

# The Dorset Open Land 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 Dorset Open Land 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.

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

## Contents

**Section 1** – Lighting of fires

**Section 2** - Fixed Penalty Notices

**Schedule 1a** - Map identifying Ringwood Controlled Zone – outlined in dark green block.

**Schedule 1b** - Map identifying Wareham East Controlled Zone – outlined in dark green block.

**Schedule 1c** - Map identifying Wareham West Controlled Zone – outlined in dark green block.

## Section 1- Lighting of fires

- (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 certain activities carried out in “the Controlled Zone” have had a detrimental effect on the quality of life of those in the locality namely the starting of fires in grass, moorland and forest areas. Such fire can contribute to climate change and result in risk to life; damage to biodiversity, habitats and property; and loss of income from tourism and other land uses, or it is likely that these activities will be carried on in the restricted areas and that they will have such an effect, the said activities being:
  - a. placing, throwing or dropping items likely to cause a fire,
  - b. lighting fires, barbeques (including disposable barbeques), Chinese lanterns or fireworks,
  - c. using items which either (i) cause a naked flame or (ii) pose a risk of fire,
- (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 place, throw or drop in “the Controlled Zone” anything likely to cause a fire.
- (5) No person shall light a fire, barbeque (including a disposable barbecue), Chinese lantern or firework “the Controlled Zone”
- (6) No person shall use any item in “the Controlled Zone” which either (i) causes a naked flame or (ii) or poses a risk of fire.

## Requirements

- (7) If any person within “the Controlled Zone” has in their possession any item which a constable or authorised person has reasonable grounds to believe has been, is being, or is likely to be used in conjunction with the Prohibited

Activities, they shall, if and as required by the constable or authorised person, extinguish and/or surrender the item to the constable or authorised person.

### **Offence**

- (8) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under sub-section 7 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**

- (9) This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the land (as owners, lessors, lessees, or tenants), or their authorised agents.
- (10) The prohibitions and requirements in this order shall not apply to the proper use of any fixed permanent structure purpose – designed for cooking or barbequing food and installed by the landowner or their authorised agent, provided there are no indications at such a location that such an item is not to be used.

### **Section 2 – 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:-