

**ELMBRIDGE BOROUGH COUNCIL**

**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**THE ELMBRIDGE BOROUGH COUNCIL**  
**(BARBEQUES, ETC, OR LIGHTING OF FIRES) PUBLIC SPACES PROTECTION**  
**ORDER 2023**

This Order may be cited as the Elmbridge Borough Council (Barbeques, etc, or Lighting of Fires) Public Spaces Protection Order 2023.

Elmbridge Borough Council (“the Council”) in exercise of its powers under Sections 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order: -

1. This Order shall come into operation on the 21 July 2023 and shall have effect for a period of 3 years unless extended by further orders under the Council’s statutory powers.
2. The Council being satisfied that the conditions set out in Section 59(2) & (3) of the Act have been met, namely.
  - a. that the activities of using campfires, BBQs, bonfires, fire pits or any other activities that involved in the lighting of a fire or a naked flame in a Restricted Area have a detrimental effect on the quality of life of those in the locality; and
  - b. that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and accordingly, these activities are unreasonable and justify the restrictions imposed by the Order.

**Restrictions**

3. Any Person(s) shall not carry out a Prohibited Activity of lighting a fire or a naked flame within the Restricted Areas.
4. The Order shall have effect to prevent the Prohibited Activity at all times of the day and night within the Restricted Areas to prevent the use of campfires, BBQs, bonfires, fire pits or any other activity that involves the lighting of a fire or a naked flame within the Restricted Areas;

UNLESS the Prohibited Activity is agreed in advance by the Council on receiving Application Booking of an Event in a Restricted Area.

5. It is an offence for a person, without reasonable excuse, to engage in a Prohibited Activity, or without prior written confirmation from the Council via the Application Booking of an Event, in a Restricted Area.

**Definitions**

**Application Booking of an Event** means the making of an application for an event. Such an application should be submitted at least 3 months in advance. The online

application process can be located at on the Council website: [www.elmbridge.gov.uk/leisure-and-culture/hiring-and-bookings/events-parks-or-opens-spaces](http://www.elmbridge.gov.uk/leisure-and-culture/hiring-and-bookings/events-parks-or-opens-spaces)

**‘Authorised Person’** means a Council Officer, Police Constables, Police Community Support Officers or other persons authorised by the Council in writing.

**‘Interested Person’** means an individual who lives in a Restricted Area or who regularly works in or visits the area.

**Prohibited Activity** means a prohibition against using campfires, BBQs, bonfires, fire pits or any other activity that involves the lighting of a fire or a naked flame. For the purposes of this Order, the lighting of a cigarette is not a Prohibited Activity.

**‘Restricted Area(s)’** means those areas identified on the list of sites on the Schedule attached to this Order.

### **Offences**

1. Under section 67, it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order.
2. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1,000.

### **Fixed Penalty Notice**

An Authorised Person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. The amount of the Fixed Penalty Notice shall be £100. The penalty can be reduced to £75, if paid within 14 days, otherwise the full penalty will be due. If you do not pay the penalty within 15 days, you may be prosecuted of the offence of breaching this Order.

### **Appeals**

Under section 66 of the Act, any Interested Person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

THE COMMON SEAL of  
ELMBRIDGE BOROUGH COUNCIL  
was hereunto affixed this 20<sup>th</sup> day of July 2023  
in the presence of:

Name: Victoria Statham  
Position: Head of Legal and Governance  
Legal Services, Elmbridge Borough Council

**Schedule – Restricted Areas**

List of Sites