

# North Yorkshire Council

## Executive Member – Managing our Environment and Executive Member – Corporate Services

3 December 2025

### North Yorkshire Council Unauthorised Camping and Lighting of Fires and Barbeques Public Spaces Protection Order 2026

#### Report of the Assistant Director – Regulation & Harbours and Assistant Chief Executive – Local Engagement

#### **1.0 PURPOSE OF REPORT**

- 1.1 To seek approval for the commencement of statutory consultation in respect of a proposed North Yorkshire Council Unauthorised Camping and Lighting of Fires and Barbeques Public Spaces Protection Order 2026.

#### **2.0 BACKGROUND**

- 2.1 The proposed Public Spaces Protection Order (PSPO) is in respect of unauthorised camping and lighting of fires and barbeques at specified locations in Whitby and Scarborough. The Council is seeking to introduce a PSPO under Section 59, Anti-Social Behaviour Crime and Policing Act 2014.

#### **3.0 NORTH YORKSHIRE COUNCIL UNAUTHORISED CAMPING AND LIGHTING OF FIRES AND BARBEQUES PSPO 2026**

- 3.1 Whitby and Scarborough are nationally and internationally recognised tourist destinations, as such, the local economies rely heavily on tourism. Over recent years unauthorised camping in parks and green spaces, in these tourist hot spots, and the lighting of fires or barbeques has become a real concern. Complaints have increased dramatically to the Council and its partners, the Police and Fire & Rescue Service, evidencing the detrimental effect on the quality of life of those living or legitimately visiting or holidaying in the area.
- 3.2 Nine areas (Appendix A) have been identified where the unauthorised camping and the lighting of fires and barbeques has resulted, or is likely to result in, significant and persistent detrimental impact with damage to the environment. Unauthorised camping causes substantial littering, such as abandoned tents, clothes, sleeping bags, general camping equipment and food waste. Also defecating and urinating in the green open spaces around camps, lighting of fires, burning the ground and foliage and damaging installed amenities such as seats and benches placed for public enjoyment.
- 3.3 Often those camping cause other related anti-social behaviour such as noise, along with verbal abuse and intimidating behaviour to anyone that questions their right to camp.
- 3.4 In Summer 2024, from May to October, unauthorised camping was occurring across the locations identified, with up to 20 unauthorised encampments at any one time. At the peak in August, 78 tents/temporary shelters were recorded. The estimated cost to the North

Yorkshire taxpayer for clearing up and repairing or replacing the damage to these green spaces and amenities is estimated to be more than £30,000. This does not include any associated costs of our partners the Police and Fire & Rescue Service.

- 3.5 Since April 2025, the Council has already recorded over 15 wild/fly camping incidents resulting in clean-up costs of over £4,000.
- 3.6 All of this has a negative impact on the quality of life for residents, businesses, day visitors and holidaymakers and may impact on the area's tourism reputation.
- 3.7 There is ample provision of a wide range of organised and licenced camping sites, with sanitary facilities, in the area. There is no justification to camp in the specified locations. In addition, there is no legal right to camp on public land in England, except Exmoor National Park.
- 3.8 The proposed PSPO is part of a holistic approach that offers support to anyone who is homeless through existing procedures working with housing options and the rough sleeping teams which will continue to be applied.
- 3.9 The proposed scope of the PSPO is shown in Appendix A.
- 3.10 A draft PSPO, upon which we wish to consult, is shown in Appendix B. This will be subject to changes and amendments subsequently to take account of consultation responses prior to determination.

#### **4.0 LOCAL MEMBER ENGAGEMENT**

- 4.1 A small working group comprising officers from Environmental Enforcement, Legal and Communications are now working up a project plan with timescales. The broad timeline is to complete consultation and bring a decision report with the aim of having a PSPO in place for Summer 2026. The Scarborough and Whitby Area Committee will be briefed ahead of consultation commencement, as requested by Cabinet, along with communication to relevant Ward Members.

#### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There is no alternative because the Anti-Social Behaviour, Crime and Policing Act 2014 and associated guidance sets out procedural steps for enacting PSPOs, including the requirement to consult following the statutory guidelines.

#### **6.0 FINANCIAL IMPLICATIONS**

- 6.1 As an alternative to a prosecution for the offence of failing to comply with a PSPO, the Act allows for Local Authorities to issue Fixed Penalty Notices.
- 6.2 The money collected from fines paid for PSPO violations must be used to support enforcement and associated activity, this might include things like:
  - providing clear signage in the restricted area and promoting awareness
  - funding enforcement staff
  - covering the costs of cleaning/maintaining the area
- 6.3 It is estimated the signage implementation costs will not exceed £2,500 and will be met from the existing Parks and Grounds budget.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The proposed PSPO will be implemented in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 and associated guidance which sets out procedural steps for enacting PSPOs, including the requirement to consult following the statutory guidelines.
- 7.2 Section 59 of the Act sets out the threshold to be met for a local authority to make a PSPO. The first condition is that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect. The second condition is that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice. Section 66 provides for challenge to the validity of an Order in the High Court.
- 7.3 In accordance with Section 67 of the Act, a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level three on the standard scale.
- 7.4 Enforcement of the proposed PSPO, if ultimately approved, will be carried out by the Council's Environmental Enforcement Team and Legal Services in respect of any prosecutions. In accordance with Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014, a constable or authorised person may issue a Fixed Penalty Notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty. The penalty is set at £100 to be paid within 28 days, but may be reduced to £75 if paid within 14 days.
- 7.5 The proposed PSPO is to deal with anti-social behaviour and environmental crime using community safety legislation (Anti-Social Behaviour, Crime and Policing Act 2014) therefore, this issue crosscuts Executive portfolios of Managing our Environment and Corporate Services with responsibility for environmental crime and community safety respectively.
- 7.6 The proposed PSPO is a key decision and will be determined, following the completion of statutory consultation, by the Assistant Chief Executive – Local Engagement under the Council's scheme of delegation. Under this delegation the Assistant Chief Executive – Local Engagement will agree arrangements for consultation with the relevant Executive Members and will refer to the Executive for consideration and decision those matters directed by the said Members. Cabinet confirmed they are content to progress under this delegation, as opposed to a referral to Executive Committee.
- 7.7 Unauthorised encampments will continue to be dealt with using existing Part 55 possession proceedings, within the specific PSPO areas or any other land that the Council owns. Possession proceedings will be undertaken in accord with the Council's Unauthorised Encampment Policy and the associated procedures and assessments.

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 An equalities impact assessment screening has been completed (Appendix C).

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 A climate change impact assessment screening has been completed (Appendix D).

## **10.0 REASON FOR RECOMMENDATIONS**

- 10.1 To ensure compliance with the Anti-Social Behaviour, Crime and Policing Act 2014 and associated guidance which sets out procedural steps for enacting PSPOs, including the requirement to consult following the statutory guidelines.

## **11.0 RECOMMENDATION**

- 11.1 That the Executive Member for Managing our Environment and Executive Member for Corporate Services authorise the commencement of statutory consultation for the proposed North Yorkshire Council Unauthorised Camping and Lighting of Fires and Barbeques PSPO 2026.

### **Appendices:**

- Appendix A – Locations to be included in the Order
- Appendix B – Draft Public Spaces Protection Order
- Appendix C – Equalities Impact Assessment Screening
- Appendix D – Climate Change Impact Assessment

### **Background documents:**

Anti-Social Behaviour, Crime and Policing Act 2014 and guidance

Karl Battersby, Corporate Director of Environment

Report author and presenter of the report – Dean Richardson, Head of Regulatory Services

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions

**Schedule 1 - North Yorkshire Council Unauthorised Camping and Lighting of Fires and Barbeques Public Spaces Protection Order 2026**

**Locations to be included in the Order (restricted areas):**

1. Royal Albert Park, Scarborough
2. Castle Dyke, Scarborough
3. South Cliff, Italian Gardens & Holbeck, Scarborough
4. Scalby Beck, Scarborough
5. Marvels & Open-Air Theatre, Scarborough
6. Peasholm Park, Scarborough
7. Museum Terrace, Crescent & Valley Park, Scarborough
8. Whitby Abbey, Whitby
9. Pannett Park, Whitby

1. Royal Albert Park, Scarborough



2. Castle Dyke, Scarborough



3. South Cliff, Italian Gardens & Holbeck, Scarborough



4. Scalby Beck, Scarborough



5. Marveles, Scarborough







## **North Yorkshire Council Unauthorised Camping and Lighting of Fires and Barbeques Public Spaces Protection Order 2026**

North Yorkshire Council ("the Council") in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following Order:

This Order shall be known as North Yorkshire Council Unauthorised Camping and Lighting of Fires and Barbeques Public Spaces Protection Order 2026 and shall come into force on XXXXXX 2026 for a period of three years, unless extended.

This Order has three sections and should be read in conjunction with the related Schedules.

Contents:

Section 1 – unauthorised camping in public places

Section 2 – the lighting of fires or barbeques in/on public places

Section 3 - Fixed Penalty Notices

Schedule 1 - Locations to be included in the Order (restricted areas)

### **Section 1- unauthorised camping in public places**

(1) This Section applies to all public places within the land identified and described in Schedule 1 “the restricted areas” and imposes the prohibition contained in subsection (4).

(2) The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that anti-social behaviour has been carried out, or is likely to be carried out, within the “the restricted areas” caused by unauthorised camping resulting in antisocial behaviour, including but not limited to littering / disposal of waste and materials causing damage to the environment and these activities have a detrimental effect on the quality of life of those living or legitimately visiting or holidaying in the area.

(3) The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, persistent or continuing in nature, and are unreasonable, and justify the prohibition imposed by this Order.

Prohibition

(4) No one person shall erect a tent, gazebo, marquee, or other temporary structure that is designed or intended to provide shelter or accommodation with the intention of camping overnight, within “the restricted areas” without the express prior written permission of the landowner.

Requirements

(5) If instructed to do so by an authorised officer of North Yorkshire Council or by a Police Officer a person shall clear away any tent or temporary structure and associated equipment.

Offence

(6) A person who fails, without reasonable excuse, to comply with a requirement imposed on him or her under subsection 5 commits an offence contrary to section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Exemptions

(7) Person(s) who have express prior written permission of the landowner, North Yorkshire Council.

### **Section 2 – the lighting of fires or barbeques in/on public places**

(1) This Section applies to all public places within the land identified and described in Schedule 1 “restricted areas” and imposes the prohibition contained in subsection (4).

(2) The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that anti-social behaviour has been carried out, or is likely to be carried out, within the “the restricted areas” caused by the lighting of fires or barbeques causing damage to the environment and has a detrimental effect on the quality of life of those living or legitimately visiting or holidaying in the area.

(3) The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect, or likely effect, of the activities is, or is likely to be, persistent or continuing in nature, and are unreasonable, and justify the prohibition imposed by this Order.

#### Prohibition

(4) No person shall light a fire or barbeque within “restricted area” without the express prior written permission of the landowner, North Yorkshire Council.

#### Requirements

(5) If instructed to do so by an authorised officer of North Yorkshire Council or by a Police Officer a person, when instructed, shall extinguish any fire or barbeque and clear away.

#### Offence

(6) A person who fails, without reasonable excuse, to comply with a requirement imposed on him or her under subsection 5 commits an offence contrary to section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Exemptions

(7) person(s) who have express prior written permission of the landowner, North Yorkshire Council.

### **Section 3 – Fixed Penalty Notices**

In accordance with Section 68 of the Anti-social Behaviour, Crime and Policing Act 2014, a constable or authorised person may issue a Fixed Penalty Notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty. The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

<b>Initial equality impact assessment screening form</b>			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
<b>Directorate</b>	Environment		
<b>Service area</b>	Regulation and Harbours		
<b>Proposal being screened</b>	North Yorkshire Public Spaces Protection Order (PSPO)		
<b>Officer(s) carrying out screening</b>	Drew Fussey		
<b>What are you proposing to do?</b>	To designate 9 areas as part of a PSPO to prevent unauthorised camping, fires and BBQs in Whitby and Scarborough locations.		
<b>Why are you proposing this? What are the desired outcomes?</b>	To ensure effective control measures are in place along the East Coast; Whitby and Scarborough to prevent unauthorised camping, fires and BBQs.		
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	No		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
<b>NYCC additional characteristics</b>			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No. Anyone found in breach of the PSPO will be treated fairly by officers who will engage, educate, encourage, enforcing only when that is appropriate and proportionate in accordance with the Council's Enforcement Policy and FPN Policy.		

<p><b>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</b></p>	<p>No</p>			
<p><b>Decision (Please tick one option)</b></p>	<p>EIA not relevant or proportionate:</p>	<p>✓</p>	<p>Continue to full EIA:</p>	
<p><b>Reason for decision</b></p>	<p>Ensuring effective control measures are in place in Whitby and Scarborough areas in the form of a PSPO will have no direct impact any protected characteristics on climate change.</p>			
<p><b>Signed (Assistant Director or equivalent)</b></p>	<p>Rachel Joyce</p>			
<p><b>Date</b></p>	<p>21/11/2025</p>			

## Initial Climate Change Impact Assessment

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	North Yorkshire Council Public Spaces Protection Order (PSPO) Whitby and Scarborough locations.
<b>Brief description of proposal</b>	To designate 9 areas as part of a PSPO to prevent unauthorised camping, fires and BBQs in Whitby and Scarborough locations.
<b>Directorate</b>	Environment
<b>Service area</b>	Regulation and Harbours
<b>Lead officer</b>	Drew Fussey
<b>Names and roles of other people involved in carrying out the impact assessment</b>	

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following:

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

<b>Environmental factor to consider</b>	<b>For the council</b>	<b>For the county</b>	<b>Overall</b>
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought, etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat, etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact, then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	✓	Continue to full CCIA:	X
<b>Reason for decision</b>	Ensuring effective control measures are in place along in Whitby and Scarborough locations in the form of a PSPO will have no direct impact on climate change.			
<b>Signed (Assistant Director or equivalent)</b>	Rachel Joyce			
<b>Date</b>	21/11/2025			