

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

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

Protocol Form

Measure 1	Control of anti-social alcohol consumption in a public place
Purpose	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place associated with alcohol consumption.</p> <p>Individuals or groups are required to stop drinking alcohol or surrender any vessel believed to contain alcohol, 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.
Prevention and Education activity	<p>Activity will include:</p> <ul style="list-style-type: none"> • 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 events and activity including: <ul style="list-style-type: none"> ○ District Youth Conference ○ Safety in Action schools programme ○ Professionals training and information sessions • Signposting to: <ul style="list-style-type: none"> ○ Adult Social Services

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	<ul style="list-style-type: none"> ○ Children’s Social Services ○ Mental Health Services ○ Kent County Council youth outreach detached working ○ Drug, Alcohol and Mental Health Services - St Giles Trust, Kenwood Trust, Project Salus, Excelsior, Forward Trust ○ Debt advice agencies - Christians Against Poverty (CAP), Step Change, Citizen’s Advice ○ Housing Services - Folkestone & Hythe District Council (FHDC), Rainbow Centre, Sanctuary Housing, Porchlight) ○ Outreach support - Aspire Project, Urban Pastors ○ FHDC Licensing ○ Trading Standards
Authorised Officers	<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>
Penalty on breach	<ul style="list-style-type: none"> ● Breach is a criminal offence ● Designated Kent Police Officers and PCSO’s (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate ● A maximum penalty on conviction of £500
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> <ul style="list-style-type: none"> ● That they had reasonable excuse for non-compliance with the PSPO.

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	<ul style="list-style-type: none">• 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 £500. An application will also be made for a contribution to FHDC's legal costs.</p>
Data Collection	See data collection document.