

Calderdale MBC

Wards Affected ALL

Cabinet 18th June 2019

9

Report of Director for Public Services

1 Purpose of Report

- 1.1 This report is being presented to Cabinet to agree the introduction of a Public Space Protection Order to reduce the risk of moorland fires occurring in Calderdale.

2 Need for a decision

- 2.1 In line with Council Policies, Cabinet approval is required to implement the Order and allow Council Officers (as well as colleagues within West Yorkshire Police) to take enforcement action in order to uphold it.

3 Recommendation

- 3.1 That Cabinet consider the outcome from the Consultation.
- 3.2 That Cabinet adopt the Public Space Protection Order (PSPO), applying the restrictions and requirements within the Restricted Area from midnight 18th June 2019 until midnight on 17th June 2022, as set out in **Appendix A**.
- 3.3 That Cabinet agree to delegate authority for the future review, variance and discharge of all existing PSPOs to the Director of Public Services in consultation with the Council Portfolio Holder for Public Services and Communities.

4. Context

- 4.1 This report is presented in order to brief Cabinet on the proposal to introduce a Public Space Protection Order (PSPO) to reduce the risk of moorland fires occurring in Calderdale.
- 4.2 The use of a PSPO is within the Council's control and allows a joined up enforcement approach from services and partners (West Yorkshire Police and West Yorkshire Fire and Rescue Service), whilst also raising the profile of the risks associated with such activities; thus educating members of the public in their responsibilities to safeguard our countryside.

Background

- 4.3 Grass and moorland fires have had a major impact on areas neighbouring Calderdale; destroying many acres of natural beauty. In Calderdale we have had in recent years a number of long and dry periods of weather, which has increased the risk of the fires within our borough.
- 4.4 The Civil Contingencies Act 2004 places an obligation on the Council to work with partner agencies to protect people and property against key risks. The West Yorkshire Local Resilience Forum has identified those risks for our region, which include wildfires. The full list of risks is publicly available in the West Yorkshire Community Risk Register (<https://www.westyorkshire.police.uk/advice/emergency-plans/reports-community-risk-register/reports-community-risk-register>).
- 4.5 At the time of writing this report, the Fire Severity Index; which is a Met Office tool used to identify levels of risk of fires from low to exceptionally high; consider Calderdale's moorland as high risk – which is an assessment of how severe a fire could be if one was to start.
- 4.6 Moorland is critical to the biodiversity of Calderdale. The uplands of Calderdale are of great value for their wildlife, with most land being designated because of the international importance of vulnerable wildlife habitats (such as blanket bog and heather moorland) and birds (such as Short-eared Owl, Curlew and Twite) which nest on the ground, making them particularly vulnerable to fire. Wildfires can result in the direct loss of wildlife, especially plant communities, bird chicks/eggs, reptiles and invertebrates. These impacts can result in damage to fragile ecosystems which can be costly and time consuming to reverse.
- 4.7 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

Partnership

- 4.8 As part of 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.
- 4.9 This proposal has the support of Calderdale's Community Safety Partnership, which is a statutory partnership of organisations such as the

Police, Fire, Health, Council and Probation Services who have a responsibility to ensure Calderdale is a safe place to live and visit.

- 4.10 The Council has released a press statement stating its intention to consider a PSPO, which includes support from Calderdale's District Police Commander and the District Fire Commander. This support is further evidenced through the consultation drop-ins, detailed in section 6 of this report.
- 4.11 Key landowners such as Yorkshire Water and Natural England are committed to working with us and supporting the proposed PSPO. The formal report will include letters of support from key stakeholders.

5 Public Space Protection Order (PSPO)

- 5.1 A PSPO 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.
- 5.2 These orders are contained within Sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 5.3 Activities can be controlled in the Restricted Area if two conditions are met:
 - a) That the activities have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
 - b) 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.
- 5.4 A PSPO can last no longer than 3 years but can be renewed if necessary.
- 5.5 Failure to comply with the order can result in a fine or a fixed penalty notice.
- 5.6 Community Safety Wardens and other named officers within the Council's new enforcement team are authorised to deal with a PSPO breach along with the Police.

Proposed areas covered by the PSPO

- 5.7 There has been much discussion as to which parts of Calderdale should be covered by the PSPO and to inform those discussions learning from other local authorities, plus guidance from the Home Office and Calderdale's own experience of PSPOs in relation to Dog Control and Alcohol Prohibitions have been taken into account.
- 5.8 Fundamentally a PSPO can only apply to a public place, which is defined in the legislation as *'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'*.

- 5.9 Any decision taken by Calderdale Council must be appropriate and proportionate therefore it is proposed that the area covered by the PSPO be restricted to the areas of upland that are most at risk. The proposed area covered by the order consists of all “right to roam land” as identified by Ordnance Survey therefore meeting the “public place” test.
- 5.10 Maps of the overall proposed areas restricted by the order can be found in **Appendix A** of this report

Duration of the PSPO

- 5.11 Orders can be introduced for a maximum of three years, and may be extended beyond this for further three-year period(s) where certain criteria are met. The proposed length should reflect the need for an appropriate and proportionate response to the problem issue.
- 5.12 Based on the information that the Council has gathered there is a strong evidence case for introducing an order for three years.
- 5.13 The evidence case also supports the need for the order to be in force all year. 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. In February this year there were significant moorland fires in our bordering authorities. A letter of support from West Yorkshire Fire and Rescue Service detailing this evidence can be found at **Appendix C**.
- 5.14 Once in place a PSPO can be varied or discharged should the need no longer exist. A monitoring process will be in place to ensure that the PSPO is still needed and effective, see section 8.

Proposed restrictions and prohibitions covered by the PSPO

- 5.15 A PSPO must state what restrictions are being imposed to either prohibit certain things, and/ or require certain things to be done by those engaged in specific activities.
- 5.16 Evidence shows that PSPOs are most effective and most robust to challenge where they are tightly drafted and focus on the precise harmful behaviour identified. Being clear on addressing the problem behaviour in a PSPO can help avoid the risk of unduly pursuing individuals who may not be causing any real harm.
- 5.17 The proposed PSPO neither seeks to prevent access to moorland in Calderdale nor stops landowners’ right to manage their land.

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

- 5.18 Following focused discussion across services and with partners Calderdale's proposed PSPO will include the following prohibitions (must not do) and requirements (must do):

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.

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 then be enforced by Council Officers and West Yorkshire Police.

- 5.19 A copy of the proposed PSPO is attached as **Appendix A** to this report

6 Supporting Evidence

- 6.1 Calderdale Council will, of course, need to satisfy itself that the legislative requirements are met before a PSPO can be introduced, and obtaining clear evidence to support this is important.
- 6.2 Collating information about the nature and impact of the moorland fires are core elements of the evidence-gathering and consultation process and will help inform the council's view as to whether the legal requirements have been met.
- 6.3 Extensive discussion has taken place including the pooling of information, from a variety of sources, including officers from across Council Services (including Community Safety, Environmental Health, Countryside, Highways, Emergency Planning, Communications and most critically Legal) Police, Fire and other external agencies.
- 6.4 The evidence has been gathered and it is the view of officers that it is appropriate and proportionate to introduce a PSPO. The need for a PSPO is supported by a solid evidence base and rationale that sets out how the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response.
- 6.5 PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation. Challenges must be made to the High Court within six weeks of the Order being made, and by an individual who lives in, regularly works in or visits the restricted area.

- 6.6 Letters from key partners and stakeholders supporting the introduction of the PSPO are attached as **Appendix C**.

7 Consultation

- 7.1 Local authorities are 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 parish or community councils that are in the proposed area covered by the PSPO must be notified.
- 7.2 Letters of support have submitted by the Police, Fire and key stakeholders and will be in the evidence pack.
- 7.3 The Council is required by the legislation in relation to PSPOs to consult as far as is reasonably practicable. Given the immediate risk of further fires and the need to act with pace it was agreed that the consultation period will be 28 days.
- 7.4 The formal consultation was launched on Wednesday 8th May 2019 for people to have their say on the proposal to adopt a PSPO. Four drop in sessions were held on: two evenings, a Saturday and Sunday in Ripponden, Hebden Bridge and Todmorden. Representatives from partner agencies were present at each drop in along with Council officers leading on this work.
- 7.5 A specific web-page was created for the consultation <https://www.calderdale.gov.uk/pspo> and went live on 8th May 2019. The web-page includes a draft copy of the PSPO, Frequently Asked Questions, Feedback Form and a link to maps should the public require more detail of the area covered by the PSPO.
- 7.6 The consultation and subsequent drop-ins were all publicised widely, underpinned by regular social media messages from the Community Safety & Resilience Team (@CMBC_CSRT on Twitter), Calderdale Council (@Calderdale) and partners (@WYP_CldrValleys) along with a press release which was picked up locally by the Halifax Courier and Huddersfield Examiner. Online feedback has been extremely positive with the vast majority of people supporting this proposal.
- 7.7 Posters, informing members of the public of the consultation and the drops in have been put up in public and community buildings across the Borough.
- 7.8 A letter has been drafted stating the Council's intention and circulated to all elected members, MPs, Town & Parish Councils and groups of interest. Officers have used all relevant communication networks and these are listed at **Appendix B (ii)**.
- 7.9 Despite the wide publication and engagement opportunities no more than 12 members of the public attended the drop in sessions and to date only a few completed feedback forms were returned to the dedicated mailbox; again in support of the proposals.

- 7.10 A consultation outcome summary has been drafted and included as **Appendix B (i)**.

8 Other Options

- 8.1 The threat of moorland fire in Calderdale is not new and in response to significant fires several years ago a partnership Moorland Fire Group, reporting to the Community Safety Partnership, was established.
- 8.2 The aim of the group is to prevent moorland fires by adopting a problem solving approach based mainly on engagement and education which has proved very successful in reducing fires year on year.
- 8.3 Following the recent fires in neighbouring authorities the group responded quickly to understand the increased nature of the threat, how best to respond and what would be a useful tool to reduce the risk of fire.
- 8.4 An option to simply increase the level of engagement and education was considered, however evidence from fires elsewhere in the region strongly support the need to prohibit certain activities that can cause a fire. It was clear a more robust enforcement approach to compliment the existing engagement and education activity was required and the only effective way to achieve this is to prohibit activity through a PSPO.
- 8.5 Although no other viable alternative was identified, the education and engagement approach adopted by the Moorland Fire Group will continue and fully compliment the PSPO if adopted.

9 Monitoring Impact

- 9.1 If approved, evaluating the impact of the PSPO will be critical should there be a need to consider extending or varying the Order.
- 9.2 Assessing the effects, and effectiveness of the Order, will form part of ongoing performance management. The performance management will include the establishment of a baseline assessment and include a review timeline.
- 9.3 An evaluation will also help measure the impact on people, including identifying any unintended consequences of the provisions. It will consider whether there has been any displacement of the issue to other areas and will also look at how enforcement protocols are being used and whether practices are appropriate and consistent.

10 Future Considerations

- 10.1 Within the confines of the framework outlined in the above sections (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, ensuring that the statutory requirements have been met and giving final approval for an Order to go ahead.

- 10.2 Calderdale already has a number of existing PSPOs to deal with dog control and alcohol related activity. These were previous orders introduced by the Council that became transitioned PSPOs in 2017. These orders must be reviewed and either extended or discharged by 2020.
- 10.3 In addition, national practice shows the increased use of PSPOs for shorter periods to address very specific issues where it is felt that a longer-term approach is unnecessary. Importantly PSPOs should be seen as part of a problem solving approach to deliver better outcomes for communities – this sits perfectly in the new enforcement approach “Engagement, Education and Enforcement” recently adopted by the Council.
- 10.4 Given that there will be a need to review, vary or even discharge existing Orders Cabinet are asked to consider whether delegated responsibility should be given to the Director for Public Services in consultation with the Council Portfolio Holder for Public Services and Communities. A decision to delegate authority will stream-line the process but still retain the due diligence that is necessary to review, vary or discharge a PSPO.

11 Financial Costs

- 11.1 In the event of prosecutions arising, there may be time and costs incurred in this process. Costs are normally recoverable on conviction. In the event of a case going to trial and a conviction ensuing, full costs are rarely recovered. In the event of an acquittal, costs will be borne by Community Safety.
- 11.2 There is the prospect of cases being challenged by way of appeal to the Crown Court or by way of judicial review in the High Court. This would result in potentially materially higher costs than a Magistrates Court case. However, because the key objective is fire prevention, if a matter is likely to incur material costs, Legal Services will consider this when reviewing the public interest. Regard would be had to Paragraph 14 f) of the Code for Crown Prosecutors. This states that in considering whether prosecution is proportionate to the likely outcome, the cost to the prosecution authority and the wider criminal justice system may be relevant, especially where it could be regarded as excessive when weighed against any likely penalty.
- 11.3 Although there is potential revenue from FPNs, generating income from enforcement would not be part of the rationale for implementing the PSPO.
- 11.4 The majority of cost such as officer time will be absorbed by services through existing budgets. However the legislation does require a PSPO to be publicised as well as the erections of signs in and around the boundary of the PSPO, which will incur an additional cost.
- 11.5 Officers are of the opinion that there will be a need for robust enforcement of the PSPO and although this will be incorporated into core duty for authorised officers with the support of the Police, it is strongly

recommended that dedicated resources be deployed to patrol the PSPO at times of high footfall. This will incur additional cost which the Community Safety Partnership will contribute towards.

11.6 The table below sets out additional costs above beyond officer/ partner's time.

Item	Cost	Comments
Signage covering the PSPO area	£5,000	This will be met through existing budgets within Community Safety.
Additional and dedicated Partnership Enforcement at times of forecasted high footfall	£5,000	A request for funding to deploy this resources has been made to CSP
Publicity	£0	Council and Partners will continue to utilise our existing publicity means; press releases, website, social media platforms, community newsletters and forums.

11 Equality and Diversity

11.1 An Equality Impact Assessment (EIA) has been drafted is attached as **Appendix D**.

11.2 Undertaking the EIA has provided an opportunity to give full and separate consideration to the effect that each of the prohibitions or requirements might have on particular groups. In turn this has allowed us to consider how any potential negative consequences could be minimised, both in terms of the scope of the proposals and in how they might be implemented.

11.3 The EIA is a constant process and will form part of the performance management and review framework of the PSPO.

12 Summary & Recommendations

12.1 Used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents.

12.2 Calderdale Council and its partners take the risk of moorland fires very seriously and recognise the importance of reducing the risk to protect our distinctive rural and moorland.

This report recommends:

- 1 That Cabinet consider the outcome of the consultation.

- 2 That Cabinet adopt the Public Space Protection Order (PSPO), applying the restrictions and requirements within the Restricted Area from midnight 18th June 2019 until midnight on 17th June 2022, as set out in **Appendix A**.
- 3 That Cabinet agree to delegate authority for the future review, variance and discharge of all existing PSPOs to the Director of Public Services in consultation with the Council Portfolio Holder for Public Services and Communities.

For further information on this report, contact:

Derek Benn	Community Safety Partnership Manager
Telephone:	01422 393134
E-mail:	Derek.benn@calderdale.gov.uk

The documents used in the preparation of this report are:

- A. PSPO, the Order
- B. Consultation Report
- C. Letters of Support
- D. Equality Impact Assessment (EIA)

The documents are available for inspection at:

2nd Floor, Westgate House, Halifax HX1 1PS

THE BOROUGH COUNCIL OF CALDERDALE

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, S. 59

THE BOROUGH COUNCIL OF CALDERDALE CONTROL OF ACTIVITIES THAT MAY CAUSE FIRES

PUBLIC SPACES PROTECTION ORDER 2019

This Order is made by the Borough Council of Calderdale (“the Council”) under the Anti-social Behaviour, Crime and Policing Act 2014, Section 59 (“the Act”).

1. This Order relates to the public places (“the Restricted Area”), hereby defined by the area edged red on the attached Maps (Appendix 1, 2 and 3), and which details can be accessed on the link provided hereto:
<https://www.calderdale.gov.uk/v2/maps/pspo-boundary>

2. The Council is satisfied that the two conditions below have been met, in that:-

(a) Activities carried on in the Restricted Area, as defined below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect, the said activities being the lighting of fires; barbecues; Chinese lanterns, Or any article/object which causes a naked flame.

(b) The effect, or likely effect, of the activities described above

(i) is, or is likely to be, of a persistent or continuing nature,

- (ii) is, or is likely to be, such as to make the activities unreasonable, and
- (iii) justifies the restrictions imposed by this Order.

3a. The effect of this Order is to impose the following prohibitions from midnight 18th June 2019 until midnight the 17th June 2022 namely that within the Restricted Area **(as defined by the Maps attached, and which detail can be found by accessing the link provided at paragraph 1 above)** a person or persons are prohibited from the following activities being: 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 effect of this Order is to impose the following requirements from 18th June 2019 until midnight the 17th June 2022, namely that within the Restricted Area **(as defined by the Maps attached, and which detail can be found by accessing the link provided at paragraph 1 above)** 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.

4. Any person who fails without reasonable excuse to comply with a requirement imposed on him by this Order or does anything that he is prohibited from doing by this Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or may be issued with a fixed penalty notice requiring payment of a sum not exceeding £100.

5. This Order will remain in force for a period of 3 years unless extended by further Orders under the Council's statutory powers.

GIVEN under the Corporate Common Seal of the Borough Council of Calderdale on

THE CORPORATE COMMON SEAL of

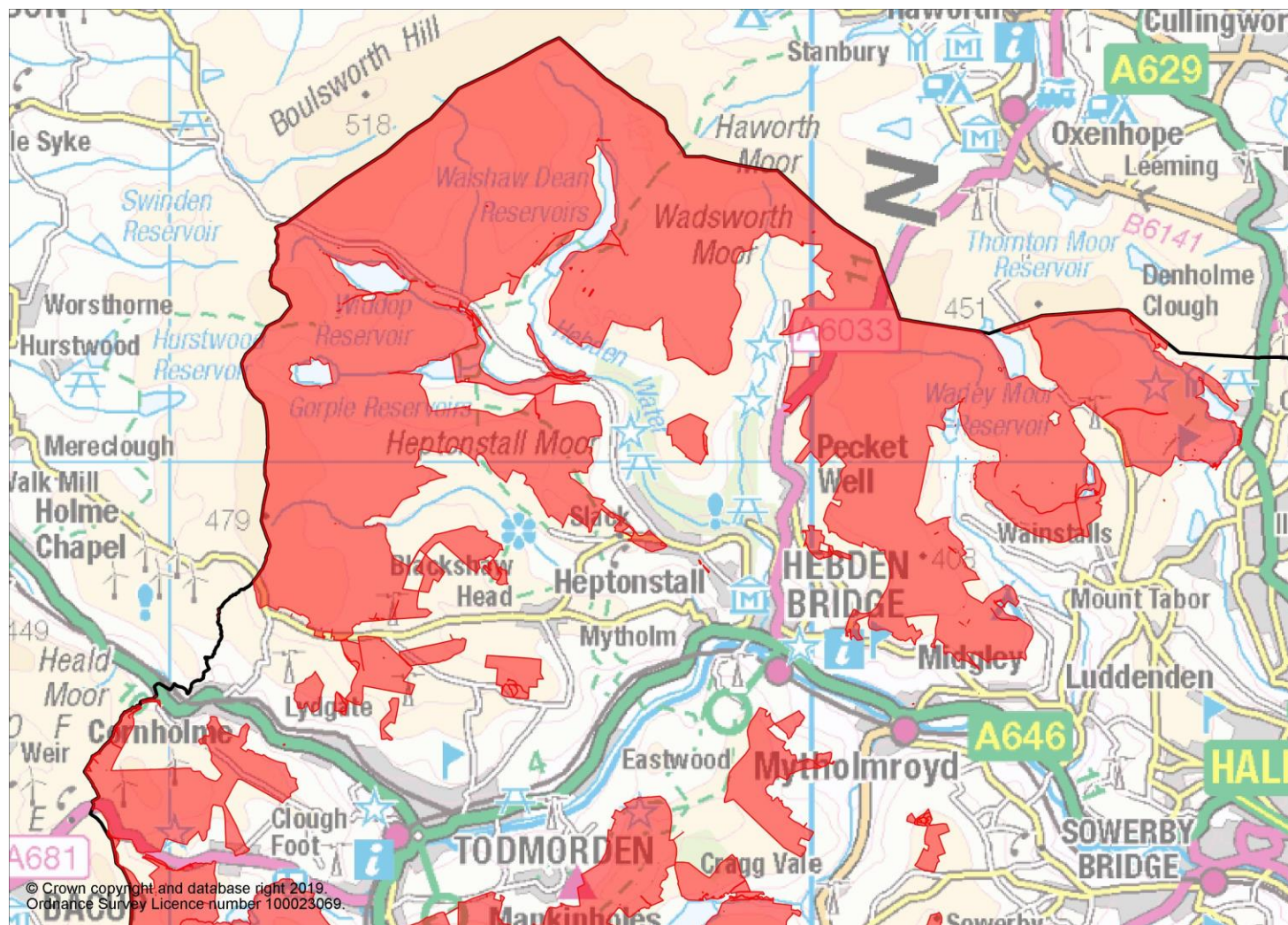
THE BOROUGH COUNCIL OF CALDERDALE

Was hereunto affixed in the presence of:-

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Appendix 2: PSPO Boundary North



PSPO boundary map is based on 'CRoW Act 2000 – Access Layer' with some alterations based on consultation with West Yorkshire Fire and Rescue and Calderdale MBC

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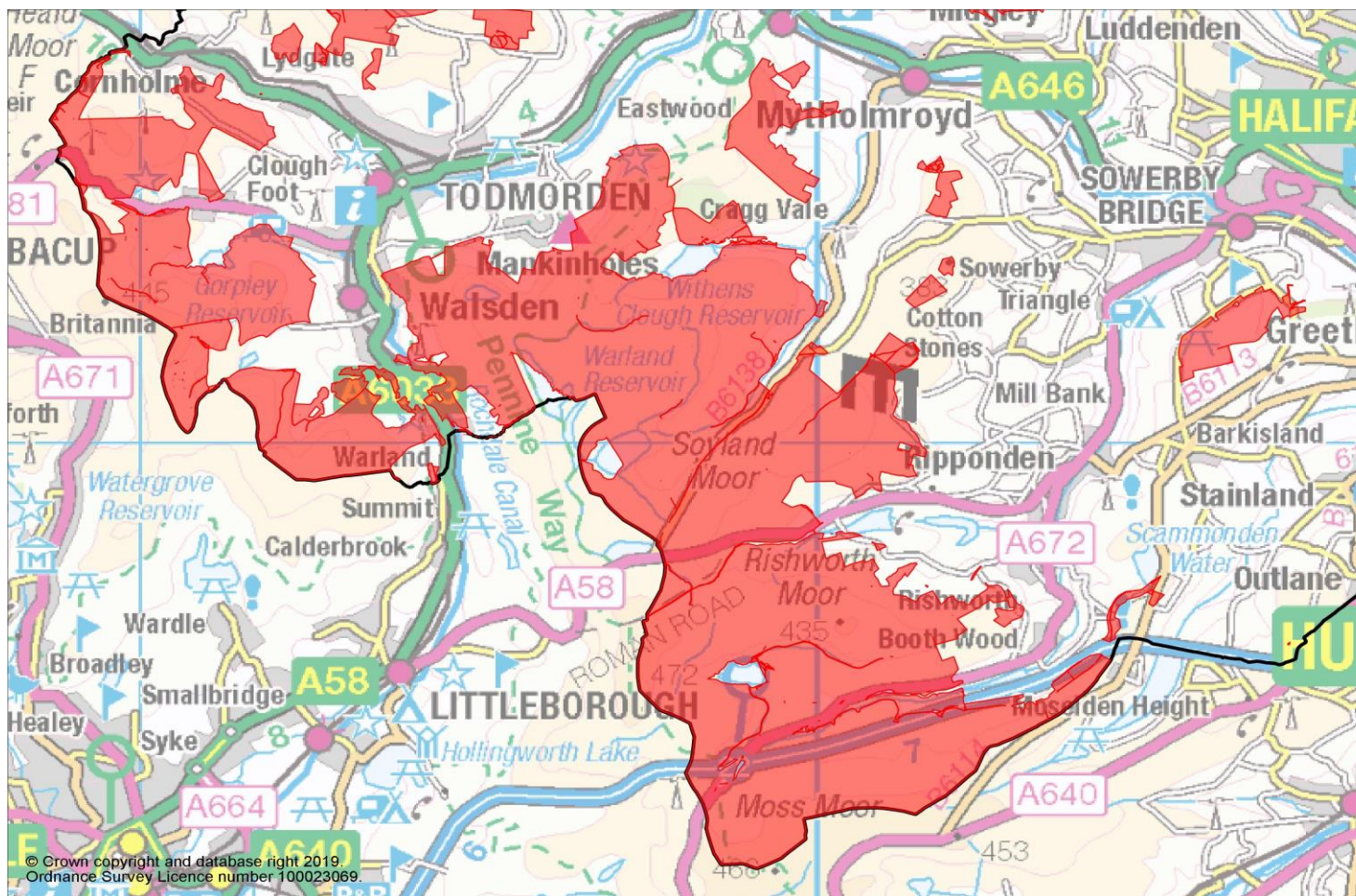
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Appendix 3: PSPO Boundary South



PSPO boundary map is based on 'CRoW Act 2000 – Access Layer' with some alterations based on consultation with West Yorkshire Fire and Rescue and Calderdale MBC

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Appendix B(i): Consultation Report

1. A formal consultation was launched on Wednesday 8th May 2019 for people to have their say on the PSPO proposal; closing dates for comments was 4th June 2019. People were asked to provide their thoughts in four key areas, as well as providing an opportunity to share anything that did not fit into these prescriptive boxes:
 - a. The prohibitions with the Order
 - b. The requirements within the Order
 - c. The area covered by the Order
 - d. The duration of the Order
2. Key messages regarding the plans were circulated widely through a press release and the Council's social media pages. This has been further circulated to landowners, partners and through community newsletters. A full list can be found at **Appendix B (ii)** at the end of this Consultation Report.
3. A dedicated webpage was created (<https://www.calderdale.gov.uk/pspo>) on the Council's website, which included background information, a draft order, a consultation feedback form, frequently asked questions along with a dedicated email address for any queries or comments (communitysafetyconsultation@calderdale.gov.uk).
4. To further support the consultation four drop in sessions were also held on the following dates:
 - a. Monday 20th May, 6pm-8pm at Todmorden Town Hall,
 - b. Tuesday 21st May, 5pm-7pm at Ripponden Parish Council Offices,
 - c. Saturday 25th May, 10am-1pm at Ripponden Parish Council Offices,
 - d. Sunday 26th May, 1pm-3pm at Todmorden Town Hall.
5. These sessions were held by representatives of the Council's Community Safety and Resilience Team, supported by partners including West Yorkshire Fire and Rescue Service, West Yorkshire Police and other Council Departments; including Environmental Health, Countryside and Neighbourhoods.
6. Although the dates for the drop ins were circulated along with the key messages to the list below, uptake across the four sessions was minimal.
7. Comments on social media posts have been in support of the proposals with some residents keen to push it through quickly.
8. Six completed feedback forms were received; all but one with comments of full support of the proposals. The remaining one was not negative towards the consultation, as they were supportive from a general public perspective, but did suggest that the plans may impact commercially, e.g. Forest Schools who operate within policies and procedures when conducting fires/ activity with flames. A full breakdown of comments across the four questions, and additional space for any other comments is detailed below:

1. Comments about the prohibitions within the order
Perhaps include 'Be Fire Aware – Protect Our Moors' leaflets at outlets that sell disposable BBQs/charcoal. Add stickers warning of public order on disposable BBQs. Stores may be reticent as it may affect sales.
Fully support
The order is centred around the general public. However from a professional point of view, commercially it could prove negative. Running a Forest School where we have to have procedures and policies in place to operate fires responsibly and safely. A simple broad brush sweeping ban would not be satisfactory.
Agree with prohibitions and the ability to seize items - no need to close the moor so agree
Couldn't be happier; right thing to do

2. The requirements within the order
Fully support
Agree
Need this power

3. The area covered by the order
Fully support
Agree
Start with moor, difficult area with a strong educational message
Yes, every

4. The duration of the order
Will need to cover spring to summer (as springs have been dryer following dry winters). Dates may coincide with controlled burning fires lit for moorland maintenance (1st Oct-15th April)
Would prefer to see this in place indefinitely
Put in place during high fire risk times.
Necessary to keep it for 3 years, structure it into a review after 12 months to ensure it is working
Totally agree; fires can happen any time of the year. We need to get on top of this or there will be nothing left

5. The duration of the order

We try to encourage people to get out and about in our uplands. Could permanent, fixed BBQ sites be installed (as in much of Europe), away from sensitive spots, on hard surfaces with a water supply for extinguishing?

An excellent initiative to protect unique, fragile and vulnerable ecosystem. It's great to see the Council taking such a progressive step in conservation management.

Discussions with professionals would be an extremely useful provision to use. I would willingly be involved with a focus group to deal with this issue.

Need to think wider about communication. Look at setting up Community Barbecues. Need more co-ordination around controlled burning

I do believe voluntary fire wardens would be good.

Appendix B (ii): Consultation Report

Please find below details of where information has been circulated:

All Elected Members
Calder Valley Flood Support
Calderdale Community Safety Partnership Executive Group
Calderdale Gold Group
Calderdale Local Access Forum
Community Impact Assessment Group (Bronze)
Countryside Services
Countryside Volunteer mailing list
Farm landowners
Flood Groups
Friends of Centre Vale Park
Friends of Colden Clough
Halifax Town Centre Safer Cleaner Greener delivery group
Hebden Bridge & Mytholmroyd Town Board
Hebden Bridge Community Association
Hebden Bridge Disability Access Group
Hebden Bridge Partnership
Lower Valley Ward Forum
Luddendenfoot Community Associated
Moorland Fires Working Group
Neighbourhood Teams; Managers, Co-ordinators
Royd Regeneration
Silver Delivery Group

Slow the Flow
South Pennines Facilitation Fund
The National Trust
The Source Partnership and Treesponsibility
Town and Parish Councillors
Upper Valley Newsletter
Voluntary Sector Infrastructure Alliance (including newsletter)
West Yorkshire Fire and Rescue Service
West Yorkshire Police (shared through social media and WY Community Alert System)
Yorkshire Water

Appendix C: Letters of Support



Chief Fire Officer John Roberts
West Yorkshire Fire and Rescue Service
Oakroyd Hall
Bradford Road
Birkenshaw
West Yorkshire
BD11 2DY

Dear Mr Robin Tuddenham

I write on behalf of West Yorkshire Fire and Rescue Service in support of Calderdale Borough Council's proposal to implement a Public Spaces Protection Order (PSPO) relating to the control of activities that may cause fires. We strongly support the implementation of this Order and the focus on preventing moorland fires as defined within the 'Restricted Area' outlined in the PSPO 2019.

We agree that the proposed terms as set out in the PSPO 2019 are reasonable to impose in order to:

- (a) Prevent the detrimental effect, referred to in s59 (2) of the Anti Social Behaviour Crime and Policing Act 2014, from continuing, occurring or recurring; or
- (b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

Through this letter, we acknowledge specific roles and responsibilities we will fulfil as a Stakeholder/Partnership. This includes our statutory obligations under the Crime and Disorder Act 1998 to work closely with the Local Authority and other relevant Stakeholders to do all that we reasonably can to prevent Crime, (including anti social and other behaviour adversely affecting the local environment).

We acknowledge our role and responsibilities both during the statutory Publication, Notification and Consultation period, and those that will take effect when/if the PSPO is implemented. We expect our role and responsibilities to include the following:

The evidence case also supports the need for the order to be in force all year. 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. In February this year there were significant moorland fires in our bordering authorities.

These wild fires can place tremendous pressure on our resources as access is often extremely difficult and our attendance can be required over a protracted period of time to bring them under control - and this was particularly true of the recent fires on Ilkley and Marsden Moor, when we mobilised crews from further afield to ensure the best use of our resources. As per below:

Inc Number	Date	Address	No of Pumps at height of incident	Bordering and National FRS support	Area Burned sq/m	Hectares
1947004238	26/02/2019 19:51	Marsden Moor estate; Marsden; Huddersfield	10 Fire Engines plus Specialist Wild Fire resources	Greater Manchester – Chadderton National Trust Volunteers	over 10000	2
1947008059	14/04/2019 18:33	Warcock Moorland, off, Mount road Marsden, Huddersfield	13 Fire Engines plus Specialist Wild Fire resources	Greater Manchester – Rochdale National Trust Volunteers	1001 - 2000	
1947008877	21/04/2019 18:23	BUCKSTONES LODGE NEW HEY ROAD SCAMMONDEN HUDDERSFIELD HD3 3FT	17 + Fire Engines plus Specialist Wild Fire resource	Tyne & Wear Cumbria Merseyside Leicestershire • Helicopter	over 10000	2
1947009138	23/04/2019 12:13	OWLERS END FARM BINN LANE MARSDEN HUDDERSFIELD HD7 6NW	11 + Fire Engines plus Specialist Wild Fire resource	Tyne & Wear Cumbria Merseyside Leicestershire • Helicopter	over 10000	
1947008687	20/04/2019 15:11	Open moorland 50M WEST of POND 82M FROM WHITEWELLS ILKLEY MOOR. 101M FROM UNNAMED ROAD,CROSSBECK CLOSE,,ILKLEY,,LS29 9RF	23 + Fire Engines plus Specialist Wild Fire resource	• North Yorkshire Skipton • Helicopter	5001-10000	1

The following were also mobilised from across the country to aid the operations in West Yorkshire:

- The Enhanced Logistics Support team was from Staffordshire
- 2 appliances and 1 SM from Merseyside
- 2 appliances (Wildfire team and Unimog) and 1 SM from Cumbria
- 2 appliances and 1 SM from Tyne and Wear
- 2 appliances North Yorkshire
- 2 appliances South Yorkshire

The higher spring and summer temperatures cause soils to be drier for longer, increasing the likelihood of drought and a longer wildfire season. These hot, dry conditions also increase the likelihood that wildfires will be more intense and long-burning if they are started by human error. This highlights the need for a 365 day order to be in place.

The costs of wildfires, in terms of risks to human life and health, property damage, and public service resources, are devastating, and they are only likely to increase unless we better address the risks of wildfires.

By engaging in these measures we can help reduce the likelihood of these incidents taking place and by taking steps to reduce the risk in Calderdale, we can help to keep the moors, property, and residents safe.

Yours Sincerely

Dale Gardiner





**WEST YORKSHIRE
POLICE**

Calderdale

Halifax Police Station
Richmond Close
HALIFAX
HX1 5TW
Tel: 01422 337018
Email: cdsecretaries@westyorkshire.pnn.police.uk

4 June 2019

Mr R Tuddenham
Chief Executive
Calderdale Council
Town Hall
HALIFAX HX1 1UJ

Dear Mr Tuddenham

I write on behalf of Chief Superintendent Whitehead, Calderdale District Commander at West Yorkshire Police in support of Calderdale Borough Council's proposal to implement a Public Spaces Protection Order (PSPO) relating to the control of activities that may cause fires. We strongly support the implementation of this Order and the focus on preventing moorland fires as defined within the 'Restricted Area' outlined in the PSPO 2019.

We agree that the proposed terms as set out in the PSPO 2019 are reasonable to impose in order to:

- Prevent the detrimental effect, referred to in Section 59 (2) of the Anti-Social Behaviour Crime and Policing Act 2014, from continuing, occurring or recurring; or
- To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

Through this letter, we acknowledge specific roles and responsibilities we will fulfil as a Stakeholder/ Partnership. This includes our statutory obligations under the Crime and Disorder Act 1998 to work closely with the Local Authority and other relevant Stakeholders to do all that we reasonably can to prevent Crime, (including anti-social and other behaviour adversely affecting the local environment).

We acknowledge our role and responsibilities both during the statutory Publication, Notification and Consultation period, and those that will take effect when/if the PSPO is implemented. We expect our role and responsibilities to include the following:

Participation in the consultation process, including working with Partners and Stakeholders, and the community, to facilitate the PSPO process, as well as feeding back to the Local Authority any concerns/issues raised by individuals, landowners, or interested groups.

We have the ability to capture data regarding calls for service to West Yorkshire Police regarding this issue, which can be collated and supplied. However more importantly, we realise that whilst Calderdale is an area of outstanding natural beauty and we want both residents and visitors to enjoy it, we also have a duty to protect it.

NOT PROTECTIVELY MARKED


Only by working closely with our partners will we be able to highlight the risks to the public with the ultimate aim of protecting our countryside and rural areas.

We agree to utilise the resources available to us to contribute in raising awareness of the PSPO and the prohibited activities that may cause fires, as well as any requirements imposed under the PSPO, ensuring that we continue to work closely with the Local Authority and other relevant stakeholders to prevent incidents of crime and anti-social behaviour.

We agree to provide evidence to the Local Authority relating to any breach of the PSPO in order to support enforcement processes.

We agree that the proposed duration of the PSPO is necessary and proportionate for the reasons provided as set out within this letter, and we are committed to support this Order for the time frame as specified – that is for a three-year period, 365 days of the year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adrian Waugh', with a large, stylized flourish at the end.

Adrian Waugh
Chief Inspector
Partnerships and Neighbourhoods

NOT PROTECTIVELY MARKED

5th June 2019

Our ref: South Pennine Moors SPA_SAC



Calderdale Borough Council

BY EMAIL ONLY

Foss House
Kings Pool
1-2 Peasholme
Green
York
YO1 7PX

Dear Mr Robin Tuddenham

THE BOROUGH COUNCIL OF CALDERDALE PROPOSED PUBLIC SPACE PROTECTION ORDER 2019

I write on behalf of Natural England in support of Calderdale Borough Council's proposal to implement a Public Spaces Protection Order (PSPO) relating to the control of activities that may cause fires. We strongly support the implementation of this Order and the focus on preventing moorland fires as defined within the 'Restricted Area' outlined in the PSPO 2019.

We agree that the proposed terms as set out in the PSPO 2019 are reasonable to impose in order to:

- (a) Prevent the detrimental effect, referred to in s59 (2) of the Anti Social Behaviour Crime and Policing Act 2014, from continuing, occurring or recurring; or
- (b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

Through this letter, we acknowledge specific roles and responsibilities we will fulfil as a Stakeholder/Partnership. This includes our statutory obligations under the Crime and Disorder Act 1998 to work closely with the Local Authority and other relevant Stakeholders to do all that we reasonably can to prevent Crime, (including anti social and other behaviour adversely affecting the local environment).

We acknowledge our role and responsibilities both during the statutory Publication, Notification and Consultation period, and those that will take effect when/if the PSPO is implemented. We expect our role and responsibilities to include the following:

- Participation in the consultation process, including working with Partners/ Stakeholders, and the community to facilitate the PSPO process, as well as feeding back to the Local Authority any concerns/issues raised by individuals, landowners, or interested groups.

www.gov.uk/natural-england

- Provide any information and data to facilitate in the publication of details to show the extent of the problem behaviour/impact on environment.
- Provide any information and data available and relevant to assist the Local Authority undertaking an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.
- We agree to use any resources available in order to raise awareness of the PSPO and the prohibited activities that may cause fires, as well as any requirements imposed under the PSPO.
- We agree to provide evidence to the Local Authority relating to any breach of the PSPO in order to support enforcement processes.
- We agree that the proposed duration of the PSPO is necessary and proportionate for the reasons provided as set out within this letter, and we are committed to support this Order for the time frame as specified – that is for 3 year period, 365 days of the year.

Furthermore Natural England wish to add the following:

Natural England is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. Natural England is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs. For more information on Natural England see: www.gov.uk/naturalengland.

Sites of Special Scientific Interest (SSSIs) are a representative sample of the best sites for flora, fauna, geology and physiography in England. There are over 4100 SSSIs covering around 8% of England's land area. They are essential to meet the UK's international obligations in protecting and improving our biodiversity, geology and landscapes. These features are often under pressure from development, pollution, climate change and unsustainable land management. Sites of special Scientific Interest are legally protected against any activity, whether reckless or intentional, which damages or disturbs the flora or fauna for which it is of interest. SSSIs are protected under the Wildlife and Countryside Act 1981 as substituted by schedule 9 to the Countryside Rights of Way Act 2000 and inserted by Section 55 of the Natural Environment and Rural Communities Act 2006 (the "Act").

The proposed PSPO covers a significant area of the South Pennine Moors SSSI, notified as a SSSI under the Act in September 1994. The SSSI is made up of a series of moorland blocks and, as the largest area of unenclosed moorland within West Yorkshire, it contains the most diverse and extensive examples of upland plant communities, including upland heath and blanket mire, in the county.

The notified habitats present within the SSSI are typical of and represent the full range of upland vegetation classes found in the South Pennines. This mosaic of habitats supports a moorland breeding bird assemblage which, because of the range of species and number of breeding birds it contains, is of regional and national importance. The large numbers of breeding merlin (*Falco columbarius*), golden plover (*Pluvialis apricaria*) and twite (*Carduelis flavirostris*) are of international importance.

Four habitat types found within the SSSI (Northern Atlantic wet heaths, European dry heaths, Blanket bogs and Old sessile oak woods) that are rare enough within Europe to result in the SSSI also being designated as part of the South Pennine Moors Special Area of Conservation (SAC). SACs are strictly protected sites designated under the EC Habitats Directive. Individual SACs contribute to a European wide network of important high-quality conservation sites that make a significant contribution to conserving habitat types and species considered to be most in need of conservation.

In addition, the South Pennine Moors SSSI is also part of the South Pennine Moors Phase 2 Special Protection Area (SPA). SPAs are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species. This SPA is classified as it supports breeding populations of Short eared owl,

Merlin, Golden plover and an Internationally Important assemblage of breeding birds.

Section 4 of the proposed Public Spaces Protection Order 2019 sets out that "Any person who fails without reasonable excuse to comply with a requirement imposed on him by this Order or does anything that he is prohibited from doing by this Order commits an offence". It is Natural England's opinion that the "reasonable excuse" set out in Section 4 includes Natural England's consent (under S28E of the Wildlife & Countryside Act (as amended)) to carry out, cause or permit the controlled burning of vegetation for the purposes of vegetation management. As a result, controlled burning for the purposes of vegetation management, carried out with the benefit of a S28E consent of Natural England would not fall within the restrictions of the proposed PSPO.

That said, wildfire and uncontrolled fires can lead to the loss of valuable wildlife habitats, threaten public safety and property, tie up the emergency services, cause erosion and scar the landscape for considerable periods of time. Such fires are known to damage or destroy the nature conservation interest, altering or destroying plant communities along with their associated invertebrate and bird populations.

Particularly severe burns can alter the physical structure, the chemical composition and even the hydrology of the soil, which influences the resulting vegetation and the appearance and character of the landscape. In some cases, where peat soils are burnt away, along with the seed source, it is unlikely that natural regeneration will occur unaided leading to costly programmes of vegetation restoration. Without restoration further soil erosion is likely to occur leading to long term damage and even destruction of these nationally and internationally important habitats.

An example of the scale of costs involved in the restoration of habitats following wildfire incidents is given by the restoration programme led by the North York Moors National Park Authority at Fylingdales Moor. This programme was put in place following a large scale wildfire incident in 2003 and the cost was approximately £560 per hectare. It should be noted that the North York Moors National Park and Natural England are still working to re-vegetate sites that were similarly damaged in 1976 and in the 1930's.

In addition to the damage and potential destruction of habitats, such large scale fires can have long term implications for birds (SSSI and SPA features) reliant on healthy dwarf shrub habitats for feeding, roosting and nesting. Breeding birds are particularly affected by changes in the vegetation structure and composition resulting from uncontrolled wildfires. Furthermore, since hotter uncontrolled fires kill many more invertebrates and large burns prevent recolonization, invertebrate feeding birds are also detrimentally affected.

Natural England is of the opinion that the proposed PSPO will have a positive effect in acting as a deterrent to activity that can lead to significant and long term damage to the nature conservation interest of this area. As a result we are fully supportive of the measures contained within the PSPO. By engaging in these measures we can help reduce the likelihood of these incidents taking place and by taking steps to reduce the risk in Calderdale, we can help to keep the moors, property, and residents safe.

Yours sincerely



Chantal Hagen
Protected Sites – Regulation and Enforcement
Email: Chantal.Hagen@naturalengland.org.uk



Helen Noble

Pennine Prospects

Canal and Visitor Centre, New Road,

Hebden Bridge

HX7 8AF

Dear Mr Robin Tuddenham

I write on behalf of Pennine Prospects in support of Calderdale Borough Council's proposal to implement a Public Spaces Protection Order (PSPO) relating to the control of activities that may cause fires. We strongly support the implementation of this Order and the focus on preventing moorland fires as defined within the 'Restricted Area' outlined in the PSPO 2019.

We agree that the proposed terms as set out in the PSPO 2019 are reasonable to impose in order to:

- (a) Prevent the detrimental effect, referred to in s59 (2) of the Anti Social Behaviour Crime and Policing Act 2014, from continuing, occurring or recurring; or
- (b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

Through this letter, we acknowledge specific roles and responsibilities we will fulfil as a Stakeholder/Partnership. This includes our statutory obligations under the Crime and Disorder Act 1998 to work closely with the Local Authority and other relevant Stakeholders to do all that we reasonably can to prevent Crime, (including anti social and other behaviour adversely affecting the local environment).

We acknowledge our role and responsibilities both during the statutory Publication, Notification and Consultation period, and those that will take effect when/if the PSPO is implemented. We expect our role and responsibilities to include the following:

- Participation in the consultation process, including working with Partners/ Stakeholders, and the community to facilitate the PSPO process, as well as feeding back

to the Local Authority any concerns/issues raised by individuals, landowners, or interested groups.

- Provide any information and data to facilitate in the publication of details to show the extent of the problem behaviour/impact on environment.
- Provide any information and data available and relevant to assist the Local Authority undertaking an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.
- We agree to using any resources available in order to raise awareness of the PSPO and the prohibited activities that may cause fires, as well as any requirements imposed under the PSPO.
- We agree to provide evidence to the Local Authority relating to any breach of the PSPO in order to support enforcement processes.
- We agree that the proposed duration of the PSPO is necessary and proportionate for the reasons provided as set out within this letter, and we are committed to support this Order for the time frame as specified – that is for 3 year period, 365 days of the year.

Furthermore Pennine Prospects wish to add the following:

Rural regeneration agency Pennine Prospects has teamed up with the Moors for the Future Partnership to advocate the importance of our moorlands and to ask people to be more fire aware. An archaeological survey of blaze affected areas of Ilkley Moor has been mounted as new advice is published to combat the upsurge in wildfires across the South Pennines.

Since 2003 the Moors for the Future Partnership has been striving to protect the most degraded landscape in Europe. Using innovative conservation techniques, 32 square kilometres of black degraded peat has been transformed in the Peak District National Park and South Pennines. A monitoring programme is providing evidence of the effectiveness of these techniques, backed up by innovative communications that inspire people to care for these special places. Moors for the Future, working with partners including Pennine Prospects, is restoring peat damaged by centuries of industrial pollution across this area, with £35m so far invested or pledged.

The work of the partnership is being delivered by the Moors for the Future staff team through the Peak District National Park Authority as the lead and accountable body. It is supported through partners including Pennine Prospects, the Environment Agency, and National Trust, RSPB, Severn Trent, United Utilities, Yorkshire Water and representatives of the moorland owner and farming community.

Healthy peat moors:

- Provide a unique habitat for a wide range of wildlife.
- Absorb and store carbon – peat is the single biggest store of carbon in the UK, storing the equivalent of 20 years of all UK CO₂ emissions and keeping it out of the atmosphere.

- Provide good quality drinking water – 70% of our drinking water comes from these landscapes.
 - Damaged peat erodes into the reservoirs so that water companies have to spend more money cleaning the water for consumption.
 - Potentially help reduce the risk of flooding.

There is a growing frequency of blazes that poses a danger to animals and vegetation and to efforts to restore peat moorland, described as Britain's rainforest for its capacity to store carbon.

As part of this collaboration Pennine Prospects have created a leaflet to help people understand the importance of our moorland, why it needs our protection and what to do if they are concerned about any threat of fire. Thousands of copies of the leaflet are being distributed across public sites as the peak visitor season gets underway.

New figures also reveal that over the past 10 months 22 square kilometres of moorland has been hit by fire in the South Pennines, Peak District (Dark Peak) and West Pennine Moors.

Much of the peatland in the Peak District and South Pennines is much drier than it ought to be and the dry peat will burn. Moorland fires are easily started by people lighting barbeques, campfires and cigarettes. Although they put their fire out, underground peat may have caught alight, which can burn, unseen, for days or weeks before re-emerging to ignite the surface.

On Ilkley Moor a blaze over the Easter weekend took 100 firefighters to bring under control.

The wider area is one of the most archaeological rich in Europe with over 400 known sites, including cup and ring marks and petroglyphs carved into stones by people who lived before the Pyramids were built.

Pennine Prospects has worked to protect the moorland of the South Pennines through raising awareness including attending community events with particular engagement with the Bogtastic van e.g. Todmorden Show, Hardcastle Crag and FLY! The South Pennines Kite Festival in Mixenden.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Noble'.

Helen Noble, Pennine Prospects' Chief Executive

Everyone different, everyone matters



Equality & Community Cohesion Impact Assessment (EIA)

Directorate: Public Services	Lead Officer: Derek Benn
Service Area: Neighbourhoods	Date completed: 6 th June 2019
Service / Policy / Function or Procedure to be assessed: Public Space Protection Order – to reduce moorland fires	
Is this: New / Proposed <input checked="" type="checkbox"/> Existing/Review Changing (Please tick appropriate box)	Review date: June 2022

Part A - Initial Assessment to determine if a full Impact Assessment is required

What are the aims and objectives/purpose of this service, policy, function or procedure?

Evidence is being presented to Cabinet to agree the introduction of a Public Space Protection Order to reduce the risk of moorland fires occurring in Calderdale.

The use of a PSPO is within the Council's control and allows a joined up enforcement approach from services and partners (West Yorkshire Police and West Yorkshire Fire and Rescue Service), whilst also raising the profile of the risks associated with such activities; thus educating members of the public in their responsibilities to safeguard our countryside.

Grass and moorland fires have had a major impact on areas neighbouring Calderdale; destroying many acres of natural beauty. In Calderdale we have had in recent years a number of long and dry periods of weather, which has increased the risk of the fires within our borough.

The Civil Contingencies Act 2004 places an obligation on the Council to work with partner agencies to protect people and property against key risks. The West Yorkshire Local Resilience Forum has identified those risks for our region, which include wildfires. The full list of risks is publicly available in the West Yorkshire Community Risk Register (<https://www.westyorkshire.police.uk/advice/emergency-plans/reports-community-risk-register/reports-community-risk-register>).

At the time of writing this report, the Fire Severity Index; which is a Met Office tool used to identify levels of risk of fires from low to exceptionally high; consider Calderdale's moorland as high risk – which is an assessment of how severe a fire could be if one was to start.

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 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.

This proposal has the support of Calderdale's Community Safety Partnership, which is a statutory partnership of organisations such as the Police, Fire, Health, Council and Probation Services who have a responsibility to ensure Calderdale is a safe place to live and visit. Key landowners such as Yorkshire Water and Natural England are committed to working with us and supporting the proposed PSPO. The formal report will include letters of support from key stakeholders.

Please indicate its relevance to equality by selecting yes or no

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment		
Advancing equality of opportunity		
Fostering good community relations	X	

If not relevant and this is agreed by your Head of Service, the Impact Assessment is now complete - please send a copy to your Directorate Equality Champion & to the Cohesion and Equality Team. **If relevant**, a full Impact Assessment needs to be undertaken (PART B below).

PART B: Full Impact Assessment

Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

What outcomes are sought and for whom?	<p>The Public Space Protection Order (PSPO) seeks to reduce the risk of moorland fires by prohibiting certain activities in a specified area, which increase the risk such as barbecues.</p> <p>The order seeks compliance from those individuals either living in or visiting the specified area.</p> <p>The specified area has been carefully considered and as a consequence is restricted to land that is accessible to the public and deemed high risk to fires.</p>
Are there any associated policies, functions, services or procedures?	The use of a PSPO is contained within Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.
How will this service be delivered? (e.g. direct service delivery, commissioned/outsourced etc)	<p>The use of a PSPO is within the Council's control.</p> <p>Calderdale Council will work with the Community Safety Partnership</p>

	and key stakeholders to introduce and manage the Order.
If partners (including external partners) are involved in delivering the service, who are they?	<p>A PSPO allows a joined up enforcement approach from services and partners (West Yorkshire Police and West Yorkshire Fire and Rescue Service).</p> <p>Partners include:</p> <ul style="list-style-type: none"> • West Yorkshire Police • West Yorkshire Fire & Rescue, and Other members of the Community Safety Partnership • West Yorkshire Police & Crime Commissioner • Calderdale Community Safety Partnership <p>Key Stakeholders:</p> <ul style="list-style-type: none"> • Yorkshire Water • Natural England, and • Many Groups of interest • Voluntary and community groups, and • Local landowners <p>The Cabinet report identifies the full list of those we have engaged with</p>

Step 2 – What does the information you have collected, or that you have available, tell you?

What evidence/data already exists about the service and its users? (in terms of its impact on the ‘equality strands’, i.e. age, disability, gender identity, race, religion or belief, sex, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

The overall aims of the Order is to make communities safer, protect the environment, increase resilience to the risk of fires and tackle

anti-social behavior:

Evidence and data has been sought from Council services, partners and key stakeholders such as land owners and groups of interest. The council has also consulted with the public hosting 4 drop in sessions – two on an evening and two at the weekends. The Proposed PSPO has been publicised using formal media, social media and ward forum mailing lists and other network/ contact list. A dedicated webpage has been created and provides information on the Council's proposal, FAQs and an opportunity to feedback.

The consultation period (28 days – due to the immediacy of the issue) closed on Tuesday 4th June 2019 there has been no adverse criticism of the Council's plans and all respondents have been in support of the proposed action.

The evidence collected to date does not suggest that there will be any specific impact on or gaps in relation to the equality strands. The impact and effectiveness of the order will be monitored – as outlined in the Cabinet report with the EI assessment central to that process.

Has there been any consultation with, or input from, service users, staff or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

See above

Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?

Evidence gathered through the consultation process and feedback from engagement opportunities such as ward forums fully supports the introduction of a PSPO.

Step 3 – Identifying the impact

a. Is there any impact on individuals or groups in the community?

(think about age, disability, gender identity, race, religion or belief, sex, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups)

Barriers:

What are the potential or known barriers/impacts for the different 'equality strands' set out below? Consider:

- **Where** you provide your service, e.g. the facilities/premises;
- **Who** provides it, e.g. are staff trained and representative of the local population/users?
- **How** it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?
- **When** it is provided, e.g. opening hours?
- **What** is provided, e.g. does the service meet everyone's needs? How do you know?

* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.

Solutions:

What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider:

- Other arrangements that can be made to ensure people's diverse needs are met;
- How your actions might help to promote good relations between communities;
- How you might prevent any unintentional future discrimination.

	Barriers/Impacts identified	Solutions (ways in which you could mitigate the impact)
--	-----------------------------	--

Age (including children, young people and older people)	<p>No specific barrier/ impact for the different equality strands</p> <p>The outcomes sought by the introduction of the PSPO are aimed at benefiting all communities by creating safer neighbourhoods and protecting the environment.</p> <p>The fact that this approach looks at protecting the environment, tackling community safety issues and anti-social behaviour will make the place more accessible and safe for all communities.</p>	<p>Although the Council wants a robust approach to reducing the risk of fires the fact that the new approach is based on the 3 Es principles of engagement, education and enforcement will ensure that should action be required it will be proportionate, necessary and lawful.</p> <p>Supporting the introduction of the PSPO will be a communication strategy which will seek to inform residents and visitors to Calderdale the reason for the order.</p> <p>The effectiveness and impact of the order will be constantly monitored – this will include dialogue with all relevant individuals and groups. Should gaps or unintentional consequences occur these will be resolved and should there be a need the Council has the authority to vary or discharge the order.</p>
Disability (including carers)		
Race (including Gypsies & Travellers and Asylum Seekers)		
Religion or Belief (including people of no religion or belief)		
Gender Re-assignment (those that are going through transition: male to female or female to male)		
Pregnancy and Maternity		
Sex (either male or female and including impact on men and women)		
Sexual orientation (including gay, lesbian, bisexual and heterosexual)		

b. Is there/will there be any impact on staff?

(think about the diversity of the workforce delivering the service and relevant training and development needs)

Employee Characteristic	Barriers/Impacts identified	Solutions (ways in which you could mitigate the impact)
Age	There is no impact on staff.	
Disability		
Gender reassignment		
Pregnancy & Maternity		
Marriage and Civil Partnership		
Race		
Religion or Belief		
Sex		
Sexual Orientation		

Step 4 – Changes or mitigating actions proposed or adopted

Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure?

What changes or mitigating actions are proposed?

No specific changes have been identified at this time however this needs to be continually assessed.

Step 5 – Monitoring

How are you going to monitor the existing service, policy, function or procedure?

The Council will keep the web-page live to inform the public of any developments and this will include the ability to specifically feedback. The impact and effectiveness of the order will be monitored and managed by the Community Safety Partnership which will provide update Cabinet accordingly.

Existing partnerships such as the Moorland Fire Group will assess effectiveness.

Community Engagement such as Ward Forums will be asked to seek feedback from the Community and any information gained will be forwarded to the Community Safety Team.

Elected members will play a key part in ensuring that any concern or comment re the PSPO is passed on and acted upon.

Part C - Action Plan

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale
No actions identified at this time			

EIA approved by:

Relevant Head of Service:	Date:
Derek Benn	5/6/19

Please send an electronic copy of the EIA to the Cohesion and Equality Team and unless the EIA contains sensitive or confidential information ensure the document is uploaded to the EIA Register on the Intranet.

A brief summary of the EIA will be placed on the Council's website.

Shameem.Suleman@calderdale.gov.uk, Cohesion and Equality Team