

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

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

Protocol Form

Measure 5	Control of anti-social street entertainment
Purpose	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place associated with street entertainment.</p> <p>No person shall perform any type of street entertainment that causes a nuisance to nearby premises or members of the public. This includes obstructing the highway or shop entrances, or using street furniture including public seats, lamp posts and railings.</p> <p>Persons are prohibited from making excessive noise (such as amplified music) that causes harassment, alarm or distress.</p> <p>Individuals or groups are required to cease street entertainment activity in designated restricted areas, if authorised officers believe anti-social behaviour has been committed or is likely to be committed.</p>
Test	<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"> • Having or is likely to be having, a detrimental effect on the quality of life of those in the locality. • Is, or is likely to be, of a persistent or continuing nature. • Is, or is likely to be, such as to make the activities unreasonable, and; • Justifies the restrictions imposed by the Order.
Prevention and Education Agencies	<ul style="list-style-type: none"> • A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone & Hythe Community Safety Partnership in partnership with Folkestone Town Centre Management, Folkestone Area Partnership Against Crime (FAPAC) and Licencing teams.

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

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

Prevention and Education activity	<p>Activity will include:</p> <ul style="list-style-type: none"> • Formalised Protocol and/or Agreements made with Town Centre Management on locations, duration and numbers of Buskers. • Foot patrols and multi-agency operations in hot spot areas. • Action tasking to weekly Community Safety Unit meeting. • Awareness raising through promotional signage, posters and media messaging. • Delivery of awareness raising and education around use of amplified music and noise nuisance. • Signposting to outreach support if required. • Strategic partnership working with Folkestone & Hythe District Council (FHDC) and Kent Police Licensing, Folkestone Town Centre Management and FAPAC.
Authorised Officers	<p>FHDC will assess any intervention on a case by case basis, considering a range of other 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>
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence • Designated FHDC Officers (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate • A maximum penalty on conviction of £1,000
Process	<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>

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

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

	<ul style="list-style-type: none">• That they had reasonable excuse for non-compliance with the PSPO.• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include. <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>
Data Collection	See data collection document.