

**Folkestone  
& Hythe**



FOLKESTONE & HYTHE DISTRICT  
**COMMUNITY SAFETY  
PARTNERSHIP**

## **The Anti-social Behaviour, Crime and Policing Act 2014 The Public Spaces Protection Order - (Folkestone & Hythe District Council) 2019**

**Folkestone & Hythe District Council (the “Council”) makes this Public Spaces Protection Order (the “Order”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the “Act”). This Order may be cited as the Folkestone & Hythe District Council Public Spaces Protection Order 2019.**

The Council is satisfied on reasonable grounds that the activities described below (the “Activities”) carried out in a public place within its area have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and that the 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 Order.

This Order applies to any land to which the public has access within the areas outlined in red on the maps which accompany the order (the “Restricted Areas”) as listed in Schedule 1 below.

The restricted area does not and shall not include any area of land in so far as it is already governed by existing byelaws within the district.

This Order comes into force on Wednesday 19<sup>th</sup> June 2019 for a period of 3 years, with an initial review after 2 years.

The Activities which are prohibited or required by this Order are:

### **1. Anti-social alcohol consumption**

Where a constable, police community support officer or duly authorised officer of the Council (hereafter “Authorised Person”) reasonably believes that the consumption of alcohol in a

Restricted Area has had, or is likely to have, a detrimental effect of the quality of life of those in the locality they can require any person:

- (a) Not to consume alcohol or anything which they reasonably believe to be alcohol;
- (b) To surrender anything in any person's possession which is, or which the Authorised Person reasonably believes to be, alcohol or a container for alcohol.

Any surrendered items may be disposed of by the Authorised Person in any way he or she thinks is appropriate.

An Authorised Person who imposes a requirement under 1(a) or 1(b) above must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

A person who fails without reasonable excuse to comply with a requirement imposed on him or her under 1(a) or 1(b) above commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

A requirement imposed by an Authorised Person under 1(a) or 1(b) above is not valid if when asked to show evidence of his or her authorisation they fail to do so.

**Exemptions** - This provision does not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a license under the Licensing Act 2003 or section 115E of the Highways Act 1980.

## **2. The use of intoxicating substances**

- a) The ingestion, inhalation, injection, smoking or other use of psychoactive intoxicating substances shall be prohibited in Restricted Areas.
- b) Where an Authorised Person reasonably believes that psychoactive intoxicating substances are being ingested, inhaled, injected, smoked or otherwise used in a Restricted Area they will require any person to surrender said substance and any associated items.

The requirement under paragraph 2(a) and 2(b) above shall not apply where the substance:

- i. Is used for a valid and demonstrable medicinal or therapeutic purpose:
- ii. Is a cigarette or pipe (tobacco) or vaporiser:
- iii. Is a food product regulated and not prohibited by food, health and safety legislation

### **3. Urinating, spitting or defecating**

No person shall urinate, spit or defecate in Restricted Areas other than by use of a lavatory made available for use by the public.

### **4. Begging**

- a) All persons are prohibited from approaching other persons in order to beg them for money;
- b) All persons are prohibited from sitting or loitering whilst in possession of signage or other items ancillary to, and for the purposes of, begging or soliciting money from passers-by.

**Exemptions** - These prohibitions do not apply to any authorised collections made on behalf of registered charities or other approved organisations.

### **5. Anti-social street entertainment**

- a) No person shall perform any type of street entertainment in such a way that causes a nuisance to nearby premises or members of the public. Such nuisance includes but is not limited to the inconsiderate obstruction of highways, footpaths and shop entrances.

No person shall continue to perform any type of street entertainment when directed by an Authorised Person to cease that activity.

### **6. Unauthorised street fundraising and marketing (Chugging)**

A person shall not stop or approach another person for the purpose of asking them to:

- a) subscribe or to donate to a charity;
- b) participate in a marketing questionnaire or survey
- c) A person shall not encourage any person to do anything which would constitute a breach of a) and b) above.

**Exemptions** – Paragraph 6 above is not applicable where the Activity has been authorised by the Council or other body in accordance with a scheme operated or expressly approved by them.

### **7. Unauthorised camping**

- a) No person shall position any vehicle, caravan, tent or other temporary structures that are designed or intended to provide shelter or accommodation for the purpose of overnight stay within the Restricted Area without prior express consent of the owner or person in lawful control of the land, proof of which shall lie with the person remaining in any such vehicle,

caravan or other temporary structure.

- b) If instructed to do so by an Authorised Person a person with responsibility for or utilising any vehicle or temporary structure shall remove the same and / or any associated equipment, animals or paraphernalia from the Restricted Area without delay.

### **Offence of failing to comply with Order**

Under Section 67 of the Act:

1) It is an offence for a person without reasonable excuse—

a) To do anything that the person is prohibited from doing by a public spaces protection order, or

b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale, except for anti-social alcohol consumption which will not exceed level 2.

The Common Seal of the  
District Council of  
Folkestone & Hythe was  
Affixed in the presence of:

Authorised Signatory..... Date.....

### Schedule 1

Map no	Area	Prohibited activities
1	Folkestone	1, 2, 3, 4, 5, 6, 7
2	Cheriton	1, 2, 3, 4, 7
3	Sandgate & Seabrook	1, 2, 3, 4
4	Hawkinge	1, 2, 3, 7
5	Hythe - High Street/Oaklands	1, 2, 3, 4, 7
6	Littlestone & Greatstone	1, 2, 3, 7
7	St Marys Bay & Dymchurch	1, 2, 3,
8	New Romney	1, 2, 3, 4, 7
9	Lydd	1, 2, 3, 7
10	All district Play Areas	7
11	All district Churchyards and cemeteries	7