

Dartford Borough Council

Proposal for Public Spaces Protection
Order in Dartford Town Centre
Questionnaire

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DARTFORD
BOROUGH COUNCIL

Public Spaces Protection Order in Dartford Consultation

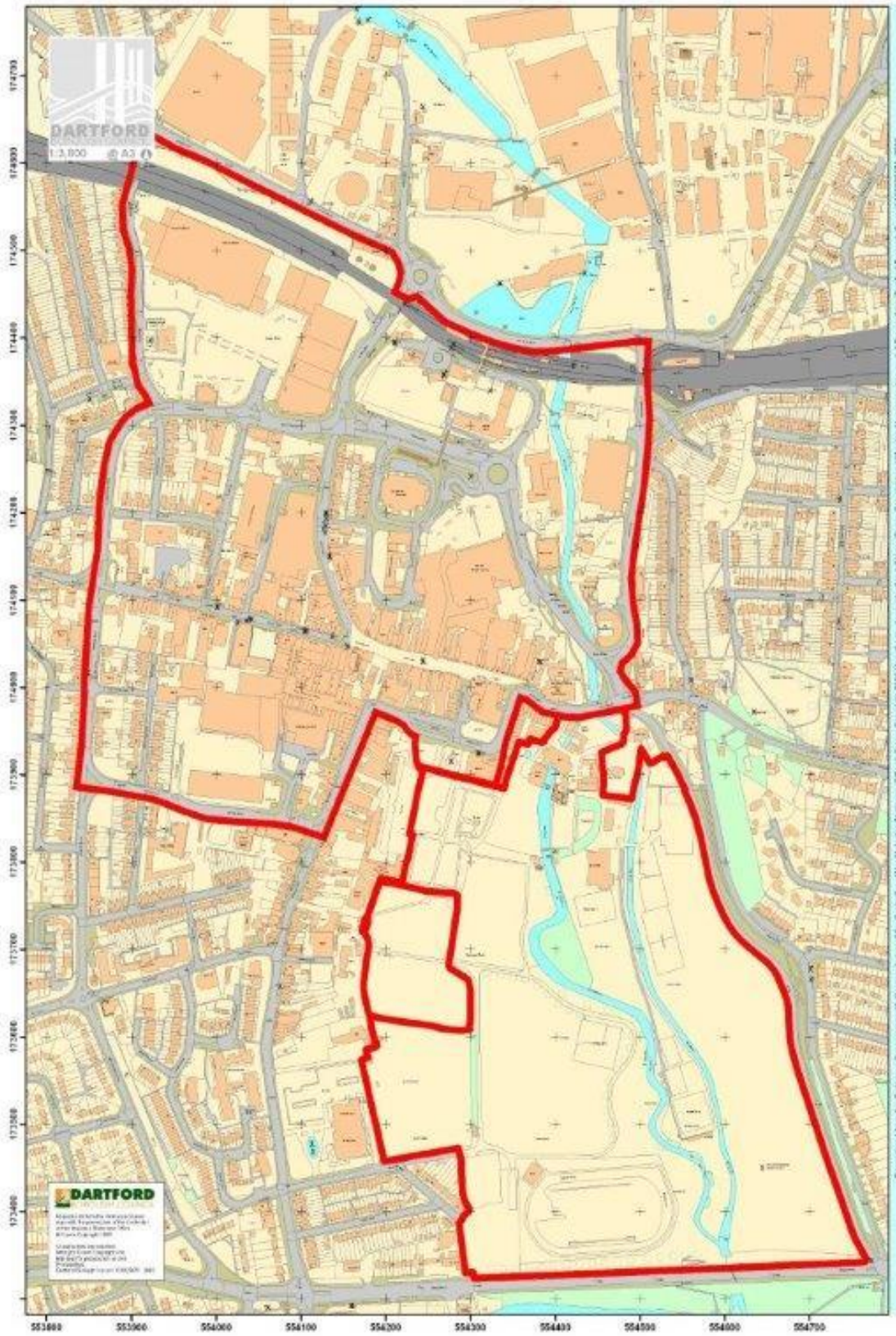
Dartford Borough Council is consulting on the continuation of the Public Spaces Protection Order of an area of Dartford known as Dartford Town Centre. The area takes in the main retail part of the town, along with the Central Park Area (see outlined area of map below). This will allow the Council to continue to address anti-social behaviour issues and help improve public spaces in this area.

The Anti-social Behaviour, Crime and Policing Act 2014 provides for simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. One of the powers introduced is the Public Space Protection Order (PSPO).

A PSPO allows local authorities to tackle anti-social behaviour happening in public places such as car parks, parks, streets, recreation grounds and play areas. It can be used to tackle behaviour that most reasonable people would think is not appropriate in a public place – for example, behaviour associated with drinking alcohol, littering, public urination and intimidating behaviour. Everyone should be able to enjoy and make use of the public spaces in the Borough responsibly and without causing a nuisance to other people. A breach of a PSPO is an offence which is punishable by a fine in the form of a fixed penalty notice or prosecution through the Magistrates' Court. A PSPO can be enforced by Police Officers, Police Community Support Officers, and authorised Local Authority Officers, such as Park Rangers, Civil Enforcement Officers and LA Support (Kingdom) Services, who currently enforce litter violations.

The Council is aware of anti-social behavior and the anti-social use of vehicles within Dartford Town Centre, specifically in some of the Town Centre car parks. In addition, the Council wishes to continue to confront anti-social behaviour related to drinking alcohol in public places.

The Council believes that having the PSPO, alongside other initiatives and powers will assist its efforts to curb these types of behaviors which will help provide an environment where law abiding people feel safe to enjoy their town. In the meantime, the Council wants to hear the views of residents, visitors and businesses within the area that fall within the Boundary of the PSPO.



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How to complete this questionnaire

- Please use a black pen.
- Please read each question carefully and cross a box to indicate your answer, for example
- If you make a mistake, just shade in the box and put a cross in the one you want.
- Some questions may ask you to write in a box. Please try to keep your answer within the space provided.
- If there are any questions you do not wish to answer, please feel free to leave them blank.
- Once you have completed the questionnaire, please return it by xxxxxxxxx 2020.

If you are under 16, you will need the signature of a parent/guardian. Please see Q16 at the end of the questionnaire.

Accessing Dartford Council information and Services

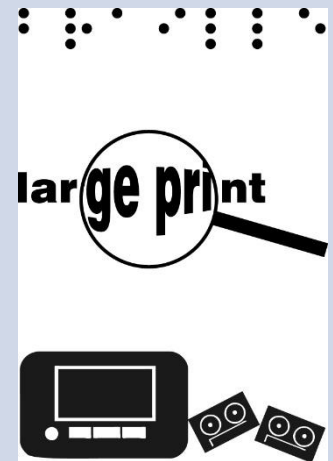
If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.

Tel: 01322 343434

Fax: 01322 343432

Email: customer.services@dartford.gov.uk

Calls are welcome via NGT Relay



ਪੰਜਾਬੀ Punjabi	தமிழ் Tamil	Polski Polish	česky Czech	简体中文 Mandarin	Français French
01322 343610	01322 343611	01322 343612	01322 343613	01322 343614	01322 343615

1. Are you responding as a...? Please cross all that apply.

- Local resident who lives in the outlined area shown on the map
- Resident who lives outside the outlined area shown on the map
- Person who works in the outlined area shown on the map
- Local business owner/manager
- Visitor to the outlined area shown on the map (e.g. tourist, on business, shopper)
- Local Borough, Town or Parish Councillor
- Representative of a local community or voluntary group
(please state the name of the group and postcode below)

- Other (please state below)

2. How often do you visit the outlined area of Dartford shown on the map? Please cross only one option.

- I live in the outlined area shown on the map
- Almost every day
- At least once a week
- About once a month
- Within the last six months
- Within the last year
- Longer ago
- I have never visited this area of Dartford

3. **How safe or unsafe do you feel when outside DURING THE DAY in the outlined area of Dartford shown on the map? Please cross only one option.**

- Very safe
- Fairly safe
- Neither safe nor unsafe
- Fairly unsafe
- Very unsafe
- Don't know
- Not here during the day

If you answered 'fairly unsafe' or 'very unsafe' please tell us the reasons why

4. **How safe or unsafe do you feel when outside AFTER DARK in the outlined area of Dartford shown on the map? Please cross only one option.**

- Very safe
- Fairly safe
- Neither safe nor unsafe
- Fairly unsafe
- Very unsafe
- Don't know
- Not here after dark

If you answered 'fairly unsafe' or 'very unsafe' please tell us the reasons why

5. How much of a problem, if at all, do you think each of the following are to people living in, working in or visiting the outlined area of Dartford shown on the map?
Please cross one answer on each row.

	Very big problem	Fairly big problem	Not a big problem	Not a problem at all	Don't know/not applicable
People being drunk or rowdy in public spaces (e.g. parks and streets)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People using legal highs and behaving erratically in public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People urinating/defecating in public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People sitting in parked cars and playing loud music at night	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People loitering around parked cars in car parks at night	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cars racing in car parks or otherwise causing a nuisance at night	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other - please write in the box below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The next 3 pages outline the proposed Public Spaces Protection Order for Dartford Town Centre

PUBLIC SPACES PROTECTION ORDER 2016 – DARTFORD TOWN CENTRE

Anti-social Behaviour, Crime and Policing Act 2014

1. Notice is hereby given that Dartford Borough Council ("the Council") hereby makes the following Public Spaces Protection Order under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"). The Council has complied with the statutory requirements of Section 72 of the Act and undertaken the necessary consultation.
2. The Order may be cited as The Dartford Borough Council Public Spaces Protection Order - Dartford Town Centre.
3. The Order takes effect on [date to be inserted following assessment of consultation responses] and will remain in force for three years thereafter.
4. This Order applies to the land described in Schedule 1 ("the Restricted Area") and as shown edged red on the attached plan ("the Order Plan").
5. The effect of the Order is to prohibit and/or restrict the activities listed in this Order and to impose specific positive requirements.
6. The Council is satisfied that the activities listed in this Order have been carried out within the Restricted Area and that they have a detrimental effect on the quality of life of those in the locality. The effect of the activities is of a persistent or continuing nature and is such as to make the activities unreasonable and justifies the prohibitions, restrictions and requirements imposed by this Order.

7. Intoxicating substances

'intoxicating substances' means substances with the capacity to stimulate or depress the central nervous system (i.e. illegal drugs or psychoactive substances (the latter being commonly referred to as 'legal highs')

Exemptions will apply in cases where the substances are used for a valid and demonstrable medicinal use (human and animal), including prescription medication, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food and/or health and safety legislation.

- i. Persons within the Restricted Area will not ingest, inhale, inject, smoke, process or otherwise use intoxicating substances.
- ii. Persons within the Restricted Area will not have in their possession any open containers of intoxicating substances.
- iii. Persons within the Restricted Area will not have any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes and needles (save for those packaged and sealed by the manufacturer and stored in a hard case).

iv. Persons within the Restricted Area will not sell or supply intoxicating substances.

8. **Use of motor vehicles**

'highway' has the meaning given by section 328 of the Highways Act 1980

'motor vehicle' means a mechanically propelled vehicle, intended or adapted for use on roads as defined in Section 185(1) of the Road Traffic Act 1988 and Section 136(1) of the Road Traffic Regulation Act 1984

'keeper' in relation to a motor vehicle means the person by whom the vehicle is kept at the time when the offence in question occurs, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper

'registered keeper' in relation to a registered vehicle, means the person in whose name the vehicle is registered

'registered vehicle' means a motor vehicle which is for the time being is registered under the Vehicle Excise and Registration Act 1994

Exemptions will apply to service vehicles for the purpose of maintenance and repair of the Restricted Area, mobility vehicles being used by disabled persons, disabled blue badge holders and to persons with lawful permission to use any part(s) of the Restricted Area.

- i. Persons will not enter the Restricted Area in motor vehicles between the hours of 8p.m and 6a.m Monday to Sunday for the purpose of engaging in motor vehicle displaying and racing.
- ii. Persons will not gather in the Restricted Area with others between the hours of 8p.m and 6a.m Monday to Sunday for the purpose of preparing motor vehicles for racing or preparing motor vehicles for displaying or racing.
- iii. Persons will not attend or gather in the Restricted Area between the hours of 8p.m and 6a.m Monday to Sunday for the purpose of watching motor vehicles being displayed or raced.
- iv. Persons will not congregate and loiter in groups and engage in behaviour which is likely to cause harassment, alarm or distress between the hours of 8p.m and 6a.m. Monday to Sunday.
- v. Any person being a keeper will not perform any of the following activities in the Restricted Area between the hours of 8p.m and 6a.m Monday to Sunday:
 - (a) revving of engine(s) (as to cause a nuisance);
 - (b) repeated sudden and rapid acceleration (as to cause a nuisance);
 - (c) racing;
 - (d) performing stunts (as to cause a nuisance);

- (e) sounding horns (as to cause a nuisance);
- (f) playing music in a motor vehicle (as to cause a nuisance);
- (g) using threatening, intimidating behaviour towards another person.

9. **Alcohol**

At all times, persons will not consume alcohol or have an open alcohol container in the Restricted Area, unless subject to the exemptions listed in Schedule 2.

10. **Other forms of anti-social behaviour**

At all times, persons will not in the Restricted Area:

- i. litter;
- ii. urinate or defecate (unless in a toilet facility);
- iii. swear, shout, or act in a threatening manner;
- iv. act in a manner that is causing or is likely to cause, harassment, alarm or distress.

11. **This Order imposes the following positive requirements:**

'authorised officer (s)' means a police officer, police community support officer or an authorised Council officer

Persons within the Restricted Area will, on the request of an authorised officer(s):

- i. surrender any open containers of intoxicating substances in their possession;
- ii. surrender to the authorised officer(s) any item used to assist in the taking of intoxicating substances and comply immediately with the authorised officer(s) reasonable request to secure safe disposal of any needles in their possession not sealed and stored, as referred to in paragraph 7(iii.) above;
- iii. cease and remove any obstruction from the highway, whether moving or stationary, including driving in convoy;
- (iv) cease consuming alcohol (or anything which the authorised officer(s) reasonably believes to be alcohol) and surrender to the authorised officer(s), any open containers of alcohol in their possession.

12. **Offences**

Failure, without reasonable excuse, to comply with a prohibition or restriction imposed by paragraphs 7, 8, 9 and 10 or to comply with a requirement of an authorised officer(s) under paragraphs 11.i, 11.ii and 11.iii of this Order, is a summary offence under Section 67 of the Act. A person guilty of an offence under Section 67 is liable on summary

- i. conviction to a fine not exceeding level 3 on the standard scale, or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.00.
- ii. Failure to comply with a requirement of an authorised officer(s) under paragraph 11.iv of this Order, is a summary offence under section 63 of the Act. A person guilty of an offence under Section 63 is liable on summary conviction to a fine not exceeding level 2 on the standard scale or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.00.

The Common Seal of **The Dartford Borough Council**

was hereunto affixed in the presence of:

Head of Legal Services

Made this xxx day of xx 2020

SCHEDULE 1 – Restricted Area

The land to which this Order applies includes the following:

Dartford Town Centre, including Westgate Multi-storey Car Park and [insert names of streets/roads]

ORDER MAP

[insert]

SCHEDULE 2

1. The prohibition on alcohol in paragraph 9 of this Order does not apply to:
 - (a) Premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) A place within the curtilage of premises within paragraph (a) or (b);
 - (d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
 - (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under s115 of the Highways Act 1980 (highway-related uses).
2. The prohibition on alcohol in paragraph 9 of this Order does not apply to council-operated licensed premises or land:
 - (a) When the premises or land are being used for the supply of alcohol; or
 - (b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.

CHALLENGING THE VALIDITY OF THE ORDER

“interested person” means an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area

An interested person may apply to the High Court to question the validity of -

- (a) this Order, or
- (b) a future variation of this Order.

An interested person may apply to the High Court within six weeks from the date on which the Order is made, on the grounds that:

- (a) the Council did not have the power to make the Order or variation, or to include particular prohibitions, restrictions or requirements imposed by the Order (or by the Order as varied);
- (b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.

6. Do you support the use of the Public Spaces Protection Order as outlined within the area of Dartford Town as shown on the map?

Please cross only one option.

Yes No Don't know

Please say why

7. Do you have any other comments regarding the Public Spaces Protection Order?

8. What is your postcode?

9. Are you? Please cross one option only.

Male Female

10. Is this the gender you were born into? Please cross one option only.

Yes No

11. Age group: Please cross one option only.

I am under 16

Signature of parent/guardian:

About You

The following questions are to help us understand how a Public Spaces Protection Order would impact different groups of people. You can leave blank any of the questions that you do not want to answer. We do not need your name, and we will keep all of your information secure and strictly confidential.

Note: If you are answering on behalf of a local community or voluntary group, then you don't need to complete this section.

16-24

25-34

35-44

45-64

65-74

75+

12. Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age. Please cross one option only.

- Yes No

13. Please tell us about any disabilities that you may have. Please cross all that apply.

- Physical impairment that causes mobility issues (for example, wheelchair user)
- Learning disability or difficulty Mental health
- Visual impairment Hearing impairment
- Long standing illness or health condition
- Other, please tell us below

14. What is your religion? Please cross one option only.

- Christian Buddhist Hindu
- Jewish Muslim Sikh
- None Prefer not to say
- Other (please state below)

15. Are you? Please cross one option only.

- Heterosexual / Straight Gay or Lesbian Bisexual
- Prefer not to say Other (please state below)

16. What is your ethnic background? Please cross one option only.

White

- English/Welsh/Scottish/Northern Irish/British
- Irish
- Any other White background (Please tell us in the box below)

Black or Black British

- Caribbean
- African
- Any other Black background (Please tell us in the box below)

Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background (Please tell us in the box below)

Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background (Please tell us in the box below)

Other ethnic group

- Arab
- Other ethnic group (Please tell us in the box below)

Travelling Community

- Gypsy/Roma
- Traveller of Irish descent
- Other member of the travelling community (Please tell us in the box below)

Thank you for completing the survey. Please return it to the following address by XXXXXXX:

**Public Spaces Protection Order consultation
Dartford Borough Council
Home Gardens
Dartford
DA1 1DR
Email: xxx**