



Cabinet

Tuesday, 13 May 2025

Renewal of Public Space Protection Order (Dog Control)

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis

1. Purpose of report

This report seeks approval to renew the existing Public Space Protection Order (PSPO) for Dog Control in Rushcliffe and contains the required supporting evidence.

2. Recommendation

It is RECOMMENDED that Cabinet approves the renewal of the PSPO for Dog Control as set out in Appendix 1 to take effect from 8 July 2025.

3. Reasons for Recommendation

The Council initially approved a three-year Public Space Protection Order (PSPO) on 7 July 2022, to control anti-social behaviour associated with dog control, which came into effect on 8 July 2022. It is a requirement of the enabling legislation, namely the Anti-Social Behaviour Crime and Policing Act 2014, that the Order be reviewed before the expiry of three years. The public consultation and supporting evidence clearly demonstrate the ongoing need to tackle anti-social dog control.

4. Supporting Information

4.1. The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) provides powers for local authorities to introduce measures to address anti-social behaviour in public places. PSPOs are flexible enforcement tools, which apply to a broad range of issues and are designed to control individuals or groups from committing anti-social behaviour in a public space. To utilise the powers the Council must be satisfied on reasonable grounds that activities carried out in a public space will have or are likely to have:

- A detrimental effect on the quality of life of those in the locality;
- Are persistent or continuing in nature;
- Are unreasonable; and
- Justify the restrictions imposed.

- 4.2. The Council initially approved a PSPO to control anti-social behaviour associated with dog control on 7 July 2022. This Order applied to all land in the administrative area of Rushcliffe, with the exception of the parish of Tollerton at their request.
- 4.3. A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed. A PSPO can be renewed where the Council considers on reasonable grounds, that renewing the Order is necessary to prevent an occurrence or recurrence of the activities identified in the PSPO; or an increase in the frequency or seriousness of the activities identified in the PSPO, after the original PSPO would have expired.
- 4.4. The Council undertook a public consultation exercise between 1 February 2025 and 7 March 2025. The exercise asked a number of questions seeking views on the proposal to extend the PSPO and a further question on whether there is support for a further measure to control the number of dogs being walked at any one time. This follows concerns and reports regarding the ability for individuals to adequately control multiple dogs including their ability to clean up after them. The results of the consultation exercise can be found in Appendix 3 but in summary there was an overwhelming support for renewing the PSPO with the addition of a further control on the number of dogs permitted to be walked at any one time. This included a specific request from officers from the Communities team at the Council who have sought to reduce the number of dogs being walked at any one time to four on certain land specified in Appendix B within any new order. These areas have been subject to various dog related issues and additional controls are in their opinion appropriate. The land to which this applies is:
- West Park, West Bridgford
 - Gresham Park, West Bridgford
 - Alford Road Park, West Bridgford
- 4.5. Officers also specifically sought the views of Tollerton Parish Council, who had previously requested to be excluded. On this occasion they have responded confirming their wish to be included within any new order.
- 4.6. Following the consultation, it is proposed that the PSPO be renewed and varied to include the following controls:

a) Dog Fouling

No change proposed other than Tollerton parish will no longer be exempted. It is a requirement that any person in charge of a dog on land (described above) to have with them an appropriate means to pick up dog faeces deposited by that dog (subject to certain exemptions).

b) Dogs to be kept on leads in specified areas

No change proposed. The PSPO specifies certain areas in Schedule 1 where dog(s) must be kept on a lead. The only area where this is to be mandated is designated and signed areas within Rushcliffe Country Park.

c) Dog Exclusion Areas

No change proposed. The PSPO specifies certain areas where dogs are excluded (not permitted). Schedule 2 proposes that this applies to all children's play areas, multi-use games areas, skate parks and gym equipment zones which are either fenced or enclosed.

d) Number of dogs walked by an individual

New requirement following the consultation exercise. No more than six dogs to be permitted to be walked by a single individual. In addition, on land specified in Appendix 4 within the Order this is reduced to four dogs.

4.7. Enforcement

It is an offence under Section 67 of the Act to breach an order without reasonable excuse. Authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach. Enforcement responsibility has been passed to the Council's environmental crime enforcement contractor, currently WISE (Waste, Investigations, Support and Enforcement Ltd). During the life of the current PSPO a total of 23 FPNs have been issued. It is important to note that enforcement is intelligence led, that is to say based on reports and must be proportionate.

4.8 Timetable

Should the Order be approved by Cabinet it will be implemented prior to 8 July 2025 when the current Order expires. The new PSPO will be valid for a period of three years. It can be rescinded, amended or extended at any point during that period. Any amendment or extension will need to follow the consultation and approval process again.

5. **Alternative options considered and reasons for rejection**

The Council could decide not to renew the PSPO but the Council would then be unable to enforce many of the dog related behaviour controls. In addition, the PSPO could also be renewed on its current terms or on further revised terms but what is proposed is in line with the consultation responses.

6. **Risks and Uncertainties**

The risk of proceeding with powers, which are beyond those which the public and key stakeholders considers are required, is that those powers are seen to be unfair or unreasonable, which could be to the detriment of the reputation and

effectiveness of the Council. To mitigate this risk all enforcement activities are closely monitored by officers to ensure action is proportionate and in the public interest.

7. Implications

7.1. Financial Implications

7.1.1. Implementation costs will be contained within existing budgets. This will include the requirement for additional signage which is expected to cost in the region of £1,500.

7.1.2. Enforcement will predominantly be undertaken by WISE (the Council's appointed enforcement contractor) which will be undertaken on a cost neutral basis.

7.2. Legal Implications

7.2.1. This report supports the use of statutory powers to deal with dog related anti-social behaviour. If approved the Order will need to be reviewed every three years and a duty to consult thereafter, where an extension is proposed.

7.2.2 Should anyone object to the approval of the PSPO they would have to make a High Court application within six weeks of the Order being made. A PSPO can only be challenged on the grounds the local authority did not have the power to make or vary the Order or it did not follow the statutory process when making the Order, such as a failure to properly consult before making the Order. The High Court has the power to suspend the operation of the PSPO (including any of its requirements or prohibitions) or a variation on an interim basis until it has reached a decision and may quash a PSPO or any of its requirements or prohibitions if an application is successful. A PSPO can also be challenged by judicial review on public law grounds within three months of the decision.

7.3. Equalities Implications

An Equalities Impact Assessment (EIA) has been undertaken which identified no major or adverse impact. A copy of the EIA can be found at Appendix 3.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

The implications of the Crime and Disorder Act 1998 have been considered within the body of the report.

7.5. Biodiversity Net Gain Implications

There are no implications on biodiversity net gain.

8. Link to Corporate Priorities

The Environment	Ensuring that appropriate controls are in place to control dog related anti-social behaviour has a positive impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to control dog related anti-social behaviour has a positive impact on residents quality of life and their use and enjoyment of public spaces.
Efficient Services	None.
Sustainable Growth	Helps to ensure an attractive and clean environment which has a positive impact on residents and businesses.

9. Recommendation

It is RECOMMENDED that Cabinet approves the renewal of the PSPO for Dog Control as set out in Appendix 1 to take effect from 8 July 2025.

For more information contact:	Geoff Carpenter Head of Public Protection 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Full Council on 7 July 2022
List of appendices:	Appendix 1 – Draft Revised PSPO 2025 Appendix 2 – Consultation Response Summary Appendix 3 – Equality Impact Assessment Appendix 4 – Supporting Evidence