

# The West Bay Anti-social Behaviour Related Public Spaces Protection Order 2022

Dorset Council ("the Council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following order:

This Order shall be known as The West Bay Anti-social Behaviour Related Public Spaces Protection Order 2022 and shall come into force on 1<sup>st</sup> July 2022 for a period of three years, unless extended.

When in force this Order supersedes the following:

The West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018.

The West Dorset Anti-social Behaviour Related Public Spaces Protection Extension Order 2021.

The West Dorset Anti-social Behaviour Related Public Spaces Protection Extension Order 2022.

The Alcohol Consumption in Public Places Designation Order for Bridport and West Bay 2005 (which from 20 October 2017 became a Public Spaces Protection Order with the same provisions).

This Order has four sections and should be read in conjunction with the related Schedules.

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**Section 1** - Consumption of Alcohol

**Section 2** - Intentional Feeding of Gulls

**Section 3** - Anti-social Behaviour

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**Schedule 1** - Map identifying West Bay Controlled Alcohol and ASB Zone – outlined in red and shaded in pink

**Schedule 2** - Map identifying West Bay Feeding of Gulls Controlled Zone – outlined in red and shaded in pink

## Section 1- The Consumption of Alcohol

- (1) This Section applies to all public places within the land identified and described in Schedule 1 "the Controlled Zone" and imposes the prohibition contained in subsection (4).
- (2) The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that antisocial behaviour has been carried out within "the Controlled Zone" caused by the consumption of alcohol resulting in behaviour that causes harassment, alarm and distress, nuisance and littering.
- (3) The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities are persistent or continuing in nature, are such as to make them unreasonable, and justify the restrictions imposed by this order.

## Prohibition

- (4) No person shall consume alcohol within "the Controlled Zone" in circumstances where a constable or authorised officer has directed them not to do so in the reasonable belief that such a direction is necessary to prevent public nuisance, public disorder or anti-social behaviour.
- (5) If a constable or authorised officer reasonably believes that a person -

- (a) is or has been consuming alcohol in breach of the prohibition in sub-section (4), or
- (b) intends to consume alcohol in circumstances in which doing so would be a breach of such prohibition,

he or she may impose a requirement upon that person under sub-section 6(a) or 6(b).

- (6) The constable or authorised person may require the person -
  - (a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol; or
  - (b) to surrender anything in his or her possession which is, or which the constable or authorised officer reasonably believes to be, alcohol or a container for alcohol.

### **Offence**

- (7) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under sub-section 4 commits an offence contrary to section 63(6) of the Anti-social Behaviour, Crime and Policing Act 2014 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Exemptions**

- (8) The order does not apply to an area contained within a premises licence or club premises certificate issued under the Licensing Act 2003 or to locations which fall under a relevant and signed temporary event notice authorisation.

## **Section 2 - Intentional Feeding of Gulls**

- (1) This Section applies to all public places within the land identified and described in Schedule 2 “the Controlled Zone” and imposes the prohibition contained in subsection (2).
- (2) The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that antisocial behaviour has been carried out within “the Controlled Zone” caused by the intentional feeding of gulls resulting in behaviour that causes harassment, alarm and distress, nuisance and littering.
- (3) The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities are persistent or continuing in nature, are such as to make them unreasonable, and justify the restrictions imposed by this order.

### **Prohibition**

- (4) No person at any time shall provide or deposit food for consumption by gulls within “the Controlled Zone”

### **Offence**

- (5) In accordance with section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 it is an offence for a person without reasonable excuse to do anything they are prohibited from doing by section 2(4) of this Order.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **Section 3 – Anti-social Behaviour**

- (1) This Section applies to all public places within the land identified and described in Schedule 1 “the Controlled Zone” and imposes the prohibition contained in subsection (4 and 5).
- (2) The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that antisocial behaviour has been carried out within “the Controlled Zone” caused by anti-social behaviour resulting in behaviour that causes harassment, alarm and distress, nuisance and littering.

- (3) The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities are persistent or continuing in nature, are such as to make them unreasonable, and justify the restrictions imposed by this order.

### **Prohibition**

- (4) No person without a reasonable excuse shall act in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.
- (5) No person who has previously been warned regarding their behaviour under subsection (4) shall refuse to leave any retail, commercial or licensed premises, public building or other area within “the Controlled Zone” when requested to do so by a Police Constable or an Authorised Person.

### **Offence**

- (6) In accordance with section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 it is an offence for a person without reasonable excuse to do anything they are prohibited from doing by section 3(4) and 3(5) of this Order.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Requirement placed on you**

- (8) If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must leave “the Controlled Zone” or specified location forthwith and not return within a specified period up to a maximum of 48 hours when instructed to do so by a Police Constable or Authorised Person.
- (a) The Council requires that you terminate the activities described in sections 1, 2 and 3 of this Order and comply with requirement 3(8) if requested to do so within “the Controlled Zone”.

### **Section 3 – Fixed Penalty Notices**

In accordance with Section 68 of the Anti-social Behaviour, Crime and Policing Act 2014, a constable or authorised person may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty. The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

Date: 19<sup>th</sup> May 2022

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THE COMMON SEAL OF DORSET COUNCIL

Was hereto affixed in the presence of:-