

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 95

Subject: Public Space Protection Orders - barbecues, lanterns and balloons: Outcome of Public Consultation

Date of meeting: 15 March 2022

Report of: Executive Director – Economy, Environment & Culture

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Ward(s) affected:

For general release

1. Purpose of the report and policy context

- 1.1 At its meeting on 29 September 2020, the Environment, Transport & Sustainability Committee approved for a public consultation to take place for the introduction of a Public Space Protection Order (PSPO) to manage environmental anti-social behaviour, namely the use of disposable barbecues and the release of lanterns and balloons on the seafront and in council owned open spaces.
- 1.2 This report presents the results of the public consultation and recommendations on how to proceed, based on the results of the consultation.

2. Recommendations

- 2.1 That Committee note the results of the public consultation as detailed in Appendix 1.
- 2.2 That Committee agrees to make a PSPO to stop the use of single-use, disposable barbecues and the release of lanterns and balloons in or on council-owned parks, open spaces and the seafront.
- 2.3 That Committee approves the updated Environmental Enforcement Framework as detailed in Appendix 2 (tracked changes version) and Appendix 3 (clean version).
- 2.4 That Committee approve the £100 fine for failure to comply with the PSPOs.
- 2.5 That Committee authorise Environmental Enforcement Officers to issue Fixed Penalty Notices for non-compliance with PSPOs in respect of the use of single-use barbecues and the release of lanterns and balloons.

3. Context and background information

- 3.1 The Environmental Enforcement Framework is reviewed on a regular basis to consider additional offences to be included to address anti-social and illegal behaviour and to minimise waste clean-up and disposal costs. The receipts from fines are used to cover the costs of the Environmental Enforcement Service. Any surplus income is ring-fenced for environmental improvement projects in line with legal requirements.
- 3.2 The use of single-use disposable barbecues, and the release of lanterns and balloons outdoors present a number of environmental issues and pose problems for the council in terms of waste clean-up and disposal costs. Due to this and following complaints and feedback about the use and disposal of single-use disposable barbecues, and the release of lanterns and balloons outdoors, it was agreed for a public consultation to take place on proposals to tackle these issues.
- 3.3 For single-use barbecues:
- One of the council's [litter bins was set alight](#), likely from an incorrectly disposed single-use barbecue.
 - Biffa issued an alert about the [dangers of putting disposable barbecues in bins](#).
 - Dorset Council has [banned all barbecues in its country parks](#) and on its land that is deemed to be a high fire risk.
 - The Co-op has [withdrawn the sale of single-use disposable barbecues](#) in their stores situated in or within a one-mile radius of all UK National Parks to help prevent wildfires.
- 3.4 For lanterns and balloons:
- The RSPCA has a [campaign to End Sky Litter](#) due to the problems balloons and lanterns cause to animals.
 - The National Fire Chiefs Council has highlighted the [issues caused by lanterns](#).
 - A number of councils across the country have [already banned the release of sky lanterns](#) on council owned land.
 - The RSPCA has shared some [alternatives to balloon releases and lanterns](#).

Results of the consultation

- 3.5 The proposals, as set out in the consultation, are detailed in Appendix 4. The consultation ran from 15 November 2021 to 2 January 2022 and acquired 671 responses. 92.85% of the responses came from Brighton & Hove residents. The results have been analysed and provided in more detail in Appendix 1. The high-level results show:
- 83.5% of respondents strongly agreed or tended to agree that the use of single-use, disposable barbecues cause problems for people, the environment and the council

- 79.4% of respondents strongly agreed or tended to agree that the use of single-use, disposable barbecues should not be permitted in or on council-owned parks, open spaces and the seafront
- 77.0% of respondents strongly agreed or tended to agree that a PSPO should be introduced to stop the use of single-use, disposable barbecues in or on council-owned parks, open spaces and the seafront
- 89.7% of respondents strongly agreed or tended to agree that the release of lanterns and balloons outside causes problems for people, the environment and the council
- 87.4% of respondents strongly agreed or tended to agree that the release of lanterns and balloons should not be permitted in or on council-owned parks, open spaces and the seafront
- 84.8% of respondents strongly agreed or tended to agree that a PSPO should be introduced to manage the non-permitted release of lanterns and balloons in or on council-owned parks, open spaces and the seafront
- 79.9% of respondents strongly agreed or tended to agree that a Fixed Penalty Notice of £100 should be issued if the PSPO is not complied with

3.6 Further ideas were shared during the consultation, the detail of which are included in Appendix 1.

3.7 Based on the results of the consultation, it is recommended that PSPOs are introduced to stop the use of single-use, disposable barbecues and the release of lanterns and balloons in or on council-owned parks, open spaces and the seafront. When an authorised Environmental Enforcement Officer issues a FPN for non-compliance with a PSPO, they will also seek to extinguish or seize the article causing the offence. Proper, stand alone, non-disposable barbecues can continue to be used on certain beaches, parks and open spaces as per arrangements already in place.

Implementation

3.8 If approval is received to proceed, a programme of communication will take place. This will include:

- Updating all relevant web pages including the [Environmental Enforcement Framework](#), [barbecues on the beach](#)
- Regular social media posts
- Updating signage around the city on the seafront and at entrances to parks

3.9 The PSPOs will be enforced from 1 July 2022 and the Orders will be published on the council website.

Existing bye-laws

3.10 The introduction of the PSPO does not remove the existing bye-laws in place regarding barbecues on the beach. Proper stand alone, non-disposable barbecues can be lit after 6pm but must not be used:

- between the two piers in Brighton
- between Hove Street and Fourth Avenue (this is the area between the end of Hove Lawns and King Alfred Leisure Centre car park)
- on Hove Lawns or its surrounding areas such as behind the beach huts
- on the promenade or its surrounding walls

3.11 When an authorised Environmental Enforcement Officer witnesses a barbecue being used in a non-designated area, they will ask the member of the public to extinguish the barbecue or move to a designated area. If the request is not complied with, the Officer will extinguish the barbecue.

4. Analysis and consideration of alternative options

4.1 Through the public consultation, stakeholders were provided with an opportunity to share any further ideas.

5. Community engagement and consultation

5.1 This is detailed in the main body of the report.

5.2 PSPOs may not have an effect period of more than three years. If the PSPO requires an extension, a further report will be brought to committee.

5.3 The Environmental Enforcement Framework will continue to be regularly reviewed to consider stakeholder feedback and any proposed changes will be presented to committee for approval.

6. Conclusion

6.1 The Environmental Enforcement Service addresses anti-social and illegal behaviour to improve the environment and minimise waste clean-up and disposal costs. To enhance this, additional offences have been identified for inclusion in the Framework to further reduce anti-social behaviour, that impacts the environment, and which costs the council money. It is recommended that PSPOs are introduced to stop the use of single-use of disposable barbecues and the release of lanterns and balloons in or on council-owned parks, open spaces and the seafront

7. Financial implications

7.1 The recommendations to: issue the PSPOs in respect of the use of single-use barbecues and the release of lanterns and balloons; approve the updated Environmental Enforcement Framework; and approve the £100 fine for failure to comply with the PSPOs would allow Fixed Penalty Charge Notices to be issued as an enforcement measures in line with other environmental offences. Any surplus income from Fixed Penalty Notices, are legally ring fenced to support specific environmental purposes.

7.2 Enforcement will be carried out within existing resources, but any additional spend is expected to be funded from additional income and any significant

variation to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 14/02/2022

8. Legal implications

- 8.1 The statutory background to the making of Public Space Protection Orders is set out in the updated Environmental Enforcement Framework attached to this report.

Name of lawyer consulted: Hilary Woodward Date consulted: 15/02/2022

9. Equalities implications

- 9.1 An Equality Impact Assessment is attached at Appendix 5. It is recognised that there may be some disproportionate impacts for some protected characteristics. To mitigate this, helpful information on alternatives to single-use, disposable barbecues, balloons and lanterns will be published on the council website.

10. Sustainability implications

- 10.1 The environmental and sustainability implications are detailed in the main body of the report.

11. Other Implications

Crime & disorder implications:

- 11.1 Environmental enforcement addresses illegal and anti-social behaviour and has a beneficial impact on crime and disorder.
- 11.2 Requests to extinguish single-use disposable barbecues or barbecues in non-designated areas may lead to difficult conversations and/or tensions. Environmental Enforcement Officers will be provided with appropriate training and advice so as not to place themselves, or members of the public, at risk.

Supporting Documentation

Appendices

- Appendix 1: analysis of consultation responses
- Appendix 2: Environmental Enforcement Framework (tracked changes)
- Appendix 3: Environmental Enforcement Framework (clean)
- Appendix 4: proposals within the consultation
- Appendix 5: Equality Impact Assessment

