

**BRIGHTON & HOVE CITY COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT
2014**

**BRIGHTON & HOVE CITY COUNCIL (SINGLE- USE
DISPOSABLE BARBECUES, LANTERNS AND BALLOONS)
PUBLIC SPACES PROTECTION ORDER 2022**

- A. Brighton & Hove City Council (“the Council”) is satisfied that the requirements of Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been fulfilled and that it is, in all the circumstances, appropriate to make this Order.
- B. The Council is satisfied on reasonable grounds that the activities specified by this Order (“the Prohibited Activities”), having been carried on or being likely to be carried on in those Public Spaces in the Council’s area referenced and identified in Article 4 and the Schedule to this Order (“the Restricted Areas”), have had or will have a detrimental effect on the quality of life of those in the locality, such activities being the use of single-use disposable barbecues and the releasing of lanterns and balloons.
- C. The Council is further satisfied on reasonable grounds that the effect, or the likely effect, of the Prohibited 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 Prohibited Activities unreasonable; and
 - c. justifies the restrictions imposed by this Order.
- D. The Council is satisfied that the prohibitions and requirements imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect of the Prohibited Activities from continuing, occurring, or reoccurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

The Council in exercise of its powers under Section 59 of the Act hereby makes the following Order:

1. This Order may be cited as the Brighton & Hove City Council (Single-use disposable barbecues, Lanterns and Balloons) Public Spaces Protection Order 2022.

Commencement and Duration

2. (1) This Order shall come into force on the 4th August 2022
- (2) The provisions of this Order shall remain in force for 3 years from the

date they come into force, unless extended or discharged before that date.

Interpretation

3. In this Order:-

“the Act” means the Anti-social Behaviour, Crime and Policing Act 2014;

“Authorised Person” means a constable or other person authorised for the purposes of this Order by the Council;

“the Council” means Brighton & Hove City Council;

“the Prohibited Activities” means those activities specified in Article 5 of this Order;

“Public Places” 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;

“Restricted Areas” are the Public Places referenced and identified in Article 4 and the Schedule to this Order.

Public Spaces affected by this Order

4. This Order applies to the land described in the Schedule to this Order (“the Restricted Areas”), being Public Places within the Council’s area where the Prohibited Activities have been carried on which have had a detrimental effect on the quality of life of those in the locality, or being Public Places within the Council’s area where it is likely that those activities will be carried on and that they will have such effect.

Prohibited Activities

5. (1) No person shall use any single-use disposable barbecue in the Restricted Areas;
- (2) No person shall release any lantern in the Restricted Areas;
- (3) No person shall release any balloon in the Restricted Areas.

Surrender of Articles

6. A person or persons are required to surrender anything in their possession which an Authorised Person has reasonable suspicion to be an article that has been used or is likely to be used in conjunction with the Prohibited Activities.

Failure to comply with the Order

7. Under section 67 of the Act it is a criminal offence for a person without reasonable excuse-
 - (a) to do anything that the person is prohibited from doing by this Order, or

- (b) to fail to comply with a requirement to which the person is subject under this Order.
8. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 9. An Authorised Person may issue a fixed penalty notice under section 68 of the Act to anyone they have reason to believe has committed an offence under section 67 of the Act.

Validity of Order

10. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or to include particular prohibitions or requirements imposed by the Order, or that any requirement of the Act has not been complied with in relation to this Order, they may apply to the High Court within six weeks from the date on which this Order is made.

Schedule The Restricted Areas

The Restricted Areas are the following Public Places within the Council's area:

1. The Council's Parks;
2. Open spaces;
3. The seafront and beaches.

Made under the Common Seal of
Brighton & Hove City Council
this 3rd day of August 2022

The Common Seal of
Brighton & Hove City Council was affixed
to this Order in the presence of

.....
Authorised Officer

S Woodley



