

**Blackburn with Darwen Borough Council – Wildfires
Public Space Protection Order (PSPO) 2023**

Notice is hereby given that Blackburn with Darwen Borough Council (“the Council”) in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, proposes to make the following order:

1. The activities which are prohibited at all times by this order are:
 - i) The lighting of fires, barbecues, fireworks, Chinese lanterns
 - ii) Using any article/object which causes a naked flame which poses a risk of fire.
2. Persons are required to surrender anything in their possession which an authorised officer reasonably believes to be an article that has been used OR is likely to be used in conjunction with the prohibited activities referred to in this order.

The draft of the proposed order is set out below. Further details and reasons for making the order may be inspected during normal office hours at the Community Safety Partnership office, Old Town Hall, Blackburn, by prior arrangements. The proposed order is also published on the Council’s website www.blackburn.gov.uk

If you wish to make representations concerning the proposed order, you should send them in writing to Community Safety Partnership, Town Hall, Blackburn, BB1 7DY to arrive on or before 15th February 2023 (please quote the name of the PSPO in your correspondence)

Please note that all representations may be considered in public by the Council and could become available for public inspection.

Dated this day 18th January 2023.

Wildfires Public Space Protection Order (PSPO) 2023

This order may be cited as the Blackburn with Darwen Borough Council – Wildfires Public Space Protection Order (PSPO) 2023.

Blackburn with Darwen Borough Council (“the Council”), being satisfied on reasonable grounds that the conditions set out in Section 59(2) and 59(3) of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to the area as described in Schedule 1 of this order (“the area”), namely that activities in a public place within the Council’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out in a public place within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, hereby makes the following order which applies to any place to which the public have access within the green area shown and edged black on the plan (the Prohibition Area) unless otherwise specified:

1. The activities which are prohibited at all times by this order are:
 - iii) The lighting of fires, barbecues, fireworks, Chinese lanterns
 - iv) Using any article/object which causes a naked flame which poses a risk of fire.
2. Persons are required to surrender anything in their possession which an authorised officer reasonably believes to be an article that has been used OR is likely to be used in conjunction with the prohibited activities referred to in this order.

A person shall be guilty of an offence if they breach the above prohibitions within the Prohibition Area, without first obtaining written consent from Blackburn with Darwen Borough Council.

Definitions

In this order

1. “ Authorised Officer” means a Police Constable, a Police Community Support Officer or an Authorised Officer of the Council in possession of an authority given by the Council to enforce this order.
2. “Firework” means a firework as defined in section 1 of the Fireworks Act 2003; and
3. “Public place” means any place to which the public or any section of the public has access, as defined in the Antisocial Behaviour, Crime and Policing Act 2014.

SCHEDULE 1

The Prohibited areas are those indicated as shown highlighted in the green area and outlined in black on the attached maps being:

Those areas of moorland which consist of land which the public has access, as of right or by virtue of express or implied permission, and which lie within the boundaries of Blackburn with Darwen Borough Council to the contiguous local authority boundaries with the Borough of Bolton and Chorley Council

SCHEDULE 2

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.
2. Pursuant to s67 of the Act, a person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

The Order shall come into operation on [] and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.

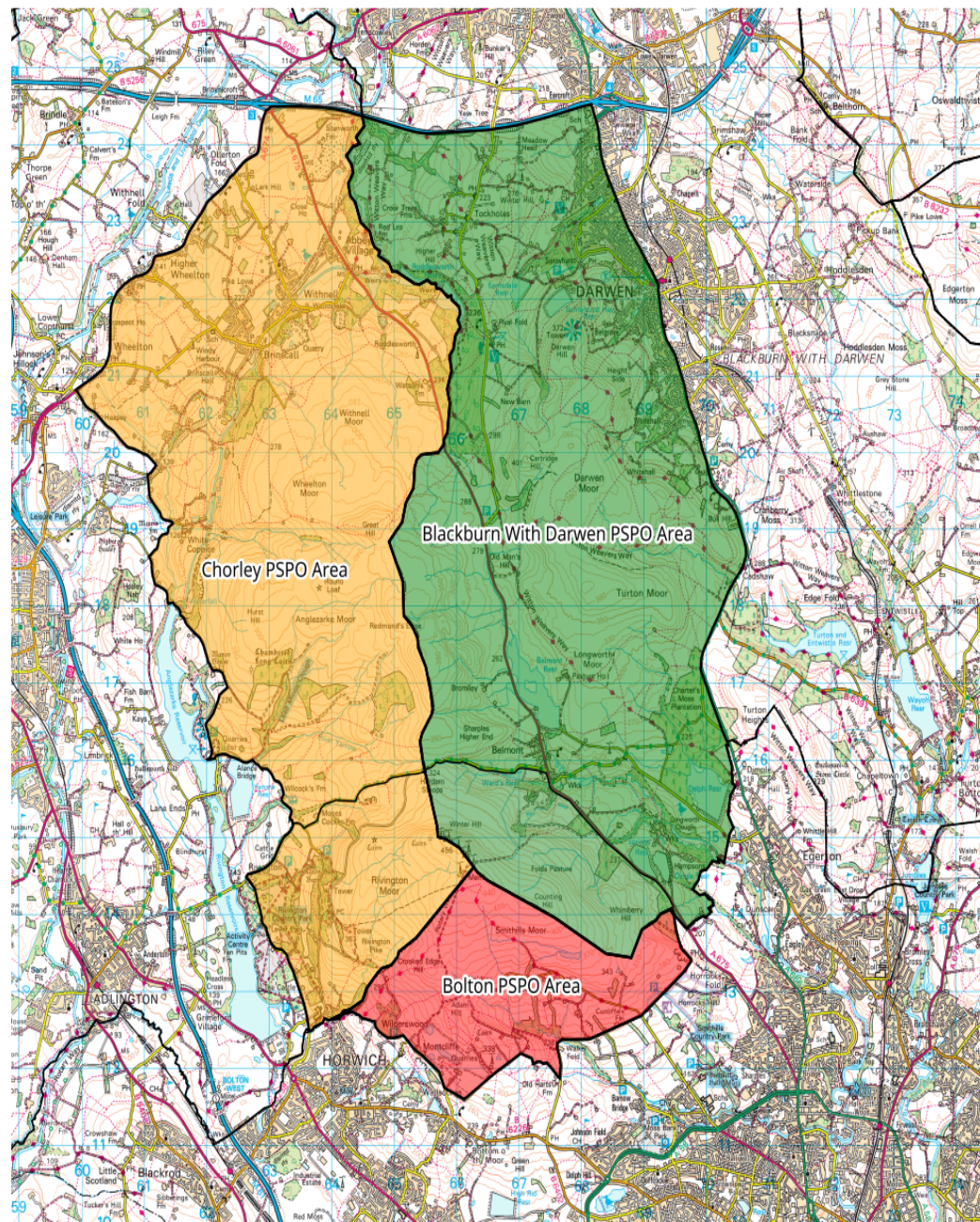
If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of Blackburn with Darwen Borough Council on the

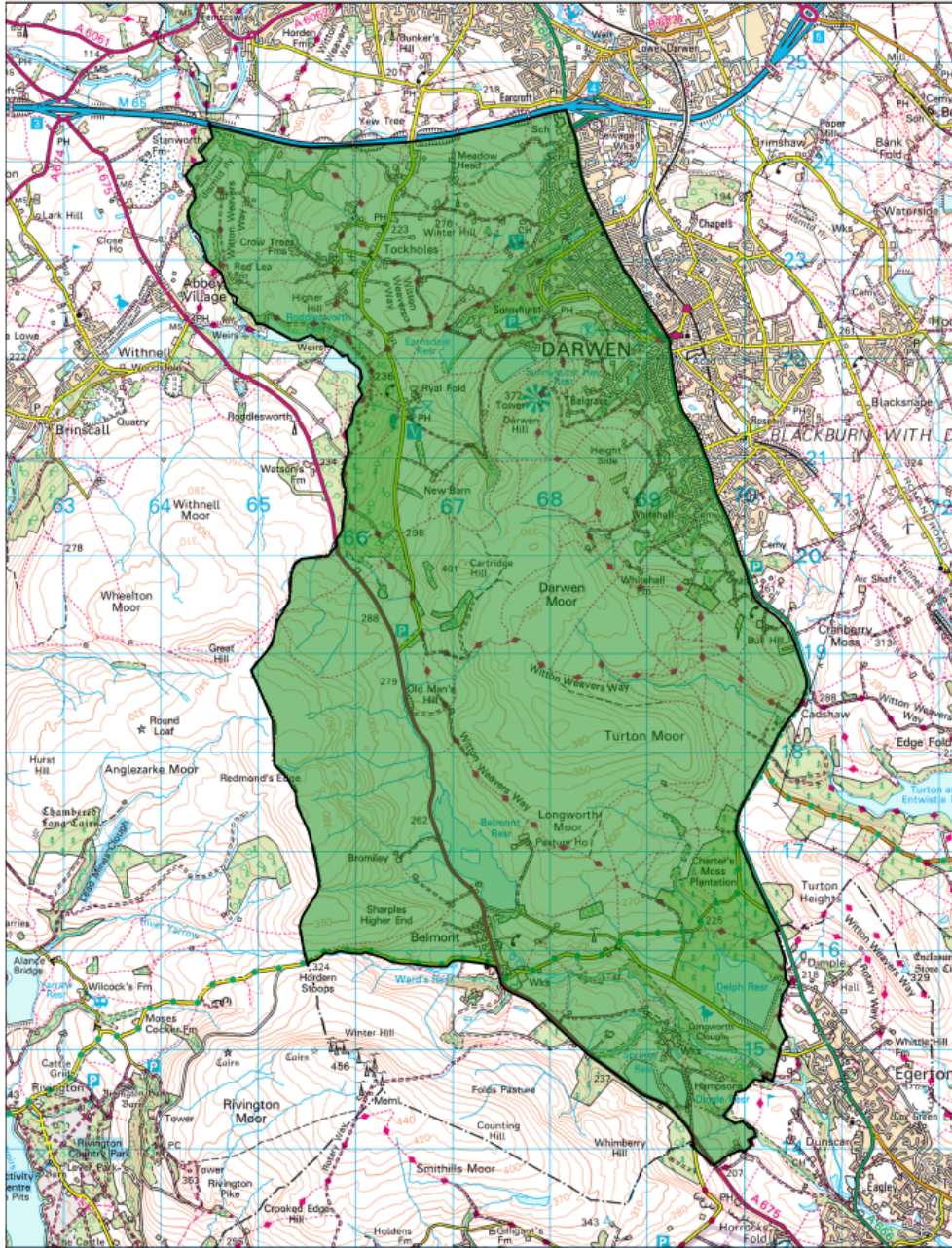
.....day of.....2023

THE COMMON SEAL of the }
Blackburn with Darwen Council }
Was hereunto affixed }
In the presence of

Authorised Officer



Darwen Moor



Winter Hill

