

The Weymouth 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 Weymouth Anti-social Behaviour Related Public Spaces Protection Order 2022 and shall come into force on 1st July 2022 for a period of three years, unless extended.

When in force this Order supersedes the following:

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

The Weymouth and Portland Anti-social Behaviour Related Public Spaces Protection Extension Order 2021.

The Alcohol Consumption in Public Places Designated Order for Weymouth and 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 six sections and should be read in conjunction with the related Schedules.

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- Section 1** - Consumption of Alcohol
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Schedule 1 – Map 1a, 1b, 1c, 1d, 1e and 1f identifying Weymouth Alcohol / ASB Controlled Zone – outlined in red and shaded in blue and/or pink.

Schedule 2 – Map identifying Weymouth Feeding of Gulls Controlled Zone – outlined in red and shaded in blue

Schedule 3 - Map identifying Weymouth Aggressive Begging Controlled Zone – outlined in red and shaded in blue

Schedule 4 - Map identifying Weymouth Cycling on the Promenade Controlled Zone – outlined in red and shaded in blue

Schedule 5 – Map identifying Trinity Passage Gating Controlled Zone – outlined in red and shaded in blue

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 6 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 (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 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 – Aggressive Begging

- (1) This Section applies to all public spaces identified and described in the Schedule 3 map “the Controlled Zone” and imposes the prohibition contained in sub-sections (4) and (5) below.
- (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 aggressive begging 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) Any person in the “the Controlled Zone” is prohibited from, at any time, placing themselves in a position to beg or solicit money in an aggressive manner.
- (5) Any person being alone or part of a group in the aggressive begging restricted area is prohibited from making any aggressive verbal, non-verbal or written requests for goods, money or donations,

Offence

- (4) In accordance with section 67 of the Anti-social Behaviour, Crime & Policing Act 2014 it is an offence for a person without reasonable excuse to do anything they are prohibited from doing by sections 3(4) or 3(5) 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.

Exemptions

- (6) A person may collect money, in a non-aggressive manner, if they are authorised to do so by a Street Collection Permit issued by the Council.

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 Controlled Zone” which is identified in the Schedule 4 map, and imposes the prohibitions contained in sub-sections (2), (3) and (4) below.
- (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 cycling on the promenade resulting in behaviour that causes endangerment, alarm, distress and nuisance.
- (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 cycle on the Promenade between the hours of 10.00 and 17.30 between 1st May and 30th September annually (both dates inclusive) except with the express prior written permission of the Council.
- (5) 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.

Offence

- (6) In accordance with section 67 of the Anti-social Behaviour, Crime & Policing Act 2014 it is an offence for a person without reasonable excuse to do anything they are prohibited from doing by sections 4(4) or 4(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.

Exemptions

- (8) An exemption to the prohibition contained in section 4(4) shall be children aged 12 years old and under and any bone-fide charitable organisation who has the express prior written permission of the Council.

Section 5 – Trinity Passage Gating

- (1) This Section applies to all public places within the land identified and described in Schedule 5 “the Controlled Zone” and imposes the prohibition contained in subsection (4). The restricted area is known as Trinity Passage, being the footpath underneath Chapelhay Steps and Holy Trinity Church, Trinity Road, Weymouth. The area affected will be restricted at all times by the erection of two gates.
- (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 certain activities that have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in in “the Controlled Zone” and that they will have such an effect, the said activities being:
 - a) the use of, and dealing of Class A and Class B drugs
 - b) graffiti being applied to the walls
 - c) sexual activity
 - d) rough sleeping with associated urinating and defecating
 - e) fly-tipping
- (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. Pursuant to s64(1) of the Act, prior to making the order the Council considered:
 - a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
 - b) the likely effect of making the order on other persons in the locality;
 - c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

Prohibition

- (4) No person shall use the public right of way over the highway within the restricted area at any time.
- (5) The alternative route for pedestrians shall be the main highway footpath alongside North Quay and Trinity Road.

Offence

- (7) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsections 4 and 5 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) Persons permitted access to “the Controlled Zone” include members of the emergency services, officers of Dorset Council, recognised officials of Holy Trinity Church, members of the Church congregation who require access the

crypt entrance, gas, electricity, water or communications provider and any person authorised by the Council or the Church for the purposes of cleaning, inspection, repair and maintenance, or their appointed contractors.

Section 6 – Anti-social Behaviour

- (1) This Section applies to all public places within the land identified and described in Schedules 1-2 “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 5(4) and 5(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, 3, 4, 5 and 6 of this Order and comply with requirement 5(8) if requested to do so within “the Controlled Zone”.

Section 7 – 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: 19th May 2022

THE COMMON SEAL OF DORSET COUNCIL

Was hereto affixed in the presence of:-