Report to Cabinet

Subject: Proposed Dog Control Public Spaces Protection Order Consultation

Date: 26th November 2026

Author: Community Protection and Pollution Control Manager

Wards Affected

Borough-Wide

Purpose

To seek approval to introduce a Borough Wide Public Spaces Protection Order (PSPO) requiring persons in charge of a dog to carry an appropriate means of collecting and disposing of dog waste, as well as requiring persons in control of a dog to place that dog on a lead when directed by an authorised officer.

Key Decision

This is a key decision

Recommendation(s)

THAT Cabinet:

1) **Approves the making of a new Borough-wide Public Spaces Protection Order for dog control, as set out in the draft Order at Appendix 1, requiring persons in charge of a dog to carry an appropriate means of collecting and disposing of dog waste and requiring a dog to be placed on a lead when directed by an authorised officer.**

2) **Approves that the fixed penalty level for breaches of the PSPO is set at £100, payable within 14 days.**

1 Background

1.1 The Anti-social Behaviour, Crime and Policing Act 2014 provides local

authorities with powers to make Public Spaces Protection Orders (PSPOs) to address activities in public spaces that have, or are likely to have, a detrimental effect on the quality of life of those in the locality. The Council's current borough-wide PSPO, which addresses failure to remove dog faeces, has been extended for a further three years and will remain in force until 20 October 2029. This report proposes a new Dog Control PSPO containing two additional, preventative requirements intended to promote responsible dog ownership and enable proportionate intervention before nuisance or harm escalates.

1.2 Dog fouling is frequently reported across the borough. Over the last three years, the Council has continued to receive a significant number of reports about this issue. There were 185 reports of dog fouling in 2023/24, 193 in 2024/25 and 110 in 2025/26.

1.3 The Neighbourhood Warden Service, which previously carried out education and enforcement activity, was disbanded in August 2025. Since 17 November 2025, responsibility for enforcing the dog-fouling PSPO has rested with Waste Investigations, Support and Enforcement Ltd (WISE). WISE officers are authorised to enforce the PSPO and have 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 for consideration of prosecution.

1.4 The proposal originated following requests from elected Members that officers explore introducing a requirement for persons in charge of a dog to carry an appropriate means of collecting and disposing of dog waste.

1.5 As part of this work, officers considered a range of potential controls, including requirements relating to dogs on leads, dog-exclusion areas and limits on the number of dogs that may be exercised by one person. Although some of these measures may be capable of being introduced in the future, they would require further evidence gathering, operational assessment and implementation planning before they could be progressed.

1.6 The Portfolio Holder considered the matter and endorsed consultation on the two proposed measures: carrying an appropriate means of collecting and disposing of dog waste and placing a dog on a lead when directed by an authorised officer. Both could be introduced borough-wide without location-specific assessments or significant additional implementation work.

1.7 The first proposed measure would support compliance with the duty to clear up after a dog and enable authorised officers to address situations

where a person is not equipped to do so. The second would provide a targeted means of responding where a dog is causing, or is likely to cause, nuisance or concern in a public place. It would not impose a general requirement for all dogs to be kept on leads. Both measures would complement the existing dog-fouling PSPO.

1.8 Authorised officers for the purposes of the PSPO would be officers acting on behalf of the Council who have been specifically authorised to undertake enforcement activities. In practice, enforcement would primarily be carried out through the Council's contracted enforcement provider, WISE, whose officers already undertake enforcement in relation to environmental offences and anti-social behaviour matters within the Borough. Any direction requiring a dog to be placed on a lead would be issued on a case-by-case basis where an authorised officer considers it necessary, reasonable and proportionate in the circumstances, having regard to the behaviour of the dog and the impact on other users of the public space.

1.9 If the PSPO is approved, it will be an offence to breach its terms without reasonable excuse. Failure to comply can be dealt with by issuing a fixed penalty notice (FPN) of £100, as proposed in this report, or by prosecution in the Magistrates' Court, where a fine of up to £1,000 may be imposed. Depending on the behaviour, an enforcement officer (a police officer, police community support officer, council officer or designated person) can decide whether an FPN is suitable. Enforcement decisions would take account of the individual circumstances, including any reasonable excuse and the proportionality of formal action.

1.10 The proposed new PSPO would apply borough-wide to public spaces within the Council's area, including pavements and highways, parks and recreation grounds, children's play areas and football pitches, subject to the terms and exemptions set out in the draft Order at Appendix 1.

1.11 Before a PSPO can be made, a process of consultation is required. Nottinghamshire Police, all ward councillors, parish councils, community groups, Friends groups, Dogs Trust and members of the public were invited to comment on the proposed borough-wide requirements to carry an appropriate means of collecting and disposing of dog waste and to place a dog on a lead when directed by an authorised officer.

1.12 Responses received from Nottinghamshire Police and all responding councillors support both proposed controls. Consultation responses received show strong overall support for measures that encourage responsible dog ownership, reduce dog fouling, support cleaner and safer public spaces and give authorised officers a proportionate means of securing control of a dog where necessary. Respondents have also

highlighted the importance of public awareness, clear signage, adequate dog-waste disposal points and effective enforcement.

1.13 The Council's six-week public consultation on the proposed new Dog Control PSPO opened on 2 October and closed on 13 November 2026. The consultation was published on the Council's website and promoted on social media, with members of the public and other interested parties invited to complete it. There were 977 responses, with 95% supporting the requirement to carry a suitable means of collecting and disposing of dog waste and 82% supporting the requirement to place a dog on a lead when directed by an authorised officer. These results demonstrate strong support among consultation respondents for the introduction of both measures.

1.14 If made, the PSPO would remain in force for a period of three years from the date it comes into effect. Prior to its expiry, the Council may extend the Order for a further period of up to three years if satisfied that the statutory tests continue to be met. The Council may also vary or discharge the Order during its lifetime were considered appropriate following review of its effectiveness and any relevant changes in circumstances.

2 Proposal

2.1 It is proposed that Members approve the new borough-wide Dog Control PSPO set out in Appendix 1, containing the two requirements described in paragraphs 1.6–1.8. The dogs-on-leads requirement would apply only following a direction from an authorised officer, not as a general rule. Subject to approval, it is proposed that the Order comes into effect on 3rd December 2026 being seven days following Cabinet approval. This will provide an opportunity for the Council to publicise the new requirements, update relevant guidance and communications, and ensure that authorised officers are briefed prior to the commencement of enforcement activity.

2.2 It is proposed that the fixed penalty for a breach of the PSPO be set at £100, the maximum figure set out in the legislation, with no reduced rate for early payment. Offenders would have 14 days to pay the FPN. This is consistent with the payment period for fixed penalties issued by the Council for breaches of other PSPOs and offences under this legislation, such as breach of a Community Protection Notice, supporting a consistent enforcement approach.

3 Alternative Options

3.1 Members could decide not to make the proposed new PSPO. This is not recommended because the Council would not have the proposed

preventative controls available to address a person who is not equipped to collect dog waste or to require a dog to be placed on a lead in specific circumstances. The continuing level of dog-fouling reports and the consultation support indicate that additional, proportionate controls are justified.

3.2 Members could approve only one of the two proposed requirements. This is not recommended because the requirements address different but related issues: preparedness to remove dog waste and the ability to secure immediate control of a dog when directed. Including both provides a clearer and more comprehensive framework for responsible dog ownership.

3.3 Members could amend the wording or geographical scope of the proposed controls. This is not recommended because a borough-wide approach is clear and consistent, while the requirement to put a dog on a lead applies only following a direction from an authorised officer and is therefore targeted and proportionate.

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 will be limited costs associated with publicising the new requirements and updating or installing signage. The Council also anticipates an increase in reports relating to dog-control issues. These costs and the associated workload are expected to be managed within existing budgets.

4.2 Any income from fixed penalty notices would contribute towards enforcement and administration costs, but the purpose of the PSPO is to secure compliance rather than generate income. Enforcement is undertaken by WISE within existing enforcement budgets, with no additional budget provision anticipated. Finance has confirmed that the financial implications are satisfactory as drafted. Additional PSPO income may require an increase in current income budgets; however, an allowance for additional income has already been included as an efficiency. Finance therefore advises monitoring actual income before considering any further increase to income budgets.

5 Legal Implications

5.1 Under the Anti-social Behaviour, Crime and Policing Act 2014, the Council may make a PSPO where it is satisfied on reasonable grounds that activities carried on, or likely to be carried on, in a public place have had,

or are likely to have, a detrimental effect on the quality of life of those in the locality; are, or are likely to be, persistent or continuing; are, or are likely to be, unreasonable; and justify the restrictions imposed. Before making the Order, the Council must undertake the required consultation and consider whether the proposed requirements are reasonable and proportionate.

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 Local Government Reorganisation proposals affecting Nottinghamshire remain under consideration by Government. Whilst the timing and final structure of any future reorganisation remains uncertain, there are no immediate implications arising from the recommendations contained within this report.

6.2 The existing dog-fouling PSPO remains in force until 20 October 2029. The proposed new Dog Control PSPO would have its own commencement and expiry dates, to be confirmed in Appendix 1. Any transition of these Orders and their enforcement arrangements under Local Government Reorganisation would need to be addressed as part of the reorganisation process. Neither Order should be assumed to continue beyond its stated expiry date without the necessary review and extension.

7 Equalities Implications

7.1 The draft PSPO will include appropriate exemptions and the statutory defence of reasonable excuse. In particular, the requirements will be applied with due regard to disabled persons and those accompanied by assistance dogs. Individual circumstances would be considered before enforcement action is taken.

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 Spaces Protection Order for Dog Control

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

9.5 Appendix 5 – Consultation responses from Councillors, Parish councils, Charities, Friend of groups and the Police

10 Background Papers

10.1 Previous PSPO documents – available on the Council's website.

11 Reasons for Recommendations

11.1 The evidence set out in this report demonstrates an ongoing need for clear and enforceable dog-control measures across the borough. The proposed requirements would complement the existing dog-fouling PSPO by supporting preparedness to remove dog waste and enabling targeted intervention where a dog needs to be brought under control. They would support cleaner and safer public spaces, responsible dog ownership and proportionate enforcement without imposing a general dogs-on-leads requirement. The final consultation findings summarised in paragraphs 1.12–1.13 show strong support among respondents, including Nottinghamshire Police and all responding councillors. Final consultation findings must be considered before a decision is made.

Statutory Officer approval

Approved by: Tina Adams
Date: 17/11/2026
On behalf of the Chief Financial Officer

Approved by: Fran Whyley
Date: 17/11/2026
On behalf of the Monitoring Officer