

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.1) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means: <ul style="list-style-type: none">(a) placing, throwing or dropping items likely to cause a fire,(b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment),(c) using items which either (i) cause a naked flame or (ii) pose a risk of fire;
"Forestry England Campsites"	means the campsites at Aldridge Hill, Ashurst, Denny Wood, Hollands Wood, Holmsley, Longbeech, Matley, Ocknell, Roundhill, and Setthorns which are within the Restricted Area and owned by Forestry England as shown outlined and coloured in red on the maps attached to Schedule 1;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"Public Space"	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; and
"Restricted Area"	means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in Public Places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely the starting of fires in grass, heathland and forest areas. Such fires can result in serious safety concerns and risk to life; damage biodiversity, habitats and property and require significant community resources to deal with them, and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps thereto.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on **xxxx** for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENT

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer terminate the Activities.
- (2) If any person within the Restricted Area has in their possession any item(s) which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, extinguish and/or surrender the item(s) to an Authorised Officer.
- (3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

- (1) This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents;
- (2) This Order shall not apply to Forestry England Campsites where the Activities on those sites comprise the proper use of barbeques and stoves that are purpose built and raised off the ground. All other Activities on those sites are subject to the Prohibition.

9. OFFENCE

- (1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:
 - (a) do anything that the person is prohibited from doing by this Order, or
 - (b) fails to comply with a requirement to which the person is subject under this Order.
- (2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

- (1) An Authorised Officer 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.
- (2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

- (1) An Interested Person may question the validity of this Order on the grounds that:
 - (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
 - (b) a requirement of the Act has not been complied with in relation to this Order
- (2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL

Was hereto affixed in the presence of:-

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SCHEDULE 1

The Restricted Area principally comprises all land managed and controlled by Forestry England (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) and roads within the area outlined and hatched blue on the maps attached (including the Forestry England Campsites) hereto comprising an overview map (scale 1:100,000) and sheets 1 to 20 (scale 1:20,000)