

Report Title:	Update on the outcome of the consultation process regarding the introduction of two Public Space Protection Orders and proposals for the way forward.
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Werner, Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead
Meeting and Date:	Cabinet – 27 July 2023
Responsible Officer(s):	Alysse Strachan, Assistant Director of Neighbourhood Services
Wards affected:	All

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REPORT SUMMARY

This report deals with the proposal to introduce two new PSPOs in Windsor, Maidenhead and Ascot. 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.

The consultation closes on the 19 July. The feedback data and stakeholder feedback will be collated into a report for cabinet. From the results of the consultation to date, we can see that the vast majority are in agreement of the proposals. Should this change, we will remove the proposals from cabinet consideration. The summary of consultation responses will be made available via a supplementary document upon the closure of the live consultation.

- 1. The report recommends the introduction of a PSPO to tackle anti-social behaviour related to the drinking of alcohol in public spaces.*
- 2. The report also recommends a proposal for introducing a PSPO which prevent people from lighting barbecues in our parks and open spaces.*

The introduction of the PSPO to tackle barbecues in our parks and open spaces supports the Corporate Plan commitment to 'Taking action to tackle climate change and its consequences and improving our natural environment'.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet meeting notes the report and:

- i) Considers the Royal Borough of Windsor and Maidenhead, Antisocial Behaviour Crime and Policing Act 2014, Public Space Protection Order (Alcohol Consumption) Order 2023 and the Public Space Protection Order (Barbeques) Order 2023 and delegates authority to the Executive Director of Place Services in consultation with

the Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead to approve both Orders.

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

Options

Table 1: Options arising from this report

Option	Comments
<p>To reinstate the PSPO for alcohol consumption.</p> <p>To introduce a new PSPO for barbecues.</p> <p>This is the recommended option.</p>	<p>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.</p>
<p>Take no action and not introduce new PSPOs.</p> <p>Not recommended</p>	<p>This option is not recommended as it would mean new PSPOs would not be introduced and the issues would remain unenforceable causing distress for residents and visitors of the Borough.</p>

2.1 We are proposing the new PSPOs because cooking on a barbecue or other fire is already not allowed in these popular green spaces, as it poses a fire risk, can cause damage to grass and wildlife, and often leads to littering of food packaging, spent charcoal and disposable barbecues. While most people always follow this simple rule and respect local parks, every summer there are those who light barbecues in parks, ignoring the signage and the Community Wardens, thereby causing a fire hazard and environmental harm. The introduction of this PSPO will allow this existing rule to be enforced. This means the Community Wardens or other authorised officers will have the option to issue a £100 fixed penalty notice to those who refuse to comply.

2.2 The PSPO to address anti-social behaviour caused by alcohol consumption has been in place for many years and expired on 28 November 2022 and needs to be reinstated. The PSPO will allow police or other authorised officers to continue to be able to ask someone causing anti-social behaviour to stop drinking or hand over their alcohol, including any unopened cans and bottles. If that person does not comply, they could then be issued with a £100 fixed penalty notice.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A PSPO (alcohol consumption) 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 anti social behaviour linked to consuming alcohol is enforced.	Reports of anti-social behaviour decrease.	Residents feel safe and this is reflected in the resident's survey.	TBC
A PSPO that addresses the use of barbecues is put in place and enforced by authorised persons.	The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of damage to the environment and parks continue/increase.	The PSPO is put in place and lighting and using barbecues is enforced.	Damage to our parks and open areas 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 (FPNs) 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 PSPO FPNs to be consistent with the other FPNs in place in the Borough.

4.2 Signage will be required, but funding for this will come from existing budgets.

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.

5.7 In accordance with the Council's Constitution; Public Space Protection Orders within a single ward have been delegated to the Licensing and PSPO Sub Committee; however as the PSPOs in this report relate to multiple wards these PSPOs must be approved by Cabinet.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that there could be a legal challenge to the validity of the PSPO process which could result in reputation damage to the council and potential court costs.	Minor	Low	Review by internal and external legal counsel. Public consultation on PSPOs	<ul style="list-style-type: none"> • Ad hoc PSPO panel to decide on local PSPOs • Panel to decide on strategic PSPOs 	Minor	Low

				<ul style="list-style-type: none"> Initial review of individual PSPOs Triennial reviews of all PSPOs 		
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A. We will review the consultation responses for any equalities considerations and if appropriate amend the EQIA as necessary.
- 7.2 Climate change/sustainability. There are no known identifiable factors that would impact climate change or sustainability.
- 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 [Privacy notice : Neighbourhood services | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/privacy-notice)
- 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 We are currently running a consultation to propose the introduction of the PSPOs, the consultation went live on 14 June 2023 and runs until 19 July 2023.
- 8.2 The consultation consists of an explanation and copies of the draft PSPOs and a brief outline of the proposal and a short survey. The survey allows local residents or people with a connection to 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.
- 8.4 RBWM consulted with key stakeholders such as Thames Valley Police, Police and Crime Commissioner (PCC), Councillors, Town and Parish Councils, Landowners, Town Centre Managers, and residents groups.
- 8.5 The Maidenhead Town Centre Manager provided feedback regarding coverage of PSPO (alcohol consumption) in key areas. Therefore, this report also proposes to expand the locations to Kidwells Skate Park, Library Square on St Ives Road and an

extension to the Library fountain area to include the Amphitheatre. Also, the removal of the Leisure Centre and Megabowl Car Park areas as they no longer exist.

8.6A summary of all consultation responses will be circulated in a supplementary document following the closure of the consultation on 19 July.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: Immediately. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
18 July 2023	Consultation feedback to date is used to compile a proposal for cabinet.
27 July 2023	Cabinet to decide whether a PSPO is appropriate.
27 July 2023	If Cabinet is satisfied that a PSPO is appropriate, the Council's solicitor shall be authorised to issue the Orders with the revised date and seal.
27 July 2023	New Orders are sealed following Cabinet.
28 July 2023	The Orders will be published on the website and notices will be erected at the sites as considered sufficient.
8 September 2023	Challenges to the PSPO must be made to the High Court within 6 weeks of the order being made.
8 September 2024	After 12 months, partner review meeting convened to review whether to continue/amend/remove the orders.

10. APPENDICES

10.1 This report is supported by 5 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B- Draft order for the PSPO relating to alcohol consumption.
- Appendix C - Draft order for the PSPO relating to barbecues.
- Appendix D – Consultation Questionnaire <https://rbwmtogether.rbwm.gov.uk/public-spaces-protection-orders-pspo-consultation>
- Appendix E- Responses from consultation - to follow.

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 2 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

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Andrew Vallance	Head of Finance/ interim S151 Officer	18/07/23	18/07/23
Elaine Browne	Head of Law & Governance/ Monitoring Officer	18/07/23	18/07/23
<i>Deputies:</i>			
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	n/a	n/a
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	18/07/23	18/07/23
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	18/07/23	18/07/23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place	18/07/23	18/07/23
<i>Heads of Service (where relevant)</i>			
Andrew Aldridge	Community Safety Manager	18/07/23	18/07/23

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Community Partnerships, Public Protection and Maidenhead portfolio.	Yes- approved at briefing paper stage.
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 27/06/23	No	No

Report Author: Mandy Mann, Anti social behaviour coordinator,
07920504572

Appendix A

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	<u>Public Space Protection Orders 2023</u>
Service area:	<u>Neighbourhood Services</u>
Directorate:	<u>Place</u>

<p>Provide a brief explanation of the proposal:</p> <ul style="list-style-type: none">• What are its intended outcomes?• Who will deliver it?• Is it a new proposal or a change to an existing one?
<p>The overall aim of the Public Spaces Protection Orders are to reduce incidents and improve community cohesion through taking action to tackle anti social drinking and prohibit people from using barbeques in our parks and open spaces.</p> <p>The key objectives of the proposed new PSPOs are to prohibit certain behaviors that are causing harassment, alarm and distress in spaces where the public have access and to give powers to Authorised persons to help tackle anti social behaviour caused by anti social drinking and barbeques.</p> <p>Authorised persons such as Community Wardens and Police Officers and PCSOs can use the powers under the PSPO.</p> <p>The alcohol PSPO has been in place previously but needs to be extended.</p>

2. Relevance Check

Is this proposal likely to <u>directly</u> impact people, communities or RBWM employees?

- If Yes, state 'Yes' and proceed to Section 3.
- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, addressing these behaviours. The use of PSPO's is not linked to an individuals race, sex, gender, sexual orientation, disability or age. However, addressing these behaviours would have a positive impact on all people and particularly young people, elderly people and people with disabilities. People who are pregnant may also be positively affected in terms of feeling safer.

The PSPOs are aimed at either people causing ASB whilst drinking in public or people ignoring existing 'No bbq' signage and lighting bbqs and other fires in public places.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

Community Wardens will be affected as this will allow them to challenge people.

Residents and tourists who use the parks and open spaces for the purposes of having BBQs.

People experiencing socio-economic disadvantage are less likely to have access to a private garden so will benefit from improvements to public spaces.

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented?

For example, compared to the general population do a higher proportion have disabilities?

No.

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

We will do a public consultation for 6 weeks asking residents for their views on the proposal and giving them an opportunity to share any concerns or ask any questions. We will provide this consultation electronically but also hard copies for people who do not have access to the internet. Our wardens will hand hard copies out during their engagement work and can assist people in completing the form should they have issues.

What sources of data and evidence have been used in this assessment?

Please consult the [EQIA Evidence Matrix](#) for relevant data. Examples of other possible sources of information are in the Guidance document (Section 2.3).

Crime and Community safety data

97% of residents surveyed in the residents survey felt safe in the local area during the day. 82% of local residents feel safe in the local area after dark.

Perceptions of female safety after dark are comparably lower amongst all age and home ownership groups.

Green and open spaces are a key priority to residents and dominant factors that make their local area a good place to live

- 45% referenced the quality of parks and open spaces
- 34% referenced access to nature / the countryside

Quality of parks & open spaces (38%), peace and quiet (31%) and community support / getting on / helping each other (26%) are the primary contributors for residents aged 75 & over.

Perceptions of safety are high across demographics but comparably lower amongst residents living in Windsor, female residents, residents aged 75 & over, residents whose activities are limited due to a health condition and residents who own their property outright or rent from the council, housing association or trust.

Just over a quarter (27%) indicated they are concerned about antisocial behaviour in their local area; 40% are not concerned.

- A higher proportion of residents aged 35-74 indicated they were concerned compared to other age groups.

Residents who indicated they were concerned about anti-social behaviour in their local area were asked to detail their main concerns. Reasons were given in residents' own words and these have been categorised into themes for analysis purposes.

- A variety of concerns were raised but the most common are groups of young people / teenagers / children and drug dealing / taking.

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'. More information on each protected characteristic is provided in the EQIA Guidance document (available on the intranet).

	Details and supporting evidence	Potential positive impact	Potential negative impact

Age	Older people may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	NA
Disability	People with disabilities may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	NA
Sex	Women may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	NA
Race, ethnicity and religion		NA	NA
Sexual orientation and gender reassignment		NA	NA
Pregnancy and maternity	Pregnant women may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	
Marriage and civil partnership		NA	NA
Armed forces community		NA	NA
Socio-economic considerations e.g. low income, poverty		NA	NA
Children in care/Care leavers		NA	NA

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

<p>What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group</p>
<p>The public consultation will be available in digital and hard copy format to ensure it is accessible and inclusive.</p>
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p>

<ul style="list-style-type: none"> For planned future actions, provide the name of the responsible individual and the target date for implementation.
<p>How will the equality impacts identified here be monitored and reviewed in the future?</p>
<p>Community safety data will be reviewed through future residents surveys and community safety surveys.</p>

6. Sign Off

<p>Completed by: Mandy Mann</p>	<p>Date: 25/01/2023</p>
<p>Approved by: Andrew Durrant</p>	<p>Date: 18/07/2023</p>

If this version of the EQIA has been reviewed and/or updated:

<p>Reviewed by:</p>	<p>Date:</p>
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Appendix B

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (ALCOHOL CONSUMPTION) ORDER 2023

This Order is made by Council of the Royal Borough of Windsor and Maidenhead ("the Council") in exercise of its powers under Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.

1. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Alcohol Consumption) Order 2019 and shall come into operation on [DATE].
2. The provisions of this Order shall continue in force for a period of 3 years.
3. The land described in the Schedule below shall be "the Restricted Area", being a public place in the area of the Council which is a public space in which the consumption of alcohol is likely to be carried on and is likely to have a detrimental effect on the quality of life of those in the locality
4. No person shall refuse to stop drinking Alcohol or hand over any containers (sealed or unsealed) which are believed to contain Alcohol, when required to do so by an Authorised Person.
5. Further, under s63 of the Act, any person who fails, without reasonable excuse, to comply with the requirement of a constable or Authorised Person to not consume alcohol, or consumes anything the constable or authorised officer reasonably believes to be alcohol, or fails to surrender any container sealed or unsealed in their possession which is reasonably believed by the constable or Authorised Person to contain alcohol shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale or to a fixed penalty notice.
6. Depending on the circumstances of a person's failure to comply with this Order, a constable or authorised person may decide that a fixed penalty notice should be issued to the person. Under section 68 of the Act, if a fixed penalty notice is issued and the person pays the fixed penalty to the Council before the end of the period of 14 days following the date of the notice, the person will have discharged any liability to conviction for the offence. However, if payment of the fixed penalty is not made within the required period, proceedings may be brought against the person in respect of any

offence of not complying with any part of this Order.

7. In this Order "Alcohol" has the meaning given in Section 191 of the Licensing Act 2003 and "Authorised Person" means a police officer, a police community support officer or person authorised in writing by the Council to enforce the provisions of the Act.
8. 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.

SCHEDULE

Ascot, Sunningdale and Sunninghill

Church Road

Footpath from Station to High Street (Ascot)

Green area bounded by Lyndhurst Road, Church Road and Oliver Road.

High Street (Ascot)

Lower Village Road

Lyndhurst Road (from Ascot Station to the junction with Brockenhurst Road), All Souls Road, Victoria Road (from All Souls Road to the junction with Brockenhurst Road) and the adjacent recreation ground.

Oliver Road

Oriental Road

Quince Close

Station Forecourt (Ascot)

Station Hill (Ascot)

Sunninghill High Street (from the junction with Charters Lane to the junction with Kings Road)

Upper Village Road

Victory Fields and Playground (London Road)

Bisham and Cookham and Hurley and Walthams

Alfred Major Recreation Ground

Bath Road

Bridge Avenue

Children's Play area, Phipps Close, Woodlands Park (White Waltham)

High Road

Lower Road (the section from Station Hill to the junction with Grange Road)

Peace Lane

Shergold Way

Station Hill

Station Parade (Cookham)

Boyn Hill, Cox Green and Woodlands Park

Altwood Close

Altwood Road

Barley Mead (including the public footpath which links Barley Mead to Thatchers Drive) and
Barley Mead play area/open space.

Bath Road

Boyn Valley Road

Cox Green Lane

Cox Green Road

Farmers Way

Grenfell Road
Haddon Road
Heynes Green and Heynes Green Play Area
Northumbria Road
Pheasants Croft
Play area in Phipps Close
Shoppenhangers Road
Small green enclosed by Altwood Road and Haddon Road
Wessex Way Shopping Parade, Wessex Way play area/open space (including the Service Road area, St Columba's Close, St Chad's Road (the section between St Columba's Close and Wessex Way) and the short section of Wessex Way from the Service Road to Northumbria Road).
Westborough Road
Wootton Way

Clewer East and Park

Dedworth Road
Green Lane
Imperial Road
St Leonard's Road

Clewer and Oakley Green

Clewer Memorial Recreation Ground
Dedworth Road
Hanover Way
Maidenhead Road
Windsor Road
The area bounded by and including Smiths Lane, Maidenhead Road, Gallys Road, Dedworth Road and Manor Road.

Datchet, Horton and Wraysbury

Datchet Recreation Ground (Datchet)

Eton and Eton Wick

Bell Lane (Eton Wick)
Brocas Street to Meadow Lane
Eton Court
Eton Recreation Ground
Eton Wick Recreation Ground and Playground
Eton Wick Road (the short section from the junction with Princes Close to the junction with Haywards Mead)

Haywards Mead
High Street (Eton)
Meadow Lane
Meadow Lane Car Park
South Meadow Lane
Tangier Lane until the junction with Sunbury Road
The Brocas

Public Footpath 51 Eton
Public Footpath 30 Eton

Inner Windsor

Acre Passage/Peascod Place
Alexandra Gardens
Arthur Road to Maidenhead Road
Bachelors Acre
Barry Avenue
Boots Passage
Bridgwater Terrace
Charles Street
Church Street Gardens
Claremont Road
Clarence Road (Peascod Street to Charles Street)
Datchet Road
Farm Yard
George V Memorial
Goswell Hill
Grove Road
James Street
King Edward Court Service Road
Kings Road until the roundabout
Lower Thames Street (including the Windsor and Eton Bridge)
Madeira Walk
Maidenhead Road
Mellor Walk
Oxford Road East
River Street, and the streets forming the Guildhall triangle
Russell Street
Sheet Street to Kings Road
St Leonards Road
St Marks Road on from Grove Road
Stovell Road and the Footway under A332 Bridge
Thames Side
Trinity Place
Vansittart Road
William Street
Windsor Leisure Centre Car Park and Pleasure Ground
Windsor Skate Park (Vansittart Road)
The area bounded by and including Alma Road (from the junction with Clarence Road to Windsor and Eton Central Station), Clarence Road (from the junction with Alma Road to Victoria Street), Victoria Street, Sheet Street (from the junction with Victoria Street to the High Street), Park Street (from the junction with Sheet Street to the junction with St Alban's Street), St Alban's Street, Castle Hill, High Street, Thames Street, Thames Avenue, River Street, Barry Avenue (from River Street to the junction with Goswell Road), Goswell Road, Arthur Road (from the junction with Goswell Road to the junction with Alma Road) and the Alma Road Car Park area.

Maidenhead Riverside and Belmont

The area bounded by and including All Saints Avenue (from the junction with Courthouse

Road to the junction with St Mark's Road), St Mark's Road (from the junction with All Saints Avenue to the junction with Castle Hill), Wellington Road, Gordon Road, College Rise, College Road (from the junction with Castle Hill to the junction with Belmont Road), College Avenue, Belmont Road, Belmont Drive, Derwent Drive, Loddon Drive and Belmont Crescent.
Bath Road
Cookham Road
Harrow Lane
Raymond Road
Riverside Gardens
St Mark's Road
Walker Court

Maidenhead Town Centre

The area bounded by and including: Saint Cloud Way (A4), Bad Godesberg Way (A4), Frascati Way, Grenfell Place, Grenfell Road, Queen Street, York Road and Forlease Road.
Grenfell Park
High Town Road
Holmanleaze
Kidwells Park
Leisure Centre and Megabowl Car Park areas
Library fountain area
Railway Station Forecourt and Station Approach
South Road
York Stream Memorial Garden

Oldfield and Bray

Desborough Park
Fane Way

Guards Club Park
(including Guards Club
Island) and Reitlinger
Open Space
Shoppenhangers Road

Windsor Road

The area bounded by and including Stroud Farm Road, Stompits Road and the cul-de-sacs off (Hendons Way, Lynden Close, The Brambles, Farm Close and Bucklebury Close).

Old Windsor

Queens Close
Robin Willis Way and Old Windsor Recreation Ground
St Luke's Road
St Peter's Road
Straight Road

Pinkneys Green and Furze Platt

The area bounded by and including Halifax Road, Halifax Way, Halifax Close, Lincoln Road, Blenheim Road and Lancaster Road.
The green area between Blenheim Road and Alwyn Road

To include all of Shifford Crescent

Ashcroft Road

Bath Road

Boyn Grove Park

Cookham Road

Deansfield Close

Hampden Road

Highway Avenue

Highway Road

Mulberry Walk

Oaken Grove Recreation Ground

Oldershaw Mews

Sunderland Road

Shifford Crescent (from the junction with Switchback Road North to the junction with Whitchurch Close), the Service Road which runs between Shifford Crescent and Switchback Road North and the adjacent green area.

**THE COMMON SEAL of the
ROYAL BOROUGH OF
WINDSOR AND MAIDENHEAD**

was hereunto affixed
this

in the presence of:

Appendix C

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (BARBECUES) ORDER 2023

1. This Order is made by the Royal Borough of Windsor and Maidenhead ('the Council') pursuant to section 59 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 (Barbecues) Order 2023 and shall come into effect on [DATE].
3. The Council is satisfied on reasonable grounds that:
 - (i) the activities below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - (ii) the effect, or likely effect, of the activities:
 - a. is, or is likely to be, of a persistent or continuing nature;
 - b. is, or is likely to be, such as to make the activities unreasonable; and
 - c. justifies the restrictions imposed by this Order.

4. The activities with which this Order is concerned are:

Persons using barbecues in public places.

5. The Council is satisfied that the prohibitions which are imposed by this Order are ones which are reasonable to impose in order to prevent the detrimental effect of the activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
6. The Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights and has concluded that the prohibitions of this Order are compatible with those rights and do not unlawfully infringe those rights.
7. This Order shall be in force for a period of 3 years from the date when this Order is made (shown below in this Order). This Order applies to all persons at all times while it remains in force.
8. This Order applies to 'the Restricted Area' which is the land set out in Schedule A to this Order, being all public places within the boundaries of the Royal Borough of Windsor and Maidenhead.
9. The prohibition imposed by this Order is the following:

- (i) No person may light, cook with, set up or otherwise use a barbecue or barbecues in the Restricted Area (defined in this Order as all public places within the boundaries of the Royal Borough of Windsor and Maidenhead).

For the purposes of this Order, a barbecue includes any permanent, disposable, temporary, makeshift or homemade barbecue or any open fire for the purposes of heating or cooking food.

- 10. Under section 67 of the Act, any person who, without reasonable excuse lights, cooks with, sets up or otherwise uses a barbecue or barbecues in the Restricted Area shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or shall be liable to be issued with a fixed penalty notice.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition that the Council did not have power to include in this Order.

- 11. Depending on the circumstances of a person's failure to comply with this Order, a constable or authorised person may decide that a fixed penalty notice should be issued to the person. Under section 68 of the Act, if a fixed penalty notice is issued and the person pays the fixed penalty to the Council before the end of the period of 14 days following the date of the notice, the person will have discharged any liability to conviction for the offence. However, if payment of the fixed penalty is not made within the required period, proceedings may be brought against the person in respect of any offence of not complying with any part of this Order.

- 12. Under section 66 of the Act, any interested person (meaning any individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area) may apply to the High Court within 6 weeks of the date when this Order is made to question the validity of this Order on the grounds that:

- (i) The Council did not have power to make the Order or to include particular prohibitions imposed by this Order; and/or
- (ii) Any requirement under Chapter 2 of the Act was not complied with in relation to this Order.



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: Prohibition of BBQs in public spaces – Borough wide				
A PSPO to address: Alcohol consumption- Borough wide				

5. 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?

Thank you for your responses.

This consultation closes at midnight on Wednesday 19 July 2023

Completed surveys can be returned to **FAO Mandy Mann, Community Safety, Town Hall, St Ives Road, Maidenhead, SL6 1RF**