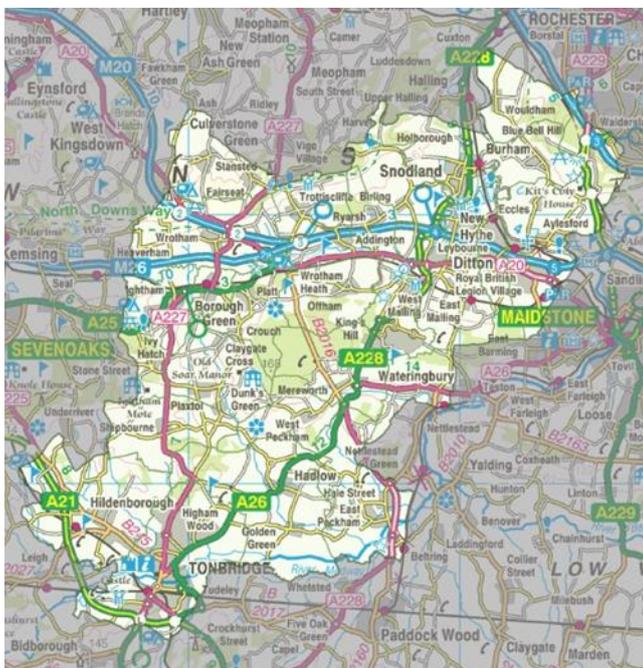


Tonbridge & Malling Borough Council

Proposal for Public Spaces Protection Orders in the Borough April 2020



Visit: www.tmbc.gov.uk



The borough of Tonbridge and Malling lies in the heart of Kent and is an area of variety and historical interest. The borough is largely rural with few large settlements; Tonbridge in the south being the largest and home to around 35,000 residents. The remainder of the borough is dotted with villages and smaller towns.

Industry and commerce are concentrated around Tonbridge, Aylesford, Ditton, Larkfield and Snodland. Mineral extraction has been carried out in the area for many years. Paper and packaging mills, distribution, general and light industry and many small businesses make up the industrial scene. The borough is a popular area for office location and high tech development, particularly at the Kings Hill business and residential community.

Public Spaces Protection Orders

The Anti-Social Behaviour, Police and Crime Act 2014 placed new duties on the Council to tackle Anti-Social Behaviour (ASB), working co-operatively with the police, social landlords and other agencies. The Government made it clear that their reforms are designed to put victims at the heart of the response to ASB and give professionals the flexibility they need to deal with any given situation.

Public Spaces Protection Orders (PSPO's) are intended to control and restrict anti-social behaviour or potential anti-social behaviour in public spaces. They can help by giving local councils and police additional powers to tackle anti-social behaviour in specific locations. The definition of a public space is wide and includes any place to which the public or any section of the public has access too.

District/Borough Councils are responsible for making the new PSPO's and to take enforcement against any breaches, although the Police are also able to enforce these Orders and it is also possible for the Council to delegate enforcement powers to others.

Tonbridge & Malling already has Public Spaces Protection Orders in place which cover both all open spaces in the borough and also some specific locations. These were authorised in April 2017 and are due to run out in April 2020 (as they are for a three year period only). We are therefore required to consult again on the PSPOs that we are proposing and this document gives details of those that we are proposing to continue and also some additional ones. The additional PSPO's include preventing the use of unauthorised drones on land owned by Tonbridge & Malling Borough Council and ensuring that dogs must be on a lead within the closed Churchyards of St Stephen's Church in Tonbridge and St Peter and St Paul's Church in Tonbridge.

Those Orders in specific locations are to deal with anti-social behaviour that is particular to these areas and any breaches of the Orders will lead to Fixed Penalty Notices if the behaviour does not cease when asked to do so. The PSPO will be in place for a three year period and will be reviewed at the end of this time.

The activities identified within the PSPO have been carried out in public places within the Council's area and have a detrimental effect on the quality of life of those in the locality. The Council is satisfied that that the prohibitions imposed by the PSPO are reasonable to impose in order to

prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

There will be Fixed Penalty Notices (FPNs) of £80 (or £50 if paid within 10 days) to be issued for any breaches of the PSPOs. These will be issued by an authorised person and will follow the Enforcement Policy set by Tonbridge & Malling Borough Council.

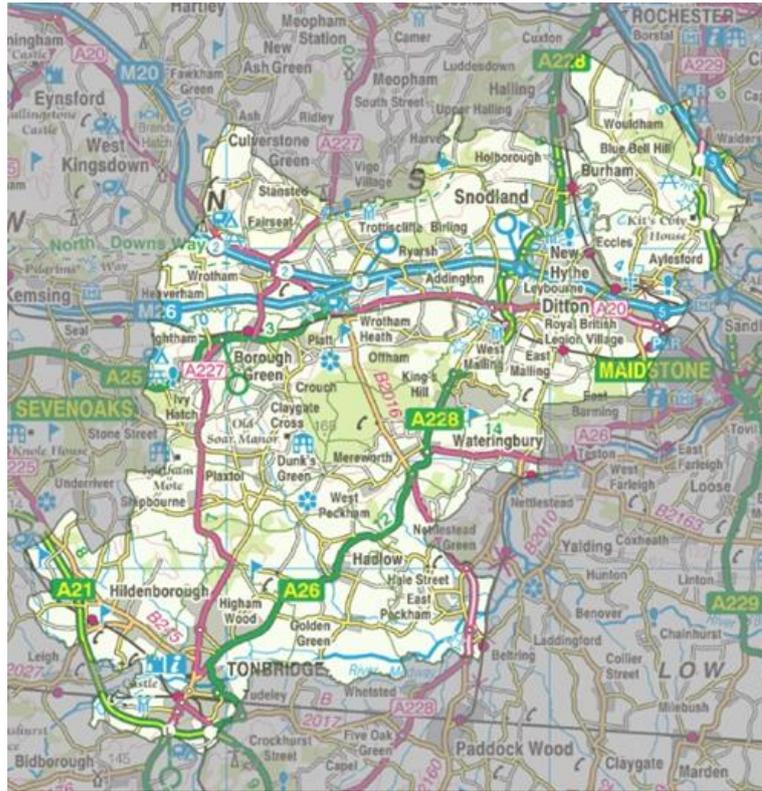
Consultation;

This booklet gives you details of the Proposal. We will be consulting the public and other groups about our proposals and there will be both paper copies of a questionnaire as well as an on-line survey to allow feedback to be provided. The on-line survey will be available on www.tmbc.gov.uk.

The details below show the timeline for consultation with the public and other groups.

Communities and Housing Advisory Board	23 July 2019
Consultation period	5 August to 30 September 2019
Communities and Housing Advisory Board	12 November 2019
Cabinet	Date to be confirmed
Full Council	Date to be confirmed

Responses should be sent to PSPO Consultation via csp@tmbc.gov.uk or sent to PSPO Consultation, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.



The whole Borough area where the council is considering introducing a Public Spaces Protection Order for the measures set out below.

Measure 1

Deterring Dog Fouling

Dog Fouling is a widespread and well known problem with the Borough. Dog faeces are a known carrier of the roundworm toxicara that can cause blindness. The Council has a duty under the Litter (Animal Droppings) Order 1991 to endeavour to keep public open spaces clear of dog faeces.

Proposal

A Fixed Penalty Notice will be issued to the person responsible for the dog(s) who allows dog fouling by not removing dog faeces from any public place.

Measure 2

Exclusion of dogs from Borough Council owned and maintained children’s play areas

A number of complaints have been received about dogs being loose and causing distress to young children. The exclusion of dogs from borough council owned and maintained children’s play areas will prevent any distress and alarm to children.

Proposal

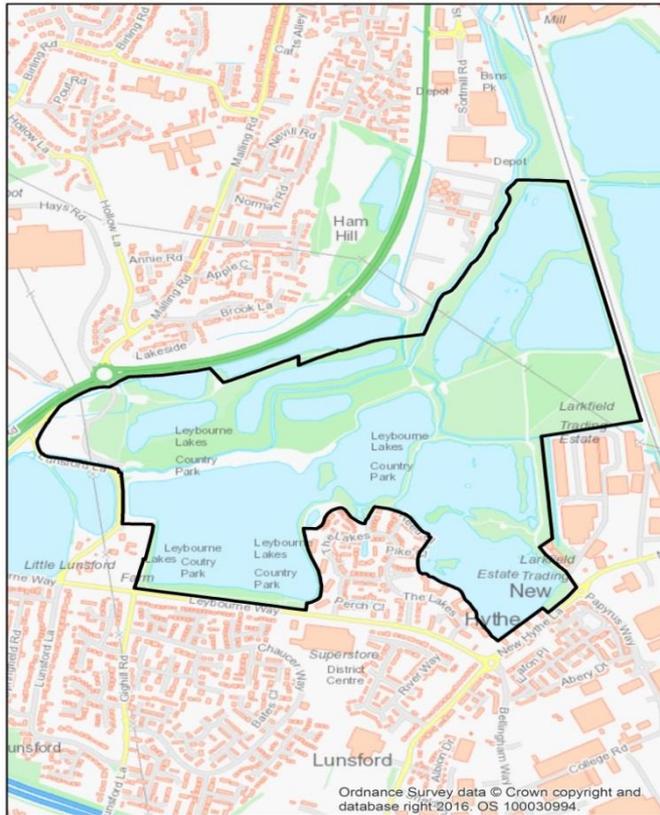
A Fixed Penalty Notice will be issued for any person allowing a dog, or dogs, into a Borough’s owned and maintained children play areas to enable children to enjoy the facilities unimpeded from dogs.

Measure 3

Dogs on leads by direction

Proposed - Public Spaces Protection Order	Orders covering all of the public spaces within Tonbridge & Malling.
	<p>In order to stop a loose dog causing a nuisance, annoyance or disturbance to other people or to wildlife, dogs must be kept on a lead if the owner is instructed to do so by an authorised person.</p> <p>Proposal A Fixed Penalty Notice will be issued to anyone who does not put their dog on a lead when instructed to do so by an authorised person.</p>
Measure 4	<p>Maximum number of dogs This measure restricts the total number of dogs that one person can take onto a public place to six dogs to ensure that they have full control of these dogs and do not allow them to cause alarm or distress to other people.</p> <p>Proposal A Fixed Penalty Notice will be issued to anyone who takes more than SIX dogs at one time onto a public place.</p>
Measure 5	<p>Introduction of a controlled alcohol zone There have been many incidents across the Borough where there has been anti-social behaviour linked to alcohol.</p> <p>This measure will not mean it is an offence to drink alcohol in a public place; however, it will be an offence to fail to comply with a request by an authorised officer to cease drinking or surrender alcohol. This will not apply to any premises, or its curtilage, which is licenced for the supply of alcohol.</p> <p>Proposal A Fixed Penalty Notice will be issued for any person who continues to drink alcohol in a public place when asked to cease or surrender that alcohol.</p>
Measure 6	<p>Deterring public urination / defecation There are complaints about people urinating/defecating in public which is unpleasant and unhygienic for others. It makes people feel unsafe and can cause feelings of distress.</p> <p>Proposal To make it an offence to urinate or defecate in public (excluding public toilets). A Fixed Penalty Notice will be issued to anyone seen urinating or defecating in a public place (excluding public toilets).</p>
Measure 7 (NEW PROPOSAL)	<p>No unauthorised drones on Tonbridge & Malling Borough Council open spaces The use of unauthorised drones is increasing and has been seen to be taking place on many open spaces within the borough. If not properly controlled drones could cause serious injury and harm, as well as causing a nuisance to the public.</p> <p>Proposal A fixed penalty notice will be issued to anyone who uses a drone on Tonbridge & Malling Borough Council open spaces without having the correct authorisation or training.</p>

Leybourne Lakes Country Park



The map above shows the area where the council is considering introducing a Public Spaces Protection Order for Leybourne Lakes Country Park

Measure 1

No unauthorised BBQs

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

Proposal

No unauthorised BBQs within Leybourne Lakes Country Park. A Fixed Penalty Notice will be issued to anyone seen using an unauthorised BBQ.

Measure 2

No unauthorised Swimming, bathing or boating.

TMBC has received numerous complaints from the public about anti-social behaviour involving people swimming in the lakes in this area. Unauthorised swimming can have a detrimental effect on wildlife and interfere with authorised swimming activities.

Proposal

No unauthorised swimming within Leybourne Lakes Country Park. A Fixed Penalty Notice will be issued to anyone seen using the lake who has not been authorised.

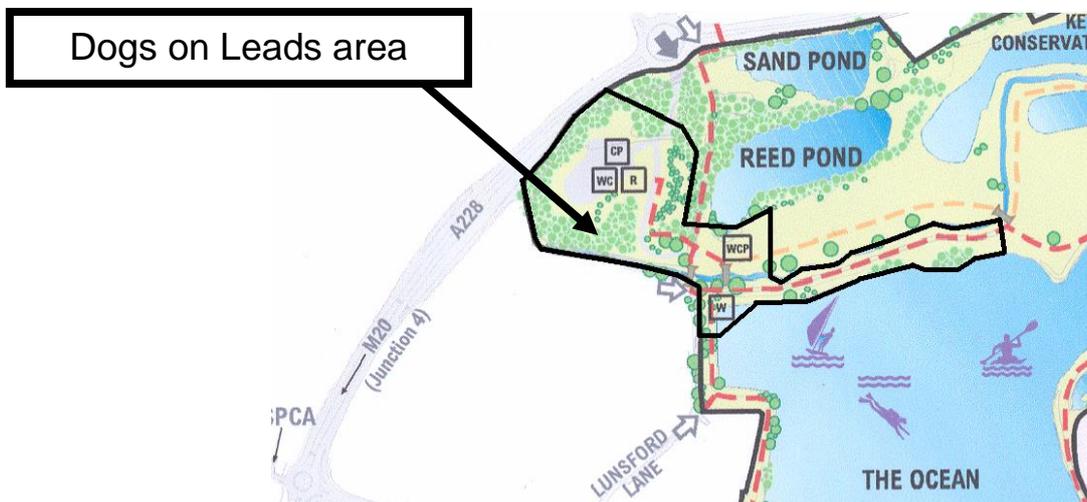
Measure 3

Keeping dogs on a lead

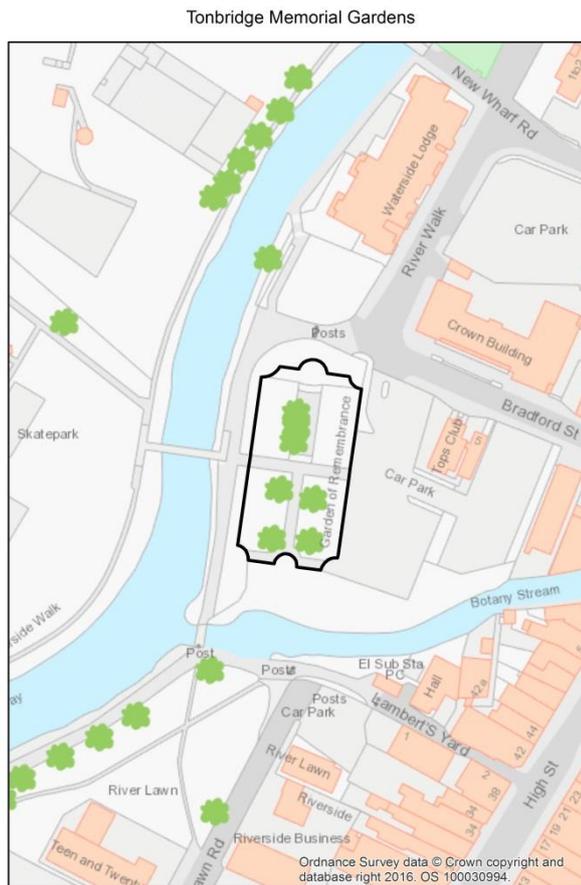
Proposed - Public Spaces Protection Order	Leybourne Lakes Country Park
	<p>The car park and access road for the Watersports has high volumes of vehicular traffic. Additionally on numerous occasions it has been reported that food has been taken from children and elderly people by uncontrolled dogs. This measure is to prevent distress to park users.</p> <p>Proposal To keep dogs on a lead within the signed area (see map for details). A Fixed Penalty Notice will be issued to anyone not keeping their dog on a lead in these areas.</p>
<p>Measure 4</p>	<p>No unauthorised camping</p> <p>The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p>Proposal A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>

Map showing dogs on leads designated area within Leybourne Lakes Country Park

The area marked below is designated a 'Dogs on Leads' area. Please ensure your dog is on a lead at all times when in this area of the Park



Proposed - Public Spaces Protection Order	Tonbridge Memorial Gardens



The map above is the area where the council is considering introducing a Public Spaces Protection Order for Tonbridge Memorial Gardens

Measure 1

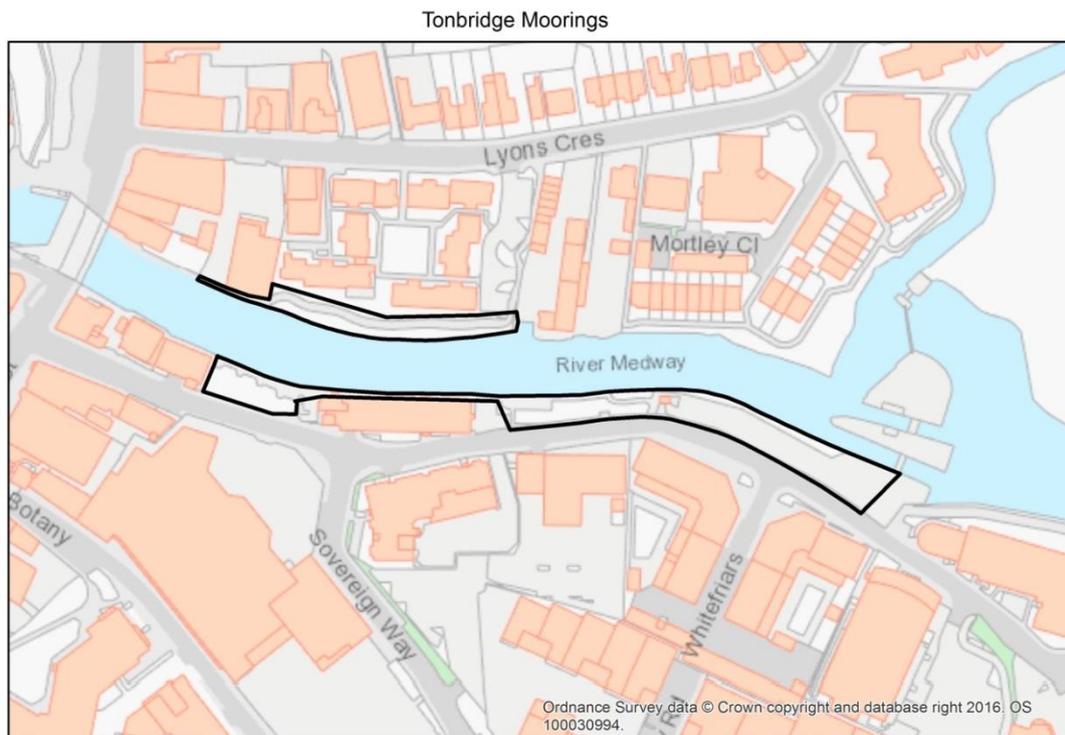
No-wheeled-sports activities

There have been numerous complaints to this Authority have come in regarding damage to this area adversely affecting peoples enjoyment of the memorial garden.

Wheeled sports activities take place within the memorial garden; physical damage has been caused to the site which is detrimental to this very sensitive site where people come for peace and reflection.

Proposal

No-wheeled-sports activities to take place within the Tonbridge Memorial Gardens. Including, but not limited to, skateboards, BMX, in-line skating and scooters. A Fixed Penalty Notice will be issued to anyone not ceasing these activities when instructed to do so.



The map above is the area where the council is considering introducing a Public Spaces Protection Order for Tonbridge Moorings

Measure 1

No unauthorised Mooring

The Council has received a number of complaints from the public from people mooring boats without a licence, disposing of waste on the sides of the river, leaving generators running through the night and swimming in the river.

Unauthorised mooring impedes authorised users using spaces which can lead to conflict and anti-social behaviour.

Proposal

No unauthorised Mooring within the Tonbridge Moorings area. A Fixed Penalty Notice will be issued to anyone breaching this Order.

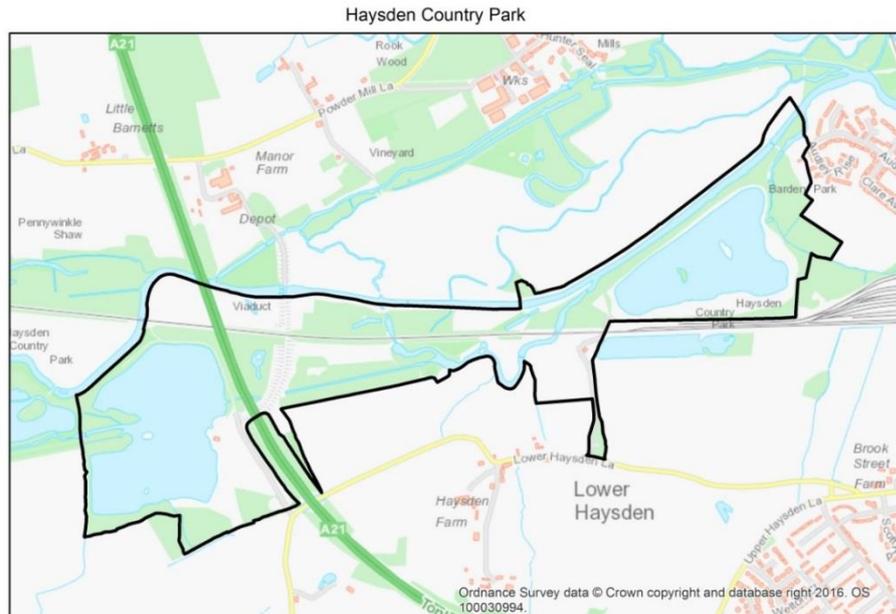
Measure 2

No unauthorised camping

The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.

Proposal

A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.



The map above is the area where the council is considering introducing a Public Spaces Protection Order for Haysden Country Park

Measure 1

No unauthorised BBQs

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

Proposal

No unauthorised BBQs within Haysden Country Park. A Fixed Penalty Notice will be issued to anyone seen with an unauthorised BBQ.

Measure 2

No unauthorised Swimming, bathing or boating activities

TMBC has received numerous complaints from the public about anti-social behaviour involving people swimming in the lakes in this area. Unauthorised swimming can have a detrimental effect on wildlife and can be linked to excessive noise and distress to others.

Proposal

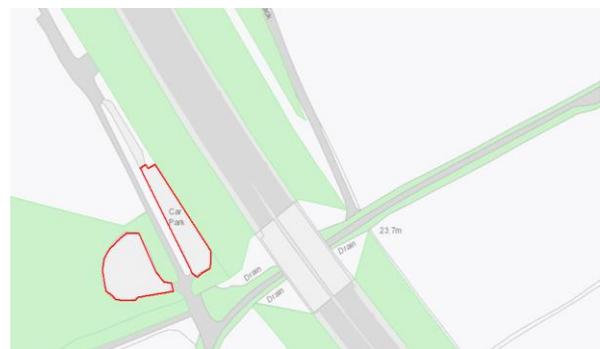
No unauthorised swimming, bathing or boating within Haysden Country Park. A Fixed Penalty Notice will be issued to anyone seen undertaking these activities without authorisation.

Proposed - Public Spaces Protection Order	Haysden Country Park
<p>Measure 3</p>	<p>Keeping dogs on a lead</p> <p>On numerous occasions it has been reported that food is stolen from children and the elderly by uncontrolled dogs. This measure is to ensure the safety of all users and prevent distress to anyone.</p> <p>Proposal</p> <p>To keep dogs on a lead within the designated areas in the car parks and at the catering unit at Haysden Country Park (See maps below). A Fixed Penalty Notice will be issued to anyone seen not following this Order.</p>
<p>Measure 4</p>	<p>No unauthorised camping</p> <p>The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p>Proposal</p> <p>A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>

Map showing dogs on lead area within main car park and catering area



Map showing dogs on lead area within Lower Haysden Lane Car Park



Map showing dogs on lead area within Audley Rise Car Park



Tonbridge Racecourse Sports Ground



Tonbridge Castle



The maps above are the areas where the council is considering introducing a Public Spaces Protection Order for Tonbridge Racecourse Sports Ground and Tonbridge Castle

Measure 1

No unauthorised BBQs

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

Proposal

No unauthorised BBQs within Tonbridge Racecourse Sports ground and Tonbridge Castle. A Fixed Penalty Notice will be issued to anyone seen with an unauthorised BBQ.

Measure 2

No unauthorised camping

The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.

Proposal

A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.

Measure 3

Keeping dogs on leads

Proposed - Public Spaces Protection Order

Tonbridge Racecourse Sports Ground and Tonbridge Castle

The area around Tonbridge Castle is very popular and uncontrolled dogs can cause alarm and distress to those people using this area. By keeping dogs on a lead in this area it will prevent anyone from feeling distressed by an uncontrolled dog.

Proposal

To keep dogs on a lead within the Castle grounds (see map below). A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.

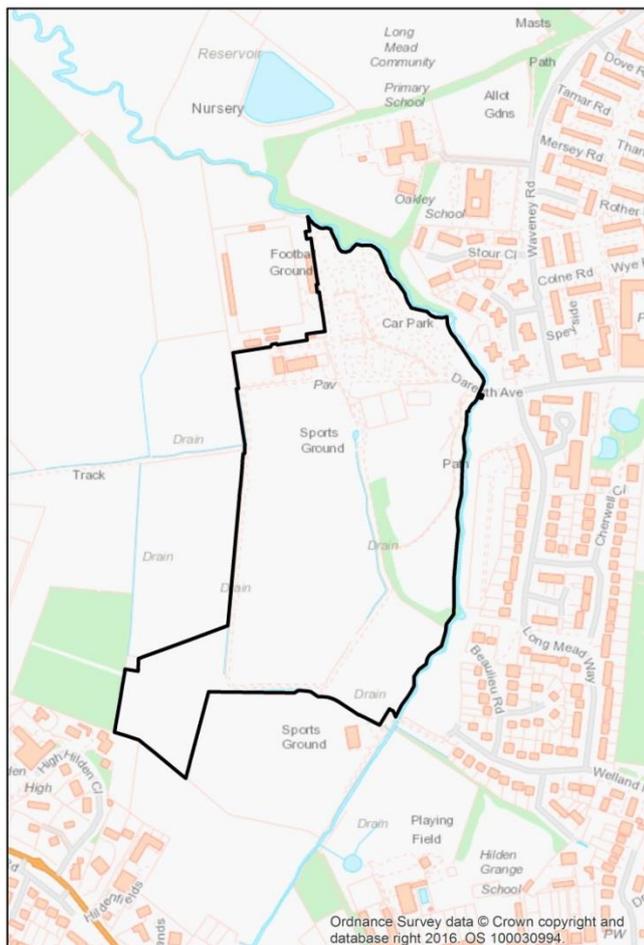
Map showing dogs on lead area within Tonbridge Castle grounds



Proposed - Public Spaces Protection Order

Tonbridge Farm Sports Ground

Tonbridge Farm Sports Ground



The map above is the area where the council is considering introducing a Public Space Protection Order for Tonbridge Farm Sports Ground

Measure 1

No unauthorised BBQs

TMBC has received a number of complaints from the public that these are left on the ground and also are placed in bins causing them to burn out which the public then complain about. BBQs cause damage to the Country side, burning dry fields, hot coals placed in bins have been causing much damage to the bins and can result in unpleasant smoke drifting for some distance.

Proposal

No unauthorised BBQs within Tonbridge Farm Sports ground. A Fixed Penalty Notice will be issued to anyone seen with an unauthorised BBQ.

Measure 2

No unauthorised camping

The Borough Council is satisfied that unauthorised camping in a public place is being carried out within this area or it is likely that

Proposed - Public Spaces Protection Order	Tonbridge Farm Sports Ground
	<p>this activity will be carried out and this is having, or it is likely to have, a detrimental effect on the quality of life of those in the locality. People camping in this area have been known to set fires; leave rubbish and cause alarm or distress to others.</p> <p>Proposal A Fixed Penalty Notice will be issued to anyone who, when asked to remove an unauthorised encampment, does not do so.</p>
<p>Measure 3</p>	<p>Keeping dogs on leads Tonbridge Farm Sports ground is very popular and uncontrolled dogs can cause alarm and distress to those people using this area. By keeping dogs on a lead in the car park area this will help to reduce feelings of distress by users of the park.</p> <p>Proposal To keep dogs on a lead within the car park of Tonbridge Farm Sports ground (see map below). A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.</p>

Map showing dogs on lead area within Tonbridge Farm Sports Ground





The map above is the area where the council is considering introducing a Public Space Protection Order for Tonbridge Cemetery

Measure 1

Keeping dogs on leads

Tonbridge Cemetery is a place of mourning and reflection and dogs that are not controlled can cause alarm and distress to those using the cemetery.

Proposal

To keep dogs on a lead within Tonbridge Cemetery. A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.

NEW PROPOSAL - Public Spaces Protection Order

Closed Churchyards at St Stephens and St Peter & St Paul's Churches



St Stephen's Churchyard



St Peter and St Paul's Churchyard

The maps above are the areas where the council is considering introducing a Public Space Protection Order for the closed Churchyards of St Stephen's Church and St Peter and St Paul's Church in Tonbridge.

Measure 1

Keeping dogs on leads

The Closed Churchyards at St Stephen's and St Peter's and St Paul's Churches are a place of mourning and reflection and dogs that are not controlled can cause alarm and distress to those using the cemetery.

Proposal

To keep dogs on a lead within the churchyards of St Stephen's Church and St Peter's and St Paul's Church. A Fixed Penalty Notice will be issued to anyone who is seen not following this Order.