



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	EXECUTIVE – 15 JULY 2026.
Subject	CONSULTATION ON PUBLIC SPACES PROTECTION ORDER FOR DOG FOULING
Wards affected	All
Accountable member	Councillor Alistair Wray Executive Member for Environment Email: alistair.wray@westoxon.gov.uk
Accountable officer	Mandy Fathers, Head of Environment, Revenues and Benefits Email: mandy.fathers@westoxon.gov.uk
Report author	Philip Measures, Service Leader Email: philip.measures@westoxon.gov.uk
Summary/Purpose	To consider a proposal to consult on the adoption of a Public Space Protection Order to prohibit Dog Fouling
Annexes	Annex A – Draft Public Spaces Protection Order Annex B – Example consultation letter/email Annex C – Proposed consultation questions Annex D – Equality Impact Assessment Annex E – Sustainability Impact Assessment
Recommendation(s)	That Executive resolves to: I. Approve the proposal to undertake a consultation on the Public Space Protection Order for Dog Fouling.
Corporate priorities	A Better Environment for People and Wildlife
Key Decision	No
Exempt	No
Consultees/	Office of the Police and Crime Commissioner

Consultation	Town and Parish Councils Oxfordshire County Council Royal Society for the Prevention of Cruelty to Animals (RSPCA) Public Consultees will be directed to our web page which will allow them to submit their consultation responses.
--------------	---

1. EXECUTIVE SUMMARY

- 1.1** Dog fouling is not only unpleasant, but it can also be dangerous, especially to children. Whilst rare, contact with dog excrement can cause toxocariasis, an infection that can lead to dizziness, nausea, asthma and even blindness or seizures. While most dog owners are caring, responsible individuals, there are still some people who do not clean up after their pets.
- 1.2** Legislation to prohibit dog fouling has been in place for a long time but has changed such that now regulation falls under the Public Spaces Protection Order (PSPO) provision of the Anti-Social Behaviour Crime and Policing Act 2014 ('the 2014 Act').
- 1.3** The report sets out the enforcement powers available under a PSPO and sanctions that are available.
- 1.4** To adopt a PSPO for this purpose, the Council must go out to consultation first on the restrictions to be applied.

2. BACKGROUND

- 2.1** A PSPO is a power available to Local Councils under the 2014 Act, which provides the legal framework for the creation of PSPOs to control these activities within defined areas.
- 2.2** A local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.

The first condition is that

- Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities

- Is, or is likely to be, of a persistent or continuing nature.
 - is, or is likely to be, such as to make the activities unreasonable.
 - Justifies the restrictions imposed by the notice.
- 2.3** A PSPO, as well as meeting the above tests, must be fair, proportionate, and consistent with the principles related to public safety and public health to enable dog owners and non-dog owners to enjoy public open spaces. It must be able to be enforceable without having detrimental impact on those that are vulnerable or reliant on assistance from dogs.
 - 2.4** A breach of the PSPO is a criminal offence, which can be dealt with, either by way of a fixed penalty notice (FPN) of up to £100 or prosecution. If prosecuted, an individual could be liable to a fine no higher than £1,000. Any PSPO introduced can only be valid for a maximum of three years or shorter and must thereafter be extended.
 - 2.5** Authorised officers enforce the provisions of the PSPO by patrolling and investigating complaints. FPNs can be issued for non-compliance. Officers take a proportionate approach to enforcement, seeking to raise awareness and educate in the first instance.

2.6 PSPO's have a duration of 3 years. Prior to expiry they should be reviewed to determine whether they should be extended for an additional period (e.g. a further 3 years) Section 60 of the 2014 Act allows for the extension of the PSPO currently in force providing that the local authority who made the PSPO, is satisfied on reasonable grounds that doing so is necessary to prevent.

- Occurrence or recurrence after that time of the activities identified in the PSPO, or
- An increase in the frequency or seriousness of those activities after that time.

2.7 Dog Fouling – The PSPO makes it an offence if a person in charge of a dog fails to clean up its faeces. Covering all public places in the district. This is defined as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

2.8 Failing to produce a receptacle for picking up dog faeces. This is not a reasonable excuse and the PSPO requires dog walkers to carry an appropriate receptacle for dealing with the waste that their dog/s produce. This requirement aims to ensure that dog walkers always have the means (i.e. a receptacle) to pick up their dog's faeces.

2.9 It is a reasonable expectation of our residents to access open spaces for their own mental health considerations and for the welfare of their animals when exercising. The PSPO enables enforcement action where owners fail to comply or are inconsiderate of others.

2.10 It is unreasonable to fine those who are unable to comply with the proposals for reasons of disability and therefore these groups are excluded by exemption.

- A person who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom they rely for assistance.
- A person registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948.

2.11 The PSPO should be implemented with adequate bin provision and signage so that any enforcement action taken is both reasonable and proportionate.

2.12 The consultation period is six weeks. The results will be collated, and a further report will be brought back to the Executive on the outcome of the consultation, and a final draft of the PSPO will be submitted for approval, taking into account any relevant considerations arising from the consultation exercise.

3. ALTERNATIVE OPTIONS

3.1 No PSPO for this purpose. Relying on existing legislation, which is old may be open to challenge. This could mean there is no effective sanction for dog fouling and therefore no deterrent for behaviour that is not publicly acceptable but is an ongoing problem.

3.2 To limit the PSPO to specific areas. This would focus enforcement, but like other enviro-crime, locations and hotspots can be random and difficult to predict, leaving many areas unprotected. It would be onerous to have multiple PSPOs drafted for each occasion a report of dog fouling was made in an area.

4. FINANCIAL IMPLICATIONS

- 4.1** There are no financial implications. This supports existing work of Officers in their enviro-crime duties and no additional funding is required other than for additional signage.

5. LEGAL IMPLICATIONS

- 5.1** There is no legal duty to have a PSPO in place for this purpose. But there is a reputational risk to the Council if no sanction is in place for the offence of dog fouling.

6. RISK ASSSSMENT

- 6.1** This report is to a approve a consultation. If the consultation does not take place, any subsequent PSPO could be effectively challenged and appealed against.
- 6.2** If a PSPO is not in place for this purpose, there is a reputational risk to the Council for not having in place a sanction for this offence.

7. EQUALITIES IMPACT

- 7.1** See Section 2.10 and the Equality Impact Assessment is attached at Annex D.

8. SUSTAINABILITY IMPLICATIONS

- 8.1** The Sustainability Impact Assessment is included in Annex E.

9. BACKGROUND PAPERS

- 9.1** None

(END)