

PUBLIC CONSULTATION UNTIL 17 APRIL 2026

PROPOSAL TO EXTEND FOR A FURTHER PERIOD OF 3 YEARS A PUBLIC SPACES PROTECTION ORDER TO COVER TEST VALLEY BOROUGH COUNCIL'S DISTRICT IN RELATION TO DOG FOULING AND THE CONTROL OF DOGS

What is a Public Spaces Protection Order (PSPO)?

A PSPO is an order that is enforceable under the Anti-social Behaviour, Crime and Policing Act 2014. They are used to protect the public from behaviour that is having, or is likely to have, a detrimental effect on the quality of life of those in the locality and is, or is likely to be, persistent and unreasonable.

What is the Purpose of this Consultation?

The purpose of the consultation is to seek any views regarding a proposal to keep in place, for a further three years, the dog fouling and dog control provisions of an existing borough-wide PSPO that has been in force since 16 June 2020. If not extended, as proposed, the requirements of the PSPO will cease to be in force from 16 June 2026 onwards. Your views are invited as to whether the provisions ought to continue to be in force beyond 16 June 2026 and whether this should continue for a further three years (the maximum permitted) or an alternative shorter timeframe.

What does the PSPO require or restrict?

The current PSPO is available at [here](#). The new proposed draft PSPO order is given below and will also be available on the Council's website at [Consultations | Test Valley Borough Council](#). If you need a paper copy then please call the Council on 01264 368 000 and we will arrange for one to be posted to you.

In broad terms, the effect of this PSPO is to:

- Require every person in charge of a dog to pick up dog faeces after their dog fouls, and properly dispose of it – this applies to all public places to which the public have access (including all public parks, pavements, footpaths etc).
- Prohibit any person from taking their dog in to any enclosed children's play area or any enclosed sports facility.
- Enable a police officer or other authorised person to direct a person in charge of a dog to put the dog on a lead if restraint is considered reasonably necessary (for

the purposes of preventing nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal).

These provisions are subject to some exemptions, for example applicable to people with certain disabilities and in respect of assistance dogs. There are also general defences of having 'reasonable excuse' and/or having the permission of the owner / occupier of the land where applicable.

How should comments be made?

Please send any comments by no later than Friday 17 April 2026 by email to PSPO@testvalley.gov.uk or alternatively write to: The Head of Environmental Health, Housing & Environmental Health, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.

We regret that we may be unable to respond to your comments but please be assured that your comments will be fully considered.

Extension to Public Spaces Protection Order – Dog Control

Test Valley Borough Council 2020

Test Valley Borough Council, (in this order called “the Authority”), in exercise of the power under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in Section 60 of the Act have been met, extends the Dog Control Test Valley Borough Council 2020 Public Spaces Protection Order (“the Order”) as it is deemed necessary to prevent occurrence or recurrence after that time of the activities identified in the Order.

The Authority hereby extends the existing the Dog Control Test Valley Borough Council 2020 Public Spaces Protection Order, which shall remain in force for a period of 3 years under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014

It is an offence under Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 for any person to fail to comply with a requirement under this Order or do anything a requirement prohibits them from doing under this Order

1. ORDER REQUIREMENTS

(1) Within these Order Requirements:

- (a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) “an authorised officer of the Authority” means an employee, partnership agency or contractor of Test Valley Borough Council who is authorised in writing by Test Valley Borough Council for the purposes of giving directions under the Order.

1A. FOULING OF LAND BY DOGS:

(a) This part of the Order applies to all public places within the borough of Test Valley plus those mentioned in 1A(c)(i) and (ii).

(b) If a dog defecates at any time on land 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 then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

(c) If a dog defecates at any time on any land belonging to

(i) Test Valley Borough Council, or

(ii) on land belonging to any other person where the person who is in charge of the dog does not have permission to allow their dog on said third parties land

then the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

(d) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;

(e) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse, as per section 2(a)(i) of this Order, for failing to remove the faeces.

1B. LEADS BY ORDER

(a) This part of the Order applies to all public places within the borough of Test Valley.

(b) A person in charge of a dog shall comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead.

(c) An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

1C. EXCLUSION

(a) A person in charge of a dog shall not take the dog into any enclosed childrens play areas or any enclosed sports facilities in the borough of Test Valley.

2. GENERAL DEFENCES

(a) It shall be a defence to offences arising under sections 1A, 1B and 1C if the person:

(i) has reasonable excuse for failing to comply with the relevant section; or

(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

3. Exemptions

Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

- Each of the following is a "prescribed charity" –
 - Dogs for the Disabled (registered charity number 700454)
 - Support Dogs Limited (registered charity number 1088281)
 - Canine Partners for Independence (registered charity number (803680))

4. Penalty

Breach of the order, without reasonable excuse is a criminal offence, subject to a fixed penalty notice (of £100) or prosecution. If a fixed penalty remains unpaid after the time allowed by statute, then the offender will be liable to prosecution. In extreme, or repeat, offences then the matter may proceed directly to prosecution without the offender being given the opportunity of a Fixed Penalty Notice. On summary conviction, an individual would be liable to a fine not exceeding £1,000.

Nothing in this Order authorises the contravention of any Byelaw that is in force in the borough of Test Valley

This order shall expire at 00:00hrs on #.

THE COMMON SEAL of TEST VALLEY
BOROUGH COUNCIL was hereto
affixed in the presence of:-