

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

24 July 2017

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 UPDATE ON THE PUBLIC SPACES PROTECTION ORDER (PSPO)

To provide the Board with an update on the Public Spaces Protection Order (PSPO).

1.1 Background

1.1.1 The Public Spaces Protection Order (PSPO) is part of a range of new tools available to Council's through the Anti-Social Behaviour, Crime and Policing Act 2014 and is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

1.1.2 As part of the Act, Dog Control Orders (DCOs) and Designated Public Place Orders (DPPO) will be replaced by the PSPOs. The existing DCOs and DPPOs will be phased out from October 2017 and therefore the new PSPO was needed before this date.

1.1.3 The PSPO applies to any open space within the borough where the public can access. This could include land owned by the Borough Council, land owned by KCC, land owned by Parish or Town Council and land owned by private companies such as Housing Associations or sports land (if accessible to the public).

1.1.4 The PSPO will be in place for three years. At the end of this period if we wish to continue with the restrictions we would need to go out for consultation and get approval from Members again.

1.2 The PSPO for Tonbridge & Malling

1.2.1 The PSPO has now been approved for Tonbridge & Malling (as of 12 April 2017). The PSPO has some borough wide restrictions as well as some specific to certain locations. Attached at Annex 1 is a copy of the PSPO restrictions within the borough.

- 1.2.2 If someone breaches the PSPO then they will be issued with a Fixed Penalty Notice of £80 (reduced to £50 if paid within 10 days). If the FPN is not paid then we would be looking to prosecute in court.

1.3 Enforcement of the PSPO

- 1.3.1 There are no additional officers available to enforce any breaches of the PSPO. However, training for key staff will be held on 20 July and this will inform them about what the PSPO is and what they should do if they witness a breach of the PSPO. We would not expect staff to be going out of their way to witness breaches of the PSPO but if they see the breaches occurring during their normal day to day work then they will know what actions to take. We would be expecting these officers to take details of any breaches (where safe to do so) and passing on details via an Incident Reporting Form, to the Community Safety Unit at the Borough Council offices.
- 1.3.2 We have also been liaising with KCC Community Wardens and Kent Police who have stated that they would be willing to provide us with information if they see any breaches of the PSPO. We are currently working with them to look at how this will work in practice.

1.4 Additional work

- 1.4.1 A great deal of work has been carried out 'behind the scenes' to ensure that the Fixed Penalty Notices can be issued effectively and in a timely fashion. We will also need to erect new signage to inform the public of the PSPO being in place and we are currently working on getting these erected in key locations/sites.

1.5 How does this affect Members?

- 1.5.1 Members may be approached by the public with concerns about the PSPOs or wanting further details about what they include. Attached at Annex 2 is a leaflet that we have produced (hard copies are also available at various locations around the borough). On the Borough Council's website we also have a 'Frequently Asked Questions' document which gives answers to some questions that we think members of the public will ask (www.tmbc.gov.uk)
- 1.5.2 Many of the comments that we received related to 'dogs on a lead by direction' with some people thinking that this means we are trying to stop dogs from being able to be off a lead in any location. This is not the case and the restriction will only apply to dogs who are off the lead but that are causing a nuisance, annoyance or disturbance to others. If seen by an authorised officer the dog owner can be asked to put their dog on a lead. If they do not put their dog on a lead when asked to do so then this would be a breach of the PSPO and they would be liable to receiving a Fixed Penalty Notice.

1.6 What next?

- 1.6.1 Staff are now out and about in the borough and we will be issuing FPNs when we see breaches. We will then need to review our processes and ensure that the system is working and is not creating too much additional work. We will bring back a report detailing the number of FPNs issued and responses to any issues encountered to a future Board meeting.

1.7 Legal Implications

- 1.7.1 The PSPO is a legal requirement and we have consulted with the Legal Department to ensure that we are meeting the correct criteria.
- 1.7.2 The introduction of the PSPO for dog fouling borough-wide will supersede the previous legislation of Dog Control Orders and Dog (Fouling of Land) Act 1996 and enforcement for such offences is only possible using the PSPO. This means that every three years, the PSPO will have to be amended to ensure that dog fouling offences can still be enforced against. If the PSPO is not renewed, no legislation would exist to deal with fouling unless new legislation is introduced.

1.8 Financial and Value for Money Considerations

- 1.8.1 There are some costs associated with the establishment of the PSPO, primarily around the installation of new signs. Funding will need to be found from existing budgets to pay for these signs.

1.9 Risk Assessment

- 1.9.1 All appropriate risk assessments will be carried out.

1.10 Policy Considerations

- 1.10.1 Community Safety

Background papers:

Nil

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