

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

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

Protocol Form

Measure 6	Control of unauthorised street fundraising and marketing
Purpose	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place associated with unauthorised 'chuggers'.</p> <p>Persons are prohibited from, at any time, engaging in assertive or aggressive (commercial or charity) collection or soliciting for money.</p> <p>A person shall not stop or approach another person for the purpose of asking them to:</p> <ul style="list-style-type: none"> • Subscribe or to donate to a charity; • Participate in a marketing questionnaire or survey. • <i>A person shall not encourage any person to do anything which would constitute a breach of a) and b) above.</i> <p>Individuals or groups are required to cease engaging in (commercial or charity) collection or soliciting for money, if authorised officers believe anti-social behaviour has been committed or is likely to be committed in a designated restricted area.</p> <p>Exemptions – the 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.</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

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

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

	partners of the Folkestone & Hythe Community Safety Partnership.
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 Chuggers. • 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. • Signposting to outreach support if required. • Strategic partnership working with Folkestone Town Centre Management and FAPAC.
Authorised Officers	Folkestone & Hythe District Council (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.
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.