

# PSPO 2021 – Consultation Results and Implementation of Orders

For Cabinet on Thursday, 2 December 2021

## Summary

**Lead Member:** David Scott

**Lead Director:** Paul Taylor

**Head of Service:** Denise Haylett

**Report Author:** Terry Hughes, Community Safety Manager

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	03/11/2021
Portfolio Holder	04/11/2021
Communities CAB	17/11/2021
Cabinet	02/12/2021

## Recommendations

In accordance with the conditions in Section 59 (2) of the Anti-social Behaviour, Crime and Policing Act 2014 and with all consultation, publicity and notification having been completed the followed are agreed:

1. For measure 1 (Southborough roads): Vary the current order to have effect only on London Road, and Holden Park Road for the length of the convenience store for a period of three years.
2. For measure 2 (Dunorlan Park): Introduce a 'dogs on leads' order in the formal area of the park for a period of three years.
3. For measure 3 (The Nevill Ground): Renew the dogs on leads requirement for a period of three years.
4. For measure 4 (Sherwood Lake): Following the outcome of the public consultation agree that preparatory work (as set out in the report) be undertaken to introduce an order to address anti-social behaviour in this location in April 2022.

5. For measure 5 (St John's Park): Following the outcome of the public consultation agree that preparatory work (as set out in the report) be undertaken to introduce an order to address anti-social behaviour in this location in April 2022.
6. For measure 6 (Multi-storey car parks): Following the outcome of the public consultation agree that preparatory work (as set out in the report) be undertaken to introduce an order to address anti-social behaviour in this location in April 2022.

# 1. Introduction and Background

- 1.1 This report details the results of the 2021 Public Spaces Protection Order public consultation, which ran from 16 July 2021 to 29 August 2021, with recommendations for each of the measures the proposal seeks to address.
- 1.2 The consultation sought public input on whether to:
  - 1.2.1 **Discharge** the Southborough alcohol-related restriction on London Road, Holden Park Road, Meadow Road and Springfield Road.
  - 1.2.2 **Introduce** a dogs on leads requirement in the formal area of Dunorlan Park, with an area set aside for unrestricted exercise.
  - 1.2.3 **Vary** the dogs on leads requirement at The Nevill Ground to an outright ban on dogs entering the ground.
  - 1.2.4 **Introduce** a restriction on fishing along a stretch of the bank at Sherwood Lake to alleviate residents of a variety of anti-social behaviours.
  - 1.2.5 **Introduce** a late-night curfew at St John's Park to alleviate residents of noisy anti-social behaviour.
  - 1.2.6 **Introduce** a restriction on loitering or taking part in specific activities in Tunbridge Wells town centre car parks.
- 1.3 Two of these measures, 1.2.1 and 1.2.3 above, were recently **extended until 24 December 2021** to allow further time to assess the outcome of the public consultation to which this report refers.
- 1.4 For the sake of completeness, the following PSPOs were renewed at Cabinet in June 2021 and will be **active until September 2024**:
  - 1.4.1 Alcohol control in Tunbridge Wells town centre (including open spaces such as car parks, the common, Calverley Grounds and Woodbury Park Cemetery)
  - 1.4.2 Alcohol control in St John's Park, Grosvenor and Hilbert Park and Ridgeway Playing Fields
  - 1.4.3 The means to address anti-social behaviour associated with rough sleeping and begging in Tunbridge Wells town centre.
  - 1.4.4 The means to address noise nuisance from amplifiers in Tunbridge Wells town centre when complaints identify an unreasonable disturbance is taking place.

## Consultation outcomes: in brief

- 1.5 In total, we received 771 submissions and 1,130 comments across the six measures. A final question asking respondents for any further feedback received 147 comments.

- 1.6 The overall results are set out in the table below. Columns 2-5 show whether or not a respondent supported a particular proposal (see 1.2). Columns 6-8 show how many comments were submitted as part of their response.

1	2	3	4	5	6	7	8
Location	Yes	No	Don't know	Skipped	Voted Yes	Voted No	Don't know
Southborough ACZ	87	202	75	407	4	37	4
Dunorlan Park dog control	408	271	12	80	198	166	7
Nevill Ground dog control	196	341	44	190	59	164	7
Sherwood Lake ASB	403	26	39	303	101	11	4
St Johns Park ASB	419	29	39	284	88	7	7
Multi-storey car park ASB	479	49	44	199	92	14	13

- 1.7 Within the responses we noted nine duplicate entries where respondents had submitted a response in July and then a further response in August. These nine respondents changed their mind on 15 votes across the six measures. Nine of these were changed from “Skipped” to either “Yes” or “No”. All substantive votes (either Yes or No) have been recorded in the table above. Appendix C provides further details.
- 1.8 Given the high number of responses, and each measure’s clear margin, these discrepancies are not viewed as significant.
- 1.9 Appendix D contains equality and diversity data captured during the consultation.

## Consultation Outcomes: Specifics

### Measure 1 – Alcohol control on four Southborough roads

- 1.10 The alcohol control restriction provides authorised officers (police and PCSOs) with the authority to seize alcohol from individuals who are causing or likely to cause anti-social behaviour linked to alcohol consumption in the designated area.

#### In favour of removing the measure

- 1.11 87 respondents supported the removal of the alcohol-control on London Road (between Speldhurst Road and Pennington Road), Meadow Road, Springfield Road and Holden Park Road.
- 1.12 We received a total of four comments from those in support of the removal of the ‘Alcohol Control Zone’ with one respondent suggesting if the restriction is no longer

necessary it should be removed. Others claimed the measure is “pointless” and “unenforceable” as there are “too few police” resources.

### **Not in favour of removing the measure**

- 1.13 202 respondents did not favour the removal of the control. Comments made by those not in favour of removing the measure totalled 37. A good proportion of these suggest the anti-social behaviour will return if the order is lifted, with some saying it is likely or highly likely. One London Road resident stated they have been disturbed on “several occasions” by “anti-social drunken behaviour and foul language”. A Meadow Road resident noted “there are often discarded alcohol cans on the street”.

### **Conclusion**

- 1.14 It's clear from the vote count and comments that respondents believe the PSPO on these roads is a useful preventative tool and that knowledge of its removal may spur the return of anti-social drinking, particularly on London Road.
- 1.15 The three side roads will have been added to the order to avoid displacement whereby an authorised officer may be unable to seize alcohol from an individual who simply takes a couple of steps from London Road onto one of the three side roads.
- 1.16 When I attended Southborough in 2018 to install new signage for this order a curious householder emerged to speak with me and my colleagues. He lived at the far end of one of the three roads, near the Prospect Road junction. He was concerned the ‘no drinking’ sign we were installing on a nearby lamppost could affect the sale of his house, which was up for sale. I think he made a fair point.
- 1.17 Maintaining a control zone to the junction with Prospect Road is unnecessary and I would propose removing the side roads from the order with the exception of Holden Park Road where the zone could be reduced to the length of the convenience store.

## **Measure 2 – Dog control at Dunorlan Park**

- 1.18 Of the 679 Yes or No votes registered for this measure 408 offered support for a dogs on leads requirement in the park, with an area set aside for unrestricted exercise. There remains a strong voice against the proposal with 271 respondents favouring no such control.
- 1.19 In respect of comments made, it is more evenly split with 198 comments from those who voted for control measures and 166 from those who voted against.

### **In favour of a defined free-exercise area**

- 1.20 Many respondents suggested there are too many dogs in Dunorlan citing numerous occasions when unleashed dogs have jumped up on them or their children or have bundled their way across picnic blankets. Several citing they never again want to hear “he’s only being friendly” or “he won’t hurt anyone”.

- 1.21 A great number were concerned for the wildlife and specifically wanted the area around the lake protected from free running dogs. A good number of respondents had seen for themselves how dogs are “allowed” to jump in the lake, with several comments suggesting it’s the owners not the dogs that are cause of this problem.
- 1.22 A number of residents who identified themselves as dog owners supported the measure, a few of them reluctantly, and several suggested the events field alone would be sufficient space. Another would prefer the events field because a good part of the proposed area is left un-mowed (for good reason, they acknowledge) and this makes training difficult and also harbours ticks and adders.
- 1.23 One respondent who supports the measure wants us to ensure the Victoria Cross Grove is “not part of the free-running area”.
- 1.24 One person has on occasion avoided using the proposed area as it is more secluded than the main body of the park and made her feel uneasy. She supports a free exercise area but would prefer this to be the area in front of the café.

### **Not in favour of a defined free-exercise area**

- 1.25 A number of respondents, some of whom live nearby and have used the park daily for many years, say they have never had any issue or problems with dogs or dog owners. Further, they have only ever seen two or three dogs run into the lake over a very long period of time. Others suggest it happens more frequently but rarely causes any damage to the wildlife and has reduced since additional signage was installed.
- 1.26 Several respondents suggest the free-exercise area is too small while the dogs on leads area covers too much of the park. Another suggested they might support the proposal if the meadow area could be properly fenced in as it is too close to the road for comfort.
- 1.27 The issue most frequently raised in respect of the meadow area is how difficult it can be to traverse, particularly in the winter months when it becomes “waterlogged” and “inaccessible”. This was a concern especially for people with limited mobility and for those with small children and pushchairs, there being no tarmac paths in the proposed free-exercise area. One respondent also noted how dark it gets in that area of the park which would discourage some people, particularly women, from using it.
- 1.28 The other issue frequently raised was in respect of joggers. There is a clear belief among many respondents that joggers have driven this dogs-on-leads requirement and that there is vocal anti-dog lobby in Tunbridge Wells.
- 1.29 A fair number of respondents suggested bringing back Park Wardens to enforce the bylaw that currently exists. However, these bylaws are cumbersome, costly and time-consuming to enforce. They must be dealt with by a Magistrates’ Court with no option for disposal via a fixed penalty notice.

### **Conclusion**

- 1.30 Respondents on both sides of the issue offered suggestions of a compromise in terms of times of the day and times of the year. Winter, it was felt, was not a great time of the

year to restrict dog walkers to the proposed area, and similarly many respondents wanted any proposed restrictions – year-round or otherwise – limited to busy times of the day.

- 1.31 Enforcement was also raised as an issue, for both the existing bylaw and the proposed PSPO. Many comments pointed to this being key to getting dogs under control. It was felt that dedicated Park Wardens would make a big difference in this regard.

### **Measure 3 – Dog control at Nevill Ground**

- 1.32 In 2018, after an evenly split vote to the question of an outright ban on dogs at the cricket ground, Cabinet found a compromise in agreeing to a dogs on leads requirement. While this had some early success with regular attendance by enforcement officers it has been reported by those who manage the cricket ground that dogs are often let loose within the ground and dog waste is not always cleared up.
- 1.33 Further, there is a concern that dog excrement may cause a serious infection to a professional sportsperson which may in turn put the use of the ground for county games at risk.
- 1.34 The consultation garnered 196 votes in favour of an outright bans on dogs with 341 respondents voting to either retain the dogs on leads requirement or to have no controls whatsoever.
- 1.35 In terms of comments made by members of the public in responding to the consultation we had 59 from those in support of the outright ban and 164 from those who do not support an outright ban.

#### **In support of an outright ban**

- 1.36 Several respondents whose children play or have played at the ground have been disappointed to see dog mess on the field. Others claims there are “dogs everywhere” and “often off leads” which “invariably lead to fouling, which is often not picked up”. People playing sports should not have to contend with this, one respondent concludes.
- 1.37 Another respondent says that despite notices stating dogs must be on leads most are not. Another says dogs should be prohibited from all areas designated for the playing of sports, at any level, moreso at “one of the best, most picturesque county grounds in the country”.
- 1.38 Another respondent points to Junior Cricket Week, July 2021, when around 60 children were at the Nevill while people were routinely exercising their dogs at the same time. “Needs to be a dedicated sports ground”, they conclude.
- 1.39 The wish for The Nevill to be a dedicated sports ground where dogs are prohibited was a theme running throughout the supporting comments, with one respondent claiming it is “totally inappropriate for dogs to be walked on the cricket ground”.

- 1.40 Several respondents suggest Farmcombe Road open space is within reasonable distance and provides a suitably large space for free exercise. Conversely, another respondent wants dogs banned from there too claiming it has become “a dog toilet made unusable for children’s play”

### **Not in support of an outright ban**

- 1.41 The current compromise of dogs-on-leads was very much reflected as appropriate in comments made by respondents who did not favour an outright ban, claiming a ban would be “hugely unfair”, an “extreme measure” and disproportionate.
- 1.42 Other respondents suggest “all owners are incredibly respectful of the ground” and that “most use the perimeter ... rather than walk on the pitch, even in winter”. Other people’s experience is that “most dogs” are walked on leads at The Nevill.
- 1.43 More regular enforcement visits were seen as key to ensuring the current dogs on leads requirement successfully addresses an issue that many respondents recognise as important. They want the current dogs on leads requirement retained and properly enforced. Park Wardens were again referenced as a way to ensure people follow the rules more consistently.
- 1.44 Some respondents suggest that with a short cricket season it would be wasteful to allow the land to remain unused and unvisited from October to March. Claiming further that the regular presence of dog walkers is a good deterrent to the anti-social behaviour often experienced at the ground.
- 1.45 Some respondents suggest the closest open space for free exercise, Farmcombe Road, is not adequate for a number of reasons, including, waterlogging during the winter, dog mess not cleaned up, the presence of uncontrolled “boisterous, large dogs” with many owners viewing it a “dog park” where rules are irrelevant. The “more controlled environment” of The Nevill offering a “calmer, stress free experience”.
- 1.46 Dog owners’ mobility was also a factor in a number of responses, not only in ensuring local people with mobility issues can get to an open exercise area but also in that Farmcombe Road is not a space that offers level ground for mobility scooters and other assistance-devices and is not well maintained or monitored.
- 1.47 A female respondent remarked that she feels “safe to walk” at The Nevill, with her dog, as it has “clear sight lines” and she also feels comfortable allowing her children to walk the dog there.

### **Conclusion**

- 1.48 There is a recognition that dog fouling is a problem and some dog owners do not pick up after their pets. There is clear frustration with that. It’s also clear that local dog walkers feel a sense of ownership at The Nevill and most have accepted the 2018 dogs on leads compromise. We have heard from many responsible dog owners and they would not want to lose this space, which they value highly.

- 1.49 Conversely, many respondents find it unacceptable that a top-level sports ground such as The Nevill, would permit access to dogs on leads let alone allow them to run freely within the grounds.
- 1.50 Ground regulations for Kent cricket venues (March 2019), requires that pets brought into the ground by spectators must be under complete control of the owner, must be kept on a short lead and that the owner is responsible for cleaning up after them. There appears to be no general regulation on dogs accessing the land outside of match days.
- 1.51 The issue of *Toxocara canis*, which can be dangerous to humans, is often cited as a reason for banning dogs from sports grounds but it's not clear cut. Both dogs and foxes carry the larvae, with one 1997-1998 study showing a greater prevalence in adults foxes (14%) than adult dogs (3%). There may also be seasonal variations.
- 1.52 The biggest criticism of assessing, again, whether or not to impose an outright ban is the lack of consistent enforcement of the current order which many opposers believe would, if improved, be a fairer solution. The Council recognised that this could be an issue, over the longer term, during the 2018 implementation.
- 1.53 We suggest maintaining the status quo – dogs on leads – for a further three years and to only consider re-consulting on this matter if the case can be made for an outright ban that may include an element of compromise for dog walkers that would not limit local people to Farmcombe Road open space where many dogs, it seems, are unleashed and perhaps uncontrolled.

## **Measure 4 – Restrictions to address ASB at Sherwood Lake**

- 1.54 A relatively new development in Sherwood has seen a number of residential properties built close to an existing lake in the woods behind Greggs Wood Road.
- 1.55 The lake and woods are very popular with local residents and by others who visit from further afield. The lake is fished by local residents who often stay for extended periods and it is this presence that is cited as the source of the nuisance behaviour.
- 1.56 While local police officers and PCSOs have attended the location to address anti-social behaviour in response to calls from local residents, issues that occur late at night, during weekends and Bank Holidays are less likely to get a speedy response, or indeed any timely response.
- 1.57 The consultation received 403 votes in support of some form of restriction that would reduce the anti-social behaviour around the lake and better protect the location for all users. 26 respondents did not favour any restrictions.
- 1.58 In addition to the votes cast we received 101 comments from those in favour of restrictions and 11 from those against.

### **In support of some form of restriction**

- 1.59 A good number of people who live adjacent or close to the lake responded to the consultation and provided additional information as to the disturbances they have

experienced. The behaviour they have highlighted mostly disturbs them during the evening and throughout the night, at weekends and during Bank Holidays.

- 1.60 Behaviours most often mentioned include shouting, swearing (at volume), fighting, drunkenness, bite alarm noise and dog barking. Additionally, people who enjoy walking around the lake, some of whom live in Sherwood as well as others who live a little further afield find all sorts of litter, broken bottles, dog mess and human faeces. The litter, they say, is typically “strewn across the fishing hot spots”.
- 1.61 Alcohol use is frequently mentioned in the comments, with some respondents claiming some users of the lake “are always drinking no matter the time of the day”. There is a belief that alcohol use at the lake drives much of the reported anti-social behaviour.
- 1.62 Drug use too, specifically cannabis, is mentioned often but it’s the pungent smell that causes the most concern for people walking around the lake as well as for families living nearby. One comment suggests “far too many [people] use the area as a social gathering for the use of recreational drugs, alcohol consumption”.
- 1.63 The combination of littered pitches with “bivvies and kit spread across the paths” which are narrow in places, drunkenness and cannabis use has led some people to feel “uncomfortable” and “intimidated” and reluctant to make use of what is a fantastic local facility. One respondent states they “no longer visit the woods because it doesn't feel safe”. Other comments share a similar reluctance to go there themselves or with their children.
- 1.64 A good number of respondents were distressed by the killing of a cormorant, which appears to have been deliberately targeted, and a duck early in 2021 and this has added to the reluctance of some locals to use the lake for dog walking or exercise.
- 1.65 There were some positive comments amongst those who support some form of control around the lake, with some respondents stating most people fishing the lake are friendly, they clean up after themselves and they are more aware of their surroundings than others who erect bivvies that encroach on the pathways.
- 1.66 Others recognise that while they don’t live next to the lake they can appreciate that those who do would be disturbed by some of the behaviour, particularly as some fishermen spend the entire night (or nights) at the lake.

### **Not in support of restrictions**

- 1.67 One respondent, who uses the area regularly and does not support our proposals, tells us they “enjoy seeing people fish at the lake” on their “regular late evening walks” and that the people they pass are “well behaved and polite”.
- 1.68 Another says that in the three years they’ve lived nearby there has been “no trouble at the lake” and the people who spend time there “don’t tend to be overly loud”. Further, “bite alarms are to be expected” when you live next to a public lake.
- 1.69 One respondent would rather see an “angling club” set up with “paid membership” and a committee so that rules may be applied and enforced, claiming there are a “couple of people that have caused issues” but these are “not proper anglers”.

- 1.70 Another recognises that the “behaviour of folk can be a challenge” but would rather that challenge was met with some “understanding and charity, rather than prohibition”. However, they go on to say they “support the restriction on alcohol” as it is “pathway to more serious problems”.
- 1.71 One respondent suggests the proposed PSPO is used to restrict fishing to “daytime only” and “no bivvies”.

## **Conclusion**

- 1.72 What’s clear from respondents’ comments is that people on both sides of argument care about this area of Sherwood and there is broad acceptance that residents in nearby properties are disturbed by some of the behaviour at the lake, particularly during the summer when windows are open and families spend time in their gardens.
- 1.73 One or two respondents suggest fishing is banned completely because of the behaviour it attracts but many others recognise the value of this pastime in this particular part of the borough. Even those directly affected by the behaviour, and support some form of restriction, are not calling for a ban and would not support one.
- 1.74 Some comments suggest there are periods during the summer when the lake is used extensively and some people stay overnight or longer, including one period of two weeks. Being locals, they receive regular visitors, and this accentuates all the issues highlighted above.
- 1.75 A good number of respondents were quite certain that without enforcement the PSPO will not address the behavioural issues around the lake.

## **Measure 5 – Late night anti-social behaviour at St Johns Park**

- 1.76 St Johns Park is an open space in St Johns ward with access points off Beltring Road and Reynolds Lane. It is a very well used location popular with families, dog walkers and young people. It hosts a bowling green, tennis courts, a children’s play area, a modest skatepark and a meadow.
- 1.77 Complaints of late night anti-social behaviour have increased over the past two or three years with young people gathering late in the evening or very early morning.
- 1.78 Police have attended and moved people on in response to calls from residents living in nearby properties. However, attendance is dependent on a number of factors and noise nuisance is not a clear priority when tasking police resources. Further, residents may be advised to contact the Council when they call 101 late at night.
- 1.79 We received 419 positive responses to our question on whether some form of restriction, such an overnight curfew, should be imposed on the park. 29 respondents were not in favour of such a restriction.
- 1.80 From those respondents who also provided feedback, 88 spoke in support of a restriction to address the anti-social behaviour while seven spoke against.

## **In support of night-time restrictions**

- 1.81 One respondent who has “lived next to the park for five years” states the anti-social behaviour has been ongoing “for many years” and “should have been dealt with years ago”. Another states they have lived “near the park for 18 years” and is willing to “put up with some noise” but “the drunken/high youngsters leave broken glass” which is just the final straw.
- 1.82 A number of local respondents identify similar issues, including often being “woken up in the night by people yelling and playing loud music”, with one person describing the late-night gatherings as “mini raves” that go on “late into the night” and another saying “it’s like a pub garden that never shuts”. Another states “If it is a nice evening, you can pretty much guarantee it will be ruined by visitors to the park later that night and into the early hours”.
- 1.83 Others recall “foul” and “offensive” language, and many highlight the regular “littering” they find after people have gathered there overnight, including “broken bottles, cans, general rubbish”, “drug paraphernalia” and even “broken glass in the sandpit”.
- 1.84 Others have pointed to vandalism in the park and surrounding roads, including “trees, benches and play equipment” and “damage to cars” and the “paintwork” of other private property.
- 1.85 The absence of “Park Wardens” is again mentioned and several respondents took the opportunity to compliment the former “excellent” groundskeeper who was left with “such a mess to clear up”.

## **Not in support of night-time restrictions**

- 1.86 Two respondents, one of whom lives near Grove Park, do not support the curfew on St John’s Park as we will just be “moving the problem elsewhere”.
- 1.87 Another suggests it might be enough to “make it clear” that they have to gather “further into the park away from houses” and to provide “subtle lighting”.
- 1.88 Several comments suggest young people need “somewhere to go” or somewhere to meet” and there’s “nothing else for them to do”.

## **Conclusion**

- 1.89 Many respondents favour some form of restricted access to the park and some were grateful that the park was locked at weekends during the summer months of 2021 stating they had “seen an improvement” and “it had an impact”. One local resident of 30+ years suggests the issues started to occur after the council stopped locking parks many years ago.
- 1.90 The issue most frequently raised with imposing a curfew is that of enforcement, with one respondent pointing out we already have “laws against drunkenness, disorderly behaviour, littering and criminal damage” so “how about enforcing those first before creating new ones”.

## Measure 6 – ASB in town centre multi-storey car parks

- 1.91 Our town centre multi-storey car parks have often attracted unwelcome behaviour and while we, as a Council, have done much to address this (particularly in respect of anti-social behaviour caused by rough sleepers) the car parks are still popular with young people who occasionally gather there to socialise during the early to late evening.
- 1.92 In response to the consultation 479 respondents favoured restrictions to address anti-social behaviour or loitering in the car parks while 49 were not in favour.
- 1.93 A total of 92 respondents who favoured some form of restriction provided supporting comments while 14 respondents who wanted no action taken also provided comments to support their position.

### In support of restrictions on people gathering in car parks

- 1.94 Respondents to this issue rarely highlighted specific activities (such as skateboarding and free running) as a problem and sympathised with young people who they believe are using the car parks because “there’s nowhere else for them to go”.
- 1.95 Even amongst those who would support a ban on loitering in the car parks they recognise that this would unfairly penalise skateboarders and they would wish the Council (or others) to provide young people with a “safe space” to enjoy their pastime.
- 1.96 That said, people have expressed their experiences of coming across groups of people in car parks, particularly at night, as “intimidating”, “unnerving” and “disconcerting”. The intimidation, one respondent recognises, may “not be intentional”, but that is the effect.
- 1.97 Torrington and Great Hall are mentioned several times with commuters returning to the car park late in the evening and feeling wary of who they may find there. Rough sleepers are mentioned a number of times, as a concern, along with “groups hanging out” to “drink and smoke”.
- 1.98 Several comments from women point to groups of people loitering in the car parks as making them feel unsafe, particularly at night.

### Not in support of restrictions

- 1.99 One respondent who, at some time in the past, used car parks “as a place to chill” hasn’t witnessed any “negative behaviour” asking us to note that “kids hanging out is not a negative thing and should not be treated as such”.
- 1.100 Other respondents want the Council to “show interest” in the skateboarding and BMX communities. Others wish for us to engage with relevant instructors to provide young people with an outlet, referencing recent Olympic successes as a reason to encourage engagement.
- 1.101 Other respondents would like to see the car parks serve a dual purpose, with times or levels or specific areas made safe and preserved for skateboarders or free runners,

giving them a sense of “ownership and responsibility” and perhaps under tutelage from qualified instructors. This was also true of some who supported the proposal.

- 1.102 Some respondents point to a lack of bins, and public conveniences that are closed of an evening as reasons why people gathering in these areas leave litter behind or urinate where they can.

## Conclusion

- 1.103 As with other measures we consulted on there is a great deal of tolerance amongst the responses, whether in support of restrictions or not.
- 1.104 The physical activities themselves, whether that’s skateboarding, BMXing or free running, are not seen as an issue by the vast majority of respondents but there is a recognition that multi-storey car parks can be intimidating places in their own right, especially at night and if alone.
- 1.105 Groups hanging out of an evening cause people to feel anxious, and if they are boisterous and drinking alcohol or smoking cannabis there’s a greater sense of unease.
- 1.106 A number of people suggested the presence of rough sleepers and their pitches can also be intimidating and contributes to some of the behaviours mentioned above. However, a great many more sympathise with their plight and would not want a PSPO used against them. To be clear, the definition of ‘loitering’ does not apply to rough sleeping and we will not be using a PSPO to ban rough sleepers from public spaces.

## 2. Options Considered

### Measure 1 – Southborough roads

- 2.1 **Renew, remove or vary the current order:** The order now feels excessive for the full length of the three side roads and perhaps is also unnecessary on London Road having not been enforced in over a decade. We should look to remove orders where they have proved successful over the longer term and are no longer needed.

### Measure 2 – Dunorlan Park

- 2.2 **Do nothing, require dogs on leads throughout the park, require dogs on leads in a defined area:** Requiring dogs be kept on leads through the park is not a reasonable option but to do nothing would not address the ongoing dog-related complaints we receive every year and those that have been shared in the consultation. We believe introducing a free exercise area is a fair compromise that would provide for a better overall experience for the many visitors who enjoy the park for a variety of reasons.

## Measure 3 – The Nevill Ground

- 2.3 **Retain the dogs on leads requirement, remove the requirement altogether or introduce an outright ban on dogs entering the ground:** Most people are in favour of retaining the dogs on leads requirement as it is seen as a sensible compromise. An outright ban on dogs is not favoured by the majority of those who responded to the consultation and a strong and conclusive case for an outright ban has not been made.

## Measure 4 – Sherwood Lake

- 2.4 **Do nothing, dispatch patrols as required or restrict activities to certain parts of the lake at specific times of the day or year:** To do nothing would see no change in behaviour and a continuation of the complaints outlined in this report. Patrols have been dispatched in response to residents' calls about anti-social behaviour affecting them or their family, but it does not address the issues over the longer term.

## Measure 5 – St John's Park

- 2.5 **Do nothing, dispatch patrols in response to complaints, or lock the gates:** We have received regular complaints about late-night anti-social behaviour in the park over a number of years. If nothing is done this is likely to continue. Patrols attend when they can and some individuals have been spoken with. We tried locking the gates at weekends (9pm, Fridays and Saturdays) as often as we could through the summer of 2021. This proved successful, to a degree, but is not sustainable over the longer term.

## Measure 6 – Multi-storey car parks

- 2.6 **Do nothing, increase security patrols, continue to dispatch outreach workers:** To do nothing would see a continuation of complaints from residents, commuters and others at a time when we would like to see an increase in visitors to our town. An increase in security patrols may take place if the order is introduced to ensure people loitering in the car parks are moved on.
- 2.7 The order would also support the efforts of the current security detail who patrol early evenings to move people on when anti-social behaviour is identified and there is no reasonable reason for people to be in the car parks.
- 2.8 Any order brought in under this project will not seek to prohibit rough sleeping in the car park. There is already an order in place to address anti-social behaviour related to rough sleeping and this, as well as additional support from our Housing Team may have had a positive impact.
- 2.9 The Community Safety Team will continue to dispatch outreach workers, regardless of the outcome.

### **3. Preferred Option and Reason**

#### **Measure 1 – Southborough roads**

- 3.1 Many respondents are fearful of an “inevitable” return of alcohol-related anti-social behaviour if the order is removed. A compromise may address those concerns.
- 3.2 Given the concern expressed by those who took the time to engage with the consultation our preferred option is to partially retain the current alcohol control measure.
- 3.3 Retain the order on London Road and the length of Holden Park Road that extends as far as the convenience store but exclude Meadow Road and Springfield Road. See map at Appendix F.

#### **Measure 2 – Dunorlan Park**

- 3.4 The Parks & Sports Team Leader’s preference is to establish a year-round requirement for dogs on leads in the formal area of the park.
- 3.5 A map of the proposed ‘unrestricted exercise’ area is shown in Appendix E

#### **Measure 3 – The Nevill Ground**

- 3.6 Farmcombe Road open space was not favoured by any respondent as a suitable place to take dogs for a variety of reasons, most of which appear reasonable.
- 3.7 There is some dispute as to whether the dogs on leads requirement implemented in 2018 has proved successful. According to the land managers it certainly hasn’t eradicated dog fouling at The Nevill and dogs are still let off their leads.
- 3.8 However, the report author feels a conclusive case for an outright ban has not been made therefore our preferred option is for a continuation of the current dogs on leads requirement.
- 3.9 We further recommend the landowner and/or the land managers make the case to the Council for an outright ban prior to any further public consultation on this matter when the dogs on leads requirement, if renewed, expires in 2024.

#### **Measure 4 – Sherwood Lake**

- 3.10 Issues at the lake may be easily resolved if reasonable restrictions are applied and consistently enforced. However, the Police and Crime Commissioner, in response to our broad proposals, advised that it is his priority to ensure any PSPOs have a minimal impact on frontline policing. If enforcement is unlikely to take place as often as

residents might wish, particularly very late at night when disturbances are likely the most detrimental, then the order will prove ineffective.

- 3.11 It would therefore seem sensible to consider other, more local solutions, perhaps with local fishers on the type of order imposed and the possibility of an angling club which may go some way to enforcing their own regulations, as well as with land managers on possibilities of re-engineering the land to afford greater protection for residents living in houses that have since been built close to the lake. This way a self-enforcing and workable compromise might be found.
- 3.12 We recommend that further conversations with the landowners, land managers and Kent Police take place, as well as discussions with local residents and those who fish the lake, supported by ward councillors who have taken an interest in both sides of the argument, before further action is taken in respect of implementing an order at this location.

## **Measure 5 – St John’s Park**

- 3.13 Without enforcement a curfew at St John’s Park is unlikely to stop the reported issues from occurring. Given that the issues that cause the most disturbance occur late at night nearby residents would be looking for regular and prompt attendance. However, this expectation may not be met as the only available resource overnight is Kent Police. The PCC in his response to our proposals, advised that it is his priority to ensure any PSPOs have a minimal impact on frontline policing.
- 3.14 As with Measure 4 I believe it would be sensible to look at what other resources we can bring to bear to ensure we meet the PCC’s priority of a minimal impact on frontline policing as well as ensuring a robust and workable order is conceived.

## **Measure 6 – Multi-storey car parks**

- 3.15 Our preference is for a no loitering order that would allow for discretionary enforcement by authorised officers.
- 3.16 It is widely understood that young people socialise in these spaces as they provide a level of safety, warmth and light. Young people would also tell us they have nowhere else to go. What is less understood is the age groups of those who loiter here – the PSPO cannot be used against anybody under the age of 16. We must also be wary of displacement of unwanted behaviours to other more sensitive areas.
- 3.17 Conversely, groups and individuals who are in the car parks for any other purpose than that of parking can lead to anxiety and concern amongst genuine car park users, putting them off visiting again.
- 3.18 While not related directly to anti-social behaviour there is a risk and a danger to those who may choose to skateboard, cycle, play football or hold fitness training sessions in a space shared with motor vehicles. The Council has a duty of care to ensure that our car parks operate as safely as possible at all times, by discouraging as far as we can, such unauthorised activities.

- 3.19 We must also ensure that any order we wish to place on our multi-storey car parks does not unfairly discriminate against rough sleepers and that the order would not be a ban on rough sleeping.
- 3.20 Authorised officers would be TWBC staff. While Kent Police would not be the primary enforcement agency there would be a reasonable expectation that Kent Police officers would seek compliance with the order if attending relevant locations following a complaint.
- 3.21 Enforcement in the form of a fixed penalty notice, if required, would be undertaken by Council officers while police could, if called to the area, move people on or take personal details of those who remain so that TWBC may consider if further action is necessary.
- 3.22 We recommend further conversations take place with outreach agencies such as KCC Early Help, Kenward Trust and St Giles Trust, as well as the senior officers with responsibility for the Tunbridge Wells Local Policing Team.

## 4. Consultation on Options

- 4.1 This report is the result of a public and stakeholder consultation. The online public consultation ran from 16 July 2021 to 29 August 2021.
- 4.2 All but a handful of the submissions were received via the online consultation form, with seven residents choosing to respond via email. Paper copies were made available at Gateway, Paddock Wood Town Council and Cranbrook and Sissinghurst Parish Council offices.
- 4.3 During July, while visiting Sherwood, TWBC's Community Safety Manager held brief (~30 minute) discussions with one party affected by the behaviour at Sherwood Lake and, separately, with several men who regularly fish at the lake.
- 4.4 Stakeholders were contacted between 14 and 29 July 2021. All recipients confirmed receipt of relevant documentation.
- 4.5 The Kennel Club, in their response to the consultation, took the opportunity to encourage the Council to employ further proactive measures to help promote responsible dog ownership, such as increasing the number of bins, ensuring dog owners know that bagged dog faeces can be disposed of in normal litter bins, and using poster campaigns to encourage dog owners to pick up after their dog.
- 4.6 In respect of out-of-control dogs The Kennel Club suggest we consider targeting irresponsible owners with an 'on lead by direction' order rather than a blanket restriction, running responsible ownership and training events, and applying seasonal restrictions rather than year-round.
- 4.7 The Police and Crime Commissioner, in his response to the consultation – and in particular the Sherwood Lake and St John's Park proposals – reminded us that it is his "priority that all PSPO's have a minimal impact on front line policing" and encouraged further discussions with local police chiefs to this end.

- 4.8 Other stakeholders offered broad support for the measures depending on the outcome of the public consultation.
- 4.9 Appendix A contains further details

## 5. Implementation

- 5.1 Measures 1 and 3: The current short-term orders on The Nevill Ground and selected roads in Southborough expire on 24 December. If extensions or variations are approved there is sufficient time to publicise, draft or redraft the orders to ensure continuation of the existing measures.
- 5.2 Measure 2: The proposed order for dog control at Dunorlan must be drafted and published, publicised appropriately with sufficient signage installed. The implementation of this order is not time-bound and, if approved, could be completed early 2022.
- 5.3 Measures 4, 5 and 6: These three orders are complex to implement in a way that will produce results that are acceptable to residents and users of the open spaces to which they apply. Further conversations will take place with key stakeholders and others to ensure workable solutions are found and brought back to Cabinet in April 2022 for approval.
- 5.4 Additionally, for measures 4, 5 and 6 there are other tasks that need to be completed ahead of implementation. Amongst them are the drafting and publishing of the orders, undertaking an equalities impact assessment, modifying fixed penalty notice software, agreeing on enforcement opportunities and designing and ordering signage for the three locations.
- 5.5 A further report will bring these actions and activities together in a way that satisfies legislation and government guidance. A task list detailing the outstanding actions has been shared with the relevant portfolio holder.
- 5.6 Further implementation details are provided in Appendix B.

## 6. Appendices and Background Documents

Appendices:

- Appendix A: PSPO 2021 Promoting the Consultation
- Appendix B: PSPO 2021 Further Details on Implementation
- Appendix C: PSPO 2021 Consultation Discrepancies
- Appendix D: PSPO 2021 Equality and Diversity
- Appendix E: PSPO 2021 Map of Dunorlan Unrestricted Exercise Area
- Appendix F: PSPO 2021 Map of London Road and Holden Park Road (partial)

- Appendix G: PSPO 2021 Confirmation of Necessary Actions

## **7. Cross Cutting Issues**

### **A. Legal (including the Human Rights Act)**

By s.59 of the 2014 Act, local authorities may make a PSPO if satisfied "on reasonable grounds" that two conditions are met.

The first condition is that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice.

PSPO's may prohibit certain actions or may require specified things to be done: s.59(4). In either case however, the provisions must prevent or reduce the identified detrimental effect.

The Local Authority must carry out the necessary consultation, publicity and notification before making, extending and/or varying a PSPO.

\ite lotusRobin Harris, Team Leader (Contentious), 12/11/2021

### **B. Finance and Other Resources**

The Council currently has a significant budget deficit for 2022/23 and does not have the ability to provide additional security, cleaning and maintenance services or bin collections. It must also be understood that there is a risk of public and employee injury associated with antisocial or inappropriate behaviour, for which the council could be found liable if not deemed to have made every effort to prevent it in spaces owned and managed by the council.

Jane Fineman, Head of Finance & Procurement, 27/10/2021

### **C. Staffing**

[Report author to insert comment on staffing arrangements including if there are any implications on staffing levels or structures. If this is covered in the report, the relevant sections can be referred to here. An HR officer will need to check the report.]

[Name, title and date of HR officer who signed off the report]

### **D. Risk Management**

[Report author to insert comment on managing risks arising from the report including whether the matter is included in the strategic risk register, or if it should be, how the risks will be managed. Advice can be sought from the Head of Audit.]

[Name, title and date of report author]

## E. Environment and Sustainability

[Report author to insert comment on if/how the proposals care for the environment. Consideration must be given to our legal obligations. The Sustainability Officer must be consulted on the report].

Section 40, National Environment and Rural Communities Act 2006

*40(1) Every public authority must, in exercising its functions have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*

Section 85, Countryside and Rights of Way Act 2000

*85(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*

[Name, title and date of Sustainability Officer who signed off the report.]

## F. Community Safety

This report sets out a number of proposals for addressing and reducing anti-social and unwanted behaviour in key areas, thereby increasing community safety. Further conversations around measures to address anti-social behaviour in areas that are popular with young people (St John's Park and multi-storey car parks, for instance) should help to ensure requirements or prohibitions do not introduce unintended consequences or result in displacement of issues to more sensitive areas.

Terry Hughes, Community Safety Manager, 28/10/2021

## G. Equalities

[Report author to insert comment on if/how the proposals affect equalities issues. Consideration must be given to our legal obligations. The Performance and Governance team must be consulted on the report. A separate Equalities Impact Assessment may be required].

Section 149, Equality Act 2010

*149(1) A public authority must, in the exercise of its functions, have due regard to the need to –*

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

## H. Data Protection

[Report author to insert comment on if/how the proposals affect data protection issues. Consideration must be given to our legal obligations. The Performance and Governance team must be consulted on the report. A separate Data Protection Impact Assessment may be required].

Article 5, General Data Protection Regulation 2016

*1. Personal data shall be:*

*(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;*

*(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;*

*(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*

*(d) accurate and, where necessary, kept up to date;*

*(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;*

*(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

[Name, title and date of Data Protection Officer who signed off the report.]

## I. Health and Safety

In addition to the issues related to anti-social behaviour and loitering in multi-storey car parks, and the anxiety this can cause to legitimate users of the car parks, particularly after dark, TWBC have a responsibility to reduce risks to persons who access and use their areas of land and property. The TWBC owned areas noted in this report are areas where there has been a history of issues in the past.

Mike Catling, Corporate Health and Safety Advisor, 05/11/2021

## J. Health and Wellbeing

The health and wellbeing of residents has been taken into consideration throughout the report, specifically in relation to reducing anti-social behaviour, preventative measures for

alcohol misuse and encouraging physical activity opportunities. Ensuring park/grounds are safe and suitable for exercise of all members of the public will have a positive impact on physical and mental health and wellbeing. Dog control measures from feedback shows that it will support the use of the park, however location of free exercise space for dogs should be carefully considered to ensure this does not discourage dog walkers. Additional conversations on antisocial behaviour are supported with the ultimate aim of increasing local resident's mental wellbeing by reducing disturbances, as well as to improve the locations as areas for residents to exercise and enjoy.

Rebecca Bowers, Health Improvement Team Leader, 28/10/2021