

The Anti-social Behaviour, Crime and Policing Act 2014

The Weymouth & Portland Anti-social Behaviour Related Public Spaces Protection Order 2018

Weymouth & Portland Borough Council (“the Council”) hereby makes the following Order:

This Order shall be known as The Weymouth & Portland Anti-social Behaviour Related Public Spaces Protection Order 2018 and shall come into force on the 20 August 2018 for a duration of three years.

When in force this Order supersedes the following:

The Alcohol Consumption in Public Places Designation Order for Weymouth & Portland 2002 (which from 20 October 2017 became a Public Spaces Protection Order with the same provisions).

Byelaw No.11 of the Borough of Weymouth Byelaws as to the Seashore and Promenades 1976, which regulates the riding of bicycles on promenades, so far as it relates to the Cycling Restricted Area defined in Section 4(1).

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

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- Schedule 1** – Maps 1a, 1b, 1c, 1d and 1e (Alcohol) Weymouth
- Schedule 2** – Map (Alcohol) Portland
- Schedule 3** – Map (Gulls)
- Schedule 4** – Map (Begging)
- Schedule 5** – Map (Cycling)

Section 1 - Consumption of Alcohol

- (1) This Section applies to all public places identified and described in the maps in Schedules 1 and 2 (“the alcohol restricted area”) and imposes the prohibition contained in sub-section (2).

Prohibition

- (2) No person shall consume alcohol within the alcohol restricted area 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.
- (3) If a constable or authorised officer reasonably believes that a person (P) -
- (a) is or has been consuming alcohol in breach of the prohibition in sub-section (2), 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 P under sub-section 4(a) or 4(b).

- (4) The constable or authorised person may require P -
- (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.
- (5) 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.

Section 2 - Intentional Feeding of Gulls

- (1) This Section applies to all public places identified and described in the Schedule 3 map (“the feeding of gulls restricted area”) and imposes the prohibition contained in sub-section (2).

Prohibition

- (2) No person at any time shall provide or deposit food for consumption by gulls within the feeding of gulls restricted area.
- (3) 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(2) of this Order.
- (4) 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 - Begging

- (1) This Section applies to all public places identified and described in the Schedule 4 map (“the begging restricted area”) and imposes the prohibitions contained in sub-sections (2) and (3) below.

Prohibitions

- (2) Any person in the begging restricted area is prohibited from, at any time, placing themselves in a position to beg or solicit money.
- (3) Any person being alone or part of a group in the begging restricted area is prohibited from making verbal, non-verbal or written requests for goods, money or donations, unless they are authorised to do so by a Street Collection Permit issued by the Council.
- (4) 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 sections 3(2) or 3(3) of this Order.

- (5) 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 4 - Cycling on the Promenade

- (1) This Section applies to the public place called the Promenade, Weymouth, between the Pavilion and the junction of the Promenade with Preston Road ("the cycling restricted area"), which is identified in the Schedule 5 map, and imposes the prohibitions contained in sub-sections (2) and (3) below.

Prohibitions

- (2) No person shall cycle on the Promenade between the hours of 10:00hrs and 17:30hrs between Good Friday and 31 October annually (both dates inclusive).
- (3) No person shall cycle on the Promenade, at any time, in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the Promenade.
- (4) 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 sections 4(2) or 4(3) of this Order.
- (5) 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 5 – 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 (FPN) 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: 10th July 2018

THE COMMON SEAL OF WEYMOUTH &
PORTLAND BOROUGH COUNCIL
Was hereto affixed in the presence of:-

J. D. White

PRINCIPAL REGULATORY LAWYER



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