DRAFT PUBLIC SPACES PROTECTION ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

GEDLING BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2026

WHEREAS Gedling Borough Council ("the Council") is satisfied on reasonable grounds that activities relating to persons being inadequately equipped to collect and dispose of dog waste, and dogs not being brought under control when circumstances require, have had, or are likely to have, a detrimental effect on the quality of life of those in the locality; that the effect is, or is likely to be, persistent or continuing; that the activities are, or are likely to be, unreasonable; and that the restrictions imposed by this Order are justified.

The Council has consulted Nottinghamshire Police, ward councillors, parish councils, community groups, Friends groups, Dogs Trust, members of the public and other interested persons as required by section 72 of the Anti-social Behaviour, Crime and Policing Act 2014. In making this Order, the Council has considered the consultation responses and has had particular regard to the rights of freedom of expression and freedom of assembly.

NOW THEREFORE the Council, in exercise of its powers under sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014 and all other enabling powers, makes the following Order.

1. Citation and commencement

1.1 This Order may be cited as the Gedling Borough Council Public Spaces Protection Order (Dog Control) 2026.

1.2 This Order comes into force on [commencement date] and remains in force for three years unless extended, varied or discharged in accordance with the Act.

2. Interpretation

2.1 In this Order:

"the Act" means the Anti-social Behaviour, Crime and Policing Act 2014;

"authorised officer" means an officer or other person authorised in writing by the Council to enforce this Order, including a person exercising delegated enforcement functions on the Council's behalf;

"appropriate means" means a bag or other suitable receptacle, or a sufficient number of bags or receptacles, suitable for the collection and lawful disposal of dog waste;

“person in charge of a dog” includes a person who has a dog in their possession or under their control at the relevant time; and

“public place” means any place within the restricted area to which the public or any section of the public has access, whether by payment or otherwise, as of right or by express or implied permission.

2.2 A person who habitually has a dog in their possession is taken to be in charge of the dog when it strays, unless another person is in charge of it at that time.

3. Restricted area

3.1 This Order applies to all public places within the administrative area of Gedling Borough Council, as shown on the map at Schedule 1 (“the restricted area”), subject to any land excluded by law or expressly identified in this Order.

3.2 The restricted area includes pavements and highways, parks and recreation grounds, children’s play areas and football pitches to which the public has access.

4. Requirement to carry an appropriate means of collecting dog waste

4.1 A person in charge of a dog in the restricted area must carry an appropriate means of collecting and disposing of dog waste.

4.2 A person in charge of a dog must, when reasonably required to do so by an authorised officer, produce the appropriate means for inspection.

4.3 A person who fails to comply with paragraph 4.1 or 4.2 commits an offence unless they have a reasonable excuse.

5. Requirement to place a dog on a lead when directed

5.1 An authorised officer may direct a person in charge of a dog in the restricted area to place and keep the dog on a lead where the officer reasonably considers this necessary to prevent, or bring to an end, nuisance, annoyance or behaviour by the dog that is causing, or is likely to cause, alarm, distress or harm to any person or animal.

5.2 A person given a direction under paragraph 5.1 must place the dog on a lead as soon as reasonably practicable and keep it on a lead until the authorised officer indicates that the direction no longer applies or until the person and dog leave the restricted area, whichever occurs first.

5.3 A person who fails to comply with a direction under paragraph 5.1 commits an offence unless they have a reasonable excuse.

5.4 Nothing in this paragraph imposes a general requirement for dogs to be kept on leads.

6. Exemptions and reasonable excuse

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6.1 Paragraph 4 does not apply to a person who:

(a) is registered as a blind person; or

(b) has a disability that affects their mobility, manual dexterity, physical co-ordination, or ability to lift, carry or otherwise move everyday objects, where the dog is trained by a prescribed charity and is relied upon for assistance.

6.2 The requirements in this Order do not apply where the person has the permission of the owner, occupier or other person or authority having control of the land to act otherwise.

6.3 In determining whether a person has a reasonable excuse, regard must be had to all the circumstances, including disability and any reliance on an assistance dog.

7. Offences and enforcement

7.1 A person who, without reasonable excuse, fails to comply with a requirement or prohibition imposed by this Order commits an offence under section 67 of the Act and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7.2 An authorised officer may issue a fixed penalty notice to a person whom the officer has reason to believe has committed an offence under this Order.

7.3 The amount of the fixed penalty is £100, payable within 14 days of the date of the notice.

7.4 Payment of the fixed penalty within the specified period discharges liability to conviction for the offence to which the notice relates.

7.5 In deciding whether to take formal enforcement action, the Council and its authorised officers must act proportionately and have regard to all the circumstances, including any reasonable excuse and any relevant disability or reliance on an assistance dog.

8. Relationship with existing dog-fouling Order

8.1 This Order supplements, and does not replace, the Council's existing borough-wide Public Spaces Protection Order relating to the removal of dog faeces, which remains in force until 20 October 2029 unless extended, varied or discharged.

8.2 Nothing in this Order limits the operation or enforcement of that Order.

9. Schedule

Schedule 1 – Map showing the administrative area of Gedling Borough Council covered by this Order.

THE COMMON SEAL OF GEDLING BOROUGH COUNCIL

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was affixed in the presence of:

…… MAYOR

…… MONITORING OFFICER

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