

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

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

Protocol Form

Measure 2	No use of intoxicating substances in a public place
Purpose	<p>This measure is designed to deal with affects intoxicating substances may have on a person's behaviour when in a public place. A person is guilty of an offence if they use, possess or supply to another person any intoxicating substance (defined for the purposes of this order as any substance with the capacity to stimulate or depress the central nervous system).</p> <p>It does not include tobacco or prescription medication. This proposal covers the use of items which are used to administer intoxicating substances including needles that are not correctly packaged.</p> <p>All persons shall stop ingesting, inhaling, injecting smoking or otherwise using substances reasonably believed to be psychoactive intoxicating substances and / or surrender the substance or any receptacles reasonably believed to containing such substances, when required to do by an authorised officer.</p> <p>No persons shall use or leave any paraphernalia necessary or associated with the use of psychoactive substances in the Restricted Areas.</p> <p>The preceding requirement does not apply where the substance:</p> <ol style="list-style-type: none"> a) Is used for a valid and demonstrable medicinal or therapeutic purpose: b) Is a cigarette or pipe (tobacco) or vaporiser: c) Is a food product regulated and not prohibited by food, health and safety legislation
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.

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<p>Prevention and Education agencies</p>	<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.
<p>Prevention and Education activity</p>	<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, education and engagement events and activity including: <ul style="list-style-type: none"> ○ Schools ○ District Youth Conference ○ Safety in Action schools programme ○ Professionals training and information sessions • Signposting to: <ul style="list-style-type: none"> ○ Kent Public Health and other health and wellbeing services ○ Adult Social Services ○ Children’s Social Services ○ Mental Health Services ○ Kent County Council youth outreach detached working • Strategic partnership working including Gangs, County Lines and Serious and Organised Crime.
<p>Authorised Officers</p>	<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>
<p>Penalty on breach</p>	<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 £1,000

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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. • 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.