

DRAFT – Not for publication or circulation

To: Director of Housing
Date: 27 July 2021
Report of: Richard Adams, Community Safety Service Manager
Title of Report: Parks Public Spaces Protection Orders

Summary and recommendations	
Purpose of report:	Consider the introduction of a Public Spaces Protection Order in Parks and Green Spaces to address fires and bottle digging.
Cabinet Member:	Councillor Louise Upton, Cabinet Member for a Safer, Healthy Oxford
Corporate Priority:	Support flourishing communities.
Policy Framework:	Council Strategy 2020-24

Appendices	
Appendix 1	Draft Parks Spaces Protection Order
Appendix 2	Consultation results summary
Appendix 3	Legal considerations when making an Order
Appendix 4	Data assessment summary
Appendix 5	ASB Tools and powers summary
Appendix 6	Risk register
Appendix 7	Equalities Impact Assessment

Introduction and background

1. Public Spaces Protection Orders (PSPOs), as defined by the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), set out standards of acceptable behaviour in an area to deter those behaviours that have been, or are likely to be, detrimental, persistent and unreasonable to those in the area. Therefore, a PSPO's primary purpose, similar to a byelaw, is to prevent anti-social behaviour from occurring and reduce the detrimental effect on those living in the area.

2. Oxford City Council is considering whether to introduce a Parks PSPO to address the damage and destruction of habitat caused by fires and barbeques in some parks and green spaces in the city.
3. Data supplied by Oxfordshire Fire and Rescue Service identified four areas with higher levels of secondary fire call-outs. These were South Park, Angel and Greyhound Meadow, Rivermead Nature Reserve and Port Meadow/Wolvercote Common/Burgess Field.
4. A consultation survey ran from 6th to 28th June 2021. The results can be found in Appendix 2.
5. Respondents feedback strongly identified the link between log fire and barbeques with discarded litter which can be dangerous to people and animals. Others reflected on the need to have barbeque facilities in popular areas to help minimise damage and provide outdoor experiences for those without gardens.

Overview of PSPOs

6. The Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') gained Royal Assent in April 2014 and gives the power to make an Order to local authorities, in consultation with the police and other relevant bodies who may be affected.
7. A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
8. A PSPO can be in force for any period up to a maximum of three years. The legal requirements of implementing a PSPO are described in Appendix 3.
9. The PSPOs are enforced by authorised officers within the Council or police officers. Oxford City Council is the prosecuting authority.
10. A breach of a Parks PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine of up to £1000 on conviction following prosecution.
11. The Council has a graduated approach to enforcement that is set out in the Anti-social Behaviour Enforcement Policy. Other legal remedies are described in Appendix 5.
12. The Council is also bound by the terms of the Human Rights Act 1998 and must not act in a way which is incompatible with a Convention right. Human rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.
13. The Council must have regard to the public sector equality duty at s149 of the Equality Act 2010 as set out in the Equality Impact Assessments (Appendices 10 and 11).

South Park

14. South Park is a historic parkland landscape with listed medieval and Civil War earthworks. The site is held under covenant by the Oxford Preservation Trust and managed by the City Council. Summer of 2020 saw an increase in the use of the park due to the warm weather and social distancing restrictions. It is popular with local residents, students and families.

15. Fire damage from bonfires and barbeques can be seen predominantly at the top of the park. Photos illustrating the damage can be found in Appendix 4. There are no facilities for barbeques in the park.

16. Consultation responses can be found in Appendix 2. In summary:

- 60% of respondents completed these questions
- Over three-quarters of respondents who expressed an opinion felt log fires and barbeques on the ground were a problem, with a similar proportion stating it had got worse over the last 12 months.
- 50% of respondents felt that barbeques on a stand were a problem.

Angel and Greyhound Meadow

17. Angel and Greyhound Meadow is owned by Magdalen College and managed by Oxford Direct Services as a publicly accessible green space. It contains a play park and is popular with dog walkers and families.

18. Fire damage from bonfires and barbeques can be found in the wooded parts of the meadow. Photos illustrating the damage can be found in Appendix 4. There are no facilities for barbeques in the meadow.

19. Consultation responses can be found in Appendix 2. In summary:

- 26% of respondents completed these questions
- Over three-quarters of respondents who expressed an opinion felt log fires and barbeques on the ground were a problem, with just under three-quarters of respondents stating it had got worse over the last 12 months.
- 54% of respondents felt that barbeques on a stand were a problem.

Rivermead Nature Reserve

20. Rivermead Nature Reserve in Rose Hill is owned and managed by Oxford City Council. It is a dedicate nature reserve and is popular with the local community.

21. Fire damage from bonfires and barbeques can be found in the grassed areas of the meadow. Photos illustrating the damage can be found in Appendix 4. There are no facilities for barbeques in the reserve and signage is in place asking people not to light fires.

22. Consultation responses can be found in Appendix 2. In summary:

- 21% of respondents completed these questions
- Over three-quarters of respondents who expressed an opinion felt log fires and barbeques on the ground were a problem, with just under three-quarters of respondents stating it had got worse over the last 12 months.
- 56% of respondents felt that barbeques on a stand were a problem.

Port Meadow, Burgess Field and Wolvercote Common

23. This is a large area common land that covers many acres. The River Thames runs through the area and animals graze in some parts.

24. Port Meadow is a Registered Ancient Common, SSSI and contains a Schedule Ancient Monument. Burgess Field is an extensive nature area and an important habitat for a wide range of species. Wolvercote Common is a Registered Ancient Common, SSSI and contains a Schedule Ancient Monument. There are some picnic areas and it is popular with dog walkers and families.

25. Fire damage from bonfires and barbeques can be found in areas close to car parking and residential areas. Photos illustrating the damage can be found in Appendix 4. There are picnic areas in some areas.

26. Consultation responses can be found in Appendix 2. In summary:

- 84% of respondents completed these questions
- 94% of respondents who expressed an opinion felt log fires and barbeques on the ground were a problem, with similar number stating it had got worse over the last 12 months.
- 56% of respondents felt that barbeques on a stand were a problem.
- 87% of respondents who expressed an opinion felt that bottle-digging on Port Meadow was a problem, with 69% of respondents stating it had got worse.

Restrictions

27. Respondents were asked a series of questions on possible restrictions:

- 96% supported a ban on log fires
- 87% supported a ban on all barbeques
- The following question asked for their views on only banning barbeques that do damage. 45% supported a ban.
- 87% supported a ban on bottle-digging

Additional areas

28. Respondents were asked if there were any other areas that were are concern. The top five areas referred to the most were:

	Quantity
Trap Grounds	19
Adjacent to Port Meadow	15
All areas	15
Astons Eyot	5
None	4
Cotteslowe Park	4
Headington Hill Park	4

Options

29. There are a range of options available:

- a. Introduce a Parks PSPO to provide a legally enforceable restriction on relevant behaviours.
- b. Landowners or managing agents introduce signage restricting relevant behaviours. This is legally enforceable through alternative legislation if the behaviour meets the relevant legal test. There are difficulties with this approach in identifying a person, and it can allow people to perpetrate a number of incidents prior to enforcement.
- c. Provide barbeque facilities and bin capacity in suitable locations.