

ELMBRIDGE BOROUGH COUNCIL

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

ELMBRIDGE BOROUGH COUNCIL
(OVERNIGHT FISHING) PUBLIC SPACES PROTECTION ORDER 2023

This Order may be cited as the Elmbridge Borough Council (Overnight Fishing) Public Spaces Protection Order 2023.

Elmbridge Borough Council (“the Council”) in exercise of its powers under Section 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 Order relates to the Public Places within the Borough of Elmbridge shown edged red on the 3 plans attached to this Order and thereafter known as Restricted Areas.
3. The Council is satisfied that the conditions set out in Section 59(2) & (3) of the Act have been met, namely.
 - a. that the activities of overnight fishing and the associated overnight camping, littering and defecation in a Restricted Area has 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

4. Any person(s) shall not carry out a Prohibited Activity of overnight fishing or any associated overnight camping, littering or defecating within Restricted Areas between the hours of 7pm (19:00 hours) and 7am (07:00 hours).
5. The Order shall have effect to prevent the Prohibited Activity within the Restricted Area during the Prohibited Hours.
6. It is an offence for a person, without reasonable excuse, to engage in a Prohibited Activity.

Definitions

‘Authorised Person’ means Council Officers, 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 activities of overnight fishing and the associated overnight camping, littering and defecation.

Prohibited Hours means the hours between 7pm (19:00 hours) and 7am (07:00 hours).

‘Public Place’ means the same as that under Section 74(1) of the Act: *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 Area’ means those areas identified and edged in red on the Plans, covering areas of Albany Reach, Ditton Reach and Cigarette Island Open Space, which accompanies this Order as a Schedule.

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.

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 20th day of July 2023
in the presence of:

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

Schedule – Restricted Areas

Albany Reach, Ditton Reach and Cigarette Island Open Space