

Environment Committee Meeting	
Meeting Date	5 November 2023
Report Title	Barbeques in Public Spaces - Review
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment & Leisure
Lead Officer	Graeme Tuff, Greenspaces Manager
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To note the report and not proceed with a specific PSPO ban on the use of disposable barbeques in Council open spaces at this time. 2. That Officers continue working with Community Safety colleagues to monitor statistics of barbeque related fires within Swale and to monitor the impacts of other Council's bans (including Canterbury's) and the effectiveness of PSPO enforcement.

1 Purpose of Report and Executive Summary

- 1.1 Following a Council recommendation to look into a proposed Motion "Use of BBQ's" and the subsequent Environment Committee report and debate, this report updates Members following a year of monitoring locally by Kent Fire & Rescue Services and identifies the experience from a neighbouring authority who have enforcement powers to ban the use of barbeques through a Public Space Protection Order.
- 1.2 This report summarises the information previously provided and makes a recommendation for continued monitoring.

2 Background

- 2.1 The Summer of 2022 set new records for heat in the UK and brought to the public awareness the risk of large scale fires in open spaces. Kent saw a number of major incidents, with Swale experiencing a small number of recorded fires in our open spaces.
- 2.2 As a result, a Motion (see appendix I) was presented to Council on 7 December 2022. Councillors referred the Motion to the next feasible Environment Committee without debate and this took place on 2 March 2023 Minute no. (760)/2/3/23.
- 2.3 The original motion asked Councillors to note the comments made by London's Fire Commissioner which amongst other things, suggested a national ban on the

sale of disposable barbeques and asked the Council specifically to write to Central Government and the local MPs for Swale in support of a national ban. At the meeting on 2 March 2023, it was agreed that the Chair of the Environment Committee send a letter to Central Government and Local MP's, lobbying for a national ban on the sale of disposable BBQ's.

- 2.4 The motion also proposed a ban on the use of barbeques from all council owned land to the extent that this is possible, with the exception of registered campsites, beach huts or events that have a risk assessment in place and a method agreed with the council regarding use and disposal.
- 2.5 Barbeques have a number of risks when used in public spaces. As mentioned in the motion, a single ember could in certain circumstances create a large scale fire, putting those in the public space at risk and greatly impacting nature and biodiversity. Furthermore, if they are left in-situ they create a risk of other users of the spaces touching/falling/stepping on them and causing injury. Finally, it is difficult to dispose of these products safely. They remain hot for a long time after use and are therefore difficult to take home. This results in them either being left or placed in public litter bins and examples have been seen elsewhere where litter bins then catch fire.
- 2.6 The motion asked for views on how we might control use and implement fines for non-compliance. The report to Environment Committee identified that Swale currently has byelaws in place for our parks and open spaces and foreshores. The 2005 Pleasure grounds, public walks and open spaces document details the sites where the byelaws apply and the conditions of use. Under the protection of the ground, its wildlife and the public, we have a section specifically for fires. However, The Sheppey Promenade Beach and Foreshore byelaws of 1991, do not contain any reference that could be considered to cover the use of disposable barbeques. Therefore, at the current time it would be difficult to enforce any ban on use of barbeques on the beaches.
- 2.7 As such, there are some existing legal mechanisms in place to deal with the issue should it be felt required. The issue with byelaws is having the resource to enforce them and if we were to enforce, there is currently no option to impose an immediate fine. In all enforcement we have to consider what is proportionate and the level of fine imposed is generally low. Therefore, one would suggest this mechanism would only be used in extreme circumstances.
- 2.8 Furthermore the separation of particular instances from enforcement makes for an inconsistent approach and open to challenge. For instance, a beach hut owner could not accurately be evidenced as being a lower risk than somebody simply sitting in a park or beach location. This becomes easier in the example of events, as these are generally pre-planned, registered with the Council and event documents provide evidence of safety and risk assessments. Our 'landhire' form is used to capture this information for any requests to use Council owned land for events.

- 2.9 We have liaised with a neighbouring Borough, who have used different legislation to try and enforce a ban on barbeques in public places. This stemmed directly from a range of incidents that resulted in considerable damage to beach huts, litter bins and personal injuries. Their consultation took 8 weeks and 43% of respondents supported a ban. The Public Space Protection order, amongst other things included '*lighting or fuelling any open fire; and using, lighting or discarding any disposable barbecue*'. This allows for enforcement officers to issue immediate 'fixed penalty notices' (FPNs).
- 2.10 This PSPO came into force in Feb 2023 and feedback provided by the authority advises that subsequently one bin fire was experienced caused by a disposable barbecue. Some warnings were issued this summer as an introduction to the new order, but no FPN's had been issued. They further advise that next summer will be the big test.
- 2.11 Swale Borough Council has a range of PSPOs in place covering dog offences, alcohol control and the gating of specified alleyways with regular reviews in place. Consultation with the public and police would be required to create a new PSPO related to this motion and evidence would need to directly link to disposable barbeques being the source of incidents.
- 2.12 Monitoring by Kent Fire & Rescue Services has identified 4 fires in Swale linked to disposable barbeques recorded over the last year. However with limited detail provided, while these were within the public realm it has not been possible to identify if these were in Public Open Spaces or Seafront areas controlled by the Council.

3 Proposals

- 3.1 Given the relatively low level of incidents recorded by Kent Fire and Rescue Services it would be difficult to justify the introduction of a specific PSPO banning the use of barbeques in public open spaces at this time.
- 3.2 It is recommended that Officers continue working with Community Safety colleagues to monitor statistics of barbecue related fires within Swale and to monitor the impacts of other Council's bans (including Canterbury's) and the effectiveness of PSPO enforcement.

4 Alternative Options Considered and Rejected

- 4.1 Amend the current byelaw for foreshores and beaches to include a section on fires as per the pleasures grounds byelaws. As discussed, enforcement resources would need to be reviewed at a time where the Council is reassessing what it can and can't do due to the pressures of the Medium Term Financial Strategy. Furthermore, if we are reviewing alternative methods, it would not be best use of officer resource.
- 4.2 Seek to implement a new PSPO and go out to consultation on including the ban on use of disposable barbeques. This is not recommended at the current time as

it is not felt there is sufficient evidence to justify the inclusion and we may be challenged on its implementation.

5 Consultation Undertaken or Proposed

- 5.1 We consulted with another Council who have recently implemented a ban and sought feedback following the first summer following introduction of their PSPO.
- 5.2 We have liaised with Kent Fire and Rescue colleagues through the Swale Community Safety Partnership, who have provided statistics for this report.

6 Implications

Issue	Implications
Corporate Plan	The proposal would align to Priority 2 of the current Corporate Plan - Investing in our environment and responding positively to global challenges.
Financial, Resource and Property	The enforcement of byelaws and/or PSPOs would need either an increase in internal officer resource or increased costs of using an external contractor if they were to be effectively used. This would need to be reviewed against the current Medium Term Financial Strategy and against the Council's priorities.
Legal, Statutory and Procurement	As discussed in the main document the Council currently has byelaws in place that could be used if required. There is strict guidance in place for the use of PSPOs and we would need to evidence the impact their use was having in Swale in order to justify.
Crime and Disorder	There was an increase in fires recorded across Swale in 2022, however the source of these was not known. It is considered the hot weather will have contributed alongside deliberate acts. Monitoring over the last year has identified fires caused by disposable barbeques.
Environment and Climate/Ecological Emergency	Fires in greenspaces can harm wildlife and affect the biodiversity of the location.
Health and Wellbeing	None Identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.

Risk Management and Health and Safety	The main report documents the main concerns relating to use of disposable barbeques in public spaces. Where there is a history of issues, we work with Kent Fire and Rescue to reduce risk e.g. through introduction of fire breaks in grassland and ensuring appropriate access to fire crews.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Motion presented to Council

8 Background Papers

- None