

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
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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)

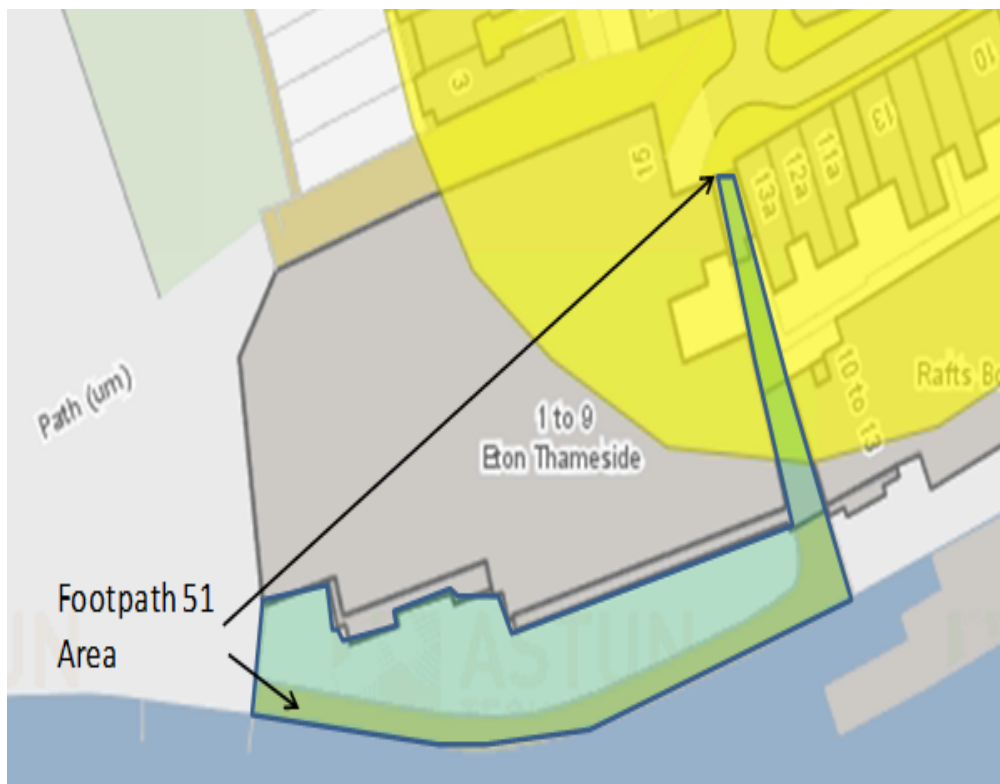
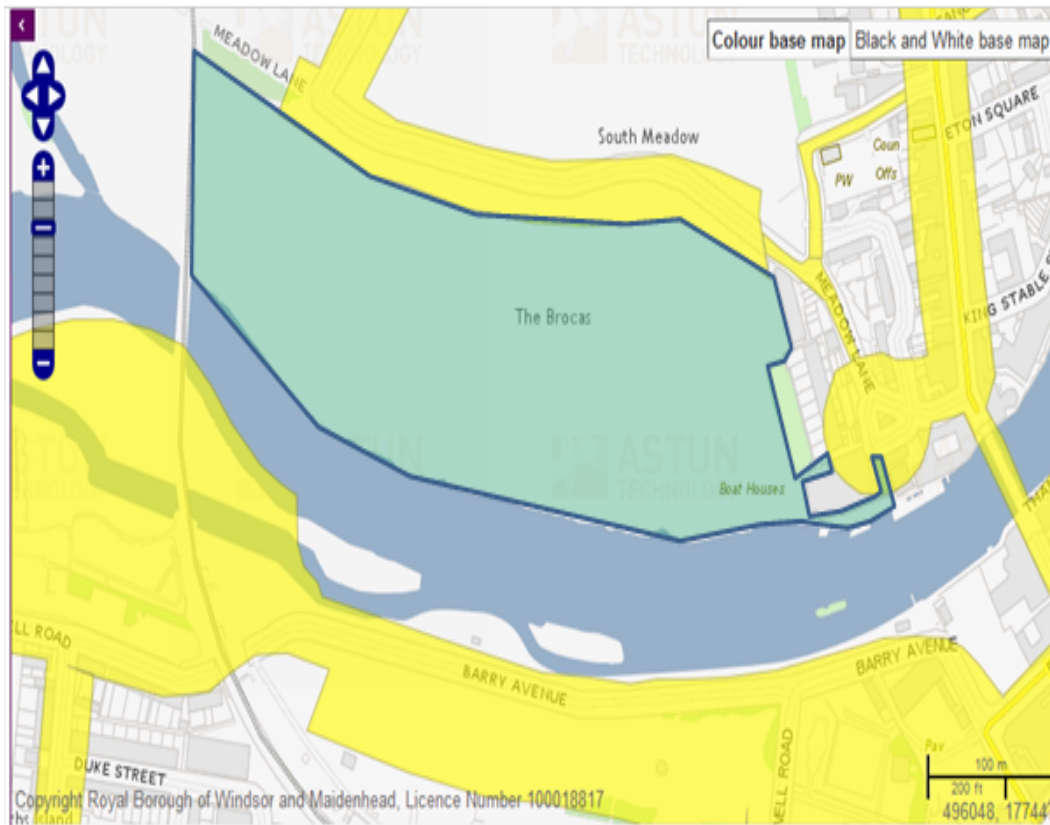
Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Rayner	Lead Member	14/03/2016	14/04/2016	
Cllr Cox		14/03/2016		

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%