

BRISTOL CITY COUNCIL

DOWNS COMMITTEE
January 30th 2012

Report of: Service Director, Environment and Leisure

Title: Barbecue Use on the Downs.

Ward: Stoke Bishop.

Officer Presenting Report: Robert Westlake, Downs Ranger

Contact Telephone Number: 0117 9736210

RECOMMENDATION:

That the Downs Committee approve continued efforts to effectively manage the illegal use of barbecues .

That the Downs Committee approve the installation of 12 designated barbecue points for a twelve month trial period.

Summary

The report reflects one the objectives of the Downs Management Plan to effectively manage anti social behaviour within the guidelines of the bye-laws laid down in the Downs Act {1861}

Policy

1.Not Applicable

Consultation

2.Internal

Richard Bevan, Manager, Parks Estates, Play, Cemeteries & Crematoria.
John Williams, Estates Manager.

External

Chris J Westcott, Natural England

Context:

3. Anti Social Behaviour:

The problems associated with the illegal use of portable barbecues on the Downs has long been a concern of this Committee. Previous minutes indicate that since the advent of the portable/disposable barbecue this issue has made regular and frequent appearances.

The use of barbecues on the Downs is clearly a breach of the byelaw as laid down in the Act, but over successive years the enforcement of the byelaw has proved to be a perennial problem.

The reasons for robust enforcement are that:

- Disposable barbecue use damages the turf, leaving unsightly scars which rarely recover and are relatively expensive to reinstate.
- Disposable barbecues remain hot for sometime after use, as a consequence they are rarely disposed off correctly and generate additional litter.
- Unpleasant cooking fumes and smoke can be detrimental to local residents and other visitors.
- Hot abandoned barbecues are a hazard to wildlife and a risk to children.
- Can attract vermin.
- Risk of fires, particularly to hay meadows.
- Contravenes the Downs Act.

There are however valid arguments for a relaxation of the bye law which include:

- The bye law could be seen by some visitors as out of step with modern life.
- Significant numbers of visitors like to be able to cook for family and friends and to enhance the opportunity for social interaction.
- Many visitors, students and locals are without an outdoor space where barbecue use can occur.
- It is unlikely that barbecue use can ever be fully eliminated.
- Strict enforcement with subsequent penalties could be interpreted as draconian and outdated.
- The Downs Committee and the City Council could be seen as intransigent and the reputation of both harmed.
- A modification to the byelaw to permit barbecue use in certain restricted areas would demonstrate that the Committee is prepared to be flexible in the way that the Downs are managed.
- Byelaw difficult to enforce. (Police indicate this would be considered low level crime, but would consider prosecution for persistent offenders or those that refused to comply with a request to extinguish)

The current situation on the Downs, is that in the last two years measures have put in place to more effectively manage portable/disposable barbecue use.

Measures include:

- Large banners at key entry points to the Downs.
- Additional security patrols at weekends.
- Security foot patrols as well as mobile.
- Refocusing security officers to persuade transgressors to desist.(officers typically allow 20 minutes for cooking to be completed and then barbecues must be extinguished)
- Joint initiatives with Downs team and security to distribute leaflets detailing the principal byelaws to visitors at weekends.
- Leaflets available at cafe, observatory tower and other concession sites.
- Seeking guidance from the Police on enforcement issues.

The recommendation is that the Downs Committee {a} approve the continuation of current initiatives to manage barbecue use. The recommendation is based on a recent trial period and research into how other similar large open spaces are managed and {B} approve the siting of twelve designated barbecue points to be located in recently cleared scrub areas near Circular Road.

Over the trial period evidence indicates that the initiatives previously described have had some success. Public complaints in 2011 were significantly reduced. I have also received several complimentary communications describing how much more pleasant a visit to the Downs has been without the smoke and smells of barbecue cooking. It should be noted, that weather wise 2011 was not a particularly good year for alfresco dining.

Evidence from the City of London Parks and other core cities indicate that generally portable/disposable barbecue use is banned.

Many of the parks, commons and open spaces contacted have similar byelaws to the Downs in place.

Enforcement is usually by wardens or park police. Penalties are rare and difficult to apply. (A problem for enforcers is in proving who the actual 'owner' of a disposable barbecue is)

Successful control is directly related to the number of personnel available to effectively police large open spaces.

Some land owners, in particular the National Trust do permit barbecue use in restricted areas, purposely designed for this activity. These in the main appear to be carefully managed with proper facilities, including picnic benches, raised barbecue stands, safe disposal points and running water.

Allocation is typically on a first come first served basis but some can be pre-booked. Some, but not all are free to use

These designated barbecue points are very popular with visitors and are well used, but considerable resource is required to effectively manage them.

The recommendations will be further supported by refining the protocols all ready in place and will include.

- Installing twelve slabs for a trial period, with appropriate signs.
- Staff and security can direct barbecue users to designated area.
- Replacing the current banner type signs with more robust text.
- Continue working with the security team to ensure maximum impact.
- Using the Downs team to approach visitors and 'educate' barbecue users.
- Leafleting campaigns on Summer weekends and at major events.
- Leaflets distributed to catering outlets, halls of residence etc.
- Consider using volunteer wardens to assist with campaigns.
- Liaise with local police and PCSO's.

Proposal:

That the Committee endorse the continued efforts to manage the use of disposable barbecues on the Downs including installing twelve concrete slabs.

4 Other Options Considered

Installing concrete slabs at selected locations have been considered previously by this Committee.

5 Risk Assessment

There may be a difficulty in deciding how many slabs would be sufficient to meet demand and it may prove difficult to persuade other users to desist should all available slabs be in use.

There may be a problem in selecting locations that would not be of inconvenience to other visitors.

Once a precedent is set for barbecue use of any sort it may be difficult to restrict the activity to designated area's only.

Increased risk of fire, litter, disturbance to wild life and other associated hazards.

Public Sector Equality Duties

8a) *Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability,*

gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –

- tackle prejudice; and

- promote understanding.

8b) Not Applicable.

Legal and Resource Implications

Legal

None directly arising from the report.

The Clifton and Durdham Downs Act (Bristol) 1861 provides that the Downs should remain as a place for the resort and recreation of the citizens of Bristol, and that a committee should be appointed to manage them. The recommendations of this report are within the powers conferred by this statute.

Financial

(a) Revenue

Not applicable

(b) Capital
Not applicable

Financial advice provided by Tony Whitlock, Principal Accountant

Land
The land is under the control of the Downs Committee.

Personnel
Not applicable

Appendices:
None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:
None