



**OPEN REPORT
COMMUNITY & ENVIRONMENT COMMITTEE**

Community & Environment Committee – 1 November 2022

PUBLIC SPACES PROTECTION ORDER – REVIEW OF BBQS/OPEN FIRES

Report of Director of Community & Environmental Services

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

An updating report on progress and to report on incidents of fires & BBQs over the last six months.

The current PSPO operates from 10 October 2022 until 9 October 2025, no further consultation is expected to take place unless any changes in circumstance has sufficient evidence. There is the possibility of extending the PSPO for a further three years to 9 October 2028.

Recommendations

1. That officers continue to review matters until 2025 and the decision to extend for a further three years (2028) be determined by the Neighbourhoods Manager in consultation with partners, such as Derbyshire Constabulary and Derbyshire Fire & Rescue Service.

List of Appendices

None.

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

PUBLIC SPACES PROTECTION ORDER – REVIEW OF BBQS/OPEN FIRES

1. Background

1.1 At its meeting on 6 April 2022, the Community & Environment Committee included in its resolutions:-

- That Officers work with partners, including representatives of the National Farmers Union, to monitor and record the number of open fires and barbecue incidents on moorland in the district over a 6 month period and report back to this Committee on feedback received at the end of that period.
- That the data collected in respect of barbecues and open fires be used as the evidential basis for future consultations on and consideration of a PSPO for moorland in the district.

1.2 The aim of this report is to report back on the above and also provide an update on the implementation of the Public Spaces Protection Order (PSPO).

2. Key Issues

2.1 This report provides an update on the introduction of the PSPO and also report back as requested by the Community & Environment Committee on 6 April 2022.

2.2 Partner organisations Derbyshire Constabulary, Derbyshire Fire & Rescue and Peak District National Park Authority were made aware to report any incidents via the email address, pspo@derbysiredales.gov.uk including 'Date and time of the incident if known; Location of the incident; Photographic evidence if possible (not putting any one at risk)'.

2.3 A direct email was sent to Andrew Critchlow, National Farmers Union on 28 April advising of the same contact details for their member to report any incidents on their land. This was acknowledged and included in their circular via email.

2.4 Town & Parish Councils were also encouraged to report any incidents and the Clean & Green Team were requested to report back on a weekly basis on any issues they encountered on Council land.

2.5 Ahead of the Summer Holidays and August Bank Holiday, publicity via social media encouraged responsible behaviour & respect in our parks, recreation grounds and public spaces and for incidents of anti-social behaviour to be reported through appropriate channels or if the situation was more urgent or life threatening to contact the police or fire authority as appropriate. Banners to encourage RESPECT & responsible behaviour were placed also erected in the Council's main parks.

2.6 Reports were received as follows:-

- 9.6.22 email from Clean & Green Team – burnt patch seen on Bakewell Recreation Ground previous week, reported by Clean & Green Team
 - 17.6.22 email from member of the public – witnessed at 9 am 16.6.22 on Bakewell Recreation Ground, discarded disposable BBQ and burnt patch of grass
 - 20.7.22 email from Community Development Manager – 14.7 witnessed burnt patch from a disposable BBQ on Fishpond Meadow, Ashbourne
 - 25.7.22 email from Thornhill Estate – evidence of camp fire at Stanton Moor on 18.7
 - 8.8.22- email from Clean & Green Team – damage to bench on Bakewell Recreation Ground as a result of BBQs
- 2.7 One report was also received for an incident not in the Dales’ area (Bamford), demonstrating that the email address and reporting mechanism was widely available and known beyond our local communities.
- 2.8 No reports were received from members of the National Farmers Union.
- 2.9 The Derbyshire Fire & Rescue Service have provided the fire stats for April to September 2022. The reference to Campfires or BBQs is recorded by the fire officer who attends the incident. There were 87 reports of fires during this time and of those 26 have reference to Campfires/BBQs, three of which were at Stanton Moor. The remaining 23 are at various locations throughout the District and none where on Council land.
- 2.10 With regard to dog fouling, there were 126 reports received from 1 January to 30 September 2022 and for the same period in 2021 there was 197 reports.
- 2.11 Sarah Wilks, Peak District National Park Authority reported in a recent Community Safety Partnership meeting *‘Overall the summer has been much calmer and we have seen fewer visitor issues than last year and luckily no major wild fires in the area as yet. Wild camping continues to be popular and we have seen a number of camp fires associated with this. The hot spot for this continues to be Stanton Moor in the Derbyshire Dales’*
- 2.12 The new PSPO was introduced on 10 October 2022 after a short delay for legal checking and advertising the Order.
- 2.13 New signage has been designed with input from the Council’s Communications and Legal teams. The updated signage includes all necessary information such as relevant legislation and penalty levels, signposting to the Order on the District Council’s website and a QR code, email address and telephone number for reporting incidents of anti-social behaviour.
- 2.14 New park signs have been introduced for Ashbourne Recreation Ground (including the Memorial Gardens and Fishpond Meadow), Bakewell Rutland Recreation Ground and Matlock’s Hall Leys Park. In addition to the layout

and details of amenities on each site, the signs include a panel underneath outlining relevant PSPO controls. Ward Members have also been consulted on the designs for each of these signs.

- 2.15 Repeater signs will be placed in the five larger parks at strategic points to serve as reminders of the controls in place at that location, see example **Appendix A**.
- 2.16 Small parks signs are being updated with an overlay panel detailing the revised PSPO control as are many small signs across the district. Town / Parish Councils are being offered signs (£10.00 each) and overlays (£1.00 each) for their sites, at a small administrative fee and to cover the cost of production.
- 2.17 There are many signs across the district and the signage replacement process will be a rolling programme which may take a number of months. As much as possible, staff are documenting signage locations on plans and with photographs to establish a comprehensive database of signage locations. The previous practice of supplying general dog fouling stickers to members of the public, community groups and Town/Parish Councils for general distribution, will cease so that the District Council is in control of and can document signage locations. Requests for additional signage will continue to be considered.
- 2.18 Any out of date signage that may have been missed can be reported to pspo@derbysiredales.gov.uk with location and accompanying photographs where possible.
- 2.19 It has been possible to fund the signage from within existing budget allocations. In the case of the new signage in our large parks, the cost has been met fully from sponsorship income realised when the council renewed its border signs.
- 2.20 The new Order came into force on 10 October and has been widely advertised internally, by press releases, social media and direct communications with Town/Parish Councils and groups who directly engaged in the consultation process.
- 2.21 The website has been updated accordingly and includes a schedule of the PSPO controls and maps for each location.
- 2.22 The Order is in force until 9 October 2025 with an option to extend for a further 3 years dependent on any further feedback / evidence.

3. Consultation

- 3.1 This is addressed under Key Issues at part 2 of this report.

4. Timetable for Implementation

- 4.1 There is no decision required by the Committee and there is no timetable for implementation.

5. Policy Implications

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

6. Financial and Resource Implications

- 6.1 There are costs involved in setting up and maintaining the PSPO.
- 6.2 There will be one-off costs of signage for the new PSPOs, which can be met from approved budgets.
- 6.3 There is also a cost of enforcing the PSPO. Enforcement will mainly be delivered by Council officers; the cost of this can be contained within existing budgets. In addition, parking enforcement officers will carry out some PSPO enforcement on the Council's behalf. There is £2,000 in the revenue budget for 2022/23 for this purpose. The parking enforcement officers have undertaken the relevant training and this would likely be out of hours, or in addition to the days and times DDDC staff are working.
- 6.4 The financial risk is assessed as low.

7. Legal Advice and Implications

- 7.1 The power and requirements for making a PSPO are Part 4 of Chapter 2 of the Antisocial 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.
- 7.2 The authority has established a PSPO which is now in force and the legal risk is considered to be low.

8. Equalities Implications

- 8.1 An Equalities Impact Assessment of the PSPO policy was completed in March 2021. It was included in a report which was approved by the Communities and Environment Committee on 23 June 2021. A further EIA is not required at this time.

9. Climate Change Implications

- 9.1 As the report does not recommend any change to the current Public Spaces Protection Order a climate change impact assessment is not considered necessary. The specific climate change impacts of BBQs/Open Fires were considered in the report submitted to this committee on 6 April 2022 and the evidence provided would suggest that the situation in respect to this issue

has improved in recent months. It is noted that officers will continue to review matters and the decision to extend is to be determined by the Neighbourhoods Manager in consultation with partners. These reviews and the decision to extend should consider any new or changed climate change impacts, for example increased reports of fires on deep peat moorland and heavily wooded areas of the district which would be particularly badly impacted should a major wildfire occur.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	19/10/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	24/10/2022