

SUBJECT:	<i>Public Spaces Protection Order (PSPO) Dorney Rowing Lake</i>
REPORT OF:	<i>Councillor Patrick Hogan - Cabinet Member for Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
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WARD/S AFFECTED	<i>Burnham, Lent Rise and Taplow</i>

1. Purpose of Report

To propose the introduction of a Public Spaces Protection Order (PSPO) and to consider the responses to the consultation on the proposal.

RECOMMENDATION to Cabinet

- 1. To consider the outcome of the consultation on the proposed PSPO for Dorney Rowing Lake**
- 2. To approve the draft Public Spaces Protection Order and associated map of the 'Restricted Area'**
- 3. To undertake the three yearly review of the Public Spaces Protection Order , and implement any changes as required, through delegated authority.**

2. Executive Summary

Following a high number of incidents of anti-social behaviour at Dorney Rowing Lake, Dorney during the summer of 2019, Thames Valley Police requested that Dorney Rowing Lake be subject to a Public Spaces Protection Order. Eton College, as landowner, has supported this. A draft Order has been consulted upon. The consultation process has been completed and Members are asked to consider the consultation responses (summarised as Appendix 4) and to approve the draft Public Spaces Protection Order, attached as Appendix 3.

3. Reasons for Recommendations

Dorney Rowing Lake is privately owned but is a public place as it is open to the public (during the day time and provided rowing events are not taking place) by express permission of the landowner. In September 2019, Thames Valley Police requested that Dorney Rowing Lake be subject to a Public Spaces Protection Order (PSPO) in order to prevent and control the anti-social behaviour that local residents and other lake users were experiencing as a result of groups of people gathering at the lake during periods of warm weather and causing harassment and alarm to local residents and lake users by their behaviour. A PSPO is an effective tool to manage anti-social behaviour and puts in place certain restrictions which can be enforced either by issuing a Fixed Penalty Notice or by prosecution.

Once introduced, a PSPO has to be reviewed within three years, at which time a PSPO can be extended, varied or discharged. A similar consultation process has to be undertaken at that

time. For effective administration, it is recommended that if there are no changes as to the extent and nature of the PSPO and it is still considered appropriate for it to remain in effect; or for it to be discharged following the review and consultation carried out within the three years, that the PSPO is extended or discharged, as appropriate, through delegated authority. In other circumstances approval will be sought from Cabinet.

4. Content of Report

Public Spaces Protection Orders (PSPOs) are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

For a Public Spaces Protection Order to be introduced to deal with particular behaviour, the behaviour being restricted has to meet a test which is designed to be broad and focused on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

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

When assessing what is 'unreasonable' activity, local authorities need to balance the rights of the community to enjoy public spaces without experiencing anti-social behaviour with the human rights of individuals and groups who may be affected by any restrictions imposed. Therefore, local authorities must have regard to the freedoms guaranteed under the Human Rights Act 1998 in terms of freedom of expression and freedom of assembly and association. An Equality Impact Assessment has been undertaken **[Appendix 1]**. Members will note that a negative effect has been identified on the basis of age and race. Whilst the majority of complaints received relate to youths gathering at the lake and causing anti-social behaviour and one report concerned behaviour by people from the travelling community, the PSPO is not targeted at either young people or those sharing a protected characteristic, but the anti-social behaviour that is being demonstrated. However, it is recognised that there is an unintentional impact on young people and potentially upon a group with a protected characteristic, but this adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, and its prevention will be to the benefit of the safety and well-being of all members of the public enjoying the public space.

In September 2019, a request was received from Thames Valley Police for a new PSPO which placed restrictions on people and vehicle misuse at Dorney Rowing Lake, Dorney. This was as a consequence of significant reports of anti-social behaviour to the police from local residents, Eton College (the land owner) and other lake users. Evidence has been submitted in the form of police reports of anti-social behaviour from individuals and reports from Eton College. **[Appendix 2]**.

Thames Valley Police sought the following restrictions:

- No littering
- No swimming in the lake
- To surrender alcohol on request
- No noise nuisance
- No Anti-Social Behaviour to included abusive, intimidating and alarming behaviour
- Zero tolerance on the mis-use of drugs

In the following areas:

- Dorney Lake
- Court Lane, Dorney.
- Court Lane, Dorney (inclusive) to the junction of Lake End Road
- Within the boundary of Lake End Road to within the Boundary of Dorney Common.
- Marsh Lane Dorney (inclusive) to the junction of Court Lane, Dorney (Inclusive)
- Marsh Lane Dorney (inclusive) to the junction of Harcourt Road (inclusive).
- Harcourt Road (inclusive) to the junction of Dorney Reach Road (inclusive)
- Authority to run along the Chiltern and South Bucks side of the River Thames from Harcourt Road to Eton and Dorney Rowing Club/College.
- Authority to run from the Eton and Dorney Rowing Club to Lock Path from Lock Path to within boundaries of Boveney Road.
- Within boundaries of Boveney Road to Common Road
- Within the boundaries of Common Road to Lake End Road.

Whilst it is recognised that some of the reported incidents are criminal in nature and subject to direct police action, some of the issues are clearly anti-social and could be dealt with through the use of a PSPO. On the basis of the evidence provided a draft PSPO was produced together with a map of the area to be covered by the proposed Public Spaces Protection Order (to form the appendix to the PSPO). These are at **Appendix 3**.

5. Consultation

Local authorities are obliged to consult with the local chief officer of police, the Police and Crime Commissioner, owners or occupiers of land and appropriate community representatives. The county council and town and parish councils must also be notified. Additional requirements apply where public rights of way over a highway are restricted or where the PSPO affects 'common land'.

A consultation was undertaken between 4th November and 13th December 2019. An email was sent containing a link to the consultation web page, inviting opinions on the proposed introduction of the PSPO. The consultation page included the draft PSPO and maps of the affected areas. The email was sent out to Dorney Parish Council, District Councillors, Thames Valley Police, the Police and Crime Commissioner and Eton College. Notices displaying the draft Order and restricted area map were also posted around the lake for the benefit of lake users. A link was also put on the main South Bucks District Council website and the accompanying plan was made available for public inspection.

Responses were received from a range of people including residents living adjacent to the lake, lake users, Thames Valley Police, councillors and Eton College. The responses from the consultation, together with relevant comments are in **Appendix 4**.

All the responses were positive and in support of the proposed PSPO. Some of the responses included requests to include issues that are criminal activities e.g. possession of weapons and Class A drugs and exposure. It is the intention that where there is specific legislation to deal with criminal acts, then the police will take the necessary action. Reference is made within the PSPO to the consumption and possession of psychoactive substances (legal highs) because the offence under the Psychoactive Substances Act 2016 only relates to possession with the intent to supply. Therefore, by including consumption and general possession within the PSPO, there is no need to prove any intent to supply and a contravention can be more easily enforced.

The area of land owned by Eton College and detailed in the Title Deeds for the lake follows the zig zag red line at the North West end of the lake. However, this does not follow the natural boundary of the land nor does it include all of the car park. It is therefore recommended that the Restricted Area not only includes the land within the Title Deed but is also extended up to the natural boundary and to include the whole of the car park, the access road from the junction with Marsh Lane/Court Lane and the footpath from the access road to the River Thames. An amended plan is at **Appendix 5**.

Thames Valley Police initially requested that the PSPO covered a far greater area beyond the boundaries of the lake. However, the evidence suggests that the main issues are within the curtilage of the lake rather than outside. Whilst it is recognised that parking in adjacent roads is of concern to local residents, parking restrictions have been put in place and these would be enforced accordingly under the Highway Act.

The issue of enforcement has been discussed with both the police and Eton College. The penalty for a breach of the restrictions of a PSPO within the Restricted Area is either by the issue of a Fixed Penalty Notice of £100 or prosecution, the maximum fine for which is £1000. A Fixed Penalty Notice can be issued by a police constable, Police Community Support Officer or an authorised person authorised by the local authority. The intention is for the police and college staff to publicise the introduction of the PSPO to lake users, to have an increased presence at the lake in the run up to the summer months and to take a robust approach to anti-social behaviour. The issuing of Fixed Penalty Notices will be administered by the local authority and be based on the receipt of suitable evidence from officers of Thames Valley Police and Eton College staff. Training on the content of the PSPO and the level of evidence to be expected will be given to college staff.

6. Options

Following the consultation and the evidence provided, there is overwhelming support for the introduction of a Public Spaces Protection Order for restrictions on vehicle use and individual behaviour to address complaints of anti-social behaviour at Dorney Lake. The initial draft PSPO is unchanged and the 'Restricted Area' slightly increased. The final draft PSPO is appended at **Appendix 5** and incorporates the outcome of the consultation and takes account of legal advice.

7. Corporate Implications

7.1 Financial: There are financial implications in setting up the PSPO, not expected to exceed £2,000 depending on the amount of signs required. Signs will have to be

erected in areas with restrictions. Costs will be met from existing resources and Eton College have committed to contributing towards this cost. If FPNs are issued, then there may be a small amount of income received.

- 7.2 Legal: The legal requirements for the introduction of a new public spaces protection order have been followed.
- 7.3 Crime and Disorder: The PSPO should deter anti-social behaviour from taking place and will enable the effective control and enforcement of anti-social behaviour.
- 7.4 Environmental Issues: There is likely to be an improvement in terms of anti-social behaviour experienced by local residents and reduced anti-social behaviour within the site itself providing a safer environment for users.
- 7.5 Partnership: An extensive consultation has taken place with relevant parties and amendments made where appropriate.

8. Links to Council Policy Objectives

We will deliver cost effective, customer focused services

Listen to our customers

- Consult with you on key issues and respond to results

We will work towards safe, healthy and cohesive communities

Improve community safety

- Work with partners to reduce crime and antisocial behaviour and to improve community safety

We will strive to conserve the environment and promote sustainability

Promote sustainability

- Promote a healthy, sustainable and safe built environment

9. Next Steps

If approved the Public Spaces Protection Order will be published on the Council's website and will come into force for an initial three-year period. Signage will be produced advertising the nature of the PSPO and the consequences of breaching it and protocols will be developed between the Council, Eton College and Thames Valley Police in terms of enforcement. It is intended that these measures will be put in place in time for the Easter Bank Holiday weekend.

Anyone who lives in, or regularly works in or visits the area can question the validity of a PSPO by an appeal to the High Court within six weeks of the Order being made.

10. Appendices

Appendix 1 – Equality Impact Assessment

Appendix 2 – Initial evidence of anti-social behaviour incidents submitted by Thames Valley Police and Eton College

Appendix 3 – Draft PSPO and associated map of the 'Restricted Area' (to form the Appendix to the PSPO)

Appendix 4 – Table of consultation responses

Appendix 5 – Proposed Public Spaces Protection Order and associated map of the 'Restricted Area' (to form the Appendix to the PSPO)