

# Public Spaces Protection Order (PSPO) for Control of Barbecues, Fireworks and Naked Flames

## Frequently Asked Questions (FAQs)

### 1) What is a Public Space Protection Order?

A Public Space Protection Order is intended to deal with a particular nuisance or problem in a specific area by imposing conditions on the use of that area to ensure that people can use and enjoy public spaces safely.

### 2) What is the law?

It is contained in Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.

#### **When do Public Spaces Protection Orders apply?**

Activities can be controlled in the Restricted Area if two conditions are met:

- i. That the activities have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
- ii. That the effect of the activities is, or is likely to be, of a persistent or continuing nature and is, or is likely to be, such as to make those activities unreasonable and that the restrictions imposed by the Order are justified.

### 3) What do the restrictions and requirements imposed by the Order mean for people living in or visiting Calderdale?

The restrictions and requirements are applicable in the Restricted Area from midnight 17<sup>th</sup> June 2019 until midnight 16<sup>th</sup> June 2022.

- a. The prohibitions are:  
*A person or persons are prohibited from the following activities: the lighting of fires; barbecues; Chinese lanterns; or using any article/object which causes a naked flame and which poses a risk of fire.*
- b. The requirements are:  
*A person or persons are required to surrender anything in their possession which a constable or authorised person has reasonable suspicion 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 Order can be enforced by Council Officers and the Police.

#### **4) What is the penalty for breaching a PSPO?**

- Breaching a PSPO is a criminal offence.
- Enforcement officers can issue a fixed penalty notice of £100, if appropriate.
- A fine of up to level 3 on prosecution.

#### **5) Who can appeal?**

- Anyone who lives in, or visits the area can appeal a PSPO in the High Court within six weeks of issue.
- Further appeal is available each time the PSPO is varied by the Council.

#### **6) Where can I find the details of where I am prevented from taking a barbecue or other such items referred to in the PSPO?**

There is a map of the overall areas restricted by the order (see link below) displayed in public places, including near the boundaries of the restricted areas, in all Calderdale Council offices, in retail outlets where barbecues and other types of restricted articles are on sale and on Calderdale Council's website. The map on the Calderdale Council website can be zoomed to give a more detailed guide for those who want to have a barbecue at a location which may be near the restricted area. This enables a precise location to be identified to determine if it is within the area restricted by the PSPO.

<https://maps.calderdale.gov.uk/map/Aurora.svc/run?script=%5CAurora%5CScripts%5CWildfire%20PSPO%20Proposed%20Boundary.AuroraScript%24&nocache=a4e84e47-fd26-a34c-9e88-717fac7077ee&resize=always>

#### **7) Can I still take a picnic into the PSPO area?**

Yes we still want people to visit and enjoy our beautiful countryside however, the order does prohibit the use cooking equipment that requires a naked flame or presents a risk of fire. Please plan accordingly and remember to take home your rubbish or put it in a bin. Importantly do not carelessly discard cigarettes, not only is this littering, it creates a significant risk of fire.

## **8) Why is Calderdale Council doing this?**

Grass and moorland fires have had a major impact on areas neighbouring Calderdale, destroying many acres of natural beauty.

The Civil Contingencies Act places an obligation on the Council to work with partner agencies to protect people and property against key risks. These are listed in the publically available West Yorkshire Community Risk Register and include wildfires. (<https://www.westyorkshire.police.uk/advice/emergency-plans/reports-community-risk-register/reports-community-risk-register>)

Moorland also plays a key role in flood prevention by acting as a sponge and “slowing the flow” of heavy rainfall entering the Calder catchment.

As part of the Vision 2024 for Calderdale, the Council is committed to working with partners, landowners and the public to reduce the likelihood and impact of wildfires and flooding and protect the landscape which makes Calderdale a unique place to live, work and visit.

## **9) Does the Council have support from other organisations and the emergency services?**

Yes. The Council has released a press statement which includes support from Calderdale’s District Police Commander and the District Fire Commander.

We have also spoken to key landowners such as Yorkshire Water and the National Trust who are committed to working with us and support the proposed PSPO.

We will be engaging with Elected Members of Calderdale Council and Calderdale’s Town and Parish Councils to seek their support. The decision to authorise a PSPO is made by Calderdale Council’s Cabinet.

Importantly the proposal has the support of Calderdale’s Community Safety Partnership which is a statutory partnership of organisations such as Police, Fire, Health, Council and Probation Services, who have a responsibility to ensure Calderdale is a safe place to live and visit.

## **10) If I knowingly ignore the PSPO am I committing an offence?**

Yes. The PSPO is a legal order and should you or someone with you fail to comply with the order you do commit a criminal offence which could result in you being served with a fixed penalty notice or prosecuted.

## **11) My property is within the PSPO - does this mean I can’t have a barbecue, light a fire etc in my garden?**

No. A PSPO does not cover land which is part of a dwelling however we would ask you to consider the impact of what you are doing within your property, behave responsibly and take precautionary action to prevent the risk of fire.

## 12) Does the PSPO stop me from managing my land?

No. However we would always ask that your actions are lawful and that you have taken all the necessary steps to be compliant. Should you be concerned as to whether your actions are lawful please seek advice and/ or contact the Council on 01422 288001 or by email [ASB.Unit@calderdale.gov.uk](mailto:ASB.Unit@calderdale.gov.uk).

## 13) What are you doing to engage with the community on this matter?

We have created this web page and are currently consulting and in discussion with the community.

We are already working closely with residents, businesses and groups of interest as part of our normal response to protecting our distinctive moorland.

As far as is practicable we will attempt to speak to residents who live within the PSPO area to make them aware of the actions the Council and partners are proposing to take.

We have arranged two consultation events:

- Saturday 25 May in the Ripponden Parish Council offices (10am – 1pm), and
- Sunday 26 May at Todmorden Town Hall (1pm – 3pm).

Everyone is welcome to attend and share their views, and staff will be on hand to provide information and answer questions.

We may decide to hold further events pending the feedback we get from our communities. Please keep re-visiting this website for further details.

If you would like to comment on the proposed PSPO please download the feedback form on this web page and forward to [communitysafetyconsultation@calderdale.gov.uk](mailto:communitysafetyconsultation@calderdale.gov.uk)

## 14) What should I do if I see someone failing to comply with a PSPO?

If you feel their actions are likely to cause a fire, damage land and or put the community at risk **this is an emergency** so please ring 999.

If you simply want to report an issue which doesn't require an emergency response please contact the Council on 01422 288001, or the Police on 101 or email [ASB.Unit@calderdale.gov.uk](mailto:ASB.Unit@calderdale.gov.uk)

## **15) Why is the order not just restricted to the summer?**

The risk of moorland fire is not just confined to warmer periods of the year. There will be occasions, such as in the winter, where the land will be sodden however the heather and vegetation on the land can be completely dry and this too presents a significant fire risk. Already this year we have seen moorland fires in our bordering authorities in February.

We take the risk of moorland fires very seriously and recognise the importance of prevention activities in ensuring that we can protect our distinctive rural and moorland areas. Our partnership group which drives our fire prevention work currently delivers a programme of activity throughout the year in recognition that the risk of fire is not just a summer issue.

Calderdale Council, West Yorkshire Fire & Rescue Service and partners recognise the fact that the risk of fire is ever present therefore it is our responsibility to ensure that we discharge our duty to prevent fires throughout the year, hence the need for a PSPO all year round.

There are situations outside the summer months in which landowners are permitted to 'controlled burn' their land - if this affects protected sites including Sites of Specific Scientific Interest (SSSI), explicit permission from Natural England is required prior to any burning taking place. For more information search [www.gov.uk/government/publications/request-permission-for-works-or-an-activity-on-an-sssi](http://www.gov.uk/government/publications/request-permission-for-works-or-an-activity-on-an-sssi)

## **16) How do I know if I am in an area covered by the PSPO?**

There will be signage with the appropriate information in place however, given the size of the area and the nature of the land it is not possible to have signs everywhere and we ask that you visit our web page to check the maps if you are planning a trip to Calderdale.

## **17) What if I unintentionally find myself in the area protected by the PSPO?**

Our intention is to protect the environment and prevent the harm caused by fire and in order to do this successfully we need your support and co-operation.

Should you unintentionally discover you are within the PSPO area we simply ask you to comply with the order? Should you be asked by a Council officer or a Police Officer to either refrain from doing something or to do something please comply and co-operate with the instruction.

Please respect the officers they are simply there to protect the environment and keep Calderdale safe *#SaferCalderdale*.