

PSPO 2021 – Three-month extension of two 2018 measures and formal approval of other three-year extensions

For Cabinet on Thursday, 23 September 2021

Summary

Lead Member: Councillor David Scott, Portfolio Holder for Economic Development

Lead Director: Paul Taylor, Director of Change and Communities

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Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Portfolio Holder	03/09/2021
Management Board	08/09/2021
Communities CAB	08/09/2021
Cabinet	23/09/2021

Call-In and Urgency Waiver

In accordance with the provisions of Overview and Scrutiny Procedure Rule 14 in Part 4 of the Constitution, the Chairman of the Overview and Scrutiny Committee hereby gives prior agreement that this decision is urgent and will not be subject to call-in as delay in implementing the decision would seriously prejudice the Council's or the public's interest.

Authorised by Councillor Thomson, Chairman of the Overview and Scrutiny Committee.

Recommendations

- (i) That PSPO 4 of 2021 - The dogs on leads measure at The Nevill Ground and PSPO 5 of 2021 - the alcohol control measure for roads in Southborough be extended for a period of three months while the results of the most recent consultation are assessed and brought back to Cabinet for decision; and

- (ii) That PSPO 1 of 2021 - The Town Centre Measures, PSPO 2 of 2021 - The Alcohol Control Measures and PSPO 3 of 2021 – The Dog Control Measures are approved as they are required in accordance with the conditions in Section 59 (2) of the anti-social behaviour crime and policing act 2014 and all consultation, publicity and notification has been completed.

1. Introduction and Background

- 1.1 Current Public Spaces Protection Orders (PSPOs) in Tunbridge Wells were introduced in 2018 and are set to expire on 24 September 2021.
- 1.2 While most of the 2018 measures will be retained, as agreed at Cabinet on 24 June 2021, others are open to public consultation.
- 1.3 The Nevill Ground is included in the consultation as the Council considers whether to retain the *dogs on leads* requirement or replace it with an outright ban.
- 1.4 Various roads in Southborough (London Road, Meadow Road, Holden Park Road and Springfield Road) are also included in the consultation as the Council considers whether to retain or remove the alcohol control measure that applies here.
- 1.5 The original timetable for the public consultation and subsequent implementation of 2021 measures (to be agreed at a future meeting of Cabinet) would have seen the next iteration of Orders enacted on the day the 2018 Orders expired.
- 1.6 However, due to competing community safety priorities it has not been possible to adhere to the original timetable and so two of the current measures will expire before we can present the results of the recently concluded consultation to Cabinet.
- 1.7 We therefore request that the Orders covering the Nevill and the four Southborough roads are extended for a period of three months to allow time for the consultation results to be assessed and presented to Cabinet in October (or November at the latest).
- 1.8 In line with legislation and guidance relevant stakeholders will have been informed of our intentions prior to implementation of the extension.

2. Options Considered

- 2.1 The do-nothing option would allow the Orders on The Nevill Ground and various roads in Southborough to expire until the results of the 2021 consultation have been assessed and brought back to Cabinet.

3. Preferred Option and Reason

- 3.1 That the dogs on leads measure at The Nevill Ground and the alcohol control measure for roads in Southborough be extended for a period of three months while the results of the most recent consultation are assessed and brought back to Cabinet.
- 3.2 While the Orders could be allowed to expire we must then notify the public, including installing notices within the areas affected, of the expiry of the Orders, which would not be helpful, particularly for The Nevill Ground.

4. Consultation on Options

- 4.1 In line with legislation and guidance relevant stakeholders will have been informed of our intentions prior to implementation of the extension.

5. Implementation

- 5.1 Notices on the Council's website and various online platforms, including those used for local engagement, will inform the public of our intention to extend the measures for a period of three months and our reasons for doing so.

6. Appendices and Background Documents

Appendices:

- Appendix A: PSPO 2021 Confirmation of actions for Recommendation (ii)
- Appendix B: PSPO – Town Centre (Order No. 1 of 2021)
- Appendix C: PSPO – Alcohol Control (Order No. 2 of 2021)
- Appendix D: PSPO – Dog Control (Order No. 3 of 2021)
- Appendix E: PSPO – Dog Control Nevill Ground (Order No. 4 of 2021)
- Appendix F: PSPO – Alcohol Control (Order No. 5 of 2021)

Cross Cutting Issues

A. Legal (including the Human Rights Act)

The legal position and requirements are set out in Appendix A.

Robin Harris, Team Leader (contentious), 15 September 2021