

**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

**Protocol Form**

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| <b>Measure 3</b>                         | <b>No urinating, spitting or defecating in a public place</b>   |
| <b>Purpose</b>                           | <p>This measure is designed to make it an offence to urinate or defecate in public (obviously excluding public toilets).</p> <p>There have been numerous complaints about people urinating in public. The impact this can have on the image of the district is significant and causes a number of issues to local businesses.</p> <p>The measure also covers spitting in public.</p> <p>Individuals are required to cease urinating, spitting or defecating in designated restricted areas, as directed by authorised officers.</p> |
| <b>Test</b>                              | <p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>   |
| <b>Prevention and Education agencies</b> | <ul style="list-style-type: none"> <li>• A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone &amp; Hythe Community Safety Partnership.</li> </ul>   |
| <b>Prevention and Education activity</b> | <p>Activity will include:</p> <ul style="list-style-type: none"> <li>• Foot patrols and multi-agency operations in hot spot areas.</li> <li>• Action tasking to weekly Community Safety Unit meeting.</li> <li>• Awareness raising through promotional signage, posters and media messaging.</li> <li>• Delivery of awareness raising events and activity including: <ul style="list-style-type: none"> <li>○ Professionals training and information sessions</li> </ul> </li> <li>• Signposting to:</li> </ul>                     |

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|                            | <ul style="list-style-type: none"> <li>○ Adult Social Services</li> <li>○ Children’s Social Services</li> <li>○ Mental Health Services</li> <li>○ Kent County Council youth outreach detached working</li> <li>○ Outreach support - Aspire Project, Urban Pastors</li> <li>○ Housing Services – Rainbow Centre, Sanctuary Housing, Porchlight</li> <li>○ Engagement with health and wellbeing services.</li> <li>● Partnership working with: <ul style="list-style-type: none"> <li>○ Street cleansing teams to address cleansing needs</li> <li>○ Folkestone &amp; Hythe District Council (FHDC) Property, Grounds Maintenance and Area Officer teams to consider target hardening measures etc.</li> </ul> </li> </ul>  |
| <b>Authorised Officers</b> | <p>Kent Police will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.</p>  |
| <b>Penalty on breach</b>   | <ul style="list-style-type: none"> <li>● Breach is a criminal offence</li> <li>● Designated Kent Police Officers and PCSO’s (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>● A maximum penalty on conviction of £1,000</li> </ul>  |
| <b>Process</b>             | <p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates’ court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p> <ul style="list-style-type: none"> <li>● That they had reasonable excuse for non-compliance with the PSPO.</li> </ul> |

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|                        | <ul style="list-style-type: none"><li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li></ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p> |
| <b>Data Collection</b> | See data collection document.   |