

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

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

Protocol Form

Measure 7	Control of Unauthorised Camping
Purpose	<p>This measure is designed to target unauthorised camping, where individuals or groups are engaged in behaviour that is having a detrimental effect on the quality of life of those in the locality and which is within the control of those person/persons concerned.</p> <p>Persons are prohibited from positioning a vehicle, caravan or other temporary structure that is designed or intended to provide shelter or accommodation for the purpose of an overnight stay without the approval of the landowner, if authorised officers believe anti-social behaviour has been committed or is likely to be committed in a designated restricted area.</p> <p>This measure does not replace existing legislation used to deal with unauthorised encampments.</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 and engagement will be led by Folkestone & Hythe District Council (FHDC) in partnership with key agencies including Kent Police, KCC gypsy and traveller team, schools, charities, countryside groups, beach patrols, housing providers, etc.
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.

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	<ul style="list-style-type: none"> • 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"> ○ Professionals training and information sessions • Signposting to: <ul style="list-style-type: none"> ○ Adult Social Services ○ Children’s Social Services ○ Mental Health Services ○ 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) ○ Alternative accommodation providers in the local area e.g. registered caravan/camp sites etc. ○ Outreach support - Aspire Project, Urban Pastors
Authorised Officers	<p>FHDC will lead the enforcement action required, but drawing on support from other key agencies as required. FHDC will assess any intervention on a case by case basis, considering a range of other enforcement powers 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. For example, the use of:</p> <ul style="list-style-type: none"> • More robust Local Authority powers where appropriate • Kent Police powers depending on situation and where appropriate and thresholds for Section 61 powers • Use of legislation that may be applied directly by town and parish councils • Use of existing byelaws
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence • This could result in an arrest leading to a fine and/or imprisonment.
Process	<p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue a Fixed Penalty Notice (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>

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	<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.