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14 September 2021

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Wednesday, 22 September 2021 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'James McLaughlin'.

James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

05 July 2021

3. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close

friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

Page No.

6. COUNCIL HOUSING UPDATE REPORT

03 - 06

To note a report on the progress of the Council's housing programme; having selected Nottingham Community HA as the Council's Development and Management Agent, work has been progressing to bring forward proposals that will see the first homes delivered in 2021/22.

7. PUBLIC SPACE PROTECTION ORDERS 2021 - CONSULTATION

07 - 39

To consider a report seeking approval for a six week period of public consultation, on the Draft Public Space Protection Orders (PSPO), be undertaken from 04th October to 22nd November 2021 and for further amendment and variation to the Draft PSPO as detailed in the report; a further report will be presented to a future meeting of the Community & Environment Committee with the results of the consultation exercise, which will include options on how to proceed with a view to commence the new PSPO at the earliest possible date. Also to note, due to delayed timescales, there will be no PSPO in place from 01st November 2021, until the consultation has been concluded and a decision is made at a future date of this Committee to approve the details of the new PSPO.

Members of the Committee - Councillors: Sue Bull, Matthew Buckler, Martin Burfoot, Neil Buttle, Helen Froggatt (Vice Chair), Chris Furness (Chair), David Hughes, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Lewis Rose, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Substitutes – Councillors: Robert Archer, Jason Atkin, Sue Burfoot, Tom Donnelly, Richard Fitzherbert, Clare Gamble, Susan Hobson and Peter Slack

Community & Environment Committee
22nd September 2021

Report of the Director of Housing Services

COUNCIL HOUSING UPDATE REPORT

PURPOSE OF REPORT

The purpose of this report is to advise Members of the progress concerning the Council's housing programme. Having selected Nottingham Community HA as the Council's Development and Management Agent, work has been progressing to bring forward proposals that will see the first homes delivered in 2021/22.

RECOMMENDATION

That Members note the progress of the Council Housing programme.

WARDS AFFECTED

All

STRATEGIC LINK

The development of new council housing supports the Council's objective to enable and provide affordable homes. The rental income will also support the Council's wider objectives and deliver services to residents. 'Prosperity' is highlighted in the Corporate Plan 2020-24 as a District Council priority due to low local wages and high local house prices. With regard to the recommendations in this report, the District Council specifically aims to: Promote housing development that meets the needs of the present and future population of the District. Within this aim, there is an action to: Build new Council homes to rent and continue to build social rented homes in partnership with Housing Associations. There is also an action to: Review opportunities as we strive to be a more commercially-minded District Council. Delivering council homes to local people will help to meet housing need in the district and generate rental income to support the Council's wider strategic objectives.

1 BACKGROUND

- 1.1 At full Council on the 14th December 2020 Members approved the selection of Nottingham Community Housing Association (NCHA) to act as the Council's Development and Management Agent. Members also approved the recommendation that regular update reports should be brought to the Community and Environment Committee, concerning the progress of the business plan and performance of the chosen contractor. The Committee received a report on the 8th April 2021 and this subsequent report represents the 2nd update report since the programme started.
- 1.2 NCHA have significant experience in the delivery of affordable housing and their expertise together with their existing presence in the district is proving particularly beneficial.

- 1.3 The District Council is registered with the Regulator of Social Housing and subject to the requirements of the Regulator and the Housing Ombudsman. There are various statutory returns that are required to be completed each year. The District Council is not an Investment Partner with Homes England, instead the Council's contract with NCHA provides the Council with access to the Blue Skies Consortium and this in turn allows the Council to access Homes England grant. This is deemed to be a good way of accessing grant because it avoids the complexity of further regulation that comes with being an Investment Partner.
- 1.4 Providing homes that meet housing need both by area and type of home is a key driver of the Council's ambitions. Over half of the Council's housing register comprise single person households and 50% of these are older people. Providing 1 bed flats and houses together with 2 bed houses and bungalows will help meet housing needs. Early proposals set out below have sought to make the most of council owned assets, respond to opportunities and meet need. The Council's programme should also be viewed in the context of the wider affordable housing programme, reported to Committee on 5th July 2021. The Council's housing ambitions are in their infancy and will only deliver around 10% of the total programme.

2 UPDATED BUSINESS PLAN

- 2.1 As set out in the previous update report to Committee, development of affordable housing can be challenging as some existing opportunities change, whilst new opportunities come to the fore. Several opportunities are set out in the report below. Some of the details at this stage remain in outline form because there is still work to do in relation to consulting Town and Parish Councils and some sites are commercially sensitive. Feedback from NCHA and other housing associations indicates that build costs for small schemes are increasing significantly. This build cost inflation is being driven by factors beyond the Council's control namely the availability of materials and trades, Brexit, COVID, the availability of SME building firms and changing standards concerning ecology and environmental performance. The Council's own small sites may prove more challenging to deliver in the current climate.
- 2.2 Officers had previously identified the sites below which could deliver up to 25 homes;
- Station House, Matlock. Consultation with ward members has taken place and pre application advice has been sought from the Council's Development Control Team. The initial proposal would see the conversion of the building into 2x1 bedroom flats. Pre application advice suggested a different approach to the property given the impact conversion would have on the internal characteristics of the building. A review of the possible options for the property are being considered. This is a sensitive site and officers are keen to ensure the renovation of the property.
 - District Council owned site at Edgefold Road. Pre application advice was sought for 4x1 bedroom flats. The advice suggests that a smaller scheme would be more appropriate and so a revised appraisal is under way for 2x1 bedroom flats.
 - District Council owned site Kirk Ireton. Pre application advice was sought for 2 bungalows and has indicated only one property is suitable for this site. A viability appraisal for the reduced scheme is underway.
 - District Council owned site in Wirksworth. A viability appraisal concerning up to 8 homes was prepared but the site has several constraints and has therefore

been reduced in size to 3 homes. A revised design and appraisal has been produced and further site investigations are in progress.

- A property and capital funding bequeathed to the Council remains in probate. An additional capital sum of £110,000 will also be received by the Council.
- Ashbourne S106 opportunities. NCHA are taking forward the purchase of 10 houses for the Council at £1 per property as part of two planning gain sites. These units are due to complete in 2022. Some costs will be incurred to finish the homes to the social housing standard. A capital programme bid to Council will be sought for the estimated costs of £42,000 for the first 7 homes, with a second bid to follow for the remaining three when costs have been assessed.
- Two empty homes, one in Darley Dale and one in Matlock have had offers accepted and conveyancing is in progress. The Darley Dale property will be the first new Council house delivered in the District under the current programme.
- An existing social landlord is seeking to dispose of a lease concerning 5 rented homes at nil cost to the new landlord. Since the April report, officers can now confirm that all parties are in agreement and the Council will take on a new 125 year lease from the Palfreyman Trust for 5 properties in Monyash. The lease can be transferred to the Council on favorable terms. The properties are off gas and require specialist advice to substantially improve the energy performance of the homes. A future report to Council will be seeking funding to cover the refurbishment and retrofit costs of the 5 homes. The ward member has been consulted on this opportunity.

2.3 Further additional opportunities are also being appraised including;

- Further S106 schemes in Wirksworth, Matlock/Tansley and Hartington, a total of 15 homes and four open market properties in the south of the district. Consultation with the Chairman, Vice Chairman and the relevant Ward Members has been undertaken in relation to these opportunities.
- Additional S106 opportunities are also likely to come forward over the next 18 months. These opportunities are a good fit with the business plan because of the low numbers involved. They are also of limited interest to much larger housing providers and so support the Council's wider strategic objectives.

2.4 There are several other opportunities that are too early to outline at this stage, but as with all development programmes, there is an element of risk and uncertainty that some opportunities will not come to fruition whilst others will replace them. Future reports to this Committee and the annual report to full Council will keep Members fully informed of progress. The viability of small numbers of new build schemes is a challenge and may impact on some of the schemes outlined above.

2.5 Several sites will require capital funding through financing by the District Council and grant from Homes England. The housing element of the capital programme has £4.293m available. The financial appraisals of several sites are yet to be completed but the current programme would only use a fraction of the available resources.

2.6 One of the key considerations in the programme is the ability to deliver homes with high energy efficiency performance. On new build the aim is to achieve EPC rating A, and on retrofit of existing properties to achieve EPC B. However each scheme will be reviewed on its own merits. NCHA have in house expertise that is also helping them to deliver high energy efficiency standards in their own development programme.

NCHA also have a tried and tested approach to their Employers Requirements which set out contractor's obligations and include the detailed requirements for delivering the homes and other quality issues ranging from space standards to provision of toilet roll holders.

- 2.7 As set out in the November 2020 report to Council, the programme focuses on low risk opportunities and standard tenure types for which grant funding is available through Homes England, namely social rent, affordable rent and shared ownership. The property types will also reflect local housing need with 50% of the Housing Register comprising single people, development of 1 and 2 bedroom properties is key.
- 2.8 Rental income from the homes will be a new revenue stream for the Council. When the current programme reaches 52 homes, projected income will reach £200,000 per year, after management costs.

3 RISK ASSESSMENT

3.1 Legal

As this report is to note the current progress there are no decision to be taken thus the legal risk is low.

3.2 Financial

Current capital resources that are available exceed the requirement for the schemes identified in this report.

As stated above, rental income from the homes will be a new revenue stream for the Council. A proportion of the rental income will need to be set aside each year, in a new Housing Major Repairs Allowance Reserve, to finance future works such as replacement of kitchens, bathrooms and windows.

The financial risk of this report is assessed as low.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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Email: robert.cogings@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

Report to Full Council 14th December 2020
Community and Environment Committee 8th April 2021

Community & Environment Committee
22nd September 2021

Report of the Director of Community & Environmental Services

PUBLIC SPACE PROTECTION ORDERS 2021 - CONSULTATION

PURPOSE OF REPORT

The Council's Public Space Protection Order (PSPO) is due to expire 31st October 2021. Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act with regards to consultation, publicity and notification.

This report sets out evidence to support, or otherwise, the PSPO, progress so far, options for consultation for the 2021 / 2022 PSPOs and seeks approval to commence the formal consultation.

RECOMMENDATION

1. That a six week period of public consultation on the Draft Public Space Protection Orders be undertaken from 4th October to 22nd November 2021.
2. That the proposals for Dog Control Orders outlined at paragraph 5.2 be approved for inclusion in the Draft Public Space Protection Orders.
3. That the proposals for Alcohol restrictions outlined at paragraph 5.3 be approved for inclusion in the Draft Public Space Protection Orders.
4. That the proposals for No Parking restrictions outlined at paragraph 5.4 be approved for inclusion in the Draft Public Space Protection Orders.
5. That the proposals for BBQ's / Fires outlined at paragraph 5.6 be approved for inclusion in the Draft Public Space Protection Orders OR That the Committee determine the scope of proposals for BBQ's / Fires to be included in the Draft Public Space Protection Order.
6. That a further report be presented to a future meeting of the Community & Environment Committee with the results of the consultation exercise, which will include options on how to proceed with a view to commence the new Public Space Protection Order at the soonest possible date.
7. That Members note, due to delayed timescales, there will be no PSPO in place from 1st November 2021, until the consultation has been concluded and a decision is made at a future date of this Committee to approve the details of the new PSPO.

WARDS AFFECTED

All

STRATEGIC LINK

To ensure that the Derbyshire Dales remains a clean, green and safe place for residents and visitors.

1 BACKGROUND

- 1.1 In the Anti-Social Behaviour, Crime & Policing Act 2014 (S 59 – 75), Public Space Protection Orders (PSPOs) were introduced nationally for the first time. The Act introduced simpler, more effective powers to tackle anti-social behaviour and provide better protection for victims and communities. The Order lasts a maximum of three years so with the current ones expiring on the 31st October, the Council needs to review the existing Order and carry out a consultation exercise with affected parties on proposals for the new PSPO. A report was submitted to the 5th July Community & Environment Committee where Members sought further clarification on fire authority statistics and the Police's position before confirming the scope of the consultation content. This has delayed the consultation process therefore, this will result in no PSPO being in place from 1st November 2021.
- 1.2 A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
 - 1.2.1 The first condition is that:-
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
 - 1.2.2 The second condition is 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 the notice.
- 1.3 The Order must stand up to potential legal challenge, be reasonable and proportionate. There must be an element of evidence with proven detrimental effect to an area. Any introduction should not knowingly cause displacement of behaviour.
- 1.4 Any breaches of the PSPO by an individual which is included in the Order can be dealt with by a Police Office, Police Community Support Officer (PCSO) and/or Derbyshire Dales Council Officer (who has the relevant enforcement training) issuing a £100 Fixed Penalty Notice (FPN) to the individual/s at the time of the offence.

- 1.5 Signage is installed in the areas affected, advising people that they are in a PSPO area and warning of the possible consequences of displaying any anti-social behaviour covered by the Order.
- 1.6 Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act relating to consultation, publicity and notification. Local authorities are legally obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a District), parish or community councils that are in the proposed area covered by the PSPO must also be notified.

2. CURRENT PUBLIC SPACES PROTECTION ORDER

- 2.1 The initial PSPO was introduced in 2015 and replaced the Council's former Dog Control Orders. The current PSPOs were adopted 1st November 2018 and run until 31st October 2021 and cover dog control, alcohol consumption, fires & BBQs and driving & parking. The current PSPO cover 107 sites, 60% of these sites are under DDDC ownership, the others sites are Town/Parish's responsibility. A summary of the areas covered by the current PSPO can be found in **Appendix A**.
- 2.2 The Dog Control Public Space Protection Order 2018 includes:-
- Fouling of land by dogs – this applies to any land within the administrative area of Derbyshire Dales District Council 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
 - Dogs on lead areas
 - Dogs on lead by direction areas
 - Dog exclusion areas (enclosed play areas)
- 2.3 The relevant accredited Council officer/s would most likely be the authority which would issue FPNs to such breaches, however the Police could also issue if they witness any of the above taking place during their patrols.
- 2.4 The PSPOs in some areas also cover:-
- Alcohol
 - Fires and BBQs
 - Driving and Parking
- 2.5 The Police are most likely to be the authority which would address such breaches, as these would likely be outside of council working hours either by witnessing this during their patrols or by members of the public calling 101.

3 REVIEW OF THE PUBLIC SPACES PROTECTION ORDER 2018

- 3.1 An Engagement Session with representatives from the Derbyshire Constabulary and Derbyshire Fire and Rescue Services and Council officers was held for Members on the 26th January 2021.
- 3.2 During the meeting, the representative from Derbyshire Fire and Rescue Service (Simon Abbs – Matlock Station Manager) provided statistics that had been recorded, operational knowledge and experience on the ground, in the areas which are covered in the current PSPO. The DFRS advised that there had been six BBQ incidents in open land, such as Stanton Moor in 2020, all happened in May and June and four in the same weekend. After the Engagement Session Council officers received some challenges around the statistics which was provided by the DFRS as some Members had received different information. Therefore, the DFRS have provided all reports of ‘outdoor fires’ relating to the 2020 calendar year and this is detailed in 3.7.
- 3.3 The representative from Derbyshire Constabulary (Inspector Troup) provided information the police had witnessed and what breaches which they would be able to assist with enforcement. A summary is below:
- As a partnership we need to have PSPO’s that are relevant and fit for purpose, but also evidenced based and realistically enforceable;
 - A PSPO should not be seen as something that only the police deal with;
 - The control of alcohol is something that helps us to tackle crime and ASB, the ability to remove alcohol from people is a good way of preventing further ASB offences and managing situations before they escalate;
 - No evidence has been seen relating to BBQs/Fires to suggest that these are a significant issue in the Derbyshire Dales
 - They would not be able to take full responsibility for the enforcement of areas cover by the dog control but would support local authority resources in doing this if witnessed during their patrols;
- 3.4 Council officers also shared information on the elements which the District Council capture, which is outlined in sections 3.2, 3.3 and 3.5.
- 3.5 At the meeting of the Community & Environment Committee held on 5th July, it was resolved ‘That consideration of this item be deferred until the next meeting of the Committee to seek clarification on the views of statutory consultees on introducing a Public Space Protection Order for BBQs and open fires’
- 3.6 These views have subsequently been sought and are available in **Appendix C**

Dog Control Orders

- 3.7 The Council's Customer Relationship Management (CRM) system has been recording reports of dog fouling on the public highway and other council areas, since April 2020, Reports previous to April 2020 the council received by email or telephone were not officially recorded in one central location.
- 3.8 1st April 2020 – 31st March 2021 shows 232 reports of dog fouling received which peaked in September 2020 with 74 calls in response to a Council campaign to address litter/dog fouling. Of the 232 dog fouling reports, only one was within an area covered by the PSPO, the rest were on public highway or private land.
- 3.9 The September 2020 campaign had mixed results. It generated a lot of publicity and reports. In August there were 2 reports of dog fouling and 1 report of litter however, in September during the campaign we had 74 reports of dog fouling and 1 report of litter. There were an additional 27 reports however, these were on private land. On investigation most of the reports for dog fouling it was found that there were no or very little evidence of dog fouling. It was thought it was probably a historic problem or it was perceived as a bigger problem than it actually was.
- 3.10 A further campaign took place in Summer 2021 with patrols taking place at areas in which dog fouling had been reported in Matlock, Wirksworth, Bakewell & Ashbourne over a 6 week period, at different times of the day. Of the reports which were received, little evidence of dog fouling was encountered by officers patrolling and dog owners / walkers engaged with were acting responsibly and appreciating the importance to do so.
- 3.11 Comments have been observed on social media about dog fouling, for example in areas such as Hall Leys Park and the challenge this presents to users of the park, especially those with young children. 'Took two little grandchildren to play on Hall Leys this morning. Unfortunately someone had let their dog poo right in the middle of the grassy area, and not picked it up. Tricky cleaning little wellies in the rain with nowhere to sit' (9th March 2021).
- 3.12 Other data shows calls for service since 2018, have in most cases related to footpaths and as these are classed as public highway, they are already covered by the PSPO under 'Any land within the administrative area of Derbyshire Dales District Council 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'. There has only been one request for enforcement by a Parish Council.
- 3.13 There have been occasional reports of owners allowing dogs to roam and foul and in these cases, where the alleged 'offender' is known, a letter is sent advising of the consequences of their actions. The Council sent seven such letters in 2020.
- 3.14 The police support the dog controls for public safety reasons in certain areas such as parks. The Police would not be able to take responsibility for the enforcement of this but would support local authority resources in doing this.

Driving and Parking

3.15 The council haven't received any reports directly, or through a third party of vehicles driving/parking on areas which are covered by the current PSPO.

Alcohol and BBQ / Fires

3.16 Reports of alcohol and fire breaches would be called through to the Police using 101 at the time of the incident, otherwise the Council may receive this information after the fact. Below is a summary of Inspector Troup's comments relating to these specific areas:

- As a partnership we need to have PSPO's that are relevant and fit for purpose, but also evidenced based and realistically enforceable;
- A PSPO should not be seen as something that only the police deal with;
- The control of alcohol is something that helps us to tackle crime and ASB, the ability to remove alcohol from people is a good way of preventing further ASB offences and managing situations before they escalate;
- No evidence has been seen relating to BBQs/Fires to suggest that these are a significant issue in the Derbyshire Dales

3.17 Derbyshire Fire and Rescue Services have provided the following stats that related to 'outdoor fires' for the period 1st January 2020 – 31st December 2020 for reports of fires in the Derbyshire Dales:

Property Type Description	Number of incidents
Cycle path/public footpath/bridleway	2
Grassland, pasture, grazing etc	14
Heathland or moorland	6
Hedge	2
Highway/road surface/pavement	1
Loose refuse (incl in garden)	10
Mines and quarries - excluding buildings above ground	2
Private/Domestic garden/allotment (vegetation not equipment/building)	10
Roadside vegetation	12
Scrub land	4
Stacked/baled crop (incl manure heap)	2
Tree scrub (includes single trees not in garden)	11
Wasteland	3
Woodland/forest - broadleaf/hardwood	4
Total	83

- 3.18 Of the 83 reports, 21 mentioned 'camp or BBQ' in the report from the fire officer after attending the incident. Of those 21, three were in Stanton Moor / Stanton in Peak area, the rest were in locations which would not be covered by a PSPO, as the District Council does not have any responsibility for these areas as they are mainly private land.
- 3.19 At the 5th July Community & Environment Committee, there was a suggestion that there were some inaccuracies with the statistics relating the number of reports of 'outdoor fires' in the Derbyshire Dales and reference was made to an email which was sent to the Chief Executive back in March 2021, which provided different information to that previously quoted. As this raised concerns with members of the Community and Environment Committee the report was deferred with a request to seek clarification from Derbyshire Fire & Rescue as well as requesting confirmation of the position of the Chief Constable of Derbyshire Constabulary.
- 3.20 The correspondence referred to at the 5th July meeting comprised an email exchange (not a letter as stated in the meeting), on 26th February 2021 between Mr. Stanbrook (Area Manager – Derbyshire Fire and Rescue Service) and Cllr. Mrs Burfoot. The email was forwarded to the Chief Executive (for info) by Cllr. Mrs. Burfoot.
- 3.21 The email did not include any statistics on BBQ related incidents but it did appear to indicate a contrary view to that previously expressed by DFRS and suggested that DFRS fully support PSPO's for discouraging the use of BBQ's. In response to the receipt of this correspondence, the Chief Executive immediately instructed Officers to seek a definitive view from the Chief Fire Officer as conflicting information was being received as to the stance of DFRS on this issue.
- 3.22 Since then, Officers have sought clarification from Gavin Tomlinson, Chief Fire Officer / Chief Executive of Derbyshire Fire & Rescue and Rachel Swann, Chief Constable of Derbyshire Constabulary. They both agreed that the information included in the report which was presented on the 5th July Committee was accurate.
- 3.23 A summary of their responses is below. Their full responses can be found in **Appendix C**, along with the accompanying letter which was sent to them both from the Chief Executive:

- 3.23.1 Gavin Tomlinson, Chief Fire Officer / Chief Executive, of Derbyshire Fire & Rescue:-

"Following a review of the 3 reported incidents of barbecues and open fires we have received, I am satisfied that this is at an appropriately low level and consequence for Derbyshire Fire and Rescue Service not to be unduly concerned.

As such, we would agree with the summary provided in your letter; that there does not seem to be an issue with open fires or barbecues in the Derbyshire Dales area at this current time.

We would however welcome a review of this annually or at such time where conditions are conducive to fires that damage the public spaces of Derbyshire."

3.23.2 Rachel Swann - Chief Constable of Derbyshire Constabulary:-

"Following a review of reported incidents of barbecues and open fires I am informed by Sergeant Brooks, Local Policing Unit, that there has been a single report within the area of the PSPO which was received at the end of July 2021.

As such, we would agree with the summary provided in your letter; that there does not seem to be an issue with open fires or barbecues in the Derbyshire Dales area from a policing point of view."

3.24 Recently High Peak Borough Council have introduced a PSPO which covers 'Wildfires' and prohibits the following:

- Lighting a fire of any type or size in the restricted
- Using any article or object which causes a naked flame
- Possessing or lighting a BBQ in the restricted area
- Possessing, lighting or releasing a firework in the restricted area
- Possessing, lighting or releasing a Chinese/sky lantern in the restricted area

3.25 The restricted areas include those which lie within boundary of the Peak District National Park and/or land owned by High Peak Borough Council.

3.26 There are the same challenges with regards to enforcement of this PSPO with both PDNPA and High Peak.

3.27 Although Peak District National Park Authority do not automatically have the relevant powers to introduce a PSPO on their land, they can apply to the Secretary of State for these Powers. In recent conversations they have advised that this isn't something they are willing to investigate as, similar to the council, they do not have the resource to enforce these. The Peak District National Park Authority are willing to get involved with partners on awareness raising and targeted campaigns. The council understands the PDNPA are investigating the possibility of introducing specific areas for BBQ sites, where they could be managed safely as well as being involved in the Fire Stoppers campaign which provides anonymity to those wishing to report fires.

4 ENFORCEMENT & MONITORING

4.1 The current PSPO has been managed in an advisory capacity. Up until very recently no enforcement action has been taken by either Council officers or the Police.

- 4.2 Since the 5th July Community & Environment Committee, a one day training course on enforcement and the process of how to issue Fixed Penalty Notices has taken place. This was attended by nine District Council staff, two officers from the current parking enforcement contractor (NSL) and, for observational purposes, two members of staff from Crowfoot Kennels who operate the District Council's stray dog collection contract.
- 4.3 Whilst increasing knowledge and capacity, this still represents a relatively small team of people and they would not be carrying out this type of enforcement as part of their regular day to day work. However, the recent campaign and soft touch targeted enforcement as part of the Anti-Social Behaviour Week (19th – 23rd July) proved effective in engaging with the public, observing their behaviour and adherence to the Order.
- 4.4 Staff have carried out targeted enforcement four sessions visiting across the District in areas within following locations Ashbourne, Bakewell, Bradwell, Matlock and Wirksworth based on reports received with CRM. Further enforcement sessions will be carried before the Order expires on 31st October. Again the locations where targeted enforcement sessions will take place will be determined by the number of reports of dog fouling incidents and is likely to be in the main towns and recreational areas.
- 4.5 It should be noted that, whilst police officers have legal powers to compel someone to provide their name and address, council officers do not have those powers and rely on the offender providing accurate details in order for the penalty to be pursued.
- 4.6 Taking all this information into consideration, we need to be mindful of the number of areas which we include in the next PSPO order. As the previous Inspector for Derbyshire Dales stated, they need to be 'relevant, fit for purpose and realistically enforceable'.
- 4.7 Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) is another way to manage the impact of Anti-social Behaviour on the community. Therefore, if any of the above categories are not included in the new PSPO and required trigger is met, offenders could be issued with a CPW and/or CPN by the Police or trained officers of the Council.

5 PROPOSALS FOR CONSULTATION

- 5.1 Based on the information captured, officers have put together some recommendations for the consultation. These can be found in **Appendix B** and outlined below:

Dog Control

- 5.2 Dog control to be more consistent across all sites:-
- Lead by Direction becomes Dogs on Leads across those affected sites

- Cemeteries - Remove dog fouling and control orders removed from all cemeteries both council and parish managed
- Enclosed play areas – Dog exclusion proposed for all enclosed play areas.

Alcohol

5.3 To be retained in the following locations only:-

- Ashbourne - Recreation Ground, Memorial Gardens and Fishpond Meadow
- Bakewell - Recreation Ground
- Matlock - Hall Leys Park
- Matlock Bath – Derwent Gardens, Lovers Walk, Pavilion Park
- Wirksworth – Fanny Shaw Playing Field

Driving & Parking

5.4 Remove from all existing sites.

Fires & BBQs

5.5 Looking at the evidence received in the last three years this would indicate that within Derbyshire Dales there isn't the same reports of BBQs/Fires as there is in other Districts. Therefore, to remove Fires & BBQs from the consultation process across all sites.

5.6 To include Stanton Moor in the consultation for BBQs/Fires on the understanding that if this was to be formally included in any new PSPO, that the District Council would not be responsible for enforcing this. Enforcement of this would fall to the Police and / or other agencies.

6 ENGAGEMENT / CONSULTATION ON THE PROPOSALS

6.1 The proposals need to be subject to a comprehensive consultation process and will invite people to feedback for a period of six weeks, we are proposing to start this on the 4th October this will finish on the 22nd November.

6.2 Consultees will include:-

- a) Statutory consultees – Police, Fire etc
- b) Public via
 - Dales Matters – Spring 2021 & Autumn 2021 edition
 - Social Media
 - Website
 - On line panel and ENewsletter
 - Signage will be erected in all the areas affected which will have a QR code on so that it will link directly to the consultation on the website to make it easier for people to be able to comment on the proposals.

- c) Town / Parish Councils - affected Town / Parish Councils were initially contacted in November 2020 to make them aware of the PSPO renewal and invite initial comments and updates have been issued since. Further close liaison on the proposals and specific site comments where land is parish managed will take place.
- d) Specific groups – where appropriate consultation will take place with affected groups such as disability groups and regular user groups eg sports teams.
- e) The DDDC PSPO webpage invites anyone interested to register for updates.

6.3 An Equalities Impact Assessment has been started and can be made available for anyone who wishes to see it. This will be completed with any mitigating actions when the consultation ends.

7 DECISION PROCESS AND THE NEXT STEPS

7.1 The results of the consultation exercise will be collated and reported to a future meeting of the Community & Environment Committee. The report will provide options for the way forward based on the comments received during the consultation. Once the Committee has made their decision the Orders, will need to be passed to Legal, so that they may be drawn up and also necessary arrangements made (advertising, signage) ahead of the introduction of the new PSPO.

7.2 Ahead of their introduction, details of the PSPO, highlighting any significant changes, will be advertised through press releases, social media and the website to include more information on specific sites plus signposting to 'friendly' sites.

7.3 Details will also be conveyed to Councillors, Town/Parish Councils and Parish Meetings, partners and any specifically affected groups and affected landowners.

7.4 Signage will be reviewed with Legal & Communications to coincide with the PSPO introduction. The aim is to rationalise signage where possible, make it easy to understand. The plan is to introduce QR codes to enable reporting by members of the public easier. It is estimated that costs will be in the region of £7,500 which will be funded from the Community Safety budget. Town/Parish Councils will be able to purchase appropriate signage via DDDC.

8 EDUCATION AND AWARENESS

8.1 Education should be our priority, with enforcement and the issuance of Fixed Penalty Notices (FPNs), following as a last resort.

8.2 The September 2020 and Summer 2021 litter & dog fouling campaigns were positively received. They also highlighted that the problem was not as bad as it had been perceived. The council will continue to have similar campaigns in the future.

- 8.3 The Council's Environmental Health team, along with external parties are involved in a publicity campaign around fires and BBQs in light of increased summer staycations this year. Under the Health & Safety at Work umbrella, the campaign focusses on caravan and camping sites as well as having a broader reach.
- 8.4 Together with 'Keep Britain Tidy' and other 'clean up campaigns' the Council plan to carry out awareness & targeted enforcement days with our partners such as the police, parking enforcement contractor, dog wardens as well as council employees.

9 MONITORING AND REVIEW

- 9.1 The PSPO will be closely monitored, as this evidence will inform any possible future PSPO and influence any necessary reviews. The CRM system will be adapted to allow all PSPO issues to be reported by members of the public via various channels, most notably the CRM system and QR codes on signage will enable sites to be easily identified.
- 9.2 Through the CRM system it is hoped to capture even more robust data through a map layering system which will distinguish between issues on PSPO covered sites versus non covered sites.

10 RISK ASSESSMENT

Legal

- 10.1 The power and requirements for making a PSPO are Part 4 of Chapter 2 of the Anti-social Behaviour Crime and Policing Act 2014, and is supplemented by the Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 and statutory guidance issued by the Secretary of State.
- 10.2 Under Section 66 of the Act any challenge to the validity of a PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is an individual who lives in, or regularly works in, or visits the restricted area.
- 10.3 This means that only those who are directly affected by the restrictions have the power to challenge. The validity of a PSPO can be challenged on two grounds only:
- (a) that the Council did not have power to make the order, or to include particular prohibitions or requirements imposed, or
 - (b) that the procedural requirements for making the PSPO (for instance, consultation) were not complied with.

- 10.4 On any application to the High Court challenging the validity of an Order the Court may suspend its operation or any of the prohibitions or requirements imposed by it until the final determination of the proceedings. If the Court is satisfied the Council did not have the power to make the PSPO, or it did but the Council failed to comply with the procedural requirements and, the applicant has been substantially prejudiced by that failure, it may quash the Order or any of the prohibitions or requirements imposed by it.
- 10.5 In deciding whether to make a PSPO and, if so, what restrictions should be included, by Section 72 of the Act the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the Convention”).
- 10.6 A PSPO may also be challenged by way of an application for judicial review which must be brought promptly and in any event not later than 3 months after the grounds to make the claim first arose. At this preliminary stage the above is provided for information since the Council is not, at this point, deciding whether to actually make a PSPO, however the consultation recommended in this report is required to limit the avenues for a successful legal challenge to any PSPO that is finally approved.
- 10.7 A lapse in the Order for a 5 month period presents a risk as it will not be possible to issue any Fixed Penalty Notices during that time until a new PSPO is introduced. However, as mentioned in the report relatively little evidence has been found that there is a significant issue in areas which are covered by the current PSPO therefore, this risk is considered to be low.

Financial

- 10.8 The costs of the consultation exercise, the making of the Public Space Protection Orders and the provision of increased enforcement can be accommodated from within existing budgets and external funding in 2021 / 22.
- 10.9 For future years, external funding may not be available and it is expected that increased revenue budget provision will be required to fund enforcement at the levels required for these proposals. The level of spending will depend on the number of enforcement days that will be required, which is uncertain at this time but forecast to be around £2,000 per annum. That additional spending would need to be taken into account when setting budgets for future years and in the medium term financial plan.
- 10.10 The financial risk is therefore assessed as medium.

11 OTHER CONSIDERATIONS

- 11.1 If the Committee decide to include BBQs/Fires in the PSPO or including adding Stanton Moor, this would only be as an advisory capacity. The Council would not have any enforcement responsibility, any breaches would have to be enforced by the Police.
- 11.2 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

12 CONTACT INFORMATION

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13 ATTACHMENTS

Appendix A – Public Space Protection Orders 2018

Appendix B – Public Space Protection Orders – Proposal for 2021 Renewal

Appendix C – Chief Constable, Derbyshire Constabulary and Chief Fire Officer / Chief Executive, Derbyshire Fire & Rescue Service

Item	Public Space Protection Orders 2018					APPENDIX A		
1	Parish/Town Council Land							
2	DDDC Land							
3								
4	Site	Exclusion	Dogs on Leads	Dog Fouling	Lead by Direction	Alcohol Control	No Parking	No BBQs
5								
6	Ashbourne							
7	Cavendish Drive Play Area	✓ (Play Area Only)	✓	✓		✓	✓	✓
8	Ashbourne Cemetery		✓	✓				
9	Ashbourne Recreation Ground	✓ (Enclosed Play Area, Bowling Green, Tennis Courts Only)	✓ 11am - 4pm	✓	✓ 4pm - 11am	✓	✓	✓
10	Brickyard Play Area	✓ (Play Area Only)	✓	✓		✓	✓	✓
11	Fishpond Meadow			✓	✓	✓	✓	✓
12	Highfield Road Play Area	✓ (MUGA & Play Area Only)	✓	✓		✓	✓	✓
13	Memorial Gardens, Cokayne Avenue		✓	✓		✓	✓	✓
14	Thorpe View Play Area	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓
15	Bankcroft Picnic Area		✓	✓		✓	✓	✓
16								
17	Ashford in the Water							
18	Hall Orchard Playing Field	✓		✓				
19								
20	Bakewell							
21	Bakewell Cemetery & Memorial Garden		✓	✓				
22	Bakewell Recreation Ground	✓ (Enclosed Play Area Only)	✓ 11am - 4pm	✓	✓ 4pm - 11am	✓	✓	✓
23	Tennis Courts	✓		✓				
24	Bath Gardens		✓	✓		✓	✓	✓
25	Riverside Walk		✓	✓		✓	✓	✓
26								
27	Bonsall							
28	Bonsall Recreation Ground, Clatterway	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	✓
29	Memorial Gardens, Yeoman Street		✓	✓				
30	Bandstand at the Cross, Yeoman Street		✓	✓				
31	Old School Yard, The Dale		✓	✓				
32	Nether Green, Clatterway		✓	✓				
33								
34	Bradwell							
35	Recreation Ground, Gore Lane	✓		✓				
36	Recreation Ground, Brookside	✓		✓				
37	Peace Gardens, Church Street	✓		✓				
38								
39	Brailsford							
40	The Plain, POS/ Recreation Ground	✓ (Play Area Only)	✓	✓				
41	Brailsford Cemetery		✓	✓				
42								
43	Brassington							
44	Brassington Cemetery, Church Lane		✓	✓				
45	Brassington Play Area, Meadow Rise	✓		✓				
46	Brassington Recreation Field, South of Green View		✓	✓				
47	Brassington Picnic Area, Wirksworth Dale		✓	✓				
48	Brassington Village Green, Meadow Rise		✓	✓				
49	Brassington Village Pond, Middle Lane		✓	✓				
50								
51	Chelmorton							
52	Chelmorton Play Area, Main Street	✓		✓				
53								
54	Cromford							
55	Cromford Memorial Gardens		✓	✓		✓	✓	✓
56	St Marks Churchyard, St Mark's Close		✓	✓				
57	Scarthin War Memorial		✓	✓				

58	Steeple Arch Cemetery, Steeple Grange		✓	✓				
59	Cromford School Playing Fields, North Street	✓		✓		✓	✓	✓
60	Cromford Play Area, North Street	✓		✓		✓	✓	✓
61								
62	Darley Dale							
63	Broadwalk Recreation Ground	✓ (Play Area Only)		✓	✓	✓	✓	✓
64	The Parkway Recreation Ground	✓ (Play Area Only)		✓	✓	✓	✓	✓
65	Darley Dale Cemetery		✓	✓				
66	Northwood Recreation Ground	✓ (Play Area Only)		✓	✓	✓	✓	✓
67	Willow Way Play Area	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	✓
68	Whitworth Park	✓ (Enclosed Play Area Only)		✓	✓			
69								
70	Doveridge							
71	Playing Fields, Sand Lane		✓	✓				
72	Doveridge Burial Ground		✓	✓				
73	Meadow View Pathway		✓	✓				
74								
75	Foolow							
76	Foolow Village Green		✓	✓				
77								
78	Hathersage							
79	King George Playing Fields	✓		✓				
80								
81	Hognaston							
82	Play Area, Bakery Close	✓		✓				
83								
84	Hulland Ward							
85	Area of Land at Moss Lane		✓	✓				
86	Play Area, Ashes Avenue	✓		✓				
87								
88	Kniveton							
89	Village Recreation Ground	✓ (Enclosed Play Areas Only)	✓	✓				
90								
91	Litton							
92	Litton Play Area			✓		✓		
93								
94	Matlock							
95	Cavendish Rd Play Area & Paths	✓ (Play Area Only)	✓	✓		✓	✓	✓
96	Orchard Play Area, Hazel Grove	✓ (Play Area Only)		✓	✓	✓	✓	✓
97	Allen Hill Park		✓	✓		✓	✓	✓
98	Dimple Recreation Ground	✓ (Play Area Only)		✓	✓	✓	✓	✓
99	Hall Leys Park	✓ (Encl. Play Area, Tennis Courts & Bowls Area Only)	✓ 11am - 4pm	✓	✓ 4pm - 11am	✓	✓	✓
100	Sensory Garden		✓	✓		✓	✓	✓
101	Smedley Street Park / Sparrow Park	✓		✓		✓	✓	✓
102	Starkholmes Memorial		✓	✓				
103	Starkholmes Playing Field	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	✓
104	Victoria Gardens			✓	✓	✓	✓	
105	War Memorial Pic Tor		✓	✓				
106	Morledge Recreation Area			✓	✓	✓	✓	✓
107	Swan House POS (Pig Meadow)		✓	✓		✓	✓	✓
108	Diana Memorial Gardens		✓	✓				
109	Denefields			✓	✓	✓	✓	✓
110	Wellfield Allotments		✓	✓				
111	Megdale Community Garden		✓	✓				
112	Hurst Rise Playing Field	✓ (Encl. Play Area & Multi Sport Area Only)		✓	✓	✓	✓	✓
113								

114	Matlock Bath							
115	Derwent Gardens	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓
116	Lovers Walk Park Area	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓
117	Pavilion Park Area		✓	✓		✓	✓	✓
118	Matlock Bath Memorial Gardens		✓	✓				
119	Riverside Picnic Area		✓	✓		✓	✓	✓
120	Artist Corner Picnic Area		✓	✓			✓	✓
121								
122	Middleton by Wirksworth							
123	Middleton Cemetery		✓	✓				
124	Middleton Playing Field, Chapel Lane	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	✓
125	Middleton Village Green, Main Street		✓	✓				
126	Millennium Gardens, Stile Croft	✓		✓				
127								
128	Middleton by Youlgreave							
129	Play Area, Weadow Lane	✓		✓				
130								
131	Rowsley							
132	Play Area, Chatsworth Road	✓		✓		✓	✓	✓
133	Rowsley Recreation Play Area, Woodhouse Lane	✓		✓				
134								
135	South Darley							
136	The Plantation, Cross Green		✓	✓				
137								
138	Stanton in the Peak							
139	The Green	✓		✓				
140								
141	Stoney Middleton							
142	Playing Fields, The Avenue	✓ (Enclosed Play Area Only)	✓	✓				
143								
144	Sudbury							
145	Sudbury Sports Field, Main Street	✓		✓				
146								
147	Tansley							
148	Tansley Village Green, Chuch Street	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓
149	Tansley Church & Burial Ground		✓	✓				
150	Footpath - Goldhill to Spout Lane		✓	✓				
151								
152	Winster							
153	Winster Churchyard, Elton Road		✓	✓				
154	Winster Cemetery, Elton Road		✓	✓				
155	Woodhouse Lane Play Area	✓		✓				
156								
157	Wirksworth							
158	Bolehill Playing Field, Old Lane	✓ (Play Area Only)		✓	✓	✓	✓	✓
159	Fanny Shaw Cemetery, Cromford Road		✓	✓				
160	Fanny Shaw Playing Field	✓ (Play Area Only)		✓	✓	✓	✓	✓
161	The Dale Play Area	✓		✓		✓	✓	✓
162	Gorsey Bank Play Area	✓ (Encl. Play Area, Play Area & Multi Games Area)		✓	✓	✓	✓	✓
163	Yokecliffe Park	✓ (Play Area Only)		✓		✓	✓	✓
164	Memorial Gardens, St John Street		✓	✓				
165	St Mary's Churchyard		✓	✓				
166	Kingsfield Play Area, Millers Green	✓		✓				
167	Wash Green Play Area	✓		✓				
168								
169	Youlgreave							
170	Coldwell End Play Area	✓		✓				
171	Coldwell End Allotments	✓		✓				
172	QE11 Playing Fields	✓		✓				
173								

Item	Site	Exclusion	Dogs on Leads	Dog Fouling	Lead by Direction (included in this appendix for completeness)	Alcohol Control	Fires & BBQs	No Parking & Driving (included in this appendix for completeness)	Comments
1	Public Space Protection Orders - Proposals for 2022 renewal								
2	DDDC Land								
3	Parish/Town Council Land								
4	Other land								
5	To be removed								
6	Proposed revised								
7	Remove or determine scope								
Ashbourne									
8	Cavendish Drive Play Area	✓ (Play Area Only)	✓	✓		✓	✓	✓	It has come to light that this area of land is neither in the ownership of DDDC or the Town Council – we are trying to establish ownership, possibly the developer. Proposed, therefore, to remove from the Order
9	Ashbourne Cemetery		✓	✓					
10	Ashbourne Recreation Ground	✓ (Enclosed Play Area, Bowling Green, Tennis Courts Only)	✓	✓	✓ 4pm - 11am	✓	✓	✓	
11	Brickyard Play Area	✓ (Play Area Only)	✓	✓		✓	✓	✓	
12	Fishpond Meadow		✓	✓	✓	✓	✓	✓	

13	Highfield Road Play Area	✓ (MUGA & Play Area Only)	✓	✓		✓	✓	✓	
14	Memorial Gardens		✓	✓		✓	✓	✓	
15	Thorpe View Play Area	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓	
16	Bankcroft Picnic Area		✓	✓		✓	✓	✓	
Ashford in the Water									
17	Hall Orchard Playing Field	✓		✓					
Bakewell									
18	Bakewell Cemetery Burton Edge		✓	✓					
19	Bakewell Recreation Ground	✓ (Enclosed Play Area Only)	✓	✓	✓ 4pm - 11am	✓	✓	✓	
20	Tennis Courts Recreation Ground	✓		✓					
21	Bath Gardens		✓	✓		✓	✓	✓	
22	Riverside Walk		✓	✓		✓	✓	✓	
Bonsall									
23	Bonsall Recreation Ground, Clatterway	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	✓	
24	Yeoman Street Memorial Gardens		✓	✓					
25	Bandstand at the Cross		✓	✓					
26	Old School Yard, The Dale		✓	✓					
27	Nether Green, Clatterway		✓	✓					
Bradwell									
28	Recreation Ground Gore Lane	✓		✓					
29	Recreation Ground Brookside	✓		✓					

30	Peace Gardens Church Street	✓		✓					
Brailsford									
31	The Plain POS / Recreation Ground	✓ (Play Area Only)	✓	✓					
32	Brailsford Cemetery, Church Lane		✓	✓					
Brassington									
33	Brassington Cemetery, Church Street		✓	✓					
34	Brassington Play Area, Meadow Rise	✓		✓					
35	Brassington Recreation Field, South of Green View		✓	✓					
36	Brassington Picnic Area, Wirksworth Dale		✓	✓					
37	Brassington Village Green, Meadow Rise		✓	✓					
38	Brassington Village Pond Middle Lane		✓	✓					
Chelmorton									
39	Chelmorton Play Area, Main Street	✓		✓					
Cromford									
40	Cromford Memorial Gardens		✓	✓		✓	✓	✓	
41	Cromford Play Area, North Street	✓		✓		✓	✓	✓	
42	Cromford School Playing Fields/Play Area, North Street	✓		✓			✓		

43	St Marks Churchyard, St Mark's Close		✓	✓					
44	Scarthin War Memorial		✓	✓					
45	Steeple Arch Cemetery, Steeple Grange		✓	✓					
Darley Dale									
46	Broadwalk Recreation Ground	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
47	The Parkway Recreation Ground	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
48	Darley Dale Cemetery		✓	✓					
49	Northwood Recreation Ground	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
50	Willow Way Play Area	✓ (Enclosed Play Area Only)	✓	✓	✓	✓	✓	✓	
51	Whitworth Park	✓ (Enclosed Play Area Only)	✓	✓	✓				Run by Whitworth Trust with whom DDDC work in partnership to provide maintenance
Doveridge									
52	Playing Fields Sand Lane		✓	✓					
53	Doveridge Burial Ground		✓	✓					
54	Meadow View Pathway		✓	✓					
Foolow									
55	Foolow Village Green		✓	✓					
Hathersage									
56	King George Playing Fields, Back Lane	✓		✓					

Hognaston									
57	Play Area, Bakery Close	✓		✓					
Hulland Ward									
58	Area of Land at Moss Lane		✓	✓					
59	Play Area Ashes Avenue	✓		✓					
Kniveton									
60	Village Recreation Ground, Main Street	✓ (Enclosed Play Areas Only)	✓	✓					
Litton									
61	Litton Play Area, Mires Lane			✓		✓			
Matlock									
62	Cavendish Rd Play Area & Paths	✓ (Play Area Only)	✓	✓		✓	✓	✓	
63	Orchard Play Area, Hazel Grove	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
64	Allen Hill Park		✓	✓		✓	✓	✓	
65	Dimple Recreation Ground, Megdale	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
66	Hall Leys Park	✓ (Encl. Play Area, Tennis Courts & Bowls Area Only)	✓	✓	✓ 4pm - 11am	✓	✓	✓	
67	Sensory Garden		✓	✓		✓	✓	✓	
68	Smedley Street Park / Sparrow Park	✓		✓		✓	✓	✓	
69	Starkholmes Memorial, Starkholmes Road		✓	✓					
70	Starkholmes Playing Field	✓ (Enclosed Play Area Only)	✓	✓	✓	✓	✓	✓	

71	Victoria Gardens		✓	✓	✓	✓	✓	✓	
72	Swan House Grass Area		✓	✓		✓	✓	✓	
73	War Memorial Pic Tor		✓	✓					
74	Morledge Recreation Area	✓ (Enclosed Play Area Only)	✓	✓	✓	✓	✓	✓	To rectify error from previous Order
75	Diana Memorial Gardens		✓	✓					
76	Denefields		✓	✓	✓		✓		
77	Wellfield Allotments		✓	✓					
78	Megdale Community Garden		✓	✓					
79	Hurst Rise Playing Field	✓ (Encl. Play Area & Multi Sport Area Only)	✓	✓	✓	✓	✓	✓	
Matlock Bath									
80	Derwent Gardens	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓	
81	Lovers Walk Park Area	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓	
82	Pavilion Park Area		✓	✓		✓	✓	✓	
83	Matlock Bath Memorial Gardens		✓	✓					
84	Riverside Picnic Area, Dale Road		✓	✓		✓	✓	✓	
85	Artist Corner Picnic Area		✓	✓			✓	✓	
Middleton by Wirksworth									
86	Middleton Cemetery		✓	✓					
87	Middleton Playing Fields, Chapel Lane	✓ (Enclosed Play Area Only)	✓	✓	✓	✓	✓	✓	
88	Middleton Village Green, Main Street		✓	✓					

89	Millennium Gardens, Stile Croft	✓		✓					
Middleton by Youlgreave									
90	Play Area, Weadow Lane	✓		✓					
Rowsley									
91	Play Area, Chatsworth Road	✓		✓		✓	✓	✓	
92	Rowsley Recreation Play Area, Woodhouse Lane	✓		✓					
South Darley									
93	The Plantation, Cross Green		✓	✓					
Stanton in the Peak									
94	The Green	✓		✓					
Stoney Middleton									
95	Playing Fields, The Avenue	✓ (Enclosed Play Area Only)	✓	✓					
Sudbury									
96	Sudbury Sports Field, Main Street	✓		✓					
Tansley									
97	Tansley Village Green, Church Street	✓ (Enclosed Play Area Only)	✓	✓		✓	✓	✓	
98	Tansley Church & Burial Ground		✓	✓					
99	Footpath - Goldhill to Spout Lane		✓	✓					
Winster									
100	Winster Churchyard, Elton Road		✓	✓					
101	Winster Cemetery, Elton Road		✓	✓					

102	Woodhouse Lane Play Area	✓		✓					
Wirksworth									
103	Bolehill Playing Field, Old Lane	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
104	Fanny Shaw Cemetery, Cromford Road		✓	✓					
105	Fanny Shaw Playing Field, Cromford Road	✓ (Play Area Only)	✓	✓	✓	✓	✓	✓	
106	The Dale Play Area	✓		✓		✓	✓	✓	
107	Gorsey Bank Play Area	✓ (Encl. Play Area, Play Area & Multi Games Area)	✓	✓	✓	✓	✓	✓	
108	Yokecliffe Park	✓ (Play Area Only)		✓		✓	✓	✓	
109	Memorial Gardens, St John Street		✓	✓					
110	St Marys Churchyard		✓	✓					
111	Kingsfield Play Area, Millers Green	✓		✓					
112	Wash Green Play Area	✓		✓					Town Council controlled DDDC (not as previously indicated)
Youlgreave									
113	Coldwell End Play Area	✓		✓					
114	Allotments	✓		✓					
115	QE11 Playing Fields	✓		✓					
New requests to be considered									
116	Stanton Moor Option to add						✓		Request of Stanton Estates and PDNPA
117	Bakewell - Scot's Gardens						✓		Request of Bakewell Town Council

118	Calver - cricket field	✓							Request of Calver Parish Council
119	Doveridge - David Wilson Estate green spaces including woodland		✓	✓					Request of Doveridge Parish Council – determining ownership
120	Doveridge Area around the pond and woodland attached		✓	✓					
121	Foolow - Village Green						✓		Request of Foolow Parish Meeting
122	Litton - Memorial Playing Field	✓		✓					Request of Litton Parish Council
123	Wirksworth – The Meadows								Wirksworth Town Council may wish to include

DRAFT

Ms Rachel Swann
Police Chief Constable

claire.mcculloch.3735@derbyshire.pnn.police.uk

Please
ask for:
Direct Dial
No:
E-mail:

Paul Wilson
01629 761126
pspo@derbyshiredales.gov.uk

17th August 2021

Dear Ms Swann

Derbyshire Dales District Council – Public Space Protection Orders – evidence and consultation

I write with reference to the District Council's Public Space Protection Order (PSPO) which expires 31st October 2021.

The current Order covers over 100 sites, approximately 60% of which are District Council and the rest are Town/Parish Council controlled. They cover:-

- Dog Control
- Alcohol Control
- Parks & Open Spaces which includes Prohibition of Fires & No Barbeques and Prohibition of Driving or Parking on Parks & Open Spaces

A report was considered at the District Council's Community & Environment Committee, 5th July, on the scope of the consultation for the new PSPO which was due to commence 12th July for a six week period. At that meeting however, it was resolved:-

'That consideration of this item be deferred until the next meeting of the Committee to seek clarification on the views of statutory consultees (specifically Derbyshire Constabulary and Derbyshire Fire and Rescue Service) on introducing a Public Space Protection Order for BBQs and open fires'.

This has resulted in a delay in the consultation which in turn will cause a lapse from the current one expiring and any new PSPO starting.

PSPOs must be supported and based on evidence. Data we have at our disposal, in our view, does not suggest that lit fires & BBQs are a particular issue in Derbyshire Dales.

**Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive**

Town Hall, Bank Road, MATLOCK, Derbyshire. DE4 3NN
For general enquiries telephone 01629 761100 or visit www.derbyshiredales.gov.uk

Derbyshire Fire and Rescue Service (Josh Charlesworth) provided the following statistics relating to 'outdoor fires' for the period 1st January 2020 – 31st December 2020 for reports of fires in the Derbyshire Dales:

Property Type Description	Number of incidents
Cycle path/public footpath/bridleway	2
Grassland, pasture, grazing etc.	14
Heathland or moorland	6
Hedge	2
Highway/road surface/pavement	1
Loose refuse (incl. in garden)	10
Mines and quarries - excluding buildings above ground	2
Private/Domestic garden/allotment (vegetation not equipment/building)	10
Roadside vegetation	12
Scrub land	4
Stacked/baled crop (incl. manure heap)	2
Tree scrub (includes single trees not in garden)	11
Wasteland	3
Woodland/forest - broadleaf/hardwood	4
Total	83

Of the 83 reports, 21 mentioned 'camp or BBQ' in the report from the fire officer after attending the incident. Of those 21, three were in Stanton Moor / Stanton in Peak area, the rest were in locations which would not be covered by a PSPO, as the District Council does not have any responsibility for these areas and they are mainly private land.

We are aware that High Peak Borough Council have introduced a PSPO which covers 'Wildfires' and that the restricted areas include those which lie within the boundary of the Peak District National Park and/or land owned by High Peak Borough Council. There are challenges with regards to enforcement of this PSPO with both PDNPA and High Peak.

The above data does not appear to suggest a significant issue with fires, but it would be helpful to understand the official view of the Fire and Police Authorities and your professional opinion. This would be much appreciated and help us feedback to our Members and formulate the steer of the consultation.

I look forward to your response and in view of tight timescales would appreciate this by 27th August if at all possible.

Yours sincerely

Paul Wilson

**Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive**

Town Hall, Bank Road, MATLOCK, Derbyshire. DE4 3NN

For general enquiries telephone 01629 761100 or visit www.derbyshiredales.gov.uk



Contact: Claire McCulloch
Direct Tel: 0300 122 5557
Ext:
Our ref: HHQ/XEC/CC/cam
Your ref:

18 August 2021

Paul Wilson
Derbyshire Dales District
Council

Via email:
pspo@derbyshiredales.gov.uk

Dear Mr Wilson

Derbyshire Dales District Council – Public Spaces Protection Orders (PSPO) – Evidence and consultation

I write in connection with your letter dated 17 August 2021 in relation to the above order which is due to expire on 31 October 2021.

Following a review of reported incidents of barbecues and open fires I am informed by Sergeant Brooks, Local Policing Unit, that there has been a single report within the area of the PSPO which was received at the end of July 2021. As such, we would agree with the summary provided in your letter; that there does not seem to be an issue with open fires or barbecues in the Derbyshire Dales area from a policing point of view.

I trust this information is sufficient to inform your wider consideration of this matter.

Yours sincerely

Rachel Swann QPM
Chief Constable

Derbyshire Constabulary Headquarters, Butterley Hall, Ripley, Derbyshire DE5 3RS

Using telephone calls and data communications may be monitored and recorded

Tel: 101
Text Relay: 18001 101
 derbyshire.police.uk
 [@DerbysPolice](https://twitter.com/DerbysPolice)
 [DerbyshireConstabulary](https://www.facebook.com/DerbyshireConstabulary)

Mr Gavin Tomlinson
Chief Fire Officer / Chief Executive

Please ask for:
Direct Dial No:
E-mail:

Paul Wilson
01629 761126
pspo@derbyshiredales.gov.uk

islade@derbys-fire.gov.uk

17th August 2021

Dear Mr Tomlinson

Derbyshire Dales District Council – Public Space Protection Orders – evidence and consultation

I write with reference to the District Council's Public Space Protection Order (PSPO) which expires 31st October 2021.

The current Order covers over 100 sites, approximately 60% of which are District Council and the rest are Town/Parish Council controlled. They cover:-

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This has resulted in a delay in the consultation which in turn will cause a lapse from the current one expiring and any new PSPO starting.

PSPOs must be supported and based on evidence. Data we have at our disposal, in our view, does not suggest that lit fires & BBQs are a particular issue in Derbyshire Dales.

**Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive**

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I look forward to your response and in view of tight timescales would appreciate this by 27th August if at all possible.

Yours sincerely

Paul Wilson

**Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive**

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Paul Wilson
Derbyshire Dales District Council

Via email:
pspo@derbyshiredales.gov.uk

Headquarters
Butterley Hall, Ripley,
Derbyshire DE5 3RS

Contact Name & Address
Gavin Tomlinson

Contact Extension No
5307

Telephone No
01773 305305

Our Reference
GT/MLJ

Date
23 August 2021

Dear Mr Wilson

Derbyshire Dales District Council - Public Spaces Protection Orders (PSPO) - Evidence and consultation

I write regarding your letter dated 17 August 2021 in relation to the Public Spaces Protection Order which is due to expire on 31 October 2021.

Following a review of the 3 reported incidents of barbecues and open fires we have received, I am satisfied that this is at an appropriately low level and consequence for Derbyshire Fire and Rescue Service not to be unduly concerned.

As such, we would agree with the summary provided in your letter; that there does not seem to be an issue with open fires or barbecues in the Derbyshire Dales area at this current time.

We would however welcome a review of this annually or at such time where conditions are conducive to fires that damage the public spaces of Derbyshire.

Yours sincerely

Gavin Tomlinson
Chief Fire Officer/Chief Executive

email: reception@derbys-fire.gov.uk
www.derbys-fire.gov.uk

Chief Fire Officer / Chief Executive
Gavin Tomlinson MBA MIFireE

