider prosecution.
- 1.4 The ability to issue Fixed Penalty Notices and take prosecutions is a deterrent to those who are tempted not to clear up after their dog. If a PSPO is not extended by a further 3 years the Council will not be able to enforce dog fouling offences within the borough.
- 1.5 The current PSPO was made in 2020 and extended in October 2023 as the council, at those times, was satisfied on reasonable grounds that the behaviour concerned is carried out, or likely to be carried out in a public space and has had, or is likely to have, a detrimental effect on the quality of life of those in the locality. That the behaviour is or is likely to be persistent and continuing in nature. That the behaviour is, or is likely to be, unreasonable and justifies the restrictions being imposed.
- 1.6 The Council can at any time before the current order expires extend the PSPO if it is satisfied on reasonable grounds that the extension is necessary to prevent occurrence or recurrence of the behaviour identified in the order or that it is necessary to prevent an increase in the frequency or seriousness of the behaviour.
- 1.7 It is clear from the share volume of the complaints received by the Council in relation to dog fouling that the behaviour is having a detrimental effect on the quality of life for those living within the borough and that it is persistent and unreasonable. And such it is felt that if the order was to expire there would be occurrence and recurrence of dog fouling within the

area.

- 1.8 Anyone found to be in breach of a PSPO can be issued with a fixed penalty notice of up to £100.00 or prosecuted at the Magistrates Court where they can receive a fine of up to £1000.00. Anyone who fails to pay a fixed penalty will be prosecuted in the Magistrates Court which is the current process.
- 1.9 The extension of the current Borough wide PSPO for failing to remove dog faeces forthwith would continue to include all public land within the Borough including all pavements and highways, parks and recreation grounds, all children's play areas and all football pitches. A copy of the current PSPO appears at Appendix 1 to this report.
- 1.10 The Council is required to consult with the police and appropriate stakeholders prior to extending a PSPO. Consultation has been undertaken with Nottinghamshire Police, ward councillors, key stakeholders and the public. All respondents expressed support for extending the PSPO.
- 1.11 Consultation responses showed strong overall support for extending the Dog Fouling PSPO for a further three years. Nottinghamshire Police, ward councillors, parish councils, community groups, Friends groups and Dogs Trust generally welcomed continuation of the order, with no objections recorded from those who responded. Respondents considered the PSPO an important tool for addressing irresponsible dog ownership, reducing dog fouling, supporting cleaner and safer public spaces, and reassuring residents that enforcement action can continue where necessary. Some respondents also highlighted the need for continued public awareness, clear signage, adequate dog waste disposal points and effective enforcement. The main query raised related to future enforcement arrangements following changes to Neighbourhood Warden department.
- 1.12 In addition to this a public consultation on the proposed extension of the PSPO was undertaken between 6th May 2026 and 7th August 2026. Details of the proposal were published on the Council's website, together with an email address through which members of the public and other interested parties could submit comments and representations. A total of 28 responses were received during the consultation period, all of which were supportive of the proposed extension of the PSPO. No objections were received.

2 Proposal

- 2.1 It is proposed that Members approve the extension of the Public Space Protection Order (Dog Fouling) for a further three years from 20 October

2026.

- 2.2 It is proposed that the level of fixed penalty for contravening the PSPO is to remain at £100.00 payable within 14 days. This is in accordance with the Act and reflects the level of fixed penalties for other PSPO breaches within the borough.

3 Alternative Options

- 3.1 Alternative to the proposal would be that Members do not authorise extension of the current PSPO and allow the current dog fouling PSPO to expire with effect from October 2026. This would mean that the Council will not be able to enforce or prosecute for dog fouling offences. This option is not recommended, as there is clearly an issue with this type of behaviour, as shown by the volume of complaints received over the past three years. If the PSPO expired, this would leave the Council unable to enforce against this type of behaviour.
- 3.2 Members could choose to extend the PSPO by a shorter period. Again, this is not recommended as there is a long history of this type of behaviour within the area. It is felt that the full three-year extension is necessary.
- 3.3 Members could choose to extend the PSPO and amend the conditions. This is not recommended, as the current PSPO conditions are felt to be proportionate, reasonable, and enforceable, and have been sufficient in addressing the behaviour in the past three years.
- 3.4 The level of fixed penalty could be lower than £100; however, this would not be consistent with other PSPO breaches and would not accurately reflect the costs involved with enforcement.

4 Financial Implications

- 4.1 There is minimal advertising costs associated with the proposal. Since 1996 the Council has been installing and erecting signs across the Borough informing members of the public to comply with the Dogs Fouling of Land Act. It is anticipated that there will be a gradual phasing in of signs across the Borough and this will be done within existing budgets. We also use stenciling in areas that have an increased number of complaints.
- 4.2 Whilst the fixed penalty of £100.00 will generate income to cover enforcement and administration costs, it is not expected that the number of fixed penalties issued will be significant if the PSPO is approved. The enforcement role previously delivered by the Neighbourhood Wardens is now undertaken by WISE within existing enforcement budgets, and at no additional cost to the taxpayer. The proposed fixed penalty level is

acceptable and appears to be in line with fixed penalty notices for dog fouling issued by other district councils.

5 Legal Implications

- 5.1 Under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014, the Council may extend a PSPO only where it is satisfied, on reasonable grounds, that it is necessary to prevent the occurrence or recurrence, after that time, of the activities identified in the order, or an increase in the frequency or seriousness of those activities after that time. An extension may not be for a period of more than three years and must be published in accordance with regulations made by the Secretary of State.
- 5.2 Challenges must be made to the High Court within six weeks by those directly affected. An interested person is someone who lives in, regularly works in, or visits the area covered by the order. Therefore, only those directly affected by the restrictions have the right to challenge the order.

6 Local Government Reorganisation (LGR)

- 6.1 If extended, the PSPO will extend into any new local government arrangements in 2028 arising from Local Government Reorganisation (LGR). The PSPO will offer protection up to that date, and it will be for the new local authority to manage the transition of enforcement powers and to embed the PSPO within its own regulatory regime.

7 Equalities Implications

- 7.1 Having a reasonable excuse is an exemption under the legislation. Where an offence occurs and a person with a disability has a reasonable excuse this would be taken into consideration before enforcement is pursued. Specifically guide dogs and assistance dogs will be exempt from the requirements of the PSPO and this would be applied to the Council for a variety of reasons which are identified on the PSPO attached at Appendix 1.

Equality Impact Assessment – (Appendix 3)

8 Carbon Reduction/Sustainability Implications

- 8.1 There are no carbon reduction/sustainability implications arising from this report.

Carbon Impact Assessment –(Appendix 4)

9 Appendices

- 9.1 Appendix 1 – Draft Public Space Protection Order for Dog Fouling
- 9.2 Appendix 2 – Map of the location covered by the PSPO (Borough Wide)
- 9.3 Appendix 3 – Equalities Impact Assessment
- 9.4 Appendix 4 – Carbon Impact Assessment

10 Background Papers

- 10.1 Previous PSPO Documents- available on website.

11 Reasons for Recommendations

- 11.1 The evidence contained within this report demonstrates that dog fouling remains a recurring and persistent problem across the borough and continues to have a detrimental effect on the quality of life of those in the locality. The Council is satisfied that the conditions set out within the Anti-social Behaviour, Crime and Policing Act 2014 continue to be met and that extending the PSPO is necessary to prevent the occurrence and recurrence of dog fouling offences. The Order provides an important enforcement mechanism and deterrent, enabling authorised officers to issue Fixed Penalty Notices and pursue prosecutions where appropriate. The proposed extension is supported by Nottinghamshire Police, elected members, stakeholders and the public and is considered a necessary and proportionate measure to protect the Borough's public spaces and amenities.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer