

I write on behalf of Matthew Ellis, Police, Fire and Crime Commissioner for Staffordshire in response to your consultation process regarding the proposal of the Public Spaces Protection Order (Wildfires) 2021 under Section 59 and 75 Anti-Social Behaviour Crime and Policing Act 2014.

The issue has presented a major challenge to the Fire and Rescue Service in recent years, particularly in 2018 when a significant number of wildfires caused considerable environmental damage to the Moorlands area. The need to work with local authorities and other agencies to do more to protect open spaces is reflected in our Fire and Rescue Plan. As the Fire and Rescue Authority, the PFCC also has a responsibility to firefighters who are placed at risk when dealing with such incidents, many of which are caused by the irresponsible behaviour of others.

We are broadly in support of the proposed measure and recognise that similar orders are already in place at Calderdale, Oldham (Saddleworth Moor), Bradford, and other areas that are at risk of wildfires caused by the use of barbecues, open fires, and Chinese Lanterns. We accept that this is not simply a seasonal concern but one that requires constant attention. The proposed order would supplement existing powers and provide clarity and leverage in dealing with those in breach of the order, however for it to work effectively in practice the relevant agencies need to take a cooperative, coordinated and consistent approach to enforcement.

We note that Staffordshire Moorlands District Council's proposal goes further than comparable orders by widening the offence by reference to, "possessing of" at 4c, "Possessing" at 4d, and "Possessing" at 4e. It is a concern that the simple act of possessing an item goes beyond what could be enforceable and possibly infringes on civil liberties disproportionately, so would be difficult to police in practice. This could criminalise those who might have no intention to light an item within the Restricted Area, or even those simply traversing in a vehicle through the Restricted Area.

We do agree with (5) which provides the necessary and appropriate safeguards to these concerns.

5. 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

We would also seek further consideration of the defined Restricted Area. As it stands, the order states:

"This Order applies to all parts of the district of Staffordshire Moorlands that:

- lie within the boundary of the Peak District National Park and/or is land owned by Staffordshire Moorlands District Council"

This implies that the order would apply to the full boundaries of the District Council area and not simply the Peak District area of concern.

Aside from these concerns, we are broadly satisfied with the proposed order.

Kind regards

Ralph Butler

Head of Strategy & Change