

PUBLIC SPACE PROTECTION ORDER PANEL

WEDNESDAY, 23 MARCH 2016

PRESENT: Councillors Colin Rayner (Chairman), David Hilton, Malcolm Alexander, Samantha Rayner (sub for Carwyn Cox), Jack Rankin and Shamsul Shelim.

Also in attendance: Catherine Woodward (Shared Legal Solutions), Mr Duncan Reed (Eton Town Councillor), Mr Peter Eaton (local resident), Peter Thorne (Chairman of Local Access Forum) and Helen Price (local resident).

Officers: Tanya Leftwich, Brian Martin and Anthony Hurst.

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Carwyn Cox.

The Chairman asked everyone around the table to introduce themselves and explained that the meeting would be recorded and that the audio would be available on the RBWM website.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Panel held on 21 April 2015 were approved.

POTENTIAL ALCOHOL-RELATED ANTI-SOCIAL BEHAVIOUR PUBLIC SPACE PROTECTION ORDER ETON BROCAS AND FOOTPATH 51

ORDER OF BUSINESS

The order of business was noted.

APPLICATION FOR A POTENTIAL ALCOHOL-RELATED ANTI-SOCIAL BEHAVIOUR PUBLIC SPACE PROTECTION ORDER (PSPO) ETON BROCAS AND FOOTPATH 51, ETON

Community Safety Officer

The Community Safety Manager, Brian Martin, informed Members that there had been numerous complaints over the years about alcohol related anti-social behaviour on the Brocas. It was noted that up until the passing of the ASB Crime and Policing Act (2014) it would not have been possible to confiscate alcohol from people behaving anti-socially because this was Eton College land and could not be subject to the old Designated Public Place Order. Members were informed that the new legislation referred to "Public Space Protection Orders" and could be construed as land to which the public had access.

The Community Safety Manager explained that he had received sufficient complaints from residents and Police which had in turn triggered a consultation at the end of December. It was noted that the consultation had involved Partner Agencies such as the Police, Eton College, Eton Town Council, Brocas Residents Group and the Eton Community Association, Councillors and the Local Access Forum). It was noted that 32 Responses had been received of which 30 were in favour, 1 against and 1 which was neither in favour nor against the proposal.

The Community Safety Manager went onto explain that Councillor Alexander had suggested that Meadow Lane Car Park be included in the PSPO order if agreed.

Members were informed that Eton College was neutral on the matter and whilst they were not objecting to the PSPO they would not be prepared to enforce it if granted.

The Community Safety Manager stated that he did believe there to be a problem as Police statistics showed 21 incidents over the course of a year which was considered high in relative terms.

Members were informed that the borough already had more than 120 locations that were covered by the existing PSPO orders.

The Community Safety team strongly supported the recommendation to make all three new areas part of a new PSPO because the behaviour described fitted the criteria; however the decision lay with the Panel.

The legislation required the authority to consider whether the behaviour:

- Had had, or was likely to have, a detrimental effect on the quality of life of those in the locality; and whether its effect
- Was, or was likely to be, persistent or continuing in nature;
- Was, or was likely to be, unreasonable; and
- Justified the restrictions imposed

Highways Officer

The Principal Rights of Way Officer, Anthony Hurst, stated that he did not have much to add other than there were a number of public rights of ways in the Brocas area and that he did not see any particular issues with the proposal.

Questions to the Officers

In response to questions:

The Community Safety Manager clarified that the 21 incidents on page 18 of the agenda related to the time period February 2015 – January 2016.

The Community Safety Manager explained that a PSPO must be reviewed at the end of the first year and if it was decided, by a Panel like this one, that it was to be continued then it would then be reviewed every three years thereafter.

The Community Safety Manager confirmed that the residents group had been consulted as to whether they would be happy if Path 30 was included.

The Community Safety Manager explained the definition of an 'incident'.

The Community Safety Manager stated that he considered the one PSPO that covered 120 locations in the Royal Borough to have been very successful due to the reduction in incidents since it had been imposed.

Representations by key agencies

The Community Safety Manager read out the Thames Valley Police comments which were as follows:

"From a physical review of 45 incidents I found evidence in 17 separate incidents of alcohol related ASB and behaviour detrimental to the local community's quality of life within the proposed PSPO areas/areas immediately adjoining the proposed PSPO. I am therefore satisfied that there is sufficient evidence to support the introduction of an alcohol related PSPO in Eton Brocas and Footpath 51".

Representations by local residents in favour of a potential alcohol-related anti-social behaviour public space protection order (PSPO)

Mr Duncan Reed, Eton Town Councillor, explained that it now looked like the two separate consultations had been interlinked and that he believed the issue of the PSPO was separate from the gating footpath 51.

Mr Duncan Reed went onto explain that Eton Town Council agreed with the PSPO footpath 51 to allow the Thames Valley Police to control the anti-social behaviour in the area.

The Chairman explained that the decisions would be made separately.

Mr Peter Eaton, speaking on behalf of the Brocas residents, stated that he and his fellow resident's whole heartily supported the potential alcohol-related anti-social behaviour public space protection order as the area had historically attracted alcohol induced behaviour. Members were informed that appropriate resources would also need to be put in place. It was noted that over the last ten years or so the Brocas area had been affected by the displacement issues. Mr Peter Eaton stated that he would like the Brocas area to be included in the PSPO and for it to include footpath 51.

Questions to residents in favour of a potential alcohol-related anti-social behaviour public space protection order (PSPO)

Mr Duncan Reed confirmed that he fully supported the potential alcohol-related anti-social behaviour public space protection order as it would give the Thames Valley Police and Community Wardens the power to use it.

Representations by local residents against a potential alcohol-related anti-social behaviour public space protection order (PSPO)

None.

Questions to local residents against a potential alcohol-related anti-social behaviour public space protection order (PSPO)

None.

Summary

The Chairman invited all present to summarise their case.

Councillor Shelim arrived.

The Community Safety Manager re-iterated that the Community Safety team strongly supported the recommendation to make all three new areas part of a new PSPO because the behaviour described fitted the criteria.

The Principal Rights of Way Officer had nothing additional to add.

Decision

The Panel then retired to consider the application and evidence that had been presented.

During the Panel meeting, Members considered oral evidence submitted by the Community Safety Officer and the Highways Officer of the Royal Borough and oral evidence from Eton Town Council. In addition, the Panel considered written evidence in the form of a report prepared by the Community Safety Officer, the summary of consultation responses, an interested groups representation and Consultation Statistics. All written evidence had been circulated to Panel Members in advance of the hearing.

The Panel noted that 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.

The Panel considered the data collated from the consultation along with the representations for and against having a PSPO to tackle alcohol-related anti-social behaviour and resolved unanimously (Councillors C Rayner, D Hilton, M Alexander, J Rankin & S Rayner) to implement a PSPO on the Brocas, Footpath 51, Meadow Lane Car Park and Footpath 30.

In making their decision, the Panel had regard to the following:

- Map of Proposed PSPO Area.
- Summary of Resident Consultation Responses.
- Interested Groups Consultation submissions.
- Consultation Statistics.
- The Royal Borough's Policy for Alcohol related PSPOs.

RESOLVED UNANIMOUSLY: The Panel considered the data collated from the consultation along with the representations For and Against having a PSPO to tackle alcohol-related anti-social behaviour and

resolved unanimously (Councillors C Rayner, D Hilton, M Alexander, J Rankin & S Rayner) to implement a PSPO on the Brocas, Footpath 51, Meadow Lane Car Park and Footpath 30 the effect of which will prohibit any person from possessing or consuming alcohol in the restricted area if required to do so by a police or other authorised officer in order to prevent public nuisance or disorder.

POTENTIAL GATING PUBLIC SPACE PROTECTION ORDER ETON THAMESIDE / FOOTPATH 51

ORDER OF BUSINESS

The order of business was noted.

APPLICATION FOR A POTENTIAL GATING PUBLIC SPACE PROTECTION ORDER (PSPO) IN RESPECT OF ETON THAMESIDE / FOOTPATH 51, ETON

Community Safety Officer

The Community Safety Manager informed Members that gating was also covered under the PSPO legislation and as the Panel was aware from the minutes of the previous meeting the gating of FP51 had been considered previously. At that stage the Panel had decided not to proceed and the Community Safety Manager pointed out that this was mainly due to insufficient evidence at that time coupled with concerns about overriding recent planning decisions.

The Community Safety Manager went onto explain that in the autumn of 2015 after a summer of incidents the Thameside residents had asked that gating should again be considered. The results of the consultation were noted to be 37 in favour of the proposal of which 18 were not Thameside residents, 12 against, 2 neither for or against the proposal. It was noted that the consultation had run concurrently with the Alcohol related Anti-Social Behaviour consultation.

The Community Safety Manager stated that he believed there was a problem as page 61 of the agenda showed a year's crime data for Brocas Street immediately adjacent to the footpath 51. Members were informed that the figures were higher than average for such a locale and for Anti-Social Behaviour showed distinct seasonality. The Community safety Manager explained that the range of offences, not all of which will have occurred in footpath 51 was wide and Members should note gating was not just about Anti-Social Behaviour.

The Community Safety Manager advised the Panel that gating had a physical impact and would significantly alleviate the issues that had been occurring.

Members were advised that the Community Safety team supported gating with the following provisos:

- That gating should be between fixed hours e.g. 19:00 and 07:00 for the convenience of residents.
- Gates should be located at either side of the residents entrance rather than each end of footpath 51.

The Community Safety Manager explained that the above provisos would result in users having access during the day, and that if they wished all users would be able to access the river frontage 24/7.

Members were informed that if railings alongside the footpath were subsequently approved by Planning the Community Safety Manager believed that even greater protection would be provided to Thameside residents. However it was noted that the railings alone would not stop issues happening in the covered area overnight and to the Community Safety Managers mind this was the area requiring the most protection as it was the key access point for Thameside residents.

The Community Safety Manager explained that whilst the Police response did not support the gating this was on the basis of a dip check whereas the statistics in the report covered a whole year.

The legislation required the authority to consider whether the behaviour:

- Had had, or was likely to have, a detrimental effect on the quality of life of those in the locality; and whether its effect
- Was, or was likely to be, persistent or continuing in nature;
- Was, or was likely to be, unreasonable; and
- Justified the restrictions imposed.

Highways Officer

The Principal Rights of Way Officer commented that in his experience many walkers did enjoy early morning and late evening walks and putting a gate across this path would remove this enjoyment.

The Chairman clarified that the application would still have to go through a planning application if it was approved by the Panel.

Questions to the Officers

In response to questions:

The Community Safety Manager explained that the crime statistics were within a 50 yard vicinity of Footpath 51.

The Community Safety Manager stated that he believed the crime statistics would improve if a PSPO was put in place.

Representations by key agencies

The Community Safety Manager read out the Thames Valley Police comments which were as follows:

“From a physical review of 45 incidents I found evidence in 17 separate incidents of alcohol related ASB and behaviour detrimental to the local community’s quality of life within the proposed PSPO areas/areas immediately adjoining the proposed PSPO. I am therefore satisfied that there is sufficient evidence to support the introduction of an alcohol related PSPO in Eton Brocas and Footpath 51. Data does not, however, demonstrate ASB/crime of a persistent or continuing nature on the footpath leading under the archway of the premises (Eton Thameside) that

would justify the proposed closure of that section of Footpath 51 and therefore I cannot support the proposed PSPO Gating Order.

I appreciate that the gating would not permanently prohibit access (but be time specific) to Footpath 51 and that there is an alternative route to footpath 51 nearby. I was able to find, however, only 1 incident (URN 1209 11/04/15) where unreasonable behaviour was reported on the specific stretch of footpath affected and do not believe that there is evidence to support the proposition that individuals are using the route under the archway of the premise to cause ASB/that those causing ASB on Footpath 51 are necessarily travelling along this stretch of pathway.

There is little or no evidence on TVP systems of ASB on that particular stretch of footpath. Complaints almost exclusively relate to persons on the benches situated on the footpath and callers have not referred to problems on the stretch of footpath where the gating order is sought.”

The Community Safety Manager explained that of the 49 incidents once fire & theft incidents had been removed a much smaller number of incidents remained that could have been associated with the public house opposite rather than the area in question.

Representations by local residents in favour of a potential gating public space protection order (PSPO)

Mr Paul Edwards spoke on behalf of residents of Eton Thameside and explained that the anti-social behaviour trial that he had been involved in had meant sacrificing weekends in order to assist the Eton community as a whole.

It was noted that a number of residents has donated enough money to fund this trail – the results of which were included in the agenda. Mr Paul Edwards explained that Eton College, local companies and the Eton community had employed an independent security company 20:00 – 04:00 on Friday and Saturday evenings to collect anti-social behaviour data whilst patrolling. It was noted that it had become clear that footpath 51 had the highest number of footpath incidents which were not all alcohol related. Mr Paul Edwards stated that the previous Panel had wanted further evidence before granting the application; data which he felt had now been provided.

Mr Paul Edwards explained that in no way did residents wish to deny residents or visitors access to the Brocas or river front and that the application did not request permanent closure of the footpath, but specific timed closure overnight.

Members were informed that footpath 51 was the only entrance and exit to the development (including disabled access) and that the design was less than ideal. It was noted that the application in front of the Panel today would be subject to a planning application if approved.

Questions to residents in favour of a potential gating public space protection order (PSPO)

Mr Paul Edwards confirmed that page 52 of the agenda explained the 24/7 public access proposal via footpath 51.

Mr Paul Edwards stated that residents had been keeping a record of incidents over the past year which the Community Safety Manager had a record of.

Representations by local residents against a potential gating public space protection order (PSPO)

Peter Thorne informed the Panel that he was the Chairman of the Local Access Forum who had considered the proposal and decided that whilst they would be against gating the whole area the LAF did not consider it to be unreasonable to partially gate footpath 51. It was noted that the LAF did not want to dissuade the public from using footpath 51 and therefore suggested that an electronic system be used to manage the section of the footpath between the hours of 19:00 – 07:00. Peter Thorne went on to explain that the LAF were concerned about the cost to the public purse and were also concerned that developers had been permitted to create such a dark area in the first place.

Helen Price added that she believed if the area was gated it would simply move the problem elsewhere and that if granted this would be setting a precedent. Helen Price stated that she believed the public needed access to as many facilities as possible but if granted that the Panel thought about the ramblers and path users that might use the area late at night. It was suggested that 22:00 until earlier than suggested would be preferable.

Questions to local residents against a potential gating public space protection order (PSPO)

None.

Summary

The Chairman invited all present to summarise their case.

The Community Safety Manager re-iterated that gating had a physical impact and would significantly alleviate the issues that had been occurring. Members were advised that the Community Safety team supported gating with the following provisos:

- That gating should be between fixed hours e.g. 19:00 and 07:00 for the convenience of residents.
- Gates should be located at either side of the residents entrance rather than each end of footpath 51. It was suggested that the Panel consider where, if granted, gates could be located.

The Principal Rights of Way Officer re-iterated that many people enjoyed walking late at night and / or early in the morning.

Mr Paul Edwards explained that he believed any expense would be at the local resident's expense rather than the public expense. It was noted that Mr Paul Edwards did not believe people would defecate, urinate and 'shoot up' at the front of the riverbank and would more likely chose a darker area to use.

Decision

The Panel then retired to consider the application and evidence that had been presented.

During the Panel meeting, Members considered oral evidence submitted by the Community Safety Officer and the Highways Officer of the Royal Borough, a written statement from the Thames Valley Police (read out by the Community Safety Officer) and oral evidence from local residents. In addition, the Panel considered written evidence in the form of a report prepared by the Community Safety Officer, the summary of consultation responses, examples of the type of behaviours affecting the residents of Eton, a PSPO consultation response summary, an interested groups representation, a response from the Eton Community Association and Crime & ASB statistics for the area in the vicinity of FP51 (February 2015 - January 2016). All written evidence had been circulated to Panel Members in advance of the hearing.

The Panel noted that 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.
- The likely effect of making the order on occupiers of premises adjoining the footpath, the likely effect on other persons in the locality and the availability of a reasonably convenient alternative route.

The Panel considered the trial data by an independent security company and was of the opinion that, having regard to the evidence provided in support of a gating PSPO, it was possible to justify the proposed gating between points A-B on the attached map in accordance with the mean of operation (throughout the proposed closed & locked alley-gate time period, all Eton Thameside residents will have 24hr unrestricted access to their properties. Residents will enter via a discreet key pad with a four digit PIN code or entry fob. Exit will be facilitated via a fail safe visible green exit button. All residents will be given a small training package to familiarise themselves with the new system of entry and exit before going operationally live. Pinnacle Property Management will be responsible for the maintenance programme and are available 24hrs / 365 days a year. An emergency contact number will be clear and visible. In the event a member of the public is walking along FP51 just prior to agreed lockable times - the alley-gates should lock; there will be a clear and visible exit button to allow easy public exit. Emergency services and Eton Town Council will be furnished with the entry pin code).

In making their decision, the Panel had regard to the following:

- Map of FP51.
- Summary of Resident Consultation Responses.
- Interested Groups Consultation submissions.
- Crime and ASB Statistics for the area in the vicinity of FP51 (February 2015 – January 2016).
- The Royal Borough's Policy for the Installation of Alley Gates.

The Panel also observed that it would be necessary to secure the removal of the gate at point C.

RESOLVED UNANIMOUSLY: To proceed with a gating PSPO for Eton Thameside/FP51 between points A-B on the map (see attached map),

to close the gates between the fixed hours of 22:00 – 05:00; that the gates be operated in accordance with the Means of Operation set out on Page 52 of the Report; that at all other times the gates shall remain open; that the PSPO to be reviewed in 12 months. The Panel noted that, although it was not in this Panels remit, they required the gate at point C on the map to be removed (see attached map).

The meeting, which began at 6.00 pm, finished at 7.50 pm

CHAIRMAN.....

DATE.....