NOTICE

OF

MEETING

# LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

will meet on

**FRIDAY, 19TH MARCH, 2021**

**At 2.00 pm**

by

**VIRTUAL MEETING - ONLINE ACCESS, ON RBWM YOUTUBE**

TO: MEMBERS OF THE LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

COUNCILLORS JOHN BALDWIN, GURPREET BHANGRA AND DAVID CANNON

Karen Shepherd – Head of Governance - Issued: 11 March 2021

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 **Mark Beeley** 01628 796345

**Recording of Meetings** – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

# AGENDA

## PART I

# MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

**Disclosure at Meetings**

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

**Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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 **<u>or</u>** (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.

<u>Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.</u>

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item:* ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

**Prejudicial Interests**

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item:* ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

**Personal interests**

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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# PSPO PANEL SUB-COMMITTEE
## 19 March 2021

## PROCEDURES

**The Chair will welcome all parties to the meeting, introduce the Sub Committee Members and officers present, and outline the procedure as below:**

**a) The Officer Reporting to outline the application and the decision to be taken**

**b) Members to ask questions of the Reporting Officer**

**c) Interested parties - those approving or objecting to address the Sub-Committee (note – objectors should advise the Clerk to the Sub Committee before the hearing starts if they wish to address the Sub Committee in person)**

**d) Members to ask questions of the interested parties**

**e) Reporting Officer to sum up and restate the options for the Members of the Sub-Committee**

**f) Chair to ask all parties if they have said all that they wish to say**

**o) Sub-Committee to retire for deliberations (if required).**

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| | |
|---|---|
| Report Title: | Proposal for the introduction of two new Public Spaces Protection Orders (PSPO) in Windsor, Maidenhead and Ascot to address dog fouling, dog control and cycling prohibition areas in Maidenhead and Windsor town centres |
| Contains Confidential or Exempt Information | No - Part I |
| Meeting and Date: | Panel 19th March 2021 |
| Responsible Officer(s): | Mandy Mann - ASB Coordinator and Andy Aldridge – Community Wardens Lead |
| Wards affected: | All |

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Royal Borough of Windsor & Maidenhead

***REPORT SUMMARY***

Public Spaces Protection Orders (PSPOs) were brought in 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 evidenced to be taking place that are 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 proposal to introduce two new PSPOs in Windsor, Maidenhead and Ascot.
2. The report recommends the introduction of a PSPO for a Borough wide ban on dog fouling and ineffective control of dogs.
3. The report also recommends a proposal for introducing a new PSPO which would prohibit cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor.
4. This report summarises responses to a consultation undertaken by Royal Borough of Windsor and Maidenhead (RBWM) which asked for views on the proposed new orders.

## 1. DETAILS OF RECOMMENDATION(S)

- **RECOMMENDATION: That members of the Panel consider the data collated from the PSPO consultation and the evidence collated over time, and approve the introduction of two new orders to be in place for a period of three years, as set out to address dog fouling and dog control and to prohibit cycling in the High Street, Maidenhead and Peascod Street, Windsor.**

## 2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Background

2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 made a number of changes to the law on anti-social behaviour.

2.2 PSPOs were brought in as part of a Government commitment to put victims at the centre of approaches to tackling anti-social behaviour (ASB), focusing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

2.3 The legislation stated that PSPOs were to replace Designated Public Places Orders (DPPOs), dog control orders and gating orders, in addition to a range of other behaviours that local authorities can now regulate in public spaces.

2.4 Royal Borough of Windsor and Maidenhead currently have two PSPOs in place. These PSPOs address the consumption of alcohol and restriction of a public right of way in Eton and are due to run until 28 November 2022.

2.5 Community Wardens have received many reports in relation to dog fouling and out of control dogs. They have also received a request from the Parks and Countryside Team seeking further control and supporting the need for a dog control element.

2.6 Community Wardens have witnessed many incidents of people cycling through pedestrianised zones and causing alarm and distress to residents. The borough has also received many requests for the pedestrian zones to be upheld as pedestrian only use, and that cyclists be required to dismount and not cycle through these key pedestrian areas. Similar reports have been received by Thames Valley Police.

2.7 Data relating to the number of incidents can be found in Appendix I.

2.8 The outline of the proposed new PSPOs is set out in Table 1.

**Table 1: Description of new PSPOs:**

| PSPO | Proposed requirement |
|---|---|
| **Public Space Protection Order (dog control and dog fouling)** | Dog control (Borough wide)-<br><br>The requirement for a dog to be put on a lead at the direction of an authorised person.<br><br>Dog fouling (Borough wide)-<br><br>An offence is committed when the person in charge of a dog fails to remove faeces deposited by the dog. |
| **Public Space Protection Order (Cycling)** | Cycling – specified pedestrianised zones<br><br>Cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor. |

2.9 The options for the Panel with respect to the proposed PSPOs is set out in Table 2.

**Table 2: Options arising from this report**

| **Option** | **Comments** |
|---|---|
| To introduce the PSPO for dog fouling and effective dog control.<br><br>To introduce a new PSPO for cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor.<br><br>**This is the recommended option.** | To introduce two new PSPOs to be enforced by authorised persons. This option is recommended as the new PSPOs are based on a solid and long- standing evidence base to address the related key issues. |
| To introduce a new PSPO for Dog Fouling and effective Dog Control, and to restrict cycling based upon a different basis.<br><br>Not recommended | The panel could amend the two proposed new PSPOs to be implanted and make alternative restrictions. This is not recommended as the proposed are based on a strong evidence base and the consultation undertaken. |
| Take no action and not introduce new PSPOs.<br><br>Not recommended | This option is not recommended as it would mean new PSPOs would not be introduced and the following issues would remain unenforceable causing alarm and distress for residents and visitors of the Borough:<br><br>• Dog control<br>• Dog Fouling<br>• Cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor |

## 3. KEY IMPLICATIONS

**Table 3: Key Implications**

| **Outcome** | **Unmet** | **Met** | **Exceeded** | **Significantly Exceeded** | **Date of delivery** |
|---|---|---|---|---|---|
| A PSPO (dog fouling and dog control) is put in place and enforced by authorised persons. | The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of anti-social behaviour continue/increase. | Conditions are put in place and dog fouling and effective control of dog conditions are enforced. | Reports of anti-social behaviour decrease. | Residents feel safe and this is reflected in the resident's survey. | TBC |
| A PSPO is put in place that addresses cycling on the highway in pedestrianised zones of High Street, Maidenhead and the pedestrianised zone of Peascod Street, Windsor are enforced by authorised persons. | The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of anti-social behaviour continue/increase. | The PSPO is put in place and cycling on highway in pedestrianised zones conditions are enforced. | Reports of anti-social behaviour decrease. | Residents feel safe and this is reflected in the resident's survey. | TBC |

## 4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications arising directly from the recommendations in this report. The levels of charge for Fixed Penalty Notices in this Borough were approved by Cabinet on 27 September 2018 at £100 (reduced to £75 if paid within 10 days). It is proposed that these are kept as the charges for the two new PSPO FPNs to be consistent with the other FPNs in place in the Borough.

## 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.

5.2 Furthermore, under s.59, the Royal Borough has to consider the restrictions, and the duration of the order proposed.

5.3 Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 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

No such challenge has been received in relation to this proposed PSPO to date, and there have been no indications that anyone is considering such a challenge.

5.4 Additionally, Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 requires that the Royal Borough must take certain steps to publicise PSPOs.

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

5.6 Finally, under s.71, it must have had regard to the Rights of Freedom of Expression and of Assembly under the Human rights Act 1998, before making the Order. European Human Rights considerations are covered overleaf.

## 6. RISK MANAGEMENT

**Table 4: Impact of risk and mitigation**

| Risk | Level of uncontrolled risk | Controls | Level of controlled risk |
|---|---|---|---|
| Legal challenge to the validity of the PSPO process | Reputation damage to the Council, potential court costs | • Public consultation on PSPOs<br>• Ad hoc PSPO panel to decide on local PSPOs<br>• Panel to decide on strategic PSPOs | Low |

| | | | |
|---|---|---|---|
| | | • Initial review of individual PSPOs Triennial reviews of all PSPOs | |

## 7. POTENTIAL IMPACTS

7.1 Equalities: Any equality impact has been identified and addressed via the EIA screening process. The completed EQIA can be found in section 12 of this report.

7.2 Climate change/sustainability: If a PSPO is approved, there are several considerations going forward: Guidance 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.

7.3 Data Protection/GDPR: Data Protection Impact Assessment is not required. The information journey has been captured in the Privacy notice which can be found on https://www.rbwm.gov.uk/home/council-and-democracy/strategies-and-policies/data-protection/privacy-notice-community-safety-public-spaces-protection-order-consultation

7.4 The Council will give regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention of Human Rights in order to conclude that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## 8. CONSULTATION

8.1 The consultation to propose the introduction of the Public Spaces Protection Orders and introduction of the new PSPOs was live on the Royal Borough of Windsor and Maidenhead website for a period of eight weeks between 14 December 2020 to 7 February 2021.

8.2 The consultation consisted of an explanation and copies of the draft PSPOs and a brief outline of the proposal and a short survey. The survey allowed local residents or people with a connection the Borough to express whether they agree or disagree with the proposals.

8.3 The consultation was publicised via a press release, social media channels such as RBWM Twitter and Facebook and notices in public areas such as libraries, notice boards in shops/parks and parish council’s notice boards. The details were also sent out via Thames Valley Alert.

8.4 RBWM consulted with key stakeholders such as Thames Valley Police, Police and Crime Commissioner (PCC), Councillors, Town Councillors, Landowners, Town Centre Managers, Kennel Club and residents groups.

8.5 RBWM have taken advice from the Kennel Club regarding the wording of the requirements for the dog elements of the PSPO. RBWM also consulted with the Kennel Club throughout the process and invited them to contribute into the public consultation. They have provided formal response which supports all elements of the dog fouling and dog control PSPOs.

8.6 Upon request of a Councillor the following question “Are there any other issues in relation to anti-social behaviour in public spaces that you think could be addressed by using a Public Spaces Protection Order” was amended to the following “Have you experienced any other issues in relation to anti-social behaviour in public spaces?”.

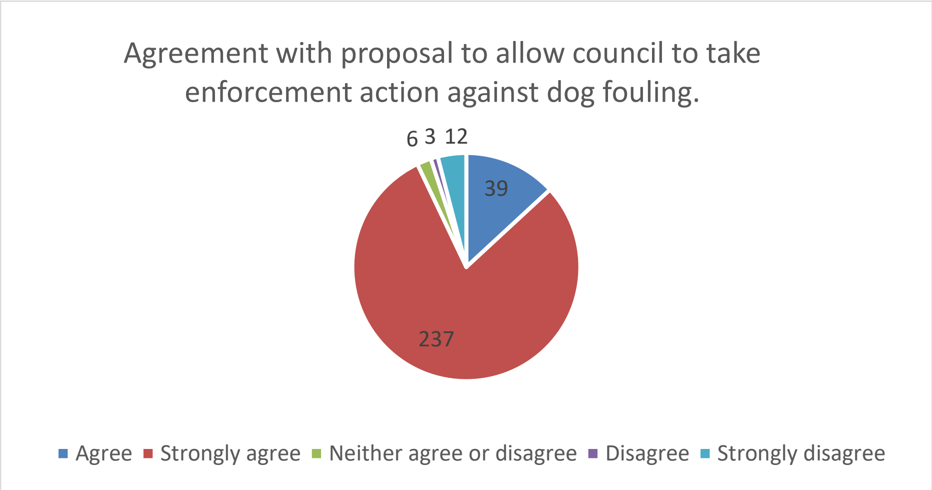
## 9. CONSULTATION RESPONSES

9.1 In total 297 people responded to the consultation. All of the responses were via the online survey accessed through the RBWM webpage. (Redacted responses can be shared upon request).

9.2 Residents were asked the following question:

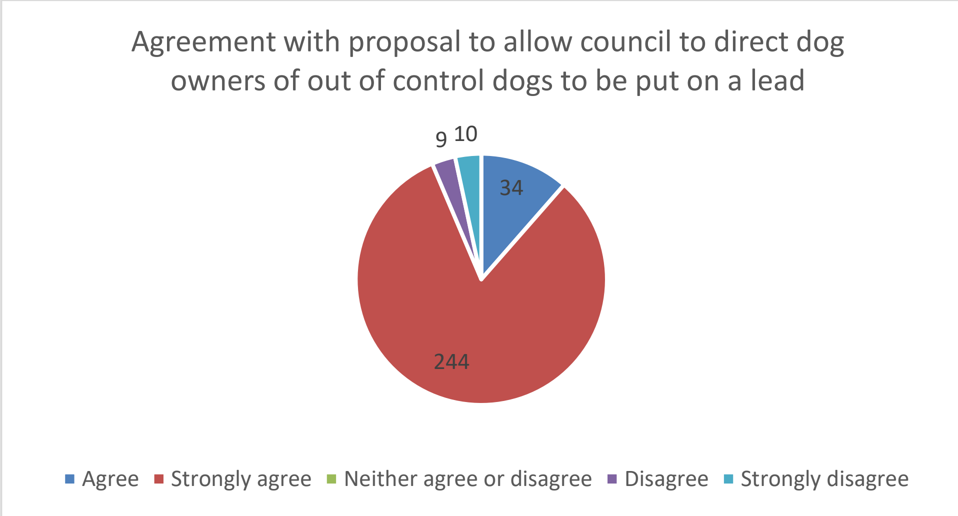
“To what extent do you agree or disagree that the Council should take enforcement action against a person in charge of a dog who fails to clear up after their dog immediately e.g. dog fouling?”

9.3 In relation to dog fouling, 276 respondents agreed or strongly agreed to the proposed extension. Only 15 respondents disagreed or strongly disagreed.




9.4 Residents were asked the following question:

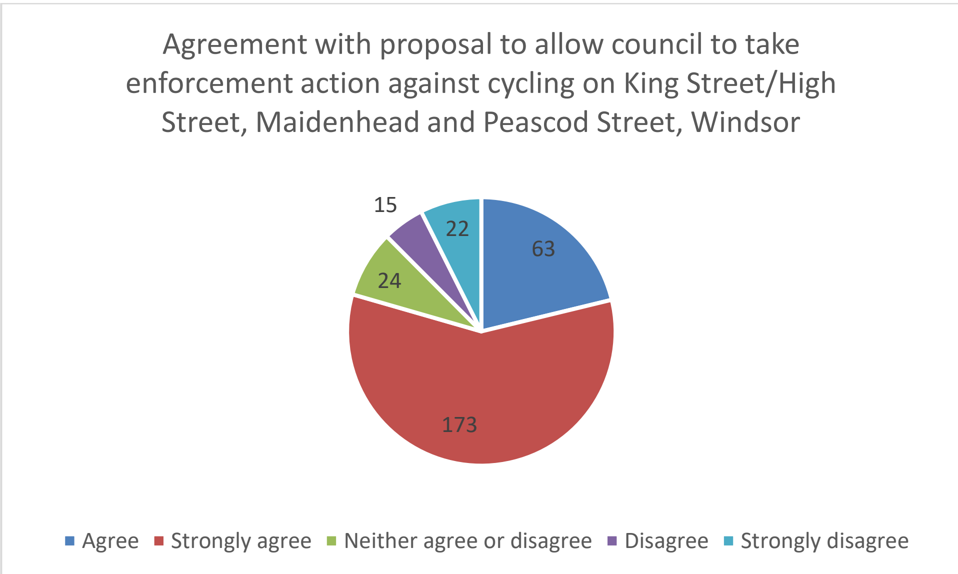
“To what extent do you agree or disagree that authorised officers should be able to request dog owners or handlers to put their dogs on a lead if the dogs are deemed to be out of control, or a threat to other people or animals?”




9.5 In relation to directing dog owners to put their dogs on a lead (if the dog is seen to be out of control by an authorised person), 278 respondents agreed or strongly agreed to the proposal. Only 19 respondents disagreed or strongly disagreed.

9.6 Residents were asked the following question:

"To what extent do you agree or disagree that the Council should take enforcement action against cycling on the highway in pedestrianised zones in King Street and the High Street, Maidenhead and Peascod Street, Windsor?"




9.7 In relation cycling in pedestrianised zones in Windsor and Maidenhead, 236 respondents agreed or strongly agreed to the proposal. Only 37 respondents disagreed or strongly disagreed.

9.8 RBWM received feedback from 'The Project Centre' who are in the process of coordinating and designing a cycle route through Maidenhead Town Centre as part of the 'Missing Links' project. A meeting was held with the project manager to discuss and consider any implications the PSPO relating to cycling might have on the cycling route.

9.9 As part of the ‘Missing Links’ scheme, improvements are being made to paths, crossings, and streets which the route uses. Currently, King Street is paved with block paving that is similar in colour across its entire width. The condition of some parts of the block paving is also poor. The areas outside of the shop frontages, as defined by the linear kerbs are relatively narrow, particularly on the eastern side. The proposed changes to King Street’s surfacing includes laying high quality block materials that contrast in colour and texture that will help differentiate the centre of the street from the areas nearer of the shop frontages which will be laid in a different shade and size blocks. The resurfacing will provide a level and step free surface allowing pedestrians and cyclists to comfortably use the street. This will match with the paving to the north of King Street, tying the two sections together. This visual aid would help approaching cyclists to stay nearer the centre of the street when passing. The existing eastern footway will be widened at the Nicholson’s Lane end and the pedestrian crossing area over Nicholson’s Lane will be slightly realigned and widened to offer a more direct route across the side road.

9.10 Through discussion, Officers were satisfied that the plans for the cycling route will help with controlling the flow of cyclists and pedestrians. It is proposed to amend the area covered by the PSPO to not include the small section of King Street, Maidenhead and solely cover High Street, Maidenhead.

## 10. TIMETABLE FOR IMPLEMENTATION

**Table 5: Implementation timetable**

| **Date** | **Details** |
|---|---|
| 14.12.2020-07.02.2021 | Proposal is approved and consultation begins and remains in place for 8 weeks. |
| 4.03.2021 | Consultation feedback data and stakeholder feedback and collated, into a panel paper for PSPO panel |
| 19.03.2021 | Panel convened to decide whether a PSPO is appropriate. |
| 19.03.2021 | If the Panel is satisfied that a PSPO is appropriate, the Council’s solicitor shall be authorised to issue the Orders with the revised date and seal. |
| Within six weeks of Panel | New Orders is sealed following the panel. |
| TBC | The Orders will be published on the website and notices will be erected at the sites as considered sufficient. |
| TBC | Challenges to the PSPO must be made to the High Court within 6 weeks of the order being made. |
| TBC | After 12 months PSPO Panel convened to review whether to continue/amend/remove the orders. |

## 11. APPENDICES

11.1 This report is supported by five appendices:

- Appendix I – Summary Evidence supporting PSPO document
- Appendix II – Notice of consultation document
- Appendix III – Consultation Questionnaire
- Appendix IV - Draft order for the PSPO relating to dog fouling/dog control.
- Appendix V - Draft order for the PSPO relating to cycling.

## 12. BACKGROUND DOCUMENTS

12.1 This report is supported by five background documents:

- Public Space Protection Orders are established in sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014. This can be viewed at: http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/crossheading/public-spaces-protection-orders/enacted
- Guidance on the legislation is available on the Home office publication: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf
- Equalities Impact Assessment - https://www.rbwm.gov.uk/sites/default/files/2020-12/2020_eqia_public_space_protection_order_1.pdf

Existing Orders:

- https://www.rbwm.gov.uk/sites/default/files/2020-04/public_space_protection_order_alcohol_consumption.pdf
- https://www.rbwm.gov.uk/sites/default/files/2020-04/public_spaces_protection_order_footpath.pdf

## 13. CONSULTATION (MANDATORY)

| Name of consultee | Post held |
|---|---|
| Hannah Brown | Office of Police and Crime Commissioner |
| Anthony Hurst | Parks and Countryside Manager |
| Jacqui Wheeler | Parks and Countryside Access Officer |
| Dog welfare organisations | Erin Henwood, Kennel Club |
| Carlos da Rocha | Associate, The Project Centre |
| Steph James/Paul Roach | Maidenhead / Windsor Town Centre Managers |
| Insp Tracey Croucher | Windsor & Maidenhead Neighbourhood Team (TVP) |

### REPORT HISTORY

| Decision type: | Urgency item? | To follow item? |
|---|---|---|
| Key decision | No | |

Report Author: Mandy Mann, Anti-Social Behaviour Co-ordinator, 01628685636

*Appendix I*

**Summary Data from the period 2019-2020**

W = Windsor   M = Maidenhead   A = Ascot   DHW = Datchet, Horton, Wraysbury
EW = Eton Wick/Eton

**DOG FOULING - a summary of complaints received by RBWM**

| Incident | Location | Area |
|---|---|---|
| DF | Alexandra Road | W |
| DF | Alma Road | W |
| DF | Arthur Road | W |
| DF | Bolton Avenue | W |
| DF | Bolton Crescent | W |
| DF | Bolton Road | W |
| DF | Bridgewater Way | W |
| DF | Claremont Road | W |
| DF | Clarence Crescent **x 2** | W |
| DF | Clewer Ride | W |
| DF | Dedworth Road **x 4** | W |
| DF | Dower Park | W |
| DF | East Crescent | W |
| DF | Foster Avenue **x 2** | W |
| DF | Frances Road | W |
| DF | Franklyn Crescent | W |
| DF | Goslar Way | W |
| DF | Grove Road **x 4** | W |
| DF | High Street | W |
| DF | Imperial Road | W |
| DF | Kings Road | W |
| DF | Lammas Court | W |
| DF | Old Windsor Recreation Ground | W |
| DF | Park Crescent **x 2** | W |
| DF | Poolmans Road | W |
| DF | Springfield Road | W |
| DF | St. Leonards Hill **x 2** | W |
| DF | St. Leonards Road | W |
| DF | St. Marks Road | W |
| DF | Stag Meadow entrance (Windsor Great Park) | W |
| DF | Testwood Road | W |
| DF | Thames Street | W |
| DF | Vansittart Estate | W |
| DF | Vansittart Recreation Ground | W |
| DF | Vansittart Road **x 3** | W |
| DF | Waste land St. Leonards Road | W |
| DF | Wessex Avenue | W |
| DF | Westmead **x 2** | W |
| DF | Willows Path | W |
| DF | Windsor Cricket Club | W |
| DF | Windsor Great Park in general (Crown Estate) | W |

| | | |
|---|---|---|
| DF | Windsor Rugby Club | W |
| DF | Wyatt Road | W |
| | **TOTAL** | **56** |
| | | |
| DF | Access for Ockwells Road to Ockwells Park | M |
| DF | Alexandra Road | M |
| DF | Allenby Road | M |
| DF | Arkley Court, Holyport | M |
| DF | Beverley Gardens | M |
| DF | Blackamoor Lane **x 3** | M |
| DF | Boyn Hill Road **x 2** | M |
| DF | Boyn Valley Road | M |
| DF | Braywick Nature Reserve **x 3** | M |
| DF | Braywick Road | M |
| DF | Breadcroft Way | M |
| DF | Broadway **x 2** | M |
| DF | Cannon Court Road | M |
| DF | Challow Court | M |
| DF | Chanctonbury Drive | M |
| DF | Chapel Arches, Forlease Road | M |
| DF | Chatsworth Close **x 2** | M |
| DF | Choseley Road, Knowl Hill | M |
| DF | Clare Road | M |
| DF | Collier Close/Harrow Lane | M |
| DF | Courthouse Road **x 2** | M |
| DF | Cox Green Lane | M |
| DF | Crown Lane | M |
| DF | Denmark Street | M |
| DF | Footpath from Manor Lane to Harvest Hill | M |
| DF | Footpath from Switchback Road South to Shifford Crescent | M |
| DF | Footpath from Windsor Road to Moor End | M |
| DF | Footpath west from Bridle Road to Gringer Road | M |
| DF | Gordon Road | M |
| DF | Grenfell Road | M |
| DF | Hatfield Close | M |
| DF | Havelock Crescent | M |
| DF | Havelock Road | M |
| DF | Hawthorn Gardens | M |
| DF | Hayse Hill | M |
| DF | Highfield Lane | M |
| DF | Highfield Road **x 2** | M |
| DF | Hillcrest Avenue **x 2** | M |
| DF | Hines Meadow car park | M |
| DF | Knowl Hill Common **x 2** | M |
| DF | Lock Lane | M |
| DF | Ludlow Road | M |
| DF | Maidenhead Road | M |
| DF | Manifold Way, White Waltham | M |
| DF | Manor Grove | M |
| DF | Mercia Road | M |

| | | |
|---|---|---|
| DF | Mulberry Road | M |
| DF | Mulberry Walk | M |
| DF | Newlands Drive | M |
| DF | North Town Moor | M |
| DF | Oaken Grove | M |
| DF | Parkside **x 2** | M |
| DF | Pennyston Road **x 2** | M |
| DF | Pinkneys Drive **x 2** | M |
| DF | Prince Andrew Road | M |
| DF | Ray Mill Road East | M |
| DF | Reeve Road, Holyport | M |
| DF | Ross Road | M |
| DF | Shergold Way | M |
| DF | Shoppenhangers Road **x 3** | M |
| DF | Springfield Park | M |
| DF | St. Andrews Crescent | M |
| DF | St. Cloud Way | M |
| DF | Stafferton Way | M |
| DF | Subway at Frascati Way | M |
| DF | Subway at St. Cloud Way from Providence Place | M |
| DF | Walker Road **x 2** | M |
| DF | Wessex Way **x 2** | M |
| DF | Winchester Drive | M |
| | **TOTAL** | **87** |
| | | |
| DF | Bedford Lane (posters put up at resident's request) | A |
| DF | Cheapside Road | A |
| DF | Chobham Road **x 12** | A |
| DF | Church Lane (posters put up at resident's request) | A |
| DF | Halfpenny Lane | A |
| DF | High Street, Sunninghill | A |
| DF | Kennel Ride | A |
| DF | Llanvair Drive | A |
| DF | London Road **x 2** | A |
| DF | Queens Road | A |
| DF | Truss Hill Road | A |
| DF | Whitmore Lane (posters put up at resident's request) | A |
| | **TOTAL** | **24** |
| | | |
| DF | Beaulieu Close, Datchet | DHW |
| DF | Datchet Recreation Ground | DHW |
| DF | Ditton Park, Datchet **x 2** | DHW |
| DF | Feathers Lane, Datchet | DHW |
| DF | Horton Road, Datchet **x 2** | DHW |
| DF | London Road, Datchet | DHW |
| DF | Magna Carta Lane, Wraysbury | DHW |
| DF | Montrose Way, Datchet | DHW |
| DF | Welley Road, Wraysbury | DHW |
| DF | Wraysbury Village Green | DHW |
| | **TOTAL** | **12** |
| | | |

| | | |
|---|---|---|
| DF | Colenorton Crescent (neighbourhood dispute) | EW |
| DF | Pococks Lane, Eton | EW |
| DF | Queens Road, Eton Wick **x 2** | EW |
| | **TOTAL** | **4** |
| TOTAL | | **184** |

| | | |
|---|---|---|
| DOC | Alexandra Gardens | W |
| DOC | Princess Avenue | W |
| DOC | West Crescent | W |
| DOC | Windsor Cricket Club **x 2** | W |
| | **TOTAL** | **5** |
| | | |
| DOC | Braywick Nature Reserve **x 5** | M |
| DOC | Maidenhead Golf Course | M |
| DOC | Pinkneys Green Common **x 2** | M |
| DOC | The Crown, Wootton Way | M |
| | **TOTAL** | **9** |
| | | |
| DOC | Ditton Park, Datchet | DHW |
| | **TOTAL** | **1** |
| TOTAL | | **16** |

**CYCLING – a summary of complaints received by RBWM**

| | | |
|---|---|---|
| CYC | Thames Footpath from Boulters Lock towards Cookham | 8 |
| CYC | High Street (Maidenhead) | 12 |
| CYC | Subway Under Bridge Road | 8 |
| CYC | Peascod Street (Windsor) | 18 |
| | **TOTAL** | **46** |

*Appendix II*

www.rbwm.gov.uk

Royal Borough of Windsor & Maidenhead

## <u>Notice of Consultation for introduction of Public Spaces Protection Orders</u>

The Royal Borough of Windsor and Maidenhead are carrying out a consultation on introducing two new Public Spaces Protection Order (PSPOs).

PSPOs propose to deal with nuisance in a particular public space that is having a detrimental effect on the quality of life for those in the local community. It can prohibit certain things or require specific things to be done.

The Royal Borough of Windsor and Maidenhead are proposing to introduce a PSPO to include a dog fouling and dog control prohibition.

We are also proposing to introduce a new PSPO to address cycling on the highway in pedestrianised zones in King street/High Street, Maidenhead and Peascod Street, Windsor.

The consultation will run for 8 weeks from **14 December 2020 until midnight 7 February 2021.**

For more information on PSPOs and to feed into our consultation please visit our website - or call 01628 685636 to leave your comments.

*Appendix III*

# Proposal to introduce Public Spaces Protection Orders (PSPO) in Windsor, Maidenhead and Ascot

## COMMENT FORM

Please see supporting information explaining the proposed order before completing this form.

1. **In what capacity do you wish to respond to this consultation?**
   - ☐ As a local resident
   - ☐ On behalf of a local business
   - ☐ On behalf of a community or voluntary group
   - ☐ Other (please specify)

| |
|---|
| |

2. **What is your postcode?**

| |
|---|
| |

3. **Which age band best describes you?**

   - ☐ Under 18
   - ☐ 18-24
   - ☐ 25-34
   - ☐ 35-44
   - ☐ 45-54
   - ☐ 55-64
   - ☐ 65 and over

4. **How far do you agree or disagree with the proposed Public Spaces Protection Order (PSPO) for Windsor, Maidenhead and Ascot? (Please tick)**

| Type of PSPO | Strongly agree | Agree | Disagree | Strongly disagree |
|---|---|---|---|---|
| A PSPO to address:<br>• dog fouling<br>• effective dog control | | | | |
| A PSPO to address cycling on the highway in pedestrianised zones in King street/High Street, Maidenhead and Peascod Street, Windsor. | | | | |

5. **Are there any other issues in relation to anti-social behaviour in public spaces that you think could be addressed by using a Public Spaces Protection Order?**

   ***(Amended to "Have you experienced any other issues in relation to anti-social behaviour in public spaces?".)***

6. **Do you have any comments or suggestions on the proposed Public Spaces Protection Orders (PSPO) for Windsor, Maidenhead and Ascot?**

7. **Do you have any comments or suggestions on the proposed new Public Spaces Protection Orders (PSPO) for Windsor, Maidenhead and Ascot?**

Thank you for your responses.

**This consultation closes on midnight 7 February 2021**

Queries about the questionnaire can be emailed to: anti.social@RBWM.gov.uk
**Post: FAO Mandy Mann, Community Safety, Town Hall St Ives Road Maidenhead SL6 1RF**

*Appendix IV*

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) ORDER 2021

DRAFT FOR CONSULTATION ONLY PURSUANT TO s.72(3)9A)

1. This draft Order is that proposed to be made by the Royal Borough of Windsor and Maidenhead ('The Council'), pursuant to Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.

2. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Dog Fouling and Control) Order 2021 and shall come into operation on 2021.

3. The Council is satisfied on reasonable grounds that:

   The activities below have been carried out in public places within the Council's area, and have a detrimental effect on the quality of life of those in the locality,

   And that:

   The effect, or likely effect of the activities, is, or is likely to be of persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable, and justifies the restrictions and requirements proposed by the notice.

4. The Order is concerned with the following activities:

   Dog Fouling
   Dog control

5. The Council is satisfied that the requirements proposed by this draft order are reasonable to impose to prevent the detrimental effect of these activities continuing, occurring, or reoccurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.

6. The Council has further considered the rights and freedoms set out in Article 10 (Freedom of expression) and Article 11 (Freedom of assembly) of the European Convention on Human Rights, and has concluded that the requirements set out in the proposed order do not infringe these rights.

7. If granted, this order shall be in place for a period of 3 years.

8. The proposed requirements of this order are:

i) That any person in charge of dog/s, whether or not temporarily, shall ensure that faeces are properly cleared, should the dog/s foul in the restricted area. The faeces shall then be removed, or deposited in a general waste bin, or a dog waste bin.

ii) That any person in charge of dog/s, whether or not temporarily, in the restricted area, shall immediately place their dog/s on a lead upon the request of a constable, or an authorised officer of the Royal Borough of Windsor and Maidenhead, should the dog/s be considered to be out of control, or otherwise causing a nuisance to other users of the locality.

9. This Order is proposed to apply to the 'restricted area', namely the land set out in Schedule A, being all public places within the boundaries of the Royal Borough of Windsor and Maidenhead.

10. For detail as to exemptions from complying with the terms of this Order, reference is made to Schedule B.

11. Further, under S.67 of the Act, any person who fails, without reasonable excuse, to comply with the requirement to clear and properly dispose of faeces as detailed at (i) above, to comply with the direction of a constable or Authorised Person to place the dog/s on a lead, as at (ii) above, shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale or to a fixed penalty notice (as set out below).

12. Depending on the circumstances of the failure to comply with this Order, the Authorised Person may decide that a fixed penalty notice would be the most appropriate sanction. This may be issued by an Authorised Person. If a fixed penalty notice is issued, payment would discharge any liability to conviction for the offence. However, if payment due under a fixed penalty notice is not made within the timescale prescribed therein, a prosecution for the offence of failing to comply with this Order may be commenced.

13. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

## 14. SCHEDULE A – borough wide map

SCHEDULE B – exemptions

Nothing in this Order shall apply to any person who:

a) Is registered as a blind person, in a register compiled under S.29 of the National Assistance Act 1948; and/or
b) The dog in question is working as an assistance dog, as trained by one of the member organisations of Assistance Dogs (UK)

**THE COMMON SEAL** of the
**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**
was hereunto affixed
this day of 2021
in the presence of:

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (CYCLING IN SPECIFIED PEDESTRIANISED AREAS) ORDER 2021

DRAFT FOR CONSULTATION ONLY PURSUANT TO s.72(3)9A)

14. This draft Order is that proposed to be made by the Royal Borough of Windsor and Maidenhead ('The Council'), pursuant to Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.

15. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Cycling in Specified Pedestrian Areas) Order 2021 and shall come into operation on 2021.

16. The Council is satisfied on reasonable grounds that:

    The activities below have been carried out in public places within the Council's area, and have a detrimental effect on the quality of life of those in the locality,

    And that:

    The effect, or likely effect of the activities, is, or is likely to be of persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable, and justifies the restrictions and requirements proposed by the notice.

17. The Order is concerned with the following activities:

    Cycling in pedestrianised areas of the public highway within Windsor and Maidenhead town centres.

18. The Council is satisfied that the requirements proposed by this draft order are reasonable to impose to prevent the detrimental effect of these activities continuing, occurring, or reoccurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.

19. The Council has further considered the rights and freedoms set out in Article 10 (Freedom of expression) and Article 11 (Freedom of assembly) of the European Convention on Human Rights, and has concluded that the prohibitions set out in the proposed order do not infringe these rights.

20. If granted, this order shall be in place for a period of 3 years.

21. The proposed prohibitions of this order are:

iii) That it be prohibited for any person to cycle on the highway in the restricted areas

22. This Order is proposed to apply to the ‘restricted areas’, namely the list set out in Schedule A, together with the accompanying maps.

23. For detail as to exemptions from complying with the terms of this Order, reference is made to Schedule B.

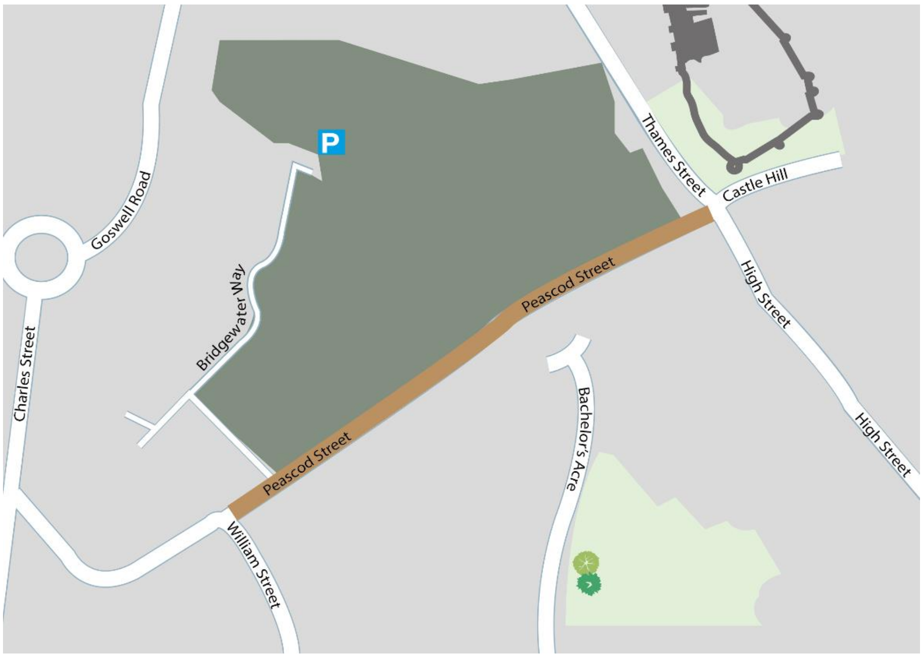
24. Further, under S.67 of the Act, any person who, without reasonable excuse, cycles in the restricted areas, in contravention of this Order as detailed at (i) above, shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale or to a fixed penalty notice (as set out below).

25. Depending on the circumstances of the failure to comply with this Order, the Authorised Person may decide that a fixed penalty notice would be the most appropriate sanction. This may be issued by an Authorised Person. If a fixed penalty notice is issued, payment would discharge any liability to conviction for the offence. However, if payment due under a fixed penalty notice is not made within the timescale prescribed therein, a prosecution for the offence of failing to comply with this Order may be commenced.

26. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

## 15. SCHEDULE A – [include maps]

a) The pedestrianised area of Peascod Street in Windsor, as marked brown on the map



b) The pedestrianised areas of High Street, in Maidenhead, as marked in brown on the map.


**THE COMMON SEAL** of the
**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**
was hereunto affixed
this day of 2021
in the presence of:

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