

# Folkestone

Hythe & Romney Marsh

Shepway District Council



[www.shepway.gov.uk](http://www.shepway.gov.uk)

## **The Anti-social Behaviour, Crime and Policing Act 2014 Public Spaces Protection Order (Shepway District Council) 2015 No. 1**

The District Council of Shepway is satisfied that street begging, street drinking, the taking of new emerging drugs (legal highs) and sleeping in a public place are being carried out within the area to which this Order applies or it is likely that these activities will be carried out and this is having or it is likely to have a detrimental effect on the quality of life of those in the locality and it therefore makes this Public Spaces Protection Order covering the matters set out below.

This Order relates to all that land outlined in red on the attached map ("the Restricted Area") and which is briefly described in the Schedule.

The activities set out in this Order are prohibited or required only where an authorised person requires a person to stop the activity or requires that person to do something set out in this Order.

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

### **1. Begging**

- a) All persons are prohibited from approaching another person either in person or verbally in order to beg from the other person;
- b) All persons are prohibited from sitting or loitering in a public place with any receptacle used to contain monies for the purpose of begging.

These prohibitions do not apply to any authorised collections made on behalf of a registered charity.

### **2. New Emerging Drugs (Legal Highs)**

- a) All persons are prohibited from ingesting, inhaling, injecting or smoking any substance which has the capacity to stimulate or depress the central nervous system.

This prohibition does not apply where:

- i) The substance is used for a valid and demonstrable medicinal purpose;
- ii) The substance is given to an animal as a medicinal remedy;
- iii) The substance is a cigarette (tobacco) or vaporiser; or
- iv) The substance is a food product regulated by food, health and safety legislation.

Any person who breaches this prohibition shall surrender the substance or substances in his or her possession to an authorised person who has been trained in substance identification.

### **3. Sleeping in a public place**

a) All persons are prohibited from sleeping in any public place which is or includes:

- i) Open to the air;
- ii) Within a vehicle;
- iii) Within a car park;
- iv) A non fixed structure including caravans and tents

without the prior permission of the owner or occupier of the land other than a place designated for the purpose of sleeping including designated camp sites

4. If, without reasonable excuse, you breach paragraphs 1 to 3 of this Order you commit an offence for which the maximum penalty upon summary conviction is a fine not exceeding 3 on the standard scale.

### **5. Drinking in a public place**

All persons are prohibited from drinking alcohol within a public place. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or s115E of the Highways Act 1980.

Where an authorised person reasonably believes that a person:

- a) Is or has been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances which would be a breach of this Order

the authorised person can require the person:

- i) Not to consume alcohol or anything which the authorised person reasonably believes is alcohol in breach of this Order;
- ii) To surrender anything in the person's possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.

6. An authorised person who imposes a requirement under paragraph 5(i) or 5(ii) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

A requirement imposed by an authorised person under paragraph 5(i) or 5(ii) is not valid if the authorised person:

- (a) is asked by the person to show evidence of his or her authorisation, and

(b) fails to do so.

An authorised person may dispose of anything surrendered under paragraph 5 (ii) in whatever way he or she thinks appropriate.

7. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under paragraph 5(i) or 5(ii) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## 8. Definitions

Alcohol has the meaning given by section 191 of the Licensing Act 2003.

Authorised collection means a collection authorised by a registered charity.

Authorised person means a constable, a police community support officer or a person authorised in writing by the District Council of Shepway.

Public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Registered charity means a charity registered with the Charity Commission.

9. This Order shall come into effect on 18<sup>th</sup> June 2015.

10. This Order shall have effect for a period of 3 years

The Common Seal of the  
District Council of Shepway  
was affixed in the presence of:

  
12/6/15



Authorised signatory

## Schedule

From the junction of the M20 (Junction 12) and Horn Street, Cheriton, following Horn Street in a southerly direction to the low water mark located south of Horn Street, Seabrook, following the low tide mark in an easterly direction to the eastern boundary of the district and then running in a northern direction through the Warren, Folkestone to Old Dover Road, following the boundary of the Warren in a westerly direction to the south western boundary of Highview Park, Capel le Ferne and then following the south western boundary of Highview Park northwards to the junction with New Dover Road then running in a westerly direction along Dover Hill (B2011) and Churchill Avenue (A259) to the M20 (Junction 12) to the junction with Horn Street, Cheriton.