

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

12 November 2019

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Cabinet - Non Key Decision

1 PUBLIC SPACE PROTECTION ORDER

To provide feedback on the responses received on the Public Space Protection Order consultation and agree on the terms for the PSPO

1.1 Background to the Public Space Protection Order

- 1.1.1 The Anti-social Behaviour, Crime and Policing Act 2014 placed a new duty on the Council to tackle Anti-social Behaviour (ASB), working co-operatively with the Police, social landlords and other agencies. The Act put victims at the heart of the response to ASB and was intended to give professionals the flexibility they needed to deal with any given situation.
- 1.1.2 Public Spaces Protection Orders (PSPOs) were one of a number of new tools contained within the Act and were intended to deal with a particular nuisance or problem in a particular area that was detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They were designed to ensure the law-abiding majority could use and enjoy public spaces, safe from anti-social behaviour.
- 1.1.3 Councils are responsible for making the PSPOs. District Councils will take the lead in England with county councils undertaking the role only where there is no district council. The new power is not available to parish councils or town councils.
- 1.1.4 The PSPOs have replaced dog control orders, designated public place orders (also known as Alcohol Control Zones) and gating orders.
- 1.1.5 A PSPO has been in place in the borough since April 2017 and this contained a number of different restrictions.
- 1.1.6 A PSPO can be in place for three years and after this time the Council can decide if they wish to end the PSPO, extend the PSPO or add any additional restrictions to it. In order to extend or add additional requirements the Council will need to consult with the public and other bodies.

- 1.1.7 After consultation with Borough Council officers and the Police we decided to proceed with a PSPO which contained many of the same restrictions as our current Order and we produced evidence to show the need for these to continue. However, we also gathered evidence to show the need for two additional restrictions that we were proposing to include.
- 1.1.8 These two new restrictions being proposed were 'no unauthorised drones on Borough Council land' and 'keeping dogs on a lead in St Stephen's and St Peter and St Paul's Churchyards'.
- 1.1.9 As part of the PSPO process we needed to consult with the public, Parish Council's and other groups around our proposals and we therefore went out for consultation from 5 August to 30 September 2019.

1.2 Consultation responses

- 1.2.1 The formal consultation ended on 30 September 2019 and during this time 22 online surveys had been completed. All of those returned were from residents of the borough. We did not receive any hard copy responses. A summary of the responses received is attached at Annex 1.
- 1.2.2 The Police and Crime Commissioner responded to the consultation and gave his provisional support to the proposed order across the Borough, subject to the outcome of the consultation and that Tonbridge and Malling Council will undertake the management, and any enforcement of PSPO.
- 1.2.3 A summary of comments from the online consultation is given below:
- The majority of respondents agreed with the current PSPO restrictions, as well as the new proposed restrictions.
 - The restriction that generated the most comments was around 'restricting the number of dogs that one person can take onto a public place to six dogs'. Those who commented on this felt that 6 dogs were too many and that the limit should be 4 dogs (in total 7 responders queried the number of dogs allowed).
 - The proposed new restriction on 'detering unauthorised drones' had a response of 18 who agreed, 3 who did not agree and 1 who did not know. A number of people commented on how we would decide who was unauthorised.
 - The majority of respondents also agreed to the new restriction relating to the closed churchyards of St Peter's and St Paul's and St Stephen's Churches in Tonbridge. Of those who responded 19 agreed and 1 did not know.
 - There were a number of additional comments received. These varied from the need for additional enforcement, including a ban on drug use within the PSPO and setting up a register of commercial dog walkers so that they can be charged to use public land.

1.3 The next steps

- 1.3.1 Following the consultation and the responses received it would seem that the majority of the public who replied are happy with the continuation of the current restrictions and also happy to include the additional two restrictions. We therefore feel that we can proceed with the PSPO as recommended previously and this is attached at Annex 2.
- 1.3.2 This proposal will need to be agreed by Cabinet and then finalised before April 2020 (when the current PSPO ends).

1.4 Legal Implications

- 1.4.1 As the PSPO is a legal requirement of the new ASB legislation we will be receiving legal guidance to ensure that we meet the criteria. Once the final PSPO measures are agreed the PSPO will need to be published in accordance with the regulations made by the Secretary of State.

1.5 Financial and Value for Money Considerations

- 1.5.1 There is no significant cost associated with the establishment of the Public Spaces Protection Order within the borough.

1.6 Risk Assessment

- 1.6.1 All appropriate risk assessments will be undertaken as required.

1.7 Equality Impact Assessment

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people.

1.8 Policy Considerations

- 1.8.1 Community, Community Safety

1.9 Recommendations

- 1.9.1 That the Public Space Protection Order for Tonbridge & Malling as set out at Annex 2 BE GRANTED

Background papers:

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Nil

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