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NOTICE OF MEETING



PUBLIC SPACE PROTECTION ORDER PANEL

will meet on

WEDNESDAY, 23RD MARCH, 2016

At 6.00 pm

in the

COUNCIL CHAMBER - GUILDHALL, WINDSOR

TO: MEMBERS OF THE PUBLIC SPACE PROTECTION ORDER PANEL

COUNCILLORS COLIN RAYNER (CHAIRMAN), CARWYN COX, DAVID HILTON,
MALCOLM ALEXANDER, JACK RANKIN AND SHAMSUL SHELIM

Karen Shepherd - Democratic Services Manager - Issued: Tuesday 15 March 2016

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **David Cook** 01628 796560

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AGENDA

PART I

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2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest	5 - 6
3.	<u>MINUTES</u> To consider the minutes of the Alleygating Panel held on 21 April 2015.	7 - 16
4.	<u>POTENTIAL ALCOHOL-RELATED ANTI-SOCIAL BEHAVIOUR PUBLIC SPACE PROTECTION ORDER ETON BROCCAS AND FOOTPATH 51</u> To consider the above report	17 - 30
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MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Agenda Item 3

ALLEY GATING PANEL

21 APRIL 2015

PRESENT: Councillors Geoff Hill (Chairman), Malcolm Beer, Clive Bullock, David Hilton, Mrs Maureen Hunt (substituting for Councillor John Stretton) and George Fussey.

Officers: Robert Dunford, Andrew Fletcher, Hannah Hughes, Brian Martin, Karen Shepherd, Sarah Smith, and Catherine Woodward.

Also Present: Sergeant Walker, Thames Valley Police

PART I

01/14 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor John Stretton, Chairman of the Rights of Way and Highway Licensing Panel.

02/14 DECLARATIONS OF INTEREST

There were none.

03/14 MINUTES

RESOLVED: That the minutes of the meeting of the Panel held on 19 August 2011 be approved.

04/14 ORDER OF BUSINESS

The order of business was noted.

05/14 PUBLIC SPACE PROTECTION ORDER (PSPO) IN RESPECT OF ETON THAMESIDE / FOOTPATH 51, ETON

Community Safety Officer

Mr Dunford, the Anti-Social Behaviour Co-ordinator, stated that under the Anti-social Behaviour, Crime and Policing Act 2014, the local authority had the power to restrict areas of land where anti-social behaviour occurred. The council's Alley Gating policy was to consult with residents if representations were received in relation to anti-social behaviour. Residents of Eton Thameside had submitted an electronic petition to the council in February 2015, containing 117 signatures. As a result, a consultation had taken place between 20 February 2015 and 20 March 2015. Responses, as reproduced in appendix 2, numbered 48. Of these, 22 were in objection, 18 were not in objection and 6 were deemed 'other' comments. The recommendation from the Community Safety team was neutral; the decision lay with the Panel. The test was whether the criteria in the legislation had been met and, if so, the appropriate level of restriction. 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

If agreed, the decision was subject to challenge under Section 66 of the Act by an interested party via an application to the High Court within 6 weeks.

Planning Officer

Sarah Smith, Principal Planning Officer, explained that in 2011 a planning application had been submitted to redevelop the boat houses. The application was in a sensitive location as it was a conservation area. There had been concerns during the application process about the impact on the area and the loss of the boathouses, therefore a number of public benefits were suggested to outweigh the impact, including a public right of way that did not previously exist. The right of way included a clause to ensure that it was available at all times for pedestrians and cyclists. From a planning perspective any restriction would need to be balanced against the harm of restricting.

Highways Officers

Andrew Fletcher, Rights of Way Officer, commented that the level of anti-social behaviour and the location of incidents was not clear, particularly from the police report. The advice from the Local Access Forum had been given based on sufficient evidence being present for an order to be made. The path had not been in place very long, therefore perhaps it was too early to consider gating. The development was currently only partially full; perhaps when it was more fully occupied there would be more eyes watching to deter anti-social behaviour.

Mr Fletcher suggested that, if the Panel was minded to approve a gating order, he suggested closure from point A to just north of point B on the map. This could be closed at night without unduly restricting access to the river. The existence of a gate, even one unlocked, could be a deterrent; therefore any gate should be locked open during the daytime. Effective signage would also be required to explain rights to use the path.

Mr Fletcher felt the timings in the proposal from residents were too restrictive. The Local Access Forum had suggested 10pm-6am however the evidence from the police would mean midnight to 5am would be sufficient. He also expressed concern that gates that were manually opened and closed they were at risk of not being opened, or opened late. It would be hard for any group of residents to manage the opening and closing of gates on time every day. This issue could be addressed by gates that automatically locked and unlocked. However no system was infallible therefore a named contact would need to be available to the public if there were any issues.

The legal officer also reminded the Panel that as the proposed PSPO related to a highway, it was necessary for the Panel to consider matters listed in section 64 of the Act namely the likely effect of making a PSPO on occupiers of premises adjoining or adjacent to the highway, the effect of making of a PSPO on other persons in the locality and the availability of a reasonably convenient alternative route.

Questions to the Officers

In response to questions:

The Planning officer confirmed that the gates as currently in place did not have planning permission and would likely need permission. Irrespective of planning permission, she believed they were in breach of the public right of way order.

The Anti-Social Behaviour Co-ordinator explained that as this was a new piece of legislation there were no precedents as to the level of anti-social behaviour needed to gate. Brian Martin, the Community Safety Manager commented that in the past more data had been provided by Thames Valley Police, for example maps showing incident sites. Ideally reports from both the police and residents would include specific location, time and date. It was difficult to determine the effectiveness of surveillance (e.g. CCTV) as a deterrent. The CCTV at Thameside was privately installed and monitored.

The Rights of Way Officer commented that anti-social behaviour related to the public house (e.g. smokers seeking shelter) could be alleviated by the proposal to gate from points A to B as mentioned earlier.

It was confirmed by a resident in attendance that the CCTV was self-monitored; it was not monitored by an external agency or RBWM. Recordings were taken 24 hours a day and were available to residents for a period of 7 days. It was not high-grade CCTV and had been installed by the developer. When the CCTV had first been installed the cameras had acted as a deterrent; it was now less effective. A recent cycle theft had been recorded and reported to the police, but the police had failed to collect the CCTV recording.

The Community Safety Officer commented that CCTV recorded but did not stop anti-social behaviour entirely. The difference to CCTV on for example the High Street was that it was not constantly monitored nor were incidents automatically alerted to the police.

Thames Valley Police

Sergeant Walker of Thames Valley Police explained that he had been asked to give evidence about anti-social behaviour affecting the area; it would be difficult to specify locations because the new system used did not provide this level of information. Without CCTV evidence it would be difficult to pinpoint locations. The proposal from residents referred to graffiti, late night noise, drunkenness and urination, which could all be related to the public house and the night-time economy across the bridge. The peak time was midnight-5am during the summer. He commented that the figure of 31 incidents of anti-social behaviour was out of kilter with an area such as this. The issue was whether or not it was affecting the residents of Thameside. In his view, all residents in the area were

affected.

Questions to Thames Valley Police

Sergeant Walker confirmed that the majority of people leaving Windsor late at night went up the High Street to seek a taxi rather than in the direction of the footpath. There was no evidence to say that other footpaths in Eton were affected by similar noise problems. Anti-social behaviour such as urination in the alleyway next to Costa did not have the effect of waking residents. The police had not been made aware of specific problems in that location. The only evidence he was aware of in relation to the footpath was the cycle theft referred to earlier, which required more investigation. PSCOs had reported vagrants in the area. In his opinion if CCTV coverage was expanded and viewing ability improved, more convictions could be secured. CCTV was only as good as the person identifying the offender. Appropriate warning signage could be a deterrent.

Sergeant Walker commented that anti-social behaviour had occurred in the area for some time, because of the new development the river frontage was also now potentially accessible for anti-social behaviour.

A resident in attendance highlighted to Members the 11 'statements of fact' about incidents experienced in the locality, which may or may not have been reported to the police. Five URNs that occurred two weeks previously about drunks in the alleyway may not be included in the figures.

Sergeant Walker confirmed that issues were reduced due to regular patrols of the area. The neighbourhood team patrolled during the daytime, the night-time response unit was responsible for monitoring during the night. It was difficult for the police to deal with noise disturbance on their own. Drunken behaviour and violence could be more easily dealt with.

Representations by local residents in favour of Alley Gating

Mr Paul Edwards of 3 Eton Thameside, spoke on behalf of residents of Eton Thameside. He was also the author of the official response to the consultation. Residents had been blighted by anti-social behaviour since August 2014. In no way did residents wish to deny residents or visitors access to the Brocas or river front. The e-petition and application did not request permanent closure of the footpath, but specific timed closure overnight. Anti-social behaviour incidents clearly had a detrimental effect on the quality of life of residents and were likely to be persistent in nature. Anti-social behaviour was not new to the Eton community.

Mr Edwards stated that footpath 51 was the only access for residents to their properties, including disabled residents. At night this could be hazardous and intimidating. A safe and secure environment in around your home was a basic human right. The geography of Eton Thameside was unique, badly designed and encouraged anti-social behaviour. Evidence in the response related to verbal abuse, theft, drunkenness and fear of violence and burglary. It was therefore proportionate for residents to apply for the alley to be gated. Early-sleeping residents should be afforded the same protection as late-sleepers;

therefore he felt the gate should be locked between the hours of darkness. Both gates should be unlocked during all other times and accompanied by appropriate signage.

Mr Edwards commented on the potential future legal liability for the council of its failure to make Eton Thameside safer by issuing a PSPO.

Ms L. Oatway commented that she was a long-time resident of Windsor (35 years) with the last 15 in Eton. She lived in a property overlooking the Brocas. She fully supported the restriction because 24 hour opening would encourage a rise in noise pollution and anti-social behaviour. The Brocas did not have a PSPO. In her view there was no loss as there were other stretches of the Thames available for people to enjoy. Her personal experience was that anti-social behaviour in Windsor was not dealt with appropriately by the police because they were too busy elsewhere. She and her neighbours regularly called the police to report fighting, fornication, cruelty to wildlife and urination. The police usually did not attend. She had seen bottles, glasses and nappies on the footpath in recent weeks. There were no litter bins.

Questions to residents in favour of Alley Gating

Mr Edwards confirmed that as soon as residents moved in they experienced anti-social behaviour; hence they launched the e-petition. There was a comprehensive and overwhelming argument for gating from day one. There was a certain level of tolerance with purchasing such a property but it was clear there was a real problem late into the night. Residents would be able to manage the locking and unlocking of gates at appropriate times. Alternatively an automated mechanical system could be used, although there were health and safety risks with this option. He felt unlocked but closed gates was the safest option.

Mr Stuart Rogers commented that residents were more concerned with the principle than specific times. If the footpath was gated, people could access the river on the other side during the evening.

Mr Edwards commented that a disproportionate request would be a 24 hour closure. There was the potential for incidents early in the morning when someone was leaving for work, hence the times proposed were fair and balanced.

Ms. Oatway commented that as a resident overlooking the Brocas she experienced anti-social behaviour was luckier than Eton Thameside residents because her property was set back.

Councillor Beer suggested sunset to sunrise would be an appropriate closure time. Mr Edwards concurred.

The Anti-Social Behaviour Co-ordinator explained that a PSPO would have a 3 year lifespan, at which point there would be a mandatory review. Any new PSPO was likely to be reviewed in a shorter time periods to ensure it was operating properly.

Mr Edwards commented that Article 1 of the Human Rights Act (the protection of property)

applied. It was not an easy decision, but gates would offer protection. He did not dispute that gates would need planning permission. The majority of incidents took place after 7pm. There was an increase in severity late at night. Mr Edwards felt that the proposal to gate different sections at different times would not be effective as the section between B and C was very exposed, with no natural surveillance. The storage units would be exposed to anti-social behaviour. He rejected the proposition of a gate at point B as being counter-productive. Riverfront properties would be open to opportunistic burglars. A further gate at point C, locked at night, was a good proposal.

Further to the earlier comments of Mr Edwards, the legal officer stated that the council would not have a future legal liability to the residents of Eton Thameside if the Panel decided not to issue a PSPO.

Representations by local residents against Alley Gating

Mr Turner, of 81 High Street, Eton stated that he had lived in Eton for 21 years above his business near the bridge. Anti-social behaviour had always been a part of living in Eton. However in the last 21 years incidents had not been so great to petition for the need for a gate. The footpath was a fantastic amenity, providing views you could not get from the Brocas. He had sympathy with the residents if they felt threatened but to close a path so recently opened would be disproportionate. The river frontage, which was just an expanse of concrete, could be fenced off. It would be easy for the gates to not be opened for a period of time therefore if the application were approved, he requested automatic gates be fitted.

The legal officer confirmed that prohibition of the consumption of alcohol on the public footpath could be included in a PSPO, irrespective of the authorisation of a gate. Dog fouling could also be dealt with without a gate. If a gate was approved, Members should be mindful of the arrangements for locking/unlocking, who would install and maintain the gate and the need for a contact number if the gate was not unlocked at the stated time so as to minimise any interference with the public use of the footpath. The local authority was required to have regard to the statutory guidance and this stated that the rationale for the making of a PSPO was to ensure the law-abiding majority could use public open spaces, rather than simply for the purposes of restricting access. The Panel needed to apply the requirements of the legislation to the application before them.

Mr Peter Eaton stated that he lived adjacent to the Brocas. The footpath was a condition of the planning application and had legal standing. The statutory footpath network had been hard fought for over time; restriction should be the last resort. The request to gate overnight was more about privacy than protecting property in his opinion. If there was an overnight closure, he questioned who would practically close the footpath? Efforts should be made to manage the anti-social behaviour rather than remove a community facility. Anti-social behaviour would continue in the area because it was close to the public houses and the Brocas. He supported a 24 hour alcohol prohibition, but this had not been in the consultation.

The Community Safety Manager commented that the borough currently had four DPPOs. Under the new legislation these would be replaced with PSPOs. A report would go to Cabinet in May 2015 to consider the issue. The Panel did not currently have the power to put restrictions relating to alcohol or littering and dog fouling into a PSPO, but could agree to gate an alley.

Questions to residents against Alley Gating

None

Summary

The Chairman invited all present to summarise their case.

The Anti-Social Behaviour Co-ordinator re-iterated that it was necessary for the Panel to be satisfied that grounds for making a PSPO as set out in the legislation had been met.

Ms Oatway commented that the petition had been circulated to all residents of the Brocas. She wished to highlight this in response to questions over the occupancy levels of Eton Thameside and the number of people on the electoral register. Mr Edwards stated that 12 of the 13 properties were now occupied; all residents had signed the e-petition.

A resident in attendance commented that she did not necessarily want to report every incident and overburden the police. Urinating was anti-social behaviour but she would not report this to the police. The alley created the opportunity for anti-social behaviour.

Another resident commented that better lighting and CCTV were needed. Free access to the footpath was important; it should be advertised prominently. The original planning application had taken time to consider the means of escape in times of flooding. A fixed gate could contradict this aspect. Mr Edwards commented that his risk assessment showed separate escape routes for fire and flood.

The Rights of Way Officer referred to case law and the psychological deterrent of an unlocked but closed gate.

A resident suggested the erection of fences or hedging could alleviate the concerns about burglary in the storage area. Mr Edwards commented that the bedrooms on the frontage were susceptible to burglary. There was no segregation between the front of the river and the private property in front of the town houses.

Mr Eaton suggested an alcohol-related PSPO was needed.

The Planning Officer commented that the Thames Valley Crime and Prevention officer had commented on the planning application that the means of escape did not rely on the footpath.

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 Officers, Highways Officer and Principal Planning Officer of the Royal Borough, Sergeant Walker of the Thames Valley Police, and local residents. In addition, the Panel considered written evidence in the form of the report prepared by the Community Safety Officers, the summary of consultation responses, a consultation response from the Local Access Forum, an initial consultation response from Thames Valley Police and the consultation response from Eton Thameside Residents. All written evidence had been circulated to Panel Members in advance of the hearing.

The Panel noted that the Royal Borough was 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 tests as detailed above and was of the opinion that, having regard to the evidence provided in support of the PSPO, it was not possible to confirm that the activities had had, or were likely to have, a detrimental effect on the quality of life of those in the locality; were or were likely to be, persistent or continuing in nature; or were or were likely to be so unreasonable as to justify the proposed closure of the public footpath and the consequential loss of this amenity to the residents of the locality as prescribed in s.64 of the Act. The Panel were therefore of the opinion that the restrictions of a PSPO would not be justified in this case.

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

- Home Office Guidance
- The likely effect of making an order on occupants adjacent to the highway (the residents of Eton Thameside) and the likely effect on other persons in the locality (users of the footpath).
- The Section 106 agreement in place and the requirement for the provision of a footpath to mitigate the effect of the development.
- The fact that the footpath had only been in place since August 2014 and the e-petition to the council seeking partial closure was open for signatures from September 2014.
- Other options that would be available to residents of Eton Thameside to improve their security in relation to the covered entrance to the alleyway, including improved CCTV and clear notices that CCTV is in operation, improved lighting in the alleyway and whether consideration should be given to fencing at the front of the building (noting that any such proposal would be subject to planning permission).

The Panel was of the view that the Royal Borough Cabinet should be recommended to consider a PSPO dealing with dog fouling, littering and alcohol consumption on FP51.

The Panel also noted the potential planning enforcement issue in relation to the gates already installed, and the presence of the gates on a highway contrary to highways legislation that would also need to be addressed.

RESOLVED UNANIMOUSLY: That, having considered the representations for and against restricting the alley through Eton Thameside / FP51 via a Public Space Protection Order (PSPO), that no PSPO should be progressed.

05/14 MEETING

The meeting, which began at 6.30pm ended at 8.45pm. Deliberations concluded at 9.35pm.

Chairman:

Date:

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Report for: *ACTION*



Contains Confidential or Exempt Information	<i>NO - Part I</i>
Title	Potential Alcohol-related anti-social behaviour Public Space Protection Order (PSPO) Eton Brocas and Footpath 51 (FP51)
Responsible Officer(s)	<i>n/a</i>
Contact officer, job title and phone number	Brian Martin, Community Safety Manager, 01628 796337
Member reporting	<i>n/a</i>
For Consideration By	PSPO Panel (The Panel)
Date to be Considered	23 rd March 2016
Implementation Date if Not Called In	31 st March 2016
Affected Wards	Eton & Castle

REPORT SUMMARY

Public Spaces Protection Orders (PSPOs) were introduced under the Anti-social Behaviour, Crime and Policing Act 2014, which came into force on 20 October 2014.

PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area, such as alcohol bans or putting up gates.

1. This report deals with the application for a Public Space Protection Order to be considered for alcohol-related Anti Social Behaviour.
2. The report recommends that the members of the Panel consider arguments for and against restricting Alcohol related Anti Social Behaviour on the Brocas, Footpath 5, and Meadow Lane Car Park extension via a PSPO.
3. The Panel should then to decide whether a Public Space Protection Order is appropriate in this case.
4. This recommendation is being made because residents of the Eton reported Alcohol related anti social behaviour occurring on the Brocas and Footpath 51.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit

Dates by which residents can expect to notice a difference

The Panel will have decided whether there is a case for an Alcohol related anti social behaviour in this area. Should a PSPO be implemented residents should benefit from reduced alcohol-related ASB.

31/03/2016

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That members of the Panel consider the data collated from the consultation along with the representations For and Against having a PSPO to tackle alcohol-related anti-social behaviour and decide whether or not to implement a PSPO on the Brocas, Footpath 51 and Meadow Lane Car Park.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 RBWM's Council or it's PSPO Panel has the power to make PSPOs in relation to alcohol related ASB.
- 2.2 Residents of Eton have complained about alcohol related ASB on both the Brocas and FP51.
- 2.3 The Royal Borough's *Policy for Alcohol related PSPOs*, requires when an approach is made by residents regarding PSPOs, the council will consult with all interested parties and that on conclusion of the public consultation a PSPO Panel will be convened to determine whether to make an order.
- 2.4 A full consultation has taken place and is detailed in section 14 of this report. This shows that the residents responding to the consultation are overwhelmingly (91% for, 3% Against, 6% Don't Know) in favour of the introducing a PSPO on FP51 and the Brocas. The comments in this report show that residents are concerned that alcohol related ASB is an issue in both these locations.
- 2.5 Cllr Malcolm Alexander observed in response to the consultation that the Meadow Lane Car Park is not covered by a PSPO. To avoid displacement of any Alcohol related ASB the report asks that the Panel also takes a view as to whether the new PSPO should be extended to include Meadow Lane Car Park.
- 2.6 Thames Valley Police Data indicates that there have been some 21 incidents of alcohol related ASB in the vicinity of the Brocas and FP51.
- 2.7 Because the request for a PSPO relates to just one ward, the application needs to be dealt with by the PSPO Panel rather than full council.

Option	Comments
Option 1 – Approve application for PSPO	If a PSPO is approved it will allow police and other authorised officers to confiscate alcohol from those behaving anti-socially.
Option 2 – Reject application for PSPO	If a PSPO is not approved police and other authorised officers will not be able to confiscate alcohol from those behaving anti-socially and this could potentially have a negative impact on local residents.

3. KEY IMPLICATIONS

3.1 PSPO approved

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

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
% change in yearly alcohol-related ASB incidents on FP51 and the Brocas.	>0 %	-1% to -5%	-6% to -10%	>- 10%	31/03/2017

PSPO rejected

In this case, success would be reflected by no increase in levels of crime / ASB experienced by residents in the vicinity of the Brocas and Footpath 51. This could also be measured by reference to the above police data.

4. FINANCIAL DETAILS

Financial impact on the budget

- 4.1 The main impact will be the cost of signage which can be met from existing budget provision.

5. LEGAL IMPLICATIONS

- 5.1 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 second application for 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

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

7. SUSTAINABILITY IMPACT APPRAISAL

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

- The legislation stipulates that PSPOs must be subject to a regular review. New orders must be reviewed after a year, and thereafter PSPOs must be reviewed triennially.

8. RISK MANAGEMENT

8.1

Risks	Uncontrolled Risk	Controls	Controlled Risk
Legal challenge to a decision not to introduce an alcohol related PSPO via a public enquiry	Reputation damage to the Council, potential court costs	Updated PSPO process and Constitution.	Low
Legal challenge to the validity of the PSPO / gating process	Reputation damage to the Council, potential court costs	Updated PSPO process and Constitution.	Low

9. LINKS TO STRATEGIC OBJECTIVES

- 9.1 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

10.1 The decision whether to allow a PSPO in respect of this Alcohol related anti social behaviour should not disproportionately affect any particular group.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 The Community Safety 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

12.1 None

13. ANY OTHER IMPLICATIONS

13.1 *None*

14. CONSULTATION

14.1

- 15/12/2015 the electronic survey was published on RBWM website.
- 22/12/2015 a survey questionnaire was letter dropped to 300 residents and businesses within the affected area.
- Public Consultation, publicised via letter, notice and website (32 responses received (30 respondents agree with the Brocas and FP51 Alcohol related PSPO) 1 respondent objected and 1 respondent replied I don't know.

15. TIMETABLE FOR IMPLEMENTATION

Date	Details
23/03/2016	PSPO Panel agree to order
24/03/2016	Police & Crime Commissioner Notified
29/03/2016	Order sealed
31/03/2016	Temporary signage in place (Order operational)
31/03/3016	Borough website amended to include new PSPO
29/04/2016	Permanent signage in place following consultation with stakeholders (Eton College and Eton Thameside Management Co Ltd)

16. APPENDICES

Appendix 1: Map of Proposed PSPO Area

Appendix 2: Summary of Resident Consultation Responses

Appendix 3: Interested Groups Consultation submissions

Appendix 4: Consultation Statistics

17. BACKGROUND INFORMATION

Chronology of events:

18. CONSULTATION (MANDATORY)

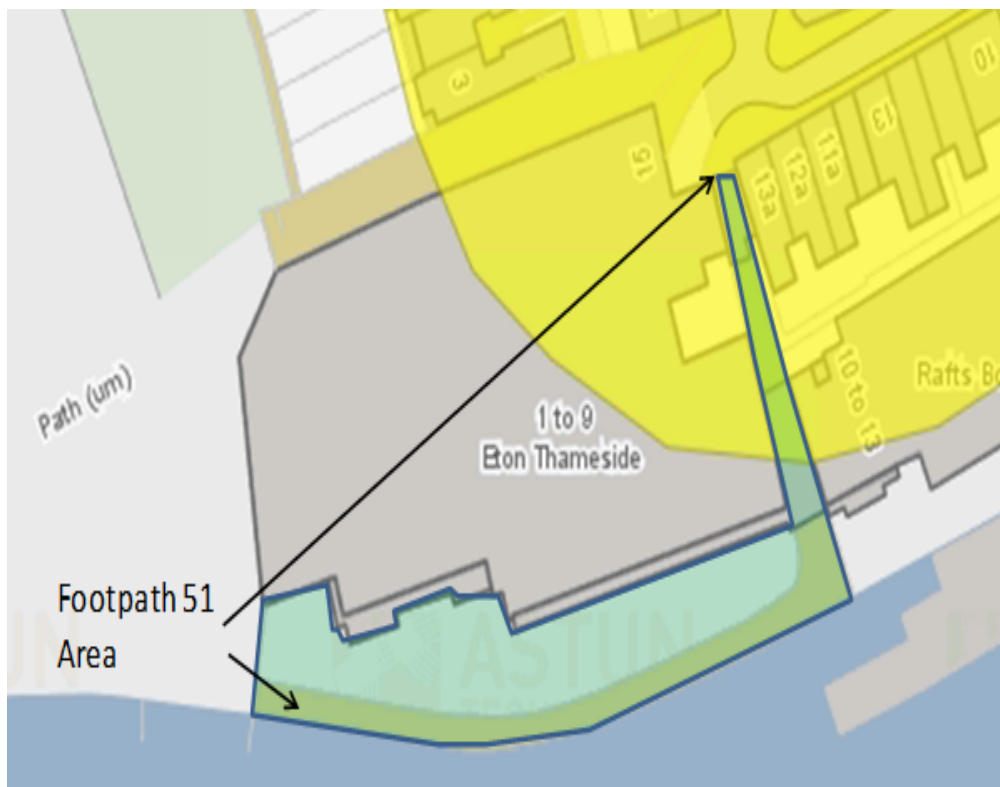
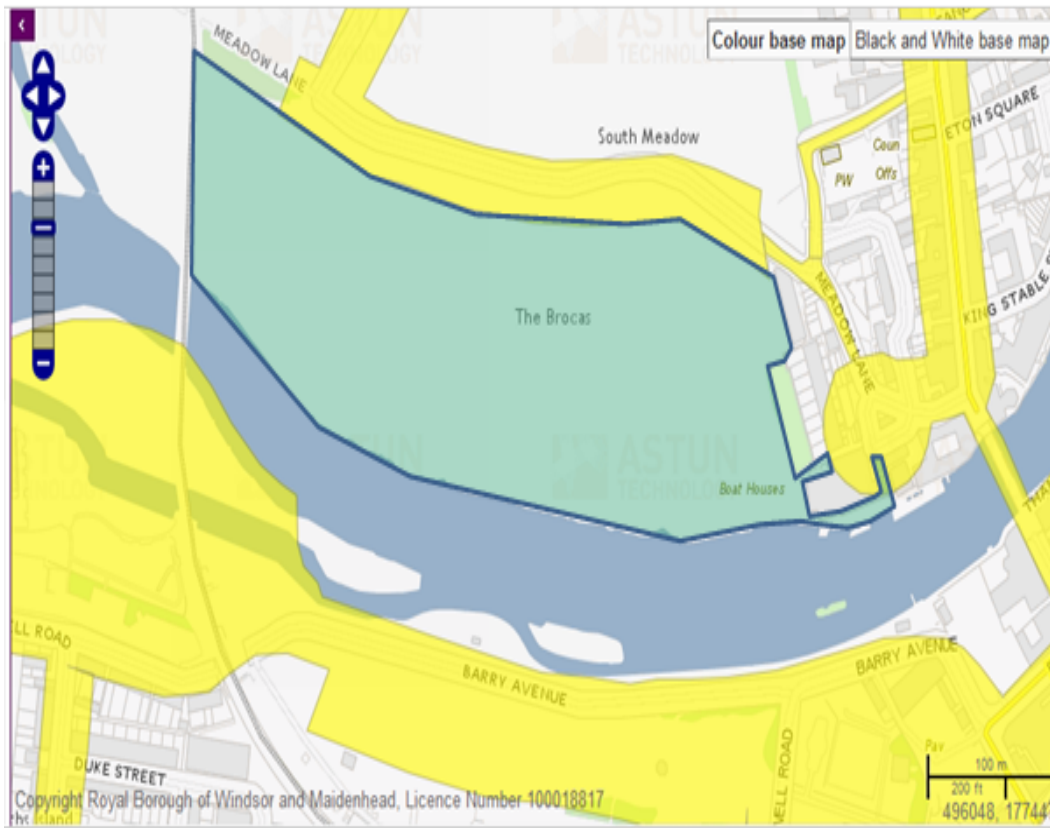
Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Rayner	Lead Member	14/03/2016	14/04/2016	
Cllr Cox		14/03/2016		

REPORT HISTORY

Full name of report author	Job title	Full contact no:
Brian Martin	Community Safety Manager	01628 796337

Appendix 1

Map of Proposed PSPO Areas (shown in green)



Appendix 2 Summary of Consultation Responses

Describe the nature of the ASB

COMMENTS

Resident of Emlyn Buildings

High levels of alcohol consumption drugs and legal highs.

Resident High Street - Eton

Intimidating behaviour especially when i am with my children.

Resident of Emlyn Buildings

Bad lanugage urinating and drug taking

Chairman Eton Thameside Management Co Ltd

Drunkness loud noise youth gathering drug taking and urination

Eton Riverside

Drunkenness defecation and littering in a public space

Chantry place

I have not noticed any trouble

Eton Thameside

Drunkness / late night disturbances

Eton Thameside (minor)

Drunkness is scary

Eton Thameside Resident

Alcohol consumption on the Eton Thameside / the Brocas is a big problem

Eton Thameside

People consume and misuse alcohol in the area

Eton Resident

Homeless loitering and drinking

Eton Resident

Leaving litter such as bottles and cans

Eton High St Resident

Drunkards migrate into my shop causing a disturbance

Eton Thameside

Alcohol bottles littering and drunken behaviour

Eton High St Resident

Brocas summertime there is a lot of revellers FP51 is all year round revellers residents complain to town council

Eton Resident

Yes for the Brocas PSPO any if members of the public cause a disturbance.

Resident of Emlyn Buildings

The Brocas is known as an area where anything goes and has been for as long as I have lived in Eton (40 years)

Brocas Terrace

Groups gather to drink alcohol staying often into the early hours causing noise which disturbs our sleep. these groups use the place as a toilet and it is not unusual to see people urinating in full view of our homes vagrants gather at the low bank and on FP51 drinking all day. Anti-social behaviour by these groups also disturbs visitors to the Brocas.

Resident of Emlyn Buildings

Groups of men meeting up for drinking sessions often resulting in shouting and arguing which frightens people particularly woman and children. They also use the large tree opposite the cottages as a urinal in full view of the residents. late in the evening the group often drift across to enter footpath 51 to sit on the seats beside the river to continue drinking thereby remaining in the area. The other group using the brocas regularly for drinking and smoking are local school children of various ages.

Resident of Fullbrook Close, Maidenhead

Groups of 4 or 5 people gather on FP51 drinks and listen to music on their radio. I often take my daughters and niece down to the river bank to feed the swans and ducks and I am nervous about the behaviour of these people who look like homeless alcoholics. My mother and father-in-law recently moved into the flats above the path and the noise and distress it causes these elderly people is unnecessary. The Brocas and FP51 are public spaces enjoyed by all but should be enjoyed in such a way as to not cause distress to others.

Brocas Street Resident

As our home is next to FP51 virtually every day, apart from the cold/wet months of winter, we have a gang of drunks sitting on the benches outside our home and it has meant my wife and grandchildren cannot use our balcony without being abused and cat-called. We have also had a small rock thrown onto our balcony whilst my wife was drawing the curtains one evening. In addition, we have two corners under our balcony which are used as urinals by the drunks and the situation is really intolerable and the PSPO is really essential for us to enjoy our own home.

Brocas Terrace Resident

kept awake at night by groups gathering to drink alcohol or fuelled by alcohol. during daytime over exuberance and foul language - often groups of underage drinkers gather. unable to use 'low bank' or fp51 with children due to vagrants gathering - drunken behaviour/foul language alcohol fuelled people use place as toilet often urinating in full view of homes much of this is a result of displacement as most of the rest of eton/windsor is covered by pspo

Brocas Terrace Resident

Excessive alcohol consumption by vagrants and other groups causes serious disturbance and noise and people using the brocas as a toilet and discarding empty bottles and drug taking equipment.

Eton Thameside Resident

I have completed this for the gating of footpath 51 surveys. The same comments apply of repeated, frequent and unacceptable alcohol related disturbance to our domestic life and peace of mind.

Resident of Emlyn Buildings

We are affected by large numbers of noisy, drunk people walking to and from the Brocas and hanging around outside our house on footpath 30, particularly during the spring and summer months. There are also groups of winos and vagrants who hang around on the Brocas, drinking heavily and making it quite intimidating to spend time there.

Eton Riverside King Stable Street Eton (Business)

Noise; verbal abuse; threatening behaviour.

Weston's Yard Eton

I often walk along FP51 to the Brocas, where there are frequently individuals with open bottles of beer blocking the footpath and also along the river bank on the Brocas itself. At times they can be rowdy and intimidating.

Eton Thameside Resident

Intoxicated groups tend to block the only entrance to our house by hanging out on footpath 51 under the archway. It's rather intimidating late at night and usually I'd avoid them at all costs. Unfortunately, I am forced to walk through the group in order to reach my front door. There is also a lot of empty beer cans and litter left around this area.

Resident High Street - Eton

Drunk and disorderly people around Eton particularly after 10pm is an issue in terms of anti-social behaviour, excessive noise and people urinating in doorways and public areas. Sometimes, particularly in the summer months this can go on to 4-5am.

Eton Thameside Resident

Drunkenness, noise, broken glass, discarded beer cans/bottles. Rude and disrespectful behaviour by vagrants, trespassing on to private property. Theft and drug abuse. This significantly reduces my quality of life in and around the locality of my dwelling. I fear for my own personal safety and for the personal safety of my family including my young daughter.

Tangier Lane Resident

Groups of misfits, often drinking, appear in various parts of Eton and the bridge area at irregular intervals. They are generally not directly threatening, but their presence is intimidating, unpleasant and disruptive. This would be even more so were I a slight female rather than a 2m tall male.

Appendix 3 Interested Groups

Brocas Residents' Group

Response to the Consultation on an Alcohol Related Public Space protection Order for the Brocas, Footpath30 Access to the Brocas and Footpath 51.

The Brocas meadow in Eton is a popular and unique public amenity with its riverside views of Windsor Castle and we request that it is brought in-line with all other roads and open spaces in the area and covered by a PSPO. Historically the public have had access to the Brocas although it is privately owned by Eton College who manage it as a hay meadow with a strip which is cut regularly adjacent to the river where many, although far from all, of the public gather. Although much of the ASB is along the riverbank groups often gather over the whole area of the Brocas and can affect residents in both Brocas Terrace and Emlyns Buildings and also now some of Thameside as well as other members of the public using the Brocas. One favourite place, similarly affecting both terraces, is the lone Sycamore tree near the houses where groups regularly gather and it is also often used as a toilet. Latterly, 'vagrants' have made the 'low bank' area west of Thameside their venue of choice.

Over decades the Brocas has been the venue for groups to gather for alcohol fuelled revelry, occasionally developing into fights. This can happen anytime of day and into the early hours disturbing residents of Brocas Terrace and Emlyns Buildings and now some of Thameside. These groups gather in any area of the Brocas and in their revelry are often excessively noisy using foul language which is clearly audible from our homes and often urinate and even defecate in open view of our homes.

During the last decade the Brocas has become the venue for groups of young people, often well in excess of 20, many underage, to gather drinking alcohol especially in the last 6 weeks or so of summer term. Again this revelry can become excessive as alcohol takes hold disturbing our everyday lives.

In the last few years we have seen an increase in groups of 'vagrants' using the Brocas as their preferred venue for drinking themselves into oblivion with continual use of foul language sometimes descending into fights and also being abusive to the public in general and using the place as a toilet. As well as causing disturbance to residents they make visitors feel uncomfortable and the low bank where they mostly gather becomes totally unsuitable for children who like to frequent the area to feed the swans.

The popularity of the Brocas for alcohol related issues in recent years has come about because it is widely known it is the only public area within easy reach of Windsor town that has not been covered by PSPO (previously DPPO) and we think this should be addressed.

Increasingly drug use goes along with the excessive use of alcohol and in recent years drug dealing has been witnessed. Drug paraphernalia, including sharps, have been found in various areas of the Brocas which is concerning because of the chance of children coming across this stuff and injuring themselves with unthinkable consequences.

Rarely do any of these groups clean up after themselves leaving cans and bottles, often broken, all over the Brocas which if not cleared have the potential to cause injury to

people, pets and wildlife alike. Eventually if not found being hit by the grass cutting machinery leaving shards of glass or sharp pieces of cans around with further potential for injury. Residents regularly go out and pick up litter left behind.

Eton College occasionally let the Brocas for events and of particular note is the annual fair which is located in the western half of the Brocas. ASB often increases with the fair and is not unheard of to be associated with it. So it is imperative that the whole of the Brocas is included in the PSPO.

As well as the Brocas we believe the access road from Brocas Street, part of Footpath 30, should be included in the PSPO as it directly passes between homes in Emlyns Buildings and Thameside and often attracts noisy alcohol fuelled behaviour. Footpath 51 should also be included in the PSPO because it and the large privately owned area adjacent are a venue for alcohol fuelled anti-social behaviour and if not included will become the venue for issues displaced from the Brocas.

Not only does the ASB affect the Brocas it has a knock-on effect on behaviour in the town and ultimately Eton's reputation and we ask for the Brocas to be brought under the umbrella of a PSPO to match all other open spaces and roads within the vicinity.

Peter Eaton and Linda Oatway
Co-ordinators
Brocas Residents' Group
c/o 1a Brocas Terrace
Eton SL4 6BS

Appendix 4

Consultation Statistics

Respondent Type

RESIDENTS	29	91%
INTERESTED GRPS	1	3%
BUSINESS	1	3%
VISITORS	1	3%
Total	32	100%

Opinion

For PSPO	29	91%
Against	1	3%
Don't Know	2	6%
Total	32	100%

View of Problem

Very big problem	21	66%
Fairly big problem	6	19%
Small problem	2	6%
Don't Know	2	6%
Not a problem	1	3%
Total	32	100%

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Report for: ACTION



Contains Confidential or Exempt Information	<i>NO - Part 1</i>
Title	Potential Alcohol-related anti-social behaviour Public Space Protection Order (PSPO) Eton Brocas and Footpath 51 (FP51)
Responsible Officer(s)	
Contact officer, job title and phone number	Brian Martin, Community Safety Manager, (01628 796337)
Member reporting	n/a
For Consideration By	PSPO Panel (The Panel)
Date to be Considered	23 March 2016
Implementation Date if Not Called In	30 April 2016 (allows time for gates and locking mechanism to be installed)
Affected Wards	Eton & Castle

REPORT SUMMARY

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.
2. This report deals with the application for a Public Space Protection Order to be considered by the Panel.
3. The sequence of events prior to this application is summarised in Paragraph 17 'Background Information'.
4. The report recommends that the members of the Panel consider arguments for and against restricting the alley / FP51 and then decide whether a Public Space Protection Order is appropriate in this case.
5. This recommendation is being made because residents of the Eton Thameside development have reported that open access to FP51 24hrs a day is resulting in crime and anti-social behaviour.

If recommendations are adopted, how will residents benefit?

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 Royal Borough's position on this alleyway by deciding whether there is a case for restricting access. Should the Panel agree to gate FP51 it is likely to result	30/04/2016 (assuming the gates are implemented by then)

in reduced levels of crime and anti-social behaviour and provide reassurance to local residents.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That That the Panel considers the information collated from the consultation along with the representations For and Against restricting the alley through Eton Thameside / FP51¹ via a Public Space Protection Order (PSPO) and decide:

- i. Whether to proceed with gating; and
- ii. If so, the hours when FP51 should be gated.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 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 a Public Space Protection Order Panel will be convened to determine whether to make an order.²

In November 2015 Thameside Management Co Ltd approached the borough to request consideration of a PSPO for partial closure of FP51. This was during a summer period when there had been a number of incidents in the vicinity of FP51 ranging from sexual assaults and anti-social behaviour. Following this approach and concerns raised by Thames Valley Police the borough carried out a consultation as referred to above.

The panel will need to consider the consultation response where residents and other stakeholders detail their reasons for and against gating in conjunction with representations made at the meeting and the Crime and ASB statistics provided in Appendix 4 and take a view on whether or not to gate. These options are set out in more detail overleaf.

Should the Panel agree to a Public Space Protection Order requiring the gating of FP51 the PSPO will be sealed and the order will come into force. In practical terms it would probably make sense not to implement the order until the gates and locking mechanisms are in place. This detail could be considered by the Panel.

Option	Comments
Option 1 – Approve application for PSPO and partially restrict public access to FP51	If a PSPO is approved, the Panel will need to consider to what extent access should be restricted i.e. The consultation suggested the gates should be closed between sunset and sunrise . However, some consultees have suggested it would be preferable to gate between fixed hours e.g. 7.00pm to 7.00am so that users could be clear about

¹ See Appendix I, *Map of FP51*

² *Policy for the Installation of Alley Gates*

www.rbwm.gov.uk/public/partnerships_csp_alley_gating_policy.pdf

Option	Comments
	when FP51 is open or closed.
Option 2 – Gating not approved	If gating were not approved and a serious incident occurred when the gates would have been in operation the borough could be subject to reputational damage.

3. KEY IMPLICATIONS

3.1 PSPO approved

In this case, success would be reflected in reduced levels of crime / ASB experienced by residents in the vicinity of Eton Thameside. This would be measured by reference to police data on crime and disorder in line with the criteria established by Cabinet in the paper on PSPOs presented to the 30th July 2016 Cabinet.

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.

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
% change in yearly incidents regarding ASB and crime issues on FP51	>0 %	-1% to -5%	-6% to -10%	>- 10%	1 year from inception of PSPO

4. FINANCIAL DETAILS

4.1 Financial impact on the budget

No financial implications as the signage costs would be minimal and met from within existing budget.

4.2 Financial Background (optional)

Ordinarily the decision to gate an alley would require capital expenditure; however in this case, Thameside management Co Ltd will be financing the installation of the gates. They will also be responsible for procuring and funding a contractor to manage the opening / locking of the gating system.

See appendix 3 Eton Thameside Management Co Ltd submission

5. LEGAL IMPLICATIONS

5.1 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 second application for 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

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

7. SUSTAINABILITY IMPACT APPRAISAL

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

- The legislation stipulates that PSPOs must be subject to a 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. However, all costs associated with this alley gating will be funded and managed by Thameside Management.

See appendix 3 Eton Thameside Management report.

- 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

8.1

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

- 9.1 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

10.1 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

11.1 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

12.1 None

13. ANY OTHER IMPLICATIONS

13.1 None

14. CONSULTATION

14.1

- 15/12/2015 the electronic survey was published on RBWM website.
- 22/12/2015 a survey questionnaire was letter dropped to 300 residents and businesses within the affected area.
- 05/02/2016 Eton Town Council response received
- 15/01/2016: Local Access Forum response received
- 26/01/2016: Brocas Resident Group

Public Consultation, publicised via letter, notice and website (51 responses received [38 respondents agree with the partial closure of FP51, 13 respondents objected and 2 respondents replied don't know.

15. TIMETABLE FOR IMPLEMENTATION

Date	Details
23/03/2016	Gating approved
24/03/2016	Police & Crime Commissioner Notified
29/03/2016	Order sealed
30/04/2016	Gates installed , signage erected and timed locking mechanism in place

16. APPENDICES

- *Appendix 1: Map of FP51*
- *Appendix 2: Summary of Resident Consultation Responses*
- *Appendix 3: Interested Groups Consultation submissions*
- *Appendix 4 Crime and ASB Statistics for the area in the vicinity of FP51 (February 2015 – Jan 2016)*

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).³
- 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.

³ 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:

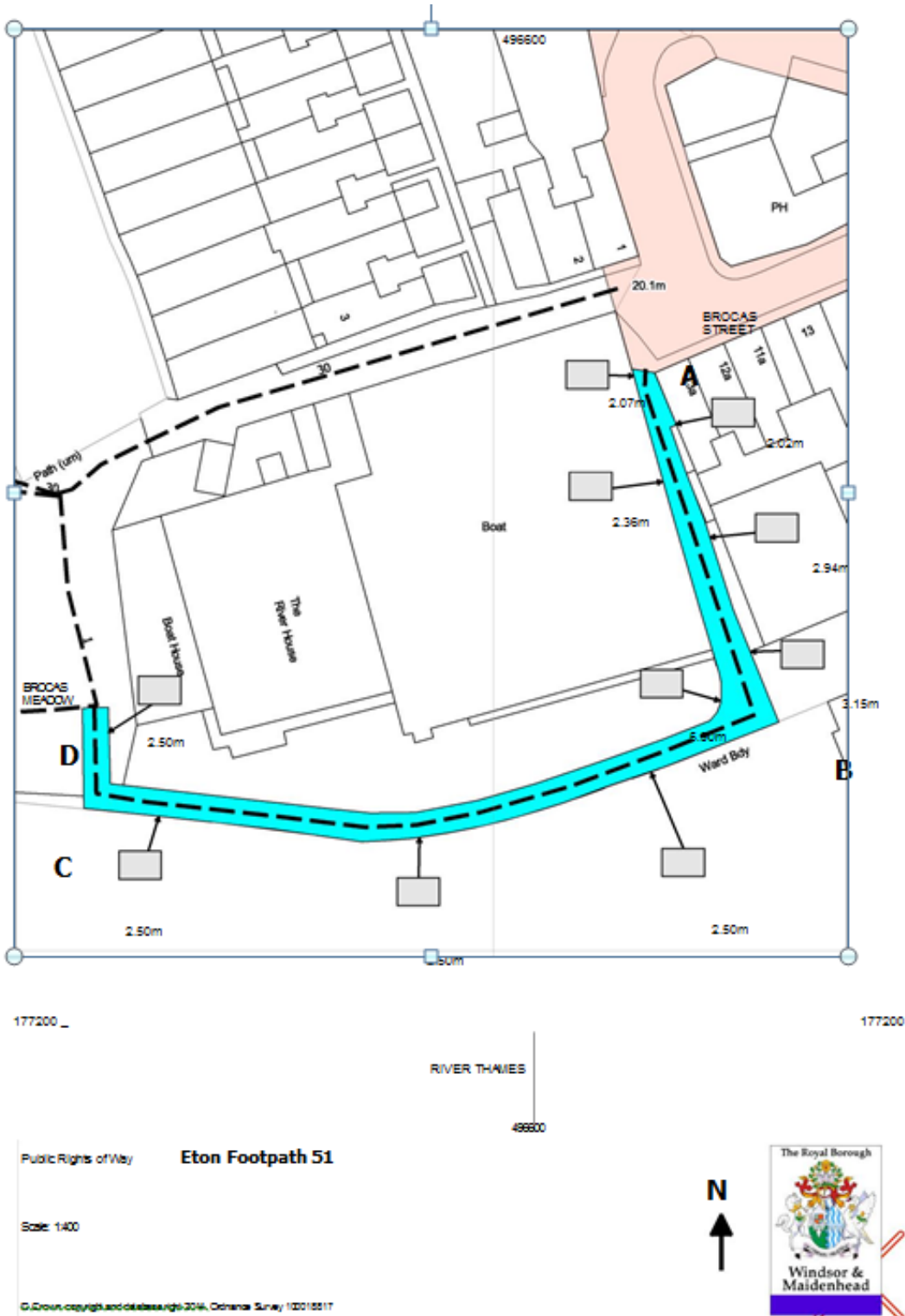
<http://www.rbwm.gov.uk/pam/view.jsp?ID=11%2F02769%2FFULL>

- 20/02/15, Community Safety Team commences Alley Gating Procedure by opening a public consultation.
- 20/03/15, Public consultation closes.
- 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:
Internal				
Cllr Rayner	Lead Member	14/03/2016	14/03/2016	
External				

Appendix 1



Summary of Consultation Responses

DESCRIBE THE NATURE OF THE ASB

Comments For

- Resident of Atherton Court

Mostly weekends especially in the summer

- Resident of Emlyns Buildings

A magnet for people wanting to take drugs and alcohol

- Resident Eton Riverside

Drug and alcohol unduced asb noise and rubbish

- Resident of High Street

Alcohol consumption loudness and anti social behaviour

- Resident Emlyns Buildings

Bad language excessive noise urinating in public

- Resident of Eton

Drunken behaviours shouting and littering

- Chairman Eton Thameside Management

Drunkeness, loud noise, criminal damage urination

- Resident of Eton Thameside

Congregation of groups of drunks, littering, urinating and causing a nuisance

- Resident Thameside Eton (minor)

I am sometimes scared to coming home from school as sometimes there is people waiting in the alleyway. please help to make my neighbourhood safer

- Resident of Eton Thameside

Rough sleepers urinating in the alley way. drinkers, litter and intimidation. gating the alleyway will make the area safer as it acts as a shelter for unacceptable behaviour.

- Resident of Eton Thameside

Late night disturbances people in the alleyway at night making it uncomfortable when I return from home.

- High Street

I have seen none. I use the area on a daily basis during the day

- Resident of Windsor Bridge Eton

Occasionally see local homeless people drinking by the river

- Resident of Eton Square

Litter and people drinking is spoiling the area

- Resident of Eton

I live opposite the car park

- Resident Eton Thameside Brocas Street

Drunken behaviour, beggars, alcohol bottles. sometimes I don't feel safe approaching my flat.

- Parliament View Embankment (visitor)

I have relatives in Eton its scary at night, especially when there are drunken men there (in the passage by the main entrance. i used to live in Windsor. there wasn't a passage there before so this problem has been created by fp51. I think the local authority should hold its hands up and say they made a mistake and allow gates to protect Eton residents and their visitors from anti social behaviour.

- Resident Emlyns Buildings

Drunkness, fighting, urinating cruelty to wildlife littering drug taking. enough is enough this has been going for far too long

- Chairman Eton Community Association

I have only personally been affected once. A resident of Thameside came to collect me when there were a group of vagrants in the covered area near the access to the flats. this was during the day time. we called the police, who arrived after the vagrants had departed. This was during the day time. Last summer I visited the area a sometimes and enjoyed the ability to walk on a paved area to reach the waterfront, with my grandson. it was nice to sit and watch the swans and watch the world go by. i also went there one night to watch fireworks being displayed in Windsor. I notice that disabled people in wheel chairs/mobility scooters sometimes go there. I have heard that there is a gating proposal again. I can understand and appreciate that the residents want this. I think if this happens, it should be from 10pm to 6 or 7 am. it is not acceptable in my view to say sunset to sunrise as no-one will know what that means and it will cause hassle for all concerned. for example, if i think it is sunrise and go there, and the gates are locked. My understanding is that the residents would be content with 10pm to 6 or 7am, so why are we making it confusing?

- Resident Eton Thameside

People drinking outdoor whenever the weather permits where we may have our balcony door and windows open. this sometimes causes noise and also we do not feel safe when want to go for a walk.

- Resident Brocas Street

Drunks, littering, broken alcoholic bottles, late night noise, youth gathering. i find this stressful and fear for my safety in the area late at night. I would not want to walk along the footpath last at night - even in the summer. I fully support part-time closure of the footpath. Sunset-Sunrise. This is a sensible and logical proposal.

- Resident Thameside Brocas Street

People are sitting on the path below my study, my bedroom and my living room and making noise that i find extremely disturbing. Very often the culprits appear to be drunk, evidenced by the usual time of the occurrence (i.e. around or after pub closing times) and as such there is a concern over whether or not to confront these people who usually congregate in groups.

- Resident of Weston's Yard Windsor

The path is often blocked by people clearly under the influence of alcohol/drugs, which I find intimidating, particularly as a woman and especially in the hours of darkness. in addition they are frequently noisy, which disturbs sleep.

- Resident of Eton Thameside 15 Brocas Street

Youth, homeless or groups of people consuming alcohol sheltering in the footpath and blocking the entrance to our own home - not safe to walk past with small child.

the path is not limiting access to the river if it's closed at night. it only protects resident entrance and prevents opportunistic antisocial gatherings and consumption of alcohol.

- Resident of Eton Thameside Brocas Street

We live next to FP51 and our life has been blighted by drunks during the day on the two benches outside our property, making it impossible for us to use the balcony attached to our property. At night the path is quite often taken over by younger drinkers, some of whom also shoot drugs.

- Resident of Fullbrook Close

There are always vagrants on the waterfront (along the path) that spend their time drinking, making noise and even urinating in public. as a regular visitor with children i think it makes the eton brocas less visitor friendly and lends an air vulgarity to an otherwise beautiful area.

- Resident of Eton Riverside King Stable Street Eton

During the evenings, the area is used as a place for drinking alcohol and taking drugs. the individuals involved in these activities spill out into the rest of eton, creating significant noise and disruption e.g. shouting and causing fights. this makes eton a very unpleasant and, at times, quite threatening place to be during the evenings.

- Resident of Eton Thameside 15 Brocas Street Eton

No comments

- Southlea Road Datchet (VISITOR)

I have family who live at Eton Thameside. When I visit there are two main issues with the lack of gating in the passage way down to the river: 1. Not infrequently vagrants or young people (often drunk) shelter in the passageway. They can be abusive if you are waiting to be buzzed in 2. with the pub opposite, the passageway, particularly at night is too often used as a public toilet. Disgusting - and totally unfair on residents of and visitors to Eton Thameside.

- Resident of Eton Thameside 15 Brocas Street Eton

On at least 5 occasions in the last 3 months I have been bothered by/accosted by either an individual or a group of (usually young) people - often who have been drinking when i an trying to get into the gate to my property on fp51. This is just not acceptable. Nor is having to step over vomit in the passageway to the main entrance to our development or have the entrance to your home used as a urinal. If people want access to the river at night, then they can walk onto the Brocas - they do not need to go along FP51. It is just a bad design and the council are perpetuating a problem by not allowing the footpath to be gated at night. No-one is

trying to deny access to the river front during the day. This is about security and reducing anti-social behaviour in the evening and at night.

- Wiggington House High Street, Eton Windsor (don't know)

One sees a few cans lying around, but you can see that anywhere in the Brocas area as unfortunately some people cannot be bothered to use nearby bins provided, I believe, by Eton college on their land. that said there are no bins sufficiently close and visible at either end of footpath 51, neither does the path alongside the river appear to have regular cleansing attention to litter and leaves. i think the nuisance is exaggerated by the complaining residents. indeed private. i urge the council to recall that it was a planning benefit to the community that this footpath was created as a condition of the consent. Gating it will in time deny the facility to all, de facto. It was a shortcoming of design that the developers overlooked indelible marking as private the apron of pavement adjoining the river frontage. Even now that could be done which would leave the public in no doubt, if people venturing close to the building offends some occupiers. (a once-proposed fence would only attract litter especially after the inevitable flood in some years).

- Resident of Eton Thameside 15 Brocas Street Eton

In the last year we have been subject unacceptable levels of harassment and anti social behaviour. This has affected our health and wellbeing introducing a level of stress into our daily lives incompatible with normal domestic life. these include; - a gang of four youths drinking, shouting and swearing outside our apartment on the river side when my wife was here alone in the early evening. Workmen fortunately chased them away - 3 occasions of public urination in the covered passage by drunken men/youths in full view of passers by including children. One was abusive when confronted. (Crime report numbers: 3119/110715 and 1034/180715) - A group of four drinking youths blocking the passageway at 11.30pm when our daughter was due home. i had to escort her! (Crime report number 1847/1112) - Countless cases of drinking/shouting/loud music/litter in the passage way and on the river front. it is reasonable to be able to live in your house without the constant fear of this sort of thing. Please support to gating of footpath 51 proposal.

- Resident of Eton Riverside King Stable Street Eton

Clearly got issues with fp51 - we should all work together as a community and support Eton Thameside residents and not assume because their houses are expensive that they can't receive local support. I have been to fp51 a number of times and have experienced broken glass, drunks in the alleyway and drunks on the riverside benches. I seen evidence of youths hanging in the alleyway smoking and blocking the entrance - all of which I found intimidating. I feel sorry for the residents of Eton Thameside.

- Resident of Eton Riverside 39-55 King Stable Street Eton.

No comments

- Weston's yard Eton Windsor

My tenants have complained about rowdy late drinking along fp51, immediately opposite the waterman's arm pub. at night they sometimes sit in the covered section, blocking the footpath for residents wishing to reach the entrance gate.

- Resident of Eton Thameside 15 Brocas St Eton

Drunks, drug taking, urination, loud noise, rubbish, discarded beer cans, groups of youths gathering in alley-way, abusive language and theft - all behaviour which is likely to cause harassment, alarm or distress.

- Resident of Eton Thameside 15 Brocas Street Eton

Most nights there is loud noise from people hanging around the Brocas outside our bedroom window between the hours of 11pm and 2am. The groups of people generally sound intoxicated and disturb my sleep on a regular basis.

- Resident of High Street Eton

Drunk and disorderly people around Eton particularly after 10pm is an issue in terms of anti-social behaviour, excessive noise and people urinating in doorways and public areas. Often littering and half eaten kebabs and McDonalds wrappers are left on Eton bridge and fp51 first thing in the morning which looks unsightly. Sometimes, particularly in the summer months this can go on to 4-5am. Individuals are attracted to this tranquil location utilising fp51 for such purposes after sun set and thus attract further anti social and drunken behaviour in Eton generally.

Comments Against

- Resident of Eton High Street Windsor

I have seen none. I use the area on a daily basis during the day

- Resident of Eton SL4 6BB

Heavy litter

- Resident of HIGH STREET ETON SL4

Minimal asb created by the NTE. The developers and planners have helped to create an exclusive grp on the edge of a well integrated community. Gate will only serve to isolate them further.

- Resident of Emlyns Buildings

If there is ASB on the area of footpath 51, we are unaware of it. As I believe footpath 51 was part of planning permission for Eton Thames side it should remain open. How would gate locking take place, electrical by timed lock, by residents, by council staff, what guarantee is there that gates will be unlocked at the appropriate time, if people are using the area when gates are to be locked, who is to move them on, what about people that may be locked in, can they get access out. What is the record of ASB on the area of footpath 51, and is it possible for this be viewed?

- Resident of High Street, Eton, Windsor,

N/A any perceived problem is much exaggerated. This appears to be the work of a very small number of people seeking privileges at the expense of other residents and users of Eton amenities.

- Resident of Stonebridge Field Eton SL4 6PS

I am a regular user of FP51 during daylight hours. However, I never use the path in the hours of darkness. I have no information about anti-social behaviour on FP51. However, I am aware that gates were installed as part of the development and residents applied for a 24 hour gating order considered in April 2015 in what appeared to be a cynical attempt to claim the riverside for Thamesmead residents to the detriment of the local amenity. I object to gates being closed from sunset when it is still light and not open again until dawn, well after it gets light. If the order is granted it gates should open during daylight hours: closure should be at the end of civil twilight (dusk)

- Resident of Rafts Court Brocas Street Eton SL4 6RF (AGAINST)

There are a few "undesirables" who go in the Brocas late at night and meander through Eton. We can hear yelling or loud laughing during the late hours. However, from what we hear/see, it is a slight problem; however, we don't live on top of this specific public area. Even though there are a few "undesirables" who go in the Brocas late at night and meander through Eton's public areas, we as a family have used the area after sun down to watch the Thames and have a walk. If we close off the area after sun down (which can be 4 pm in the winter) we won't be able to use it. In addition, the people who live in those buildings bought or rented so knowing that area was open to the public. Seems unfair to everyone else to close it off.

- Resident of King Stable St Eton SL4 6AB (AGAINST)

This topic was considered last year and gating was rejected then. A public footpath should remain open at all times. This is part of the Thames towpath and must not be restricted. If this were to be allowed, there are many other similar examples of public footpaths where groups of residents may attempt the same thing.

- Resident of Emlyn Buildings Brocas Street Eton SL4 6BP (AGAINST)

The demolition of the Eton College Boathouses and construction of Eton Thameside received extremely strong opposition from the local community, and one of the key conditions for allowing the development to go ahead was that we would all benefit from improved access to the riverside and its wider availability for use by the public. The proposed installation of gates at either end of Footpath 51 would drastically diminish this promised benefit to the community. By setting gates to close at sunset, this would prevent Eton residents and visitors from enjoying the riverside area during summer evenings and would also mean that the gates would be locked as early as 4pm during the winter months. If a PSPO is implemented to ban heavy drinking on the Brocas, FP51 and FP30, as is proposed in the other consultation, then this will resolve any potential anti-social problems and there is therefore absolutely no need to place gates on FP51. Certain residents of Eton Thameside have repeatedly made efforts to turn this area into a gated community ever since they moved into the development a year ago. There is no justification for doing so.

- Eton Town Council

Some late night revellers use the footpath for urinating residents sometimes complain to the town council. the town council voted against partial as it is an infringement on rights access (majority vote)

- King Stable Street Eton Windsor

This has never affected me. This is a public path. The only people who want this gated are the owners of the complex overlooking it. The latter knew of the existing towpath when they purchased the properties. so they accepted it. i enjoy a walk (as a resident) along this area and it is a pretty view. The public benches are super and it should not be gated.

- Resident of High Street Eton Windsor

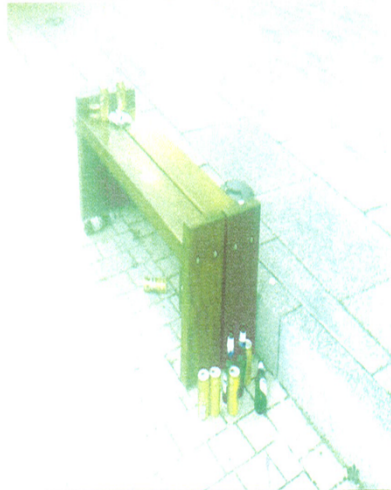
The anti-social behaviour in this area is substantially less than in other parts of Eton. Disturbance on the high street by the bridge cause a far more significant problem to residents and should take a greater share of resource/attention. This is a deeply misguided initiative to serve the interests of an influential minority rather than benefit the residents of Eton. I often walk my dog along that waterfront late at night and there is rarely any commotion when compared to what is happening on the high street. Importantly if that initiative goes ahead then I would expect the relevant authorities to use the same logic to install a gate at the front of the alleyway between costa and the wine merchant. This area suffers exactly the same problems and i can guarantee you that it occurs with greater severity and frequency. There is no need for anyone to access this area late at night and therefore it will require exactly the same considerations as footpath 51.

Examples of the type of behaviours affecting the residents of Eton



Group of Windsor drunks frequently drinking & sleeping all day on the private forecourt adjacent to FP51. They also urinate against the side of the townhouses of Eton Thameside in full view of the public. This was happening 3 to 4 times every week during the summer, and also well into the evenings. Many calls have been logged to local Police about this group who are also very intimidating and abusive when confronted. We have also had many examples of people in this area smoking 'pot' during the evenings, and sheltering under the balconies of the 4 townhouses in bad weather so they can continue drinking/smoking.

Typical & frequent examples of overnight drinking on FP51 outside townhouses.



PSPO Consultation Response Summary

	For	Against	Don't Know	Total
Thameside residents				
Business / Agency	2			2
Resident	15			15
Sub total	17	0	0	17
Other Residents (mainly Eton)				
Business / Agency	2	2		4
Resident	16	10	2	28
Sub total	18	12	2	32
Visitors	2			2
Grand Total	37	12	2	51

Appendix 3

INTERESTED GROUPS REPRESENTATION

Report on ETON THAMESIDE FOOTPATH 51 by Eton Thameside Management Co Ltd

(FP51) PUBLIC SPACE PROTECTION/ GATING ORDER (PSPO) MARCH 2016

Eton Thameside PSPO (Gating FP51)

Executive Summary

This application follows-on from a previous ad-hoc gating application by Eton Thameside residents in September 2014. A considerable amount of time and experience has past which has clearly demonstrated FP51 to suffer a significant number of incidents of an anti-social nature.

These incidents have been consolidated and summarised by the private security initiative - see appendix 3 for further full data & information. It would be reasonable to conclude FP51 will (or is likely to have) anti-social incidents which are persistent or continuing in nature unless some restrictions are imposed. It is likely these antisocial incidents will continue to occur, especially in the Summer months, in severity unless the issues are positively addressed.

A Public Space Protection Order (PSPO)

in conjunction with the Brocas Meadow; with the additional gating order requirements to close and time lock both gates at either end of FP51 in accordance with the proposed timings is both proportional and reasonable. These matters should be considered independently and it would be reasonable to conclude an alcohol related PSPO will NOT be a sufficient alone to deter the extent of anti-social behaviour in the area.

Eton Thameside residents would like to take this opportunity to emphasise the strength of feeling on this proposal and thank you for your consideration in this matter. It should be emphasised that during normal daylight hours the footpath along the river (FP51) will continue to remain fully open for the general public to enjoy at their leisure.

Upon approval of this application Eton Thameside Management Co Ltd will ensure -

The gates will only be time locked between between the hours agreed

The gates will be fully managed by Pinnacle Property Management with full and clear signage - 24hrs/365 days a year.
Emergency contact numbers will be clearly displayed.

Footpath 51 is the single and ONLY entrance and exit for Thameside residents (inc disabled access).

All properties at Eton Thameside are fully inhabited.

Residents have agreed to meet all costs.

Eton Thameside Management Co Ltd have proposed two options to the panel.

1. Gates at either end of footpath 51 (see appendix 1 for map).

2. Gates at either end of the alleyway on footpath 51 (see appendix 1 for map).

An independent security trial showed FP51 suffered a high rate of anti-social incidents (see appendix 4 for details).

This application is subject to planning permission.

Current Problems affecting our neighbourhood / private security trial

Over the last year Eton community has seen a number of high profile anti-social incidents, varied in locality and severity. The local Councillor, combined with the local community have taken a pro-active approach in order to address this potentially growing problem/concern. The whole community can be affected by crime and disorder and consequently suffer in fear of crime and this can have a detrimental effect on the quality of life of local residents.

More recently Eton residents came together in order to collect data about the level and severity/locality of anti-social behaviour in and around Eton town. This was a wholly and privately funded initiative by local residents, supported by Eton Town Council, Eton College (who contributed) and Thames Valley Police.

Two residents from Eton Thameside, along with the ECA – Mrs Ros Rivaz volunteered to run the security trial on behalf of Eton Town residents. Churchill security were employed for a five-week period and two security officers patrolled Eton (a designated route) collecting data about anti-social behaviour on a Friday and Saturday evening between 10pm and 4am. Their objective was not to replace the police service or prevent crime in any shape or form, but simply to observe and collect data of an anti-social incident.

Thames Valley Police assisted in providing the security firm operatives with a briefing sheet. At the end of the trial (see appendix 3) Footpath 51 was prominent in respect to incidents of an anti-social nature. Importantly, FP51 forms the '**single and only entrance and exit**' to all properties at Eton Thameside for residents, including the disabled access. Residents must enter the alleyway to enter/exit their dwellings. In retrospect it would be fair to state this was a fundamental design error by Bewley Homes.

All Eton Thameside's properties are fully inhabited; there have been a number of reports from Residents regarding the following issues experienced on FP51 which residents feel are of an anti-social nature.

- *Criminal damage and vandalism
- *Vomit
- *Late night drunkenness
- *Broken bottles and glasses
- *General rubbish and waste gathering in the alleyway
- *Rubbish and food
- *Graffiti
- *Public Urination
- *Dog fouling
- *Late night noise (after 8pm)
- *Offensive language
- *Drug Abuse
- *Rocks being thrown at a number of properties
- *Residents fear of entering/exiting their properties especially late at night
- *Residents fear of being attacked or abused

Implications

Failure to respond appropriately to Residents' requests to make Eton Thameside neighbourhood safer, for example by issuing a PSPO for FP51 with provisions to close and time lock alley-gates, could effectively result in a large amount of valuable Police and local Government resources being utilised in the future unnecessarily. It is clear there is an anti-social behaviour problem associated with FP51 and it is clear this will continue into the future. The Panel has a unique opportunity to assist with crime prevention thus saving valuable police, community support resources and affording the residents of Eton Thameside the safe and secure environment entering and exiting their properties they deserve.

Financial

The Residents have agreed to meet all costs.

Planning

This application is 'subject to planning'.

Health and Safety

A full health and safety risk analysis has been completed (appendix 3).

PROPOSAL - Part-Time Closing & Time Locking FP51

The residents of Eton Thameside propose, in addition to the PSPO gates at either end of FP51 to be closed and time locked between sunset and sunrise or 9pm - 7am.

Both gates will remain unlocked with full public access at all other times.

Eton Thameside residents will have full 24hr access as FP51 in the only entrance and exit to all 13 dwellings. No other form of entry/exit exists.

Means 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.

Alternative Option to Panel

Should the panel not deem it appropriate to close and time lock gates at either end of FP51, Eton Thameside Management Co Ltd would propose an alternative, but secondary plan.

This alternative would be to install a gate at either end of the alley-way section only of FP51 - marked position A to position B. (Appendix 1). The main difference in this proposal would enable the alley-way section of FP51 to become a safe and sterile environment for residents whilst allowing the public full 24hr / 365 day access to the riverfront walk way segment of FP51. We have annotated a diagram to visually assist the panel - kindly see appendix 1.

The same proposal would apply to these gates (alleyway segment only) -

Closed and locked between sunset and sunrise

Fully managed by Pinnacle Property Management 24hrs per day / 365 days a year

Full clear signage Fail safe exit buttons for the public

Description of area and Crime Survey

Eton Thameside is located at the foot of Brocas Street which is not extensively lit and can be extremely dark at night. FP51 is badly designed and the 'Alleyway' runs past the only entrance/exit and disabled entrance/exit for all residents and to the front of all river fronted properties. FP51 entrance is directly opposite a public house which is intimidating, especially when local drinkers congregate or use the alley-way as a natural smoking area. There is also a possibility drinkers in the nearby public house may take their drinks to the riverfront via FP51.

In general terms FP51 can provide access and exit routes to offenders and encourage anti-social behaviour. The locality of FP51 potentially gives rise to opportunistic burglary. More specifically the riverfront part of alleyway exposes the front boundary of properties giving opportunities for offenders to operate unseen as well as providing places where unseen activity can take place, concealed from any natural surveillance and the result can often be anti-social behaviour, criminal damage, hiding stolen goods, burglary, criminality and more.

The FP51 joins up to the Brocas Meadow which has a long documented history of problematic and anti-social behaviour. It would be proportionate to correlate both FP51 and the Brocas Meadow as having the potential or likely to have future antisocial behaviour problems causing a detrimental effect on the quality of life of local residents.

The areas and key parts of FP51 have no natural surveillance or security lighting. There have been reports of broken bottles and glass, litter, late night noise and theft to name but a few. The Alleyway is also in the middle of a crime hotspot; there has been a particular increase in violent crime across Eton High Street in the past, including knife and broken bottle related incidents and fights.

Eton College Boat Club (ECBC) is located West of point 'B' (see appendix one). ECBC store expensive property and equipment which maybe exposed to criminal damage, theft, vandalism and burglary as a result of the nature and design of FP51. It's clearly evident Eton Thameside have a number of security issues which have the likelihood of future antisocial behaviour problems, especially in the summer months. Overnight closing/locking of the alleyway gates at either end of FP51 will significantly reduce the likelihood of anti-social behaviour, criminal damage, burglary, hiding of stolen goods, escape route for offenders and therefore significantly increase the quality of life of those in the locality.

Background Information

Eton Thameside is a relatively new development, incorporating one of the original Eton boat-houses, located at the end of Brocas Street and it comprises 13 individual dwellings. A complex project built by Bewley Homes; including four town houses, two mews house and seven apartments. As part of the planning approval, Bewley homes working in conjunction with RBWM planning department made a public provision called Footpath "FP51" (see appendix one and two for map and photos). This public provision "FP51" forms the basis for this application by Eton Thameside Management Co Ltd - the holding company of the lease on behalf of all residents.

Eton Thameside has a public footpath “FP51” stretching from Brocas Street to the Brocas Meadow, via the riverfront. This is an excellent public facility, however, unfortunately Eton Thameside and the surrounding residents have experienced a number of anti-social incidents since the development opened in July 2014. The Brocas Meadow has a protracted history of anti-social behaviour/incidents and these are well documented.

In September 2014 Eton Thameside residents launched an RBWM on-line ePetition proposing periodic closure of FP51 as part of an appropriate ad-hoc alley-way gating committee. The ePetition (now closed) achieved 117 supporting signatures and stated “We the undersigned petition The Royal Borough of Windsor and Maidenhead to permit residents of Eton Thameside to periodically close and time lock gate(s) on FP51; in order to assist in the prevention of crime and disorder, reduce antisocial behaviour enabling local residents to feel safer and secure in both their homes and locality, especially in view of recent criminal activity in the locality at night”. As with most redevelopments and adjustments within the community, there were a few local residents opposition to the proposal, Eton Thameside Management Co Ltd was later informed this application was rejected by the ad-hoc gating panel as the panel felt that there was insufficient evidence at the time to support the application, although the panel understood and empathised with Eton Thameside residents. Residents who purchased at Eton Thameside were aware of the public footpath in place prior to purchase; however no resident anticipated the level of antisocial behaviour in the area.

Since this date, residents have continued to suffer a considerable number of incidents of an anti-social nature. There have been a number of initiatives to endeavour to address the issues on FP51, for instance, Thames Valley Police conducted a dedicated police operation in the area of FP51. Eton Thameside Management Co Ltd and Eton Thameside residents have continued to work with The Community Safety Partnership, RBWM planning department, Conservation officer, Eton Town Council, Eton Community Association and local residents on this matter. Whilst working in conjunction with RBWM planning department on a separate matter, it was proposed by RBWM planing that now would be an appropriate time to resubmit our application for gating at Eton Thameside.

A meeting was held at the Maidenhead Town Hall between the Chairman of Eton Thameside Management CoLtd and Mr Brian Voakes (Thameside Resident), RBWM Planning, RBWM Conservation Officer, RBWM Principle Rights of Way Officer and the Community Safety Partnership Manager.

It was agreed by all parties that the best way forward to proceed was to include Eton Thameside Management Co Ltd application for gating in the forthcoming public consultation for PSPO for Brocas Meadow, FP51, and Meadow Lane Car Park. Each will be considered individually on its merits by the panel.

Aside from FP51 and the anti-social related incidents to the alley-way, a number of Eton Thameside residents have made a concerted effort to integrate within the local Eton community. A number of residents have joined local neighbourhood resident groups and currently supporting local community projects, both financially and personally.

Further Information

Should you require and further information or clarification on this proposal, kindly contact the Chairman of Eton Thameside Management Co Ltd - Mr Paul Edwards who will be happy to assist further. Chairman - Eton Thameside Management Co Ltd.

Risk Analysis FP51 Eton Thameside

<u>Description</u>	<u>Risk / Probability</u>	<u>Migitation</u>
Residential Fire and Gates on fp51 are locked overnight	Low Risk / Probability	A separate and dedecated fire escape has been built by Bewley Homes. Fire escape is separate from fp51 for all residents. Fp52 is a secondary fire exit route.
Residential fire and gates on fp51 are open over right	Low risk low probability	A separate and dedicated fire escape has been built by Bewley Homes. Fire escape is separate from fp51 for all residents. Fp51 is a secondardy fire exit route.
Resident fire and fire escape route is blocked and gates are locked	Low risk Low probability	Residents can exit via fp51 by one of two different directions. No1 – towards Brocas Street or No2 – towards Brocas Meadow.
Gates are locked and power failure occurs	Low risk Medium Probability	Gates magnets will automatically unlock and residents can enter / exit freely. Gates will also be installed with a fail safe exit button.
Gates and unlocked and power failure	Low Risk Medium Probability	No effect. Gates will remain unlocked
Gates are locked whilst a member of the public is walking on fp51	Low Risk Medium Probability	Both gates at either end of fp51 will be fitted with a clear and visible exit button. Members of the public will simply press exit button and exit gate as normal.
Either gates becomes jammed, damaged or immobilised	Low risk Low probability	Alternative methods of entry / exit exist. Gates will have a maintenance programme and a engineer will be on call 24hrs a day via Property Managing Agents (PINNACLE PROPERTY MANAGEMENT)
Emergency services access	Low risk low probability	Residents will be able to furnish Emergency services with the access code. Fire service have equipment to bypass the gate(s)

ETON COMMUNITY ASSOCIATION



Mr Brian Martin,
Community Safety Manager,
R.B.W.M
Town Hall,
St Ives Road,

5th February 2016

Dear Mr Martin,

Consultation re: PSPO for The Brocas and FP51, Eton, Berks.

Following a meeting of the Eton Community Association on 20th January 2016, the committee and attending members voted unanimously in support of including the popular open space of The Brocas and Footpath 51 within the areas covered by a Public Space Protection Order (PSPO) to allow Police to control alcohol related Anti-social Behaviour(ASB).

For many years, the residents in both these areas have been subjected to various forms of Alcohol related anti social behaviour and the people of Eton ask the consultation panel to permit these two locations to be treated equally, and fairly, to most of the public roads and open spaces within Eton and Windsor.

Yours sincerely,
Cllr. Malcolm Leach
Treasurer
Eton Community Association
c/o 27 High Street
Eton,
SL4 6AX
01753 865647
treasurer@etoncommunity.co.uk

The Royal Borough of Windsor and Maidenhead Local Access Forum Secretariat:

Andrew Fletcher, Public Rights of Way Officer Royal Borough of Windsor and Maidenhead , Town Hall, St . Ives Road , Maidenhead , Berkshire, SL6 1RF

Telephone: 01628 796122 **Email:** prow@rbwm.gov.uk
http://www.rbwm.gov.uk/web/prow_local_access_forum.htm

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. Please note the consultation did not detail the level and nature of the anti-social behaviour. The LAF

Fast Response Team made their comments with the assumption that the level of anti-social behaviour experienced is sufficient to justify the closure

The Local Access Forum does not object in principle to the proposal to close the path during night-time hours, however they do raise concerns about the extent of the closure and the proposed timing. There are a number of issues that the Panel needs to be consider before granting the request.

1. Extent of the closure

The Forum have concerns about the proposal to close the entire path and consider that the anti-social behaviour issues could be resolved by restricting use of the “underpass” section of the path without restricting use of the river frontage. This would provide an effective balance between the public use and resident concerns.

In addition to not unduly restricting the public enjoyment of the path limiting the closure to the underpass would make the operation and design of the gates simpler and easier to maintain. Specific comments regarding the design of the gates are included below.

2. Timing of the closure

The issue of the closure is to restrict use of the path during the hours of darkness, to reduce potential intimidation and anti-social behaviour. The Forum advise that the timing of the closure is important and needs to be properly defined. The forum also consider that whatever timing is used it should be well signed and clear to the public when the path will be closed.

The proposal to restrict between sunset and sunrise poses logistical problems as these timings change every day, likewise a fixed time closure could close the path too early in the summer and too late in the winter. The forum consider that the best times to restrict use would be 1 hour after sunset and 1 hour before sunrise every day, as at these times the light levels are still adequate to allow use.

The Royal Borough of Windsor and Maidenhead Local Access Forum Secretariat:

Andrew Fletcher, Public Rights of Way Officer Royal Borough of Windsor and Maidenhead, Town Hall, St. Ives Road, Maidenhead, Berkshire, SL6 1RF

Telephone: 01628 796122 **Email:** prow@rbwm.gov.uk **http://** www.rbwm.gov.uk/web/prow_local_access_forum.htm

If an automated mechanism can be put in place that would open the path 1 hour before or after sunset, the forum consider this would be acceptable. This would however require a more complex timing system.

If this is not possible then the forum recommends that a fixed time frame of 10pm to 6am, depending on the nature and timing of the problems experienced. 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.

3. Nature of the closure

There are no details given about the design and operation of the gate in the consultation, however in preparing this advice the Fast Response Team visited the site and examined the proposed gate position.

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 the gates are left in an open position during the daytime so that the public are not deterred from using the path. The automatic system proposed should therefore physically open the gates.

4. Design and operation of the gates

The gate at the pub side of the path should be a full width single gate, which can swing inwards to open the full width of the path. There appears to be adequate space to enable this to be installed.

There forum have concerns about how the gate at the Brocas end of the path would operate. The current hinged gate would require electric equipment to be installed over the river, which raises concerns about safety and also maintenance issues, particularly should the area flood. In addition to this there is no space for a gate to hinge on the other gate post without the existing bench being moved.

The forum recommend that a sliding gate may be the best option at this point allowing it to retract into the private area to the north of the footpath. It would also be easier to install the necessary electrics at this point.

If the extent of the restriction was limited to the underpass both gates could be simple swing gate designs that can open to the full width of the path. The Forum considers that a manual operation button will need to be installed to prevent users being trapped inside the gated area. This should be set back from the gates so that it cannot be activated from the other side. Flashing warning

The Royal Borough of Windsor and Maidenhead Local Access Forum Secretariat
: Andrew Fletcher , Public Rights of Way Officer Royal Borough of Windsor and Maidenhead , Town Hall, St. Ives Road, Maidenhead , Berkshire, SL6 1RF
Telephone: 01628 796122 **Email:** pro@rbwm.gov.uk **http://**
www.rbwm.gov.uk/web/prow_local_access_forum.htm lights may also be needed on the gate to warn people when they are about to move.

5. Signage

At present the signage is minimal and not prominent. Should the gating proposal be implemented new signage should be installed which is prominent and clear, and also details the times that the path will be closed.

6. Costs

It is not clear from the public consultation that would install and maintain these gates. The Forum consider that these gates should not be installed and maintained at the public cost.

In addition to this the Forum advise that there should be a named company or specific person who is responsible for the gates, this would allow the Council to take effective and timely action should any problem arise.

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 functions

Appendix 4 Crime and ASB Statistics for the area in the vicinity of FP51 (February 2015 – Jan 2016)

Month	Anti-social behaviour	Criminal damage and arson	Burglary	Violence and sexual offences	theft from the person	Other theft	Bicycle theft	Vehicle crime	TOTAL
Feb 2015					1	2		1	4
Mar 2015								1	1
Apr 2015	3								3
May 2015	4					1			5
Jun 2015	4						1		5
Jul 2015	5			1			1	1	8
Aug 2015	4								4
Sep 2015				1		1	2		4
Oct 2015	1		1			1	2		5
Nov 2015				1				1	2
Dec 2015		1	1				2		4
Jan 2016	1	2						1	4
Total	22	3	2	3	1	5	8	5	49

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