

Communities and Environment Scrutiny Select Committee

04 March 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



Cabinet Member

Cllr Des Keers

Responsible Officer

Damian Roberts, Chief Executive

Report Author

Alison Finch, Safer & Stronger Communities Manager

Public Space Protection Order

1 Summary and Purpose of Report

- 1.1 The Anti-social Behaviour, Crime and Policing Act 2014 places a duty on the Council to tackle Anti-social Behaviour (ASB), working co-operatively with the Police, social landlords and other agencies. Public Spaces Protection Orders (PSPOs) are one of a number of tools contained within the Act and are 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.
- 1.2 A PSPO has been in place in the borough since April 2017 and was reviewed in 2020 and 2023. The current PSPO is due to end in April 2026, and the Council can extend this for a further three years.
- 1.3 A previous report was brought to the Communities and Environment Scrutiny Select Committee in July 2025 and it was agreed that the proposed PSPO should go out for consultation and that the results of the consultation would be fed back to this meeting.
- 1.4 Members also agreed to include a restriction around the use of catapults, and this has now been included in the proposed PSPO.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Having a PSPO in place helps to reduce anti-social behaviour, therefore making the borough a safer place for residents.

3 Recommendations

- 3.1 That the proposed Public Space Protection Order, as presented at Annex 1, be agreed.

4 Introduction and Background

- 4.1 The Council can make a PSPO on any public space in its own area. The definition of a public space is wide and includes 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, for example a shopping centre. It does not just apply to land owned by the Borough Council but to any open space anywhere in the borough (even land owned by Parish Councils or Kent County Council).
- 4.2 The test for a PSPO is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality; and
 - the effect or likely affect of the activities:
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely such to make the activities unreasonable; and
 - justifies the restrictions imposed.
- 4.3 A single PSPO can include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead.
- 4.4 The maximum duration of a PSPO is three years but they can last for shorter periods where appropriate. At any point before expiry the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or reoccurring. If a new issue arises in an area where a PSPO is in force the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. As well as varying the PSPO, a council can also seek to discharge it at any time.
- 4.5 Any restriction of the PSPO needs to be enforceable and Fixed Penalty Notices (FPNs) for breaches of the PSPO can be issued by authorised Borough Council staff and the ASB Enforcement Team (when in post). The Council would not want to include any restrictions within the PSPO which are not going to be enforceable.

Fixed Penalty Notices cannot be issued to anyone under the age of 16. The Borough Council's FPN cost is £100.

- 4.6 It can be difficult to enforce a PSPO as for many of the restrictions it requires an authorised officer to witness the breach (e.g. be present at the time of the offence taking place) and therefore for many of the current restrictions, the amount of FPNs issued has been low.

5 Proposal

- 5.1 TMBC Officers are proposing that the PSPO as attached at Annex 1 is adopted. This contains a number of restrictions which cover both the whole of the Borough and specific geographical areas. This proposed PSPO also contains the two new restrictions which were agreed at the previous Communities and Environment Scrutiny Select Committee, one around the use of catapults and one around unauthorised camping in the Memorial Garden.
- 5.2 From 15 September to 2 November 2025 the Council went out for public consultation on the proposed PSPO. This was an online consultation, but hard copies were available if requested. A summary of the responses can be found at Annex 2. The Council received 47 online responses.
- 5.3 The Police and Crime Commissioner also responded to the consultation and gave his provisional support to the proposed order across the Borough, subject to the outcome of the consultation. Kent Police were also consulted and gave their support to the proposed PSPO restrictions. Kent Police have also been consulted in relation to the wording contained within the proposed PSPO.
- 5.4 A summary of the consultation responses is given below:
- The majority of those who responded were in favour of keeping all the restrictions and in favour of implementing the new restrictions. 46 respondents also agreed with the new restriction around the use of catapults and 43 agreed with the new restriction to prevent unauthorised camping in the Tonbridge Memorial Garden.
 - The restriction with the most comments was in relation to the use of catapults, with most of those responding in favour of this restriction. Some comments related to this needing to be across the borough, and it should be noted that this restriction will apply to all public open spaces across the borough.
 - Other general comments provided by respondents related to the need to enforce the PSPOs, the need for additional police presence and to ensure that the PSPO is enforced across the borough, including the more rural areas.

- One area raised through the consultation was around restricting and/or banning the use of bikes or electric bikes/scooters. Whilst the Borough Council could look to include a restriction around this issue, it should be noted that the Fixed Penalty Notices (for a breach of the PSPO) cannot be issued to under 16's. It should also be noted that riding a bike on a pavement is already illegal (under the Highways Act 1835 and Highway Code Rule 64) and the police can already take action (although they may choose to take a discretionary approach if the person riding a bike on the pavement is a child).
- It is also illegal to ride an electric scooter on public roads, pavements, and cycle lanes in the UK. They are classified as motor vehicles, requiring insurance, a license, and tax, which is currently impossible to obtain for private e-scooters. They may only be used on private land with the owner's permission. This does not, of course, stop people from riding them, but the enforcement of this would be down to the police and therefore TMBC Officers would not support adding this restriction into the PSPO.

- 5.5 Parish Councils were also consulted separately. All who replied stated that they were happy with the proposed restrictions. Borough Green Parish Council, however, requested that the Council considered a new restriction on the possession or misuse of spray paint within the Recreation Ground in Borough Green and the public toilets in the Borough Green Village Hall carpark. They are having increasing problems with criminal damage in those areas. In October 2025 three incidents of this nature were reported to the Police (further data is not available).
- 5.6 TMBC officers have considered this request and whilst owning spray paint is not illegal (although it is a criminal offence under the Anti-social Behaviour Act 2003 to sell aerosol spray paint to anyone under the age of 16), using it to mark or deface property without the owner's permission is criminal damage under the Criminal Damage Act 1971. If caught, the Police can issue fixed penalty notices or even fines, and therefore the view of the Officers is that there are already enforcement powers available to the police to tackle this issue and therefore the Council does not need to include this as a restriction in the PSPO.
- 5.7 Hadlow Parish Council have also requested that the restriction around preventing unauthorised drones to be extended to Parish Council open spaces. This is something that Members may wish to consider, however, at present the Borough Council does not have any evidence as to whether this is a persistent issue in Hadlow and the Borough Council would need to consider this before deciding whether this would be something that the Borough Council would want to proceed with. TMBC Officers have also raised concerns about who would 'authorise' the use of the drones and how this would be enforced. However, Members may wish to discuss if they would like to change the wording on this restriction to include public spaces owned by Parish Councils.

6 Other Options

- 6.1 Members may wish to discuss if there are any additional restrictions that they would like to see included in the PSPO (such as the request from Hadlow Parish Council in 5.7 above). This needs to bear in mind the threshold test and also consider how the restriction will be enforced.

7 Financial and Value for Money Considerations

- 7.1 The Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

8 Risk Assessment

- 8.1 All appropriate risk assessments will be undertaken as required.
- 8.2 Members should note that resourcing the enforcement of the PSPO is challenging and there are only limited numbers of staff that are authorised to issue Fixed Penalty Notices for breaches of the PSPO. However, having the PSPO restrictions in place does give the Council the powers to take action where it can and to work with police and other partners to help keep the borough safe.

9 Legal Implications

- 9.1 The power to make a PSPO is subject to a number of conditions as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 (see paragraph 4.2 of this report). The Council will continue to review the proposed terms of the PSPO against the conditions set out in the Act to ensure that the order is lawful.
- 9.2 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.

10 Consultation and Communications

- 10.1 The Council went out for public consultation from September to November 2025. The Council also consulted the Police and Crime Commissioner and Kent Police. Both agreed to the proposed restrictions in the PSPO.

11 Implementation

- 11.1 Once all the restrictions are agreed then a copy of the Order would need to be published by April 2026 in accordance with regulations made by the Secretary of State.
- 11.2 The Borough Council will then look to update and add signage across the borough to advertise the PSPO restrictions. The location of signs will be carefully considered but will be placed in key locations across the borough.

- 11.3 Once the new restrictions are agreed then the Borough Council will also look to run refresher training for staff on how to issue Fixed Penalty Notices, so that those staff who are authorised are aware of their roles and responsibilities in helping to enforce the PSPO restrictions.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – The proposed Public Space Protection Order Annex 2 – Results of the PSPO Consultation