

Appendix C

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

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

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

1. This draft Order is that proposed to be made by the Royal Borough of Windsor and Maidenhead ('The Council'), pursuant to Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.
2. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Cycling in Specified Pedestrian Areas) Order 2021 and shall come into operation on 2021.
3. The Council is satisfied on reasonable grounds that:

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

And that:

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

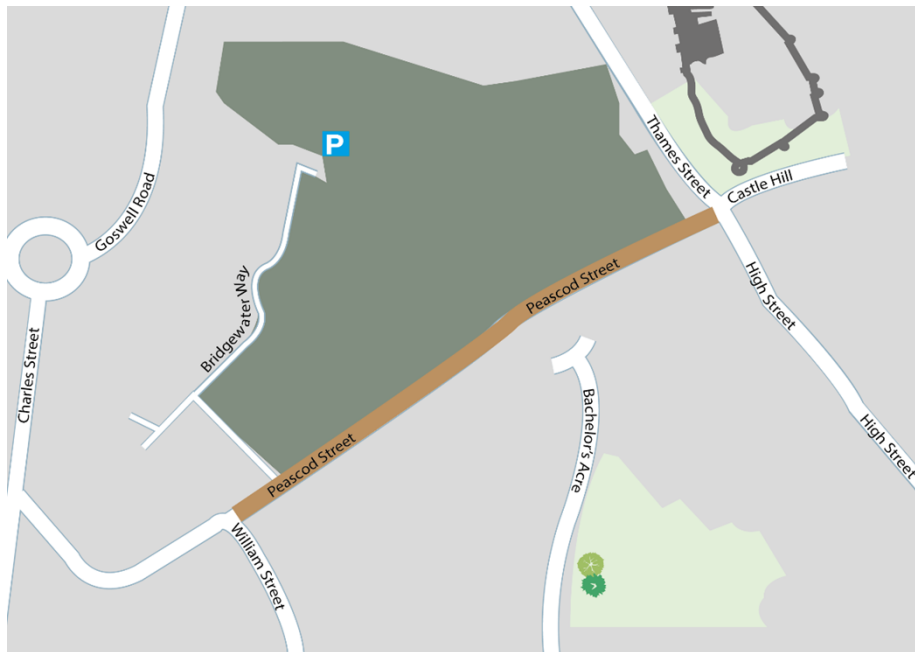
4. The Order is concerned with the following activities:

Cycling in pedestrianised areas of the public highway within Windsor and Maidenhead town centres.
5. The Council is satisfied that the requirements proposed by this draft order are reasonable to impose to prevent the detrimental effect of these activities continuing, occurring, or reoccurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or reoccurrence.
6. The Council has further considered the rights and freedoms set out in Article 10 (Freedom of expression) and Article 11 (Freedom of assembly) of the European Convention on Human Rights, and has concluded that the prohibitions set out in the proposed order do not infringe these rights.
7. If granted, this order shall be in place for a period of 3 years.
8. The proposed prohibitions of this order are:

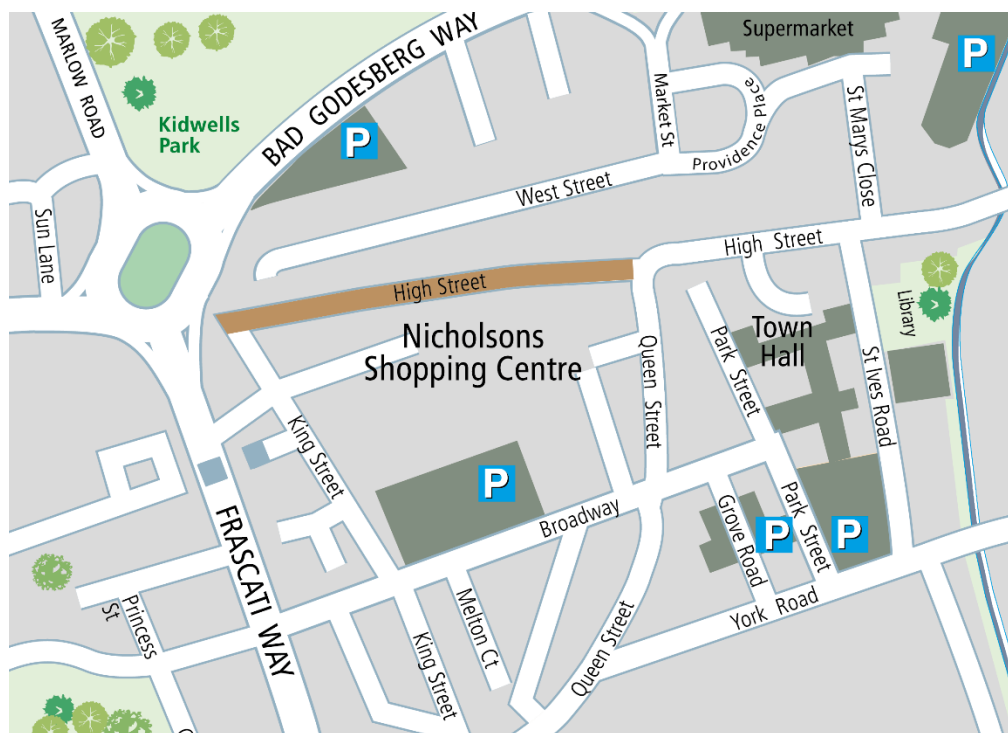
- i) That it be prohibited for any person to cycle on the highway in the restricted areas
- 9. This Order is proposed to apply to the 'restricted areas', namely the list set out in Schedule A, together with the accompanying maps.
- 10. For detail as to exemptions from complying with the terms of this Order, reference is made to Schedule B.
- 11. Further, under S.67 of the Act, any person who, without reasonable excuse, cycles in the restricted areas, in contravention of this Order as detailed at (i) above, shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale or to a fixed penalty notice (as set out below).
- 12. Depending on the circumstances of the failure to comply with this Order, the Authorised Person may decide that a fixed penalty notice would be the most appropriate sanction. This may be issued by an Authorised Person. If a fixed penalty notice is issued, payment would discharge any liability to conviction for the offence. However, if payment due under a fixed penalty notice is not made within the timescale prescribed therein, a prosecution for the offence of failing to comply with this Order may be commenced.
- 13. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

1. SCHEDULE A – [include maps]

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



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



THE COMMON SEAL of the
ROYAL BOROUGH OF WINDSOR
AND MAIDENHEAD

was hereunto affixed

this day of 2021

in the presence of: