



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

REPORT SUMMARY

1. The power for a council to gate alleyways is covered by Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 via its Public Space Protection Order (PSPO) provisions.
2. This report deals with the application for a Public Space Protection Order to be considered by the Panel.
3. The sequence of events prior to this application is summarised in Paragraph 17 'Background Information'.
4. The report recommends that the members of the Panel consider arguments for and against restricting the alley / FP51 and then decide whether a Public Space Protection Order is appropriate in this case.
5. This recommendation is being made because residents of the Eton Thameside development have reported that open access to FP51 24hrs a day is resulting in crime and anti-social behaviour.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
The Panel will have provided clarity to residents as to the Royal Borough's position on this alleyway by deciding whether there is a case for restricting access. Should the Panel agree to gate FP51 it is likely to result	30/04/2016 (assuming the gates are implemented by then)

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

1. DETAILS OF RECOMMENDATIONS

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

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

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Royal Borough's *Policy for the Installation of Alley Gates*, requires that when an approach is made by residents regarding alley gating, the council will consult with all interested parties and that on conclusion of the public consultation a Public Space Protection Order Panel will be convened to determine whether to make an order.²

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

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

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

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

¹ See Appendix I, *Map of FP51*

² *Policy for the Installation of Alley Gates*

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

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

3. KEY IMPLICATIONS

3.1 PSPO approved

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

PSPO rejected

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

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

4. FINANCIAL DETAILS

4.1 Financial impact on the budget

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

4.2 Financial Background (optional)

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

See appendix 3 Eton Thameside Management Co Ltd submission

5. LEGAL IMPLICATIONS

5.1 The Royal Borough is empowered under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to make PSPOs where activities carried on in a public place:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Are, or are likely to be, persistent or continuing in nature;
- Are, or are likely to be, unreasonable; and
- Justify the restrictions imposed.

Section 66 of the Anti-Social Behaviour, Crime and Policing Act allows that an interested person, i.e. *“an individual who lives in the restricted area or who regularly works in or visits that area”*, may challenge the validity of a PSPO by application to the High Court where:

- A local authority did not have power to make the order; or
- That a requirement under the legislation was not complied with.

This is the second application for Public Space Protection Order that the Royal Borough will apply for under the above Act and Legal Services will be in attendance to provide any necessary advice to the Panel.

6. VALUE FOR MONEY

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

7. SUSTAINABILITY IMPACT APPRAISAL

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

- The legislation stipulates that PSPOs must be subject to a regular review. New orders must be reviewed after a year, and thereafter PSPOs must be reviewed triennially.
- In the case of a 'partial' closure, it will be necessary to sustain public access within the agreed timeframes. This could have staffing or technological implications. However, all costs associated with this alley gating will be funded and managed by Thameside Management.

See appendix 3 Eton Thameside Management report.

- Installation of a gate represents a physical change to the characteristics of the location, therefore any positive benefits arising from the gating (e.g. a reduction in ASB) should be sustained for the lifetime of the gate.

8. RISK MANAGEMENT

8.1

Risks	Uncontrolled Risk	Controls	Controlled Risk
Legal challenge to a decision not to gate via public enquiry	Reputation damage to the Council, potential court costs	Updated Alley Gating Process and Constitution	Low
Legal challenge to the validity of the PSPO / gating process	Reputation damage to the Council, potential court costs	Updated Alley Gating Process and Constitution	Low

9. LINKS TO STRATEGIC OBJECTIVES

9.1 Residents First

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

Delivering Together

- Enhanced Customer Services
- Strengthen Partnerships

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 The decision whether to allow a PSPO in respect of this alley should not disproportionately affect any particular group.

If a 'partial' closure is agreed, gating arrangements should be such that members of the public can freely access the alley within stated times, irrespective of any individual characteristics e.g. mobility issues.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 The Community Safety, Highways and Democratic Services teams have provided staff resource thus far. If the PSPO is approved it is foreseeable that these staff will be required to contribute to the annual / triannual reviews.

12. PROPERTY AND ASSETS

12.1 None

13. ANY OTHER IMPLICATIONS

13.1 None

14. CONSULTATION

14.1

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

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

15. TIMETABLE FOR IMPLEMENTATION

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

16. APPENDICES

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

17. BACKGROUND INFORMATION

Chronology of events:

- The Eton Thameside development was granted planning permission by the Royal Borough on the understanding that a public footpath would be built (FP51).³
- In August 2014, residents start moving into Eton Thameside.
- Upon taking up residence, residents pay for lockable gates to be installed at either end of FP51 (at point A where it adjoins Brocas Street and point C where it adjoins the Brocas Meadow) due to concerns about crime and ASB.
- RBWM Rights of Way identify that due to the right of way adhering to FP51 it was unlawful for gates to remain locked.
- In September 2014, residents launch an e-Petition to RBWM requesting permission to lock the gates “periodically”, i.e. overnight, to increase security.
- 04/02/15, e-Petition concludes with 117 signatures in favour.

³ A legal agreement (S106) on the planning permission requires a public right of way from The Brocas, along the river frontage and onto Brocas Street to be provided and retained. The details can be found scanned under the planning application here:

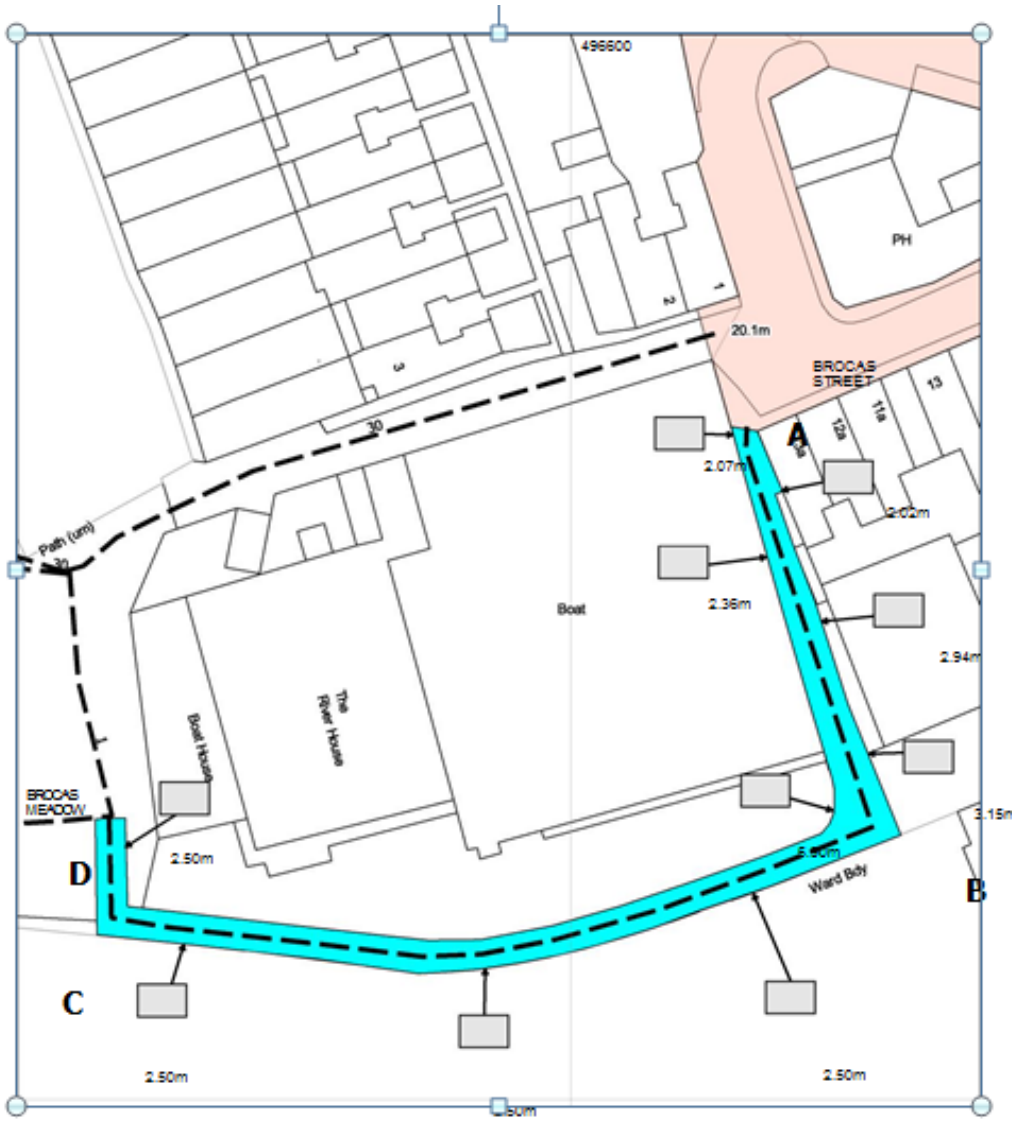
<http://www.rbwm.gov.uk/pam/view.jsp?ID=11%2F02769%2FFULL>

- 20/02/15, Community Safety Team commences Alley Gating Procedure by opening a public consultation.
- 20/03/15, Public consultation closes.
- 21/04/15, Panel meeting scheduled to determine whether PSPO is appropriate.

18. CONSULTATION (MANDATORY)

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

Appendix 1



177200

177200

RIVER THAMES

496600

Public Rights of Way

Eton Footpath 51

Scale: 1:400

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Summary of Consultation Responses

DESCRIBE THE NATURE OF THE ASB

Comments For

- Resident of Atherton Court
Mostly weekends especially in the summer
- Resident of Emlyns Buildings
A magnet for people wanting to take drugs and alcohol
- Resident Eton Riverside
Drug and alcohol unduced asb noise and rubbish
- Resident of High Street
Alcohol consumption loudness and anti social behaviour
- Resident Emlyns Buildings
Bad language excessive noise urinating in public
- Resident of Eton
Drunken behaviours shouting and littering
- Chairman Eton Thameside Management
Drunkeness, loud noise, criminal damage urination
- Resident of Eton Thameside
Congregation of groups of drunks, littering, urinating and causing a nuisance
- Resident Thameside Eton (minor)
I am sometimes scared to coming home from school as sometimes there is people waiting in the alleyway. please help to make my neighbourhood safer

- Resident of Eton Thameside

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

- Resident of Eton Thameside

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

- High Street

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

- Resident of Windsor Bridge Eton

Occasionally see local homeless people drinking by the river

- Resident of Eton Square

Litter and people drinking is spoiling the area

- Resident of Eton

I live opposite the car park

- Resident Eton Thameside Brocas Street

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

- Parliament View Embankment (visitor)

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

- Resident Emlyns Buildings

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

- Chairman Eton Community Association

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

- Resident Eton Thameside

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

- Resident Brocas Street

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

- Resident Thameside Brocas Street

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

- Resident of Weston's Yard Windsor

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

- Resident of Eton Thameside 15 Brocas Street

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

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

- Resident of Eton Thameside Brocas Street

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

- Resident of Fullbrook Close

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

- Resident of Eton Riverside King Stable Street Eton

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

- Resident of Eton Thameside 15 Brocas Street Eton

No comments

- Southlea Road Datchet (VISITOR)

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

- Resident of Eton Thameside 15 Brocas Street Eton

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

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

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

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

- Resident of Eton Thameside 15 Brocas Street Eton

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

- Resident of Eton Riverside King Stable Street Eton

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

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

No comments

- Weston's yard Eton Windsor

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

- Resident of Eton Thameside 15 Brocas St Eton

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

- Resident of Eton Thameside 15 Brocas Street Eton

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

- Resident of High Street Eton

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

Comments Against

- Resident of Eton High Street Windsor

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

- Resident of Eton SL4 6BB

Heavy litter

- Resident of HIGH STREET ETON SL4

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

- Resident of Emlyns Buildings

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

- Resident of High Street, Eton, Windsor,

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

- Resident of Stonebridge Field Eton SL4 6PS

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

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

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

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

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

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

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

- Eton Town Council

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

- King Stable Street Eton Windsor

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

- Resident of High Street Eton Windsor

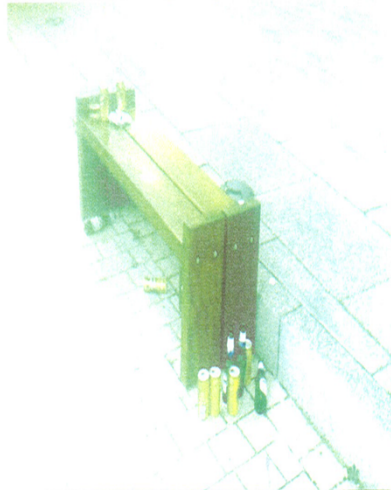
The anti-social behaviour in this area is substantially less than in other parts of Eton. Disturbance on the high street by the bridge cause a far more significant problem to residents and should take a greater share of resource/attention. This is a deeply misguided initiative to serve the interests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

Examples of the type of behaviours affecting the residents of Eton



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

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



PSPO Consultation Response Summary

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

Appendix 3

INTERESTED GROUPS REPRESENTATION

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

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

Eton Thameside PSPO (Gating FP51)

Executive Summary

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

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

A Public Space Protection Order (PSPO)

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

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

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

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

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

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

All properties at Eton Thameside are fully inhabited.

Residents have agreed to meet all costs.

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

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

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

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

This application is subject to planning permission.

Current Problems affecting our neighbourhood / private security trial

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

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

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

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

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

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

Implications

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

Financial

The Residents have agreed to meet all costs.

Planning

This application is 'subject to planning'.

Health and Safety

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

PROPOSAL - Part-Time Closing & Time Locking FP51

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

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

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

Means of Operation

Throughout the proposed closed & locked alley-gate time period, all Eton Thameside residents will have 24hr unrestricted access to their properties. Residents will enter via a discreet key pad with a four digit PIN code or entry fob. Exit will be facilitated via a fail safe visible green exit button. All residents will be given a small training package to familiarise themselves with the new system of entry and exit before going operationally live.

Pinnacle Property Management will be responsible for the maintenance programme and are available 24hrs / 365 days a year. An emergency contact number will be clear and visible.

In the event a member of the public is walking along FP51 just prior to agreed lockable times - the alley-gates should lock; there will be a clear and visible exit button to allow easy public exit.

Emergency services and Eton Town Council will be furnished with the entry pin code.

Alternative Option to Panel

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

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

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

Closed and locked between sunset and sunrise

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

Full clear signage Fail safe exit buttons for the public

Description of area and Crime Survey

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

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

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

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

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

Background Information

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

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

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

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

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

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

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

Further Information

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

Risk Analysis FP51 Eton Thameside

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

ETON COMMUNITY ASSOCIATION



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

5th February 2016

Dear Mr Martin,

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

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

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

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

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

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

Telephone: 01628 796122 **Email:** prow@rbwm.gov.uk
http://[www .rbwm.gov.uk/web/prow _local_access_ forum.htm](http://www.rbwm.gov.uk/web/prow_local_access_forum.htm)

RBWM Local Access Forum Fast Response Team

Consultation response:

Proposed restriction of Eton Footpath 51, Eton Thameside

The Local Access Forum (LAF) Fast Response Team has examined the proposals for the above path and make the following comments on behalf of the forum. Please note the consultation did not detail the level and nature of the anti-social behaviour. The LAF

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

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

1. Extent of the closure

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

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

2. Timing of the closure

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

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

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

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

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

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

If this is not possible then the forum recommends that a fixed time frame of 10pm to 6am, depending on the nature and timing of the problems experienced. If the closure is based on a “dusk until dawn” approach this would need to be carefully defined to ensure that the public and the owners of the property are fully aware of the expectations when the path will be open and closed.

3. Nature of the closure

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

The forum consider that there is a risk that the public would be deterred from using the path if they encounter a closed gate, even if the gate was not locked.

The forum consider that it would be better for the public if the gates are left in an open position during the daytime so that the public are not deterred from using the path. The automatic system proposed should therefore physically open the gates.

4. Design and operation of the gates

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

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

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

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

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www.rbwm.gov.uk/web/prow_local_access_forum.htm lights may also be needed on the gate to warn people when they are about to move.

5. Signage

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

6. Costs

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

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

This letter constitutes formal advice from the Royal Borough of Windsor and Maidenhead Local Access Forum. Local Authorities are required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions

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

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