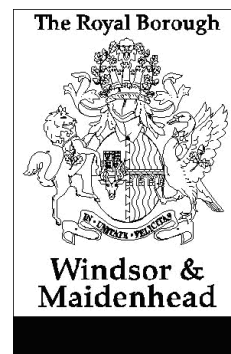


Report for: ACTION
Item Number: 5



<b>Contains Confidential or Exempt Information</b>	NO – Part I
<b>Title</b>	<b>Public Space Protection Order (PSPO) in respect of Eton Thameside / Footpath 51, Eton</b>
<b>Responsible Officer(s)</b>	Steve Johnson
<b>Contact officer, job title and phone number</b>	Rob Dunford, Anti-Social Behaviour Coordinator – 01628 796 725
<b>Member reporting</b>	Cllr Carwyn Cox
<b>For Consideration By</b>	Ad Hoc Alley Gating Panel
<b>Date to be Considered</b>	21 April 2015
<b>Implementation Date if Not Called In</b>	Immediately
<b>Affected Wards</b>	Eton & Castle
<b>Keywords/Index</b>	<i>Alcohol, anti-social behaviour, ASB, community safety, consultation, crime, drinking, Eton, Eton Thameside, footpath, FP51, highways, night time economy, NTE, petition, Public Space Protection Order, PSPO, rights of way</i>

<p><b>Report Summary</b></p> <ol style="list-style-type: none"> <li>1. The power for a council to gate alleyways is covered by Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 via its Public Space Protection Order (PSPO) provisions.</li> <li>2. This report deals with the application for a Public Space Protection Order to be considered by the Ad Hoc Alley Gating Panel (the Panel).</li> <li>3. The sequence of events prior to this application is summarised at Paragraph 17 'Background Information'.</li> <li>4. The report recommends that the members of the Panel consider arguments for and against restricting the alley in question and then to decide whether a Public Space Protection Order is appropriate in this case.</li> <li>5. This recommendation is being made because residents of the Eton Thameside development have reported that open access to the alley is resulting in crime and anti-social behaviour.</li> </ol>
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<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
The Panel will have provided clarity to residents as to the	Immediately

Royal Borough's position on this alleyway by deciding whether there is a case for restricting access.	
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## 1. Details of Recommendations

**RECOMMENDATION:** That members of the Panel consider the representations for and against restricting the alley through Eton Thameside / FP51<sup>1</sup> via a Public Space Protection Order (PSPO) and decide:

a) whether to proceed and

b) if so, the extent to which the PSPO should restrict access.

## 2. Reason for Recommendation(s) and Options Considered

The Royal Borough's *Policy for the Installation of Alley Gates*, requires that when an approach is made by residents regarding alley gating, the council will consult with all interested parties and that on conclusion of the public consultation an Ad Hoc Alley Gating Panel will be convened to determine whether to make an order.<sup>2</sup>

Option	Comments
Option 1 – Approve application for PSPO and restrict public access to the alley	<p>If a PSPO is approved, the Panel will need to consider to what extent access should be restricted. Different approaches present different merits and demerits, e.g.:</p> <p>'Full' closure, i.e. where gates are locked permanently, this would prevent access for the general public. While this would definitely reduce potential for crime and ASB, it would also mean the loss of a recently installed public amenity.</p> <p>'Partial' closure, i.e. where gates are locked between hours of <i>xx:00hrs</i> and <i>yy:00hrs</i>, this would allow limited access to the general public. This would be targeted at reducing potential crime and ASB in peak hours for such behaviour while maintaining access to the public amenity. In the event of a partial closure, thought will be required as to how access will be regulated and by whom.</p>
Option 2 – Reject application for PSPO and make no restrictions to the alley	The public will retain full access to the footpath and amenity space. This option will take no steps to address any crime or ASB that may be taking place.

## 3. Key Implications

'Success' will differ depending on the decision of the Panel:

a) PSPO approved

<sup>1</sup> See Appendix I, *Map of FP51*

<sup>2</sup> *Policy for the Installation of Alley Gates*

[www.rbwm.gov.uk/public/partnerships\\_csp\\_alley\\_gating\\_policy.pdf](http://www.rbwm.gov.uk/public/partnerships_csp_alley_gating_policy.pdf)

In this case, success would be reflected in reduced levels of crime / ASB experienced by residents in the vicinity of Eton Thameside. This could be measured by reference to police data.

**b) PSPO rejected**

In this case, success would be reflected by no increase in levels of crime / ASB experienced by residents in the vicinity of Eton Thameside. This could also be measured by reference to police data.

**4. Financial Details**

**a) Financial impact on the budget (mandatory)**

No financial implications

**b) Financial Background (optional)**

Ordinarily the decision to gate an alley would require capital expenditure, however in this case, the gates are already in place.

**5. Legal Implications**

The Royal Borough is empowered under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to make PSPOs where activities carried on in a public place:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Are, or are likely to be, persistent or continuing in nature;
- Are, or are likely to be, unreasonable; and
- Justify the restrictions imposed.

Section 66 of the Anti-Social Behaviour, Crime and Policing Act allows that an interested person, i.e. *“an individual who lives in the restricted area or who regularly works in or visits that area”*, may challenge the validity of a PSPO by application to the High Court where:

- A local authority did not have power to make the order; or
- That a requirement under the legislation was not complied with.

This is the first Public Space Protection Order that the Royal Borough will apply for under the above Act and Legal Services will be in attendance to provide any necessary advice to the Panel.

**6. Value For Money**

If, as the result of a PSPO, crime and ASB reduces this will reduce long-term costs in terms of resourcing e.g. police and council officer time. As such, if a reduction is achieved this provides value for money as these resources can be deployed elsewhere.

**7. Sustainability Impact Appraisal**

If a PSPO is approved, there are several considerations going forward:

- The legislation stipulates that PSPOs must be subject to regular review. New orders must be reviewed after a year, and thereafter PSPOs must be reviewed triennially.
- In the case of a 'partial' closure, it will be necessary to sustain public access within the agreed timeframes. This could have staffing or technological implications.
- Installation of a gate represents a physical change to the characteristics of the location, therefore any positive benefits arising from the gating (e.g. a reduction in ASB) should be sustained for the lifetime of the gate.

## 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Legal challenge to a decision not to gate via public enquiry	Reputation damage to the Council, potential court costs	Updated Alley Gating Process and Constitution	Low
Legal challenge to the validity of the PSPO / gating process	Reputation damage to the Council, potential court costs	Updated Alley Gating Process and Constitution	Low

## 9. Links to Strategic Objectives

### *Residents First*

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

### *Delivering Together*

- Enhanced Customer Services
- Strengthen Partnerships

## 10. Equalities, Human Rights and Community Cohesion

The decision whether to allow a PSPO in respect of this alley should not disproportionately affect any particular group.

If a 'partial' closure is agreed, gating arrangements should be such that members of the public can freely access the alley within stated times, irrespective of any individual characteristics e.g. mobility issues.

## 11. Staffing/Workforce and Accommodation implications:

The Community Safety, Highways and Democratic Services teams have provided staff resource thus far. If the PSPO is approved it is foreseeable that these staff will be required to contribute to the annual / triannual reviews.

## 12. Property and Assets

None

## 13. Any other implications:

None

## 14. Consultation

- 04/02/2015: e-Petition concluded (117 signatures)
- 20/02 – 20/03/2015: Public Consultation, publicised via letter, notice and website (48 responses received (21 respondents had objections, 18 had no objections, 7 made other comments)<sup>3</sup>
- 04/03/2015: Eton College response received
- 20/03/2015: Local Access Forum response received (see Appendix III)
- 31/03/2015: Briefing with Chair of the Panel (Cllr Hill)

<sup>3</sup> See Appendix II, *Summary of Consultation Responses*

## 15. Timetable for Implementation

Event details		Successful outcome	Deadline
Ad Hoc Alleygating Panel	Panel convened to decide whether a PSPO is appropriate.	Decision taken	21/04/2015
PSPO drafted	If the Panel is satisfied that a PSPO is appropriate, the Council's solicitor shall be authorised to issue a draft order in accordance with the Regulations.	PSPO drafted by Council's solicitor	24/04/2015
PSPO made and published	Following this consultation, the PSPO will be made and published both on RBWM's website and via an erected notice on the site in question. Local residents may also be informed of the PSPO in writing, if appropriate to the circumstances.	PSPO drafted and published across agreed channels	01/05/2015
High Court appeal deadline	Challenges to the PSPO must be made to the High Court within 6 weeks of the order being made.	No challenges	12/06/2015
First review	Panel convened to review whether to continue/amend/remove order.	Decision taken based on need	21/04/2016
Triennial review (if PSPO continues)	Panel convened to review whether to continue/amend/remove order.	Decision taken based on need	21/10/2017

## 16. Appendices

*Appendix I: Map of FP51*

*Appendix II: Summary of Consultation Responses*

*Appendix III: Consultation Response, Local Access Forum*

## 17. Background Information

Chronology of events:

- The Eton Thameside development was granted planning permission by the Royal Borough on the understanding that a public footpath would be built (FP51).<sup>4</sup>
- In August 2014, residents start moving into Eton Thameside.
- Upon taking up residence, residents pay for lockable gates to be installed at either end of FP51 (at point A where it adjoins Brocas Street and point C where it adjoins the Brocas Meadow) due to concerns about crime and ASB.
- RBWM Rights of Way identify that due to the right of way adhering to FP51 it was unlawful for gates to remain locked.
- In September 2014, residents launch an e-Petition to RBWM requesting permission to lock the gates "periodically", i.e. overnight, to increase security.
- 04/02/15, e-Petition concludes with 117 signatures in favour.
- 20/02/15, Community Safety Team commences Alley Gating Procedure by opening a public consultation.

<sup>4</sup> A legal agreement (S106) on the planning permission requires a public right of way from The Brocas, along the river frontage and onto Brocas Street to be provided and retained. The details can be found scanned under the planning application here:

<http://www.rbwm.gov.uk/pam/view.jsp?ID=11%2F02769%2FFULL>

- 20/03/15, Public consultation closes. 48 responses received (21 respondents had objections, 18 had no objections, 7 made other comments)<sup>5</sup>
- 21/04/15, Panel meeting scheduled to determine whether PSPO is appropriate.

### 18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Burbage	Leader of the Council	07/04/15	10/04/15	
Cllr Hill	Lead Member, Highways	07/04/15	14/04/15 (Member briefing)	
Cllr Cox	Lead Member, Environment	07/04/15	10/04/15	
Cllr Hilton	Chair, Crime & Disorder Overview and Scrutiny Panel	07/04/15	14/04/15 (CDOSP meeting)	
Michaela Rizou	Cabinet Policy Assistant	07/04/15		NB: Leader's office consulted
Craig Miller	Interim Strategic Director of Operations	07/04/15	10/04/15	
Ben Smith	Interim Strategic Director of Operations	07/04/15	14/04/15 (Member briefing)	
Steve Johnson	Acting CPE Service Lead	01/04/15	07/04/15	
Maria Lucas	Shared Legal Services	07/04/15		NB: Legal Services will be in attendance
<b>External</b>				
<i>pp.</i> Andrew Fletcher	Local Access Forum	20/02/15	20/03/15	Appendix III
	Eton College	20/02/15	04/03/15	Appendix II
Sgt Adrian Walker	Thames Valley Police	20/02/15	02/04/15	NB: TVP will be in attendance
Pete Farmer	Royal Berkshire Fire & Rescue Service	20/02/15		
	South Central Ambulance Service			

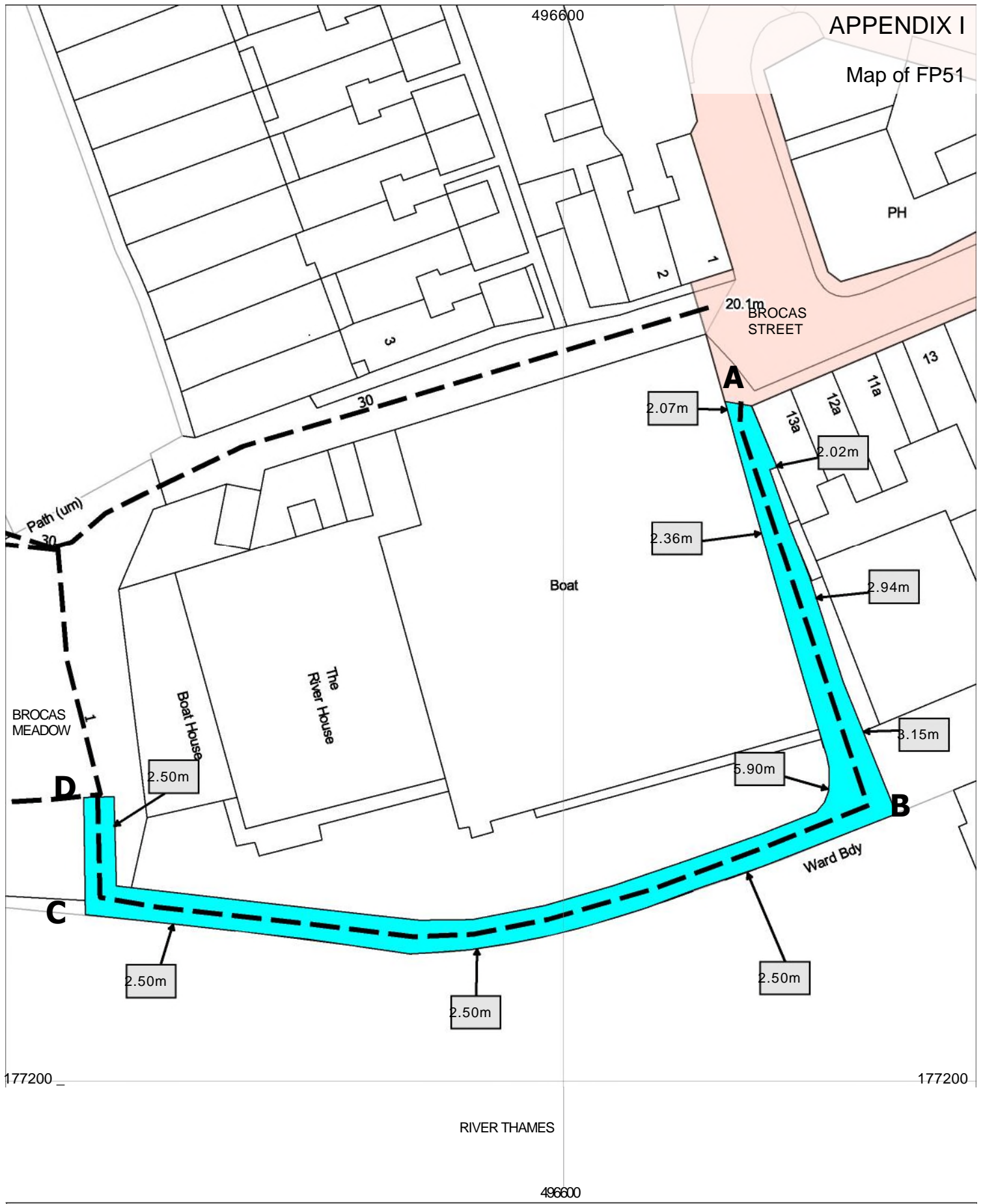
<sup>5</sup> See Appendix II, *Summary of Consultation Responses*

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Key decision	No

Full name of report author	Job title	Full contact no:
Robert Dunford	Anti-Social Behaviour Coordinator	01628 796 725

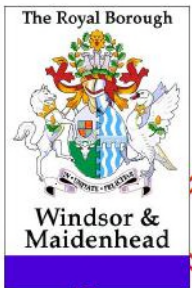
<b>Stages in the life of the report (not all will apply)</b>	<b>Date to complete</b>
1. Officer writes report ( in consultation with Lead Member)	
2. Report goes for review to head of service or DMT	
3. To specialist departments: eg, legal, finance, HR (in parallel)	
4. To lead member/ Cabinet Policy Officer	
5. To CMT	
6. To the Leader	
7. To overview or scrutiny, if a cabinet report	
8. To cabinet	



Public Rights of Way

### Eton Footpath 51

Scale: 1:400





## Summary of Consultation Responses

### Numbers

Total respondents	48 <sup>6</sup>
Respondents with NO OBJECTIONS	18 <sup>7</sup>
Respondents with OBJECTIONS	21
Respondents making OTHER COMMENT	7 <sup>8</sup>

### Themes

#### 1) NO OBJECTION themes:

- While no comments were made using the RBWM consultation forms, a detailed report was produced separately on behalf of 11 residents of Eton Thameside detailing the rationale behind their e-Petition and subsequent application for a PSPO. In short, the Eton Thameside residents propose that gates should be locked overnight but that public access is maintained during the day.
- Eton Thameside residents also propose that the PIN code for the gate would be supplied to emergency services to ensure access.

#### 2) OBJECTION themes:

- Improved access to the riverside was a condition of redevelopment / planning permission.
- The evidence / assumption that anti-social behaviour is taking place is not convincing.
- Restricting the alleyway would simply displace any issues that exist, not solve the problems.
- Closed gates are not welcoming and discourage access even if kept unlocked.
- New residents at the Eton Thameside development bought their properties with knowledge of the public footpath so it is unreasonable to try and restrict this retrospectively.
- The Eton Thameside development is not fully occupied, so this application benefits a very small number of residents.
- Access to the seating area is a popular amenity which residents want to retain.
- Closing this footpath would set a precedent to close others.
- A PSPO could be used to extend the 'alcohol free zone', rather than restricting access.
- If gates are to be locked overnight, they must be opened promptly in the mornings.
- Who would police the locking / unlocking of the gates?

<sup>6</sup> Number of respondents reflects individuals who contributed to a response, not the number of households. This is to allow that individuals of the same household may have separate views.

<sup>7</sup> Note that as stated in the main report, 117 signatories supported the original e-Petition

<sup>8</sup> Nine OTHER responses were actually recorded, but two were deducted as the respondents had separately replied as having NO OBJECTIONS.

3) OTHER themes:

- ‘Partial’ closure of the alleyway, i.e. locking gates overnight but allowing otherwise full access during the day, would provide a balanced solution.
- Local residents should have access to keypad code on request, irrespective of opening hours.

Respondent Details	Comments	Objection/ No Objection/ Other
Respondent 1 & 2, Emlyns Buildings	None	No objection
Respondent 3 & 4, Eton Thameside	None	No objection
Respondent 5, Turks Head Court	None	No objection
Respondent 6 & 7, Eton Thameside	None	No objection
Respondent 8 & 9, Brocas Terrace	None	No objection
Respondent 10, Atherton Court	None	No objection
Respondent 11 & 12, Atherton Court	None	No objection
Respondent 13 & 14, Eton Thameside	None	No objection
Respondent 15 & 16, Eton Thameside	None	No objection
Respondent 17 & 18, Eton Thameside	None	No objection
Respondent 19 & 20, Emlyns Buildings	<p>As nearby residents, we would like to strongly oppose this proposal for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The demolition of the Eton College Boathouses and construction of Eton Thameside received extremely strong opposition from the local community, and one of the conditions for allowing the development to go ahead was that we would all benefit from improved access to the riverside through its wider availability for use by the public. To now go back on this promise by turning Eton Thameside into an elitist gated community is extremely unfair on local residents who had to live through more than two years of noise and disruption while this controversial building project took place, and removes one of the very few benefits the town of Eton and its visitors have gained from it.</li> <li>2. If there has been any anti-social behaviour linked to this footpath (and we very much question this – we live directly across from the footpath, having a clear view down its entire length towards the river and have witnessed absolutely no issues whatsoever), shutting the gates would not solve the problem, but simply move it to another nearby location, most likely the “Brocas Passage” area between 1, 2 and 3 Emlyn Buildings and Eton Thameside (footpath 30?). Anti-social behaviour (if indeed any exists) needs to be addressed at its source. Restricting access to a footpath that is widely enjoyed by the local community is</li> </ol>	Objection

	not addressing this.	
	3. Bewley Homes designed and built the Eton Thameside development with public access to the riverside in mind (indeed it was one of their key selling points in obtaining planning permission from RBWM and the local community). Any potential residents of Eton Thameside purchased their properties in full knowledge that there was public access to the riverside. If this was in any way an issue for them, they had the choice not to purchase the property. To now request that this public access is closed is simply not acceptable.	
Respondent 21, Brocas Terrace	I am a retired 86 years old widower lived in Eton for the past sixty four years & have enjoyed walking the field of the Eton winter & summer. Last summer I found the Eton 51 foot path & ref to the section C18 & the seat, I enjoyed many happy hours sitting on the seat watching the boats & the world go by. "Please"  Gate yes BUT no locks	Objection
Respondent 22 & 23, Emlyns Buildings	Closing footpath starts a precent (sic). They could be left open in daylight hours locked at night. If this is don an automatic system, timed to operate at sunset and sunrise. This would leave access to a pleasant place to sit for members of the public during the day. Not sure how much antisocial behaviour there has been, but am unaware of any reports.	Objection
Respondent 24, King Stable	I have used the footpath on numerous occasions, and never seen any crime or anti-social behaviour there. Gating the footpath therefore seems a totally unnecessary restriction of what is a very new footpath, which I understand was part of the planning conditions for the development.	Objection
Respondent 25, Kensington Mews	Re. the subject proposal, I strongly object to the idea of closing this footpath. The pathway existed long before these properties were built and provides a civic amenity that should not be discarded on a whim. Is there really any solid evidence of anti-social behaviour and crime rather than just hear-say from the new residents? If there is, such behaviour can surely be dealt with by making the path part of an Alcohol-Free Zone. It would be a great pity to lose this amenity for the residents of, and visitors to Windsor and Eton.	Objection
Respondent 26, High Street	<ol style="list-style-type: none"> <li>1. Our forefathers fought for public footpaths to be open and to remain open. This continues to be an issue with many footpaths that we walk on and enjoy around the country. Path 51 is no different.</li> <li>2. I understand the issue that [resident name redacted], who is extremely nice and is a member of our community, is concerned about. There is ASB on the High Street, on the Brocas and surrounding areas.</li> <li>3. There are many who look out onto ASB immediately next to their properties; Brocas Residents, WBC, Eton Riverside, High Street Residents</li> <li>4. It is common knowledge that Rafts was developed with the condition that this footpath was available to the public. I, my family who live nearby and friends sit on the benches and enjoy the riverside.</li> <li>5. There are currently 3 occupied homes at Eton Thameside, I believe this proposal seems disproportionate.</li> <li>6. I wonder whether there are other, more appropriate solutions.</li> </ol>	Objection
Respondent 27, High Street	I am a resident of Eton and have lived here for over 21 years. Access to the riverfront is precious and in the past riverside property developments have offered public access at the planning stage only for it to magically disappear either in the construction process or at a later date.  This footpath is a new public space and is a great amenity for the local population. I do sympathise with residents with regards to anti social behaviour however I feel this is a knee jerk reaction to deny all access to the public. There are means to deal with anti-social behaviour not least calling the police when there is the odd occasion that it occurs.	Objection

	<p>I oppose the proposed restriction as it stands and feel the path should remain a public access but incorporated into the borough's Designated Public Places Orders (Alcohol Consumption) which would give the necessary powers to deal with alcohol related nuisance.</p>	
<p>Respondent 28, Green Lane</p>	<p>I have lived in Windsor for 49 years and I write to OBJECT to the proposed Gating Order that you will discuss on Friday 20 March.</p> <p>As a regular walker along the Brocas, I have greatly enjoyed the new access to the riverside and the unique views that this footpath offers to residents and visitors alike, since the building work was completed last summer. The lovely benches along the new footpath offer a spectacular outlook across the river to Windsor and the Castle.</p> <p>At the time that Planning Consent was given, it was clearly agreed the the developers of the new riverside homes would provide the public with the benefit of this riverside access. It would be unfair to deprive the public of this access so soon after it has been gained.</p> <p>I do understand the disadvantages of living in the town centre at night but antisocial behaviour must be managed without depriving the public of rights of access. This has happened too often in Windsor, most notably the closure of signposted footpaths between Vansittart Road and Baths Island because, in an attempt to crack down on over-enthusiastic barbeque parties. I do not want Windsor to become a divided community, with gates to exclude the public from rights of way simply to protect wealthy homeowners from troublesome neighbours and passers-by.</p> <p>If locking the gates at night is agreed upon then please ensure that access is maintained by ordering that the gates be opened promptly, every morning. Thank you for considering my perspective as a local resident.</p>	<p>Objection</p>
<p>Respondent 29 &amp; 30, Kings Road</p>	<p>We use the footpath in front of Eton Thameside regularly, to enjoy the river with our young children (feeding the ducks!). Access to this part of the riverside has really enhanced our ability to enjoy the river on the Eton side of the bridge. Although the letter concerning the proposed restriction does not specify in any detail the nature of the activities concerning the residents of the complex, it seems that it would be disproportionate to curtail access to a public footpath if there were another way of dealing with those concerns.</p> <p>In this respect (although the map referred to in the letter was not in fact attached), we understand that the public footpath itself is only the very front of the area in front of Eton Thameside up to and including the benches and that the raised area of paving is private land. If the residents of the complex are experiencing problems, it seems more reasonable for them to arrange to fence off the private land, which could be easily achieved, rather than restrict the public footpath.</p> <p>On a related point, we have noted that on several occasions recently, the gate to the footpath has been closed on the Brocas side of the Eton Thameside complex. When the gate is closed, it is not clear that the footpath is accessible, as the gate has a keypad attached making it look like the entrance to private land. If (as we hope) the public footpath remains open, could something be done to make it clearer that it is for the use of the public?</p>	<p>Objection</p>
<p>Respondent 31, High Street</p>	<p>This is to register my disagreement with closing of footpath 51 as this would be a precedent for other footpaths in Eton that cross private land or weave between and under buildings. As a principle, a public footpath should always be preserved but also in this case footpath 51 was part of the original planning permission and so a condition of the development.</p> <p>With regard to the introduction of a PSPO to this footpath, I have no objection to this.</p>	<p>Objection</p>

Respondent 32, Eton High Street	I feel access (sic) to the river front should be preserved for the public, we do seem to be <u>anticipating</u> trouble, the people who bought these apartments knew of the existence of this pathway when they bought these properties. If there is a problem, given time, <u>then</u> think again.	Objection
Respondent 33, King Stable Street	<p>I object on the basis that this forms part of a much longer right of way along the Thames River bank.</p> <ol style="list-style-type: none"> <li>1. The perceived anti-social behaviour should be controlled by a Public Space Protection Order being introduced separately, not by closing off a right of way. The reported anti-social behaviour seems to have ceased, in any case.</li> <li>2. If this closure is allowed, it sets a precedent for the public rights of way in front of Eton Riverside (King Stable Street) and, potentially, the path between King Stable Street and Eton Square. The people living there could claim "anti social behaviour" issues.</li> <li>3. The residents apparently want to close the footpath between certain hours. What guarantee does the public have that the footpath will be open outside those hours? Could the residents "forget" to unlock the gate?</li> </ol>	Objection
Respondent 34 & 35, Brocas Terrace	<p>We have objections to the PSPO gating order as published in this consultation document as acceptance could be construed as agreeing to the complete closure of FP51 not just an overnight timed closure as we understand the residents have requested.</p> <p>The open statutory footpaths network in this country has been hard fought for over time and the decision to close any should not be taken lightly.</p> <p>The area is lit and particularly the area we understand giving residents safety concerns, the passageway where they gain access to their gated development, is also covered by CCTV and could be considered much safer than many accesses to homes in the area. If safety is the main concern then locking this passageway only and leaving access to/from the Brocas open could be considered.</p> <p>We accept the presumption there will be alcohol related anti-social behaviour there because of its location near a public house and the Brocas where such trouble does occur regularly, although as it has been open only 6 winter months there is no historical data at present. This should be controlled with a PSPO and not only include Footpath 51 but also the large privately owned open area between the properties and Footpath 51. There is no mention of this alcohol related facet of the PSPO within this consultation.</p> <p>Very few of the 14 properties are occupied at present and we question whether this is a majority request.</p> <p>What is to stop the public being on the riverside prior to gate closure and staying on after and as long as they are not causing ASB who is going to remove them.</p> <p>If the footpath is locked for its entirety then the gates must be automatically operated for consistent time control and clearly signed and a clearly marked facility at each gate must be incorporated to allow escape otherwise anyone trapped fuelled by alcohol may cause considerably more trouble/damage. The release points must not be within reach through the gates/fence either as people will be able let themselves in.</p> <p>If the Panel decides that a specifically timed overnight closure of FP51 is acceptable and that a 24hr. alcohol related ASB facet is to be included for FP51 and the privately owned area between the properties and the footpath, neither of which will have been</p>	Objection

	out to public consultation, then a further public consultation would be desirable.	
Respondent 36, Emlyns Buildings	<p>I wish to register my objection to the proposal that access to the footpath 51 Eton Riverside, should be restricted or closed off.</p> <p>I am a long-standing resident of Eton (twenty-five years) and I enjoyed sitting with two or three friends by the river at this location on many evenings and occasionally during the day last summer and autumn. We did not see a single instance of anti-social behaviour or a single undesirable person present on any occasion. Indeed, sometimes we were the only people present. Nor were any residents of the nearby flats sitting on their balconies, most flats appearing to be unoccupied. I understand that many owners live abroad.</p> <p>When the plans of the flats were drawn up we were assured that this public pathway would be open to nearby residents and others. Without this assurance I and many others, would have raised objections.</p> <p>Should there be any antisocial behaviour the police could be summoned and those responsible arrested and charge for causing a disturbance of the peace. But we have seen no evidence of any disruption and this amenity is a delightful asset to the area and much appreciated by those who use it.</p>	Objection
Respondent 37, High Street	<p>I am writing to register my objection to the proposed closure of Footpath 51, Eton Thameside.</p> <p>I understand that a planning condition of the Thameside development was that this part of the river would accessible to the public for the first time.</p> <p>Whilst I appreciate that antisocial behaviour does occur on and around The Brocas from time to time, especially during the warmer months, I wonder to what extent this directly affects the quality of life of Thameside residents?</p> <p>If antisocial behaviour at Thameside is having such a detrimental effect, I suggest other ways need to be found to deal with the problem such as improved policing, lighting and CCTV, rather than simply closing the path to those of us who use it responsibly.</p> <p>I note that lockable gates are already in place at either end of the footpath, which leads me to suspect this proposed closure was part of the developer's plan all along.</p> <p>The path and benches (not provided on The Brocas) are a wonderful addition to Eton and very much enjoyed by residents and visitors, the vast majority of whom behave considerately.</p> <p>I believe that its closure – unlikely ever to be reversed – would be a great loss to the wider community.</p>	Objection
Respondent 38 & 39, Sunbury Road	<p>In my view, the Proposed Restriction is based on hypothetical ideas as the Eton Town Council have not received any reports of crime and anti-social behaviour in this area.</p> <p>I make a point of occasionally visiting the area and hadve noticed just the once, a beer can under one of the sears. Furthermore, on the evenings we have crossed the bridge to return home, we have noticed there are very few properties lit, giving he impression that most are not occupied.</p> <p>An important point to consider, if the proposed area is kept locked for private use only, it will set a precedent for segregation from the present Eton community. After all, ours is a very pleasant town which should encourage free use of all areas, particularly</p>	Objection

<p>Respondent 40 &amp; 41, Tangier Lane</p>	<p>alongside the river.</p> <p>We are long term residents of Eton and enjoy living here partly for the ambience and the riverside. On occasion, particularly in the summer, we walk and cycle widely on the network of paths around Eton, Datchet and Windsor, so it concerns us when restrictions on local residents' access to shared land, paths and facilities are imposed for the sole benefit of a small group.</p> <p>We had not visited this building development since it was finished, as it was not a particularly good experience while being built, but having now looked at what has been completed, it is very clear that it was built with a view to restricting riverside access, and has been made to look as if the riverside is an integral part of the nearby development.</p> <p>If you have not actually seen the location, the following is a description with reference to the map point A-D in you document.</p> <p>Approaching point A from the Waterman's Arms, you come to an arched opening, spanning the new development and the existing properties to their left. This opening leads to a passage between largely featureless buildings that can be seen to go down to the river at point B in the distance. Access to this passage is not encouraged as this supposedly public way already features a black metal gate with number-pad lock, although the gate is currently left open.</p> <p>Approaching point D from the Brocas is currently not possible, as that part of the Brocas next to the Rafts development is currently surrounded with temporary metal enclosure, having not been restored by the developers. However, walking round the enclosure and along the riverbank to point C, you now come to the other end of the development. There is yet another black metal gate with number-pad lock, this time in a metal fence which extends from the end of the Rafts development, across the public footpath and into the Thames ( presumably to prevent people swinging around the end ).</p> <p>From this gate at approximately point C, the footpath meanders along towards point B. The footpath appears to have been developed as an integral part of the Rafts. It has frequent small benches where you can sit and appreciate the riverscape, and has been evened out and paved. Presumably this was all done in agreement with the council as part of the development permission, and as such it is a welcome improvement to the public riverside. However, not only has the footpath here had deliberately "discouraging" gateways ( albeit currently open ) placed across it, there is little to distinguish it from the Rafts nearby, which has been paved identically.</p> <p>This arrangement implies either that the developers were deliberately trying to fool purchasers into believing the riverside was exclusively for their use, or that there was always an intention to find the first pretext possible to enclose the footpath and deny its use to local residents and visitors alike.</p> <p>Now, as long-term residents, we are not unaware of the problems that affect Eton, including noise and mess from nearby night-time activities, as well as unwelcome groups of vagrants at all times. However, these problems affect everyone in Eton, not just the new residents of the Rafts. Preventing access to any particular public part of Eton simply displaces the problem to someone else's property, it does nothing to solve it.</p> <p>Clearly we would prefer all public walks in and around Eton to be freely accessible, and therefore firmly object to any arbitrary proposal to restrict access to FP51. If there is, in fact, any serious problem with anti-social behaviour in the location ( and we have our doubts as the area was both deserted and pristine when we looked at it ), then we would consider it better to consider a less drastic alternative than complete closure. Perhaps just closing the passage A-&gt;B if that enclosed space is the issue ; perhaps allowing the closure only during darkness if time of day is the issue ( the riverside is completely visible to a large number</p>	<p>Other</p>
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	<p>of people during the day ).</p> <p>At the very least, local residents ( other than those in the Rafts ) should also have the right to keys or access codes if the path is closed. If all else fails, the residents of the Rafts could actually build one of their nice metal railings between their property and the footpath rather than pretending they are one and the same.</p> <p>As a final aside, we would like to note that these improved sections of the riverside ( there is also one on the other side of the High Street behind Cote Brasserie ) are the only obvious benefits we have seen in Eton from all the residential developments of recent years, which have seen a great increase in congestion, pollution and noise, particularly in the 2-way section of the High Street. Removing an improvement that was presumably supposed to be a 'quid pro quo' , particularly in what seem to be a pre-planned manner , would probably be seen rather negatively in Eton as a whole.</p>	
Respondent 42, Eton Thameside	Our application is to allow residents to close and lock the gates at either end of the FP51 'overnight', subject to agreed times with the local community. This is also clear in our ePetition. Residents of Eton Thameside do not want to create ill feeling within the community. It's important we get this right!	Other
Respondent 43, Eton Thameside	[A]bsolutely right [referring to Respondent 42, above] - this is definitely my understanding from the petition and the subsequent meeting, and I am also disappointed that local residents have been informed differently. However, I am sure this will be rectified so that everyone is aware of the actual proposal.	Other
Respondent 44, Eton Town Council	The notice which has been issued by RBWM is misleading as those concerned only wish for the gates to FP51 to be closed during the vulnerable night time hours and not the entire day. If the notice reflected these preferred hours, I feel sure the residents would respond very differently.	Other
Respondent 45, Eton College	<p>The establishment of this public footpath was agreed as part of the new development to replace Rafts Boathouse. The benefit to the general public that the footpath afforded helped to secure the planning consent for the new scheme. The College agreed to the creation of the new footpath and has committed some resource, financial and managerial, to enable it to happen. Although we have no strong views as to whether it should be maintained or closed off, it does seem strange that a public benefit can be withdrawn. The RBWM will need to decide whether the antisocial behaviour is great enough to warrant withdrawing the use of the public footpath.</p> <p>A compromise might be to close the footpath off at night time but to open it during the day so that legitimate users might benefit from it. This latter suggestion presupposes that the opening and closing of gates can be managed properly.</p>	Other
Respondent 46, Clewer Park	<p>I am a Windsor resident and like many others local people and visitors make regular use of walkways and open spaces within the borough. This includes the pathways on the north of the Thames which run from the relief road through to Eton Bridge. The freedom of access makes a big difference to all – especially the ability to enjoy close access to the river.</p> <p>I was really pleased when the extended works to the buildings at 51 Eton Thameside came closer to completion and we were able to use the extra section of riverside walkway in front of the properties to enjoy the river and views of Windsor. It was great to see the care and attention taken by the developer to ensure that there was both a secure pathway as well as seating. I'm now disappointed to see the proposal to close this section apparently because of "anti social behaviour". I personally have not witnessed any examples of antisocial behaviour and would wonder whether the instances that you will have been notified of are any more common than elsewhere in the public spaces in the town and around the river.</p> <p>I've no doubt that the residents at 51 Eton Thameside would enjoy the benefits of a such restriction to the walkway (both in quality of life, and forgive me for saying it, but in the increasing value of their property!) but would like to suggest that perhaps</p>	Other



	<p>this isn't an acceptable approach if it reduces existing public access and the ability of all to enjoy the river and views at this location. The developers and owners/purchasers of property would have been well aware of the public rights of way and I can't help feeling that it was their intention all along to apply for this restriction to further increase the value of their investment. Approval of the proposal would be to the benefit of a very few at the expense of the majority.</p> <p>I hope that you can consider my note and refuse approval for any changes to the current level of access or, as a minimum, perhaps allowing the path to be restricted only during a limited period (midnight to 6am for example) or implementing the same controls on public drinking/socialising as already in place elsewhere.</p>	
Respondent 47	<p>I am concerned that this represents another example of the erosion of public space and free and open access and turning that into private land.</p> <p>There is a genuine problem with Eton being noisy and boisterous late at night. I am surprised that anyone knows about that footpath but I would not doubt the residents if they say there is. However, closing the footpath, I suspect, is only going to divert the problem to another route rather than stop it altogether.</p> <p>The Footpath has been there long before the Thameside building and the applicant must have known that there was a footpath there when they made the development. The trend for following up planning applications "post hoc" with revisions that could and should have been anticipated is becoming too common now.</p> <p>I think though that this footpath is simply too dangerous between dusk and dawn and should be closed. It looks too easy for someone who is a bit tipsy to wander into the river. So, I propose the "alley" is gated from dusk to dawn to protect those individuals. But I propose the "alley" is open between dawn and dusk so the public may continue to enjoy a public amenity and the wonderful views across the Thames.</p>	Other
Respondent 48, Stonebridge Field	<p>I understand the residents of Eton Thameside wish to restrict access to footpath 51 by locking the gates installed at either end of the footpath. No details of the proposed restriction are given in the consultation and so in framing my response I have assumed they propose that all access is denied to all people other than residents of Eton Thameside at all times. I wish to object to this proposal.</p> <p>The footpath is a valuable amenity and provides pleasant river access on hard standing. It therefore adds to the access available from The Brocas which is grassed and often muddy.</p> <p>Locked gates (which are kept locked) already insulate and protect residents at Eton Thameside; there is no access to the rear of properties without being admitted through the locked gates by residents. Further gating would impose a double barrier and adds nothing to the security already in place.</p> <p>Locking the gates at either end of the footpath would secure the river frontage area for the private use of residents. However, the planning application and subsequent permission clearly stated that landlord be required to dedicate the footpath as a public footpath pursuant to section 25 of the Highways Act. Gating the footpath would negate some of the amenity declared to secure planning permission. Given that gates are already installed at either end of the footpath (albeit left open at present) one might (cynically) assume this application to lock the gates was intended from the outset to secure the space for residents' private use.</p> <p>The installation of lockable gates at either end of footpath 51 as part of the original development could not have been in response to any crime or anti-social behaviour it seems to support evidence of intent to restrict access as soon as possible after</p>	Other

occupation without extra cost to the residents.

It is claimed that unrestricted access to Footpath is resulting in crime and anti-social behaviour at Eton Thameside. I asked for evidence to support this assertion but none has been provided. To grant the request to lock the gates there must be strong evidence of crime and anti-social behaviour and not just the fear of it occurring in the future. Given the residents have a vested interest in the application being granted any reports or witness statements provided by them of crime or anti-social behaviour must be corroborated by observations from objective independent parties (eg the police).

I am a regular daily user of the footpath and have never seen or experienced any crime or antisocial behaviour. Whilst I understand that the residents may wish to claim the space for themselves, I really value the access that I have and so I am loath to lose it without good reason.

If it is established that anti-social behaviour occurs at night, I object to access being restricted in this daylight hours.

The already installed gates can be unlocked by means of entering an access code. If access is to be restricted, I propose that the code be made available on request to named individuals with a desire to access the path upon application to a responsible party. If any such person is responsible for anti-social behaviour or crime the code can be changed and their access withdrawn.

## RBWM Local Access Forum Fast Response Team

### ***Consultation response:***

### ***Proposed restriction of Eton Footpath 51, Eton Thameside***

*The Local Access Forum (LAF) Fast Response Team has examined the proposals for the above path and make the following comments on behalf of the forum:*

The Local Access Forum does not object in principle to the proposal to close the path during night-time hours, however they consider that there are a number of issues that the Panel needs to be consider before granting the request.

#### **1. Timing of the closure**

The forum consider that the timing of the closure is important and needs to be properly defined.

If the closure was based on a certain time this would need to take into account the summer months where the path is likely to be popular for lawful recreational use at a much later time than it would do in the winter months. Depending on the nature of the crime and anti-social behaviour a suggested time frame could be from 10pm until 6am.

If the closure is based on a “dusk until dawn” approach this would need to be carefully defined to ensure that the public and the owners of the property are fully aware of the expectations when the path will be open and closed.

#### **2. Management of the closure**

One of the key concerns regarding a night-time closure is the issue of management. The forum recommend that the Panel consider carefully how the path will be closed and opened, who is responsible for making sure this will operate as planned, and who is responsible for enforcement should the path not be opened as expected, both now and in the longer term.

If the Council is expected to enforce the order the Panel is urged to consider the effect this will have on Council resources and the likely response times that the public could expect.

There is a risk that the path could be left closed in the mornings due to holidays, illness, oversight or due to a change on ownership.

## **The Royal Borough of Windsor and Maidenhead Local Access Forum**

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It may be the case that an automatic locking/unlocking system could alleviate the need for people to take time and unlock the gates and mitigate the risk that the gate would be left locked to the public for any reason

### **3. Nature of the closure**

The forum consider that there is a risk that the public would be deterred from using the path if they encounter a closed gate, even if the gate was not locked. The forum consider that it would be better for the public if any gate is left in an open position during the daytime so that the public are not deterred from using the path.

### **4. Suggested ways forward**

#### **a. Trial period**

The forum recommend that a 6-month trial period be considered for the closure, with a defined review date. This would allow for any problems to be identified and allow time to ascertain whether the proposal is suitable for a longer term. It may also be the case that a temporary closure period may result in the crime and antisocial behaviour issues being resolved as those causing the problem move on. In such a case the Panel could consider lifting the restrictions after the trial period.

#### **b. Site notices**

As part of the closure the forum recommend that permanent site notices are erected to advise the public of the closure times and the reasons why the path is closed. In addition it is recommended that the notices include contact details for those responsible for ensuring the path is opened and closed as planned in case of any issues. If the path is being closed for a trial period this should be specified in the notice.

#### **c. Other options**

The forum consider that other options might also deter the crime and anti-social behaviour without the need for a closure. Bright security lighting, activated by a proximity sensor, might make the area less attractive for crime and anti-social behaviour and solve the problems that are being experienced.

<p><b>This letter constitutes formal advice from the Royal Borough of Windsor and Maidenhead Local Access Forum. Local Authorities are required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its function</b></p>
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