

Tunbridge Wells Borough Council
Public Spaces Protection Orders 2022

Anti-social Behaviour, Crime and Policing Act 2014

Relevant sections of the legislation

Section 59 (2) The first condition is that—

- (a) 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
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

Section 72 (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—

- (a) making a public spaces protection order,
- (b) extending the period for which a public spaces protection order has effect, or
- (c) varying or discharging a public spaces protection order.

(4) In subsection (3)—

“the necessary consultation” means consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

- (a) in the case of a proposed order or variation, publishing the text of it;
- (b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

All relevant stakeholders were engaged for the purposes of notification or consultation on **14 July 2021**.

Necessary consultation and notification

included: The Chief Constable, Chief Inspector, CSU Inspector, Police and Crime Commissioner, Greg Clark MP, KCC Community Safety, relevant 'Friends' (parks) groups and land managers.

A Members Briefing was held on 16 July 2021 and further confirmation was provided to all parishes on 27 August 2021. A further Members Briefing related to the three locations that are the subject of this report was held on 4 February 2022.

Necessary publicity

Proposals were published as part of the report that went to Cabinet on 2 December 2021 and draft orders will be uploaded to the Council's website (along with some explanatory plain-English text) prior to the March 2022 Communities CAB meeting.