



HILLINGDON
LONDON



CABINET

To all Members of the Cabinet:

Date: THURSDAY, 9 JANUARY
2025

Ian Edwards, Leader of the Council
(Chair)

Time: 7.00 PM

Jonathan Bianco, Deputy Leader of the
Council & Cabinet Member for Corporate
Services & Property (Vice-Chair)

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

Martin Goddard, Cabinet Member for
Finance & Transformation

Susan O'Brien, Cabinet Member for
Children, Families & Education

**Meeting
Details:** The public and press are welcome
to attend and observe the meeting.

Jane Palmer, Cabinet Member for Health
& Social Care

For safety and accessibility, security measures will
be conducted, including searches of individuals and
their belongings. Attendees must also provide
satisfactory proof of identity upon arrival. Refusal to
comply with these requirements will result in non-
admittance.

Eddie Lavery, Cabinet Member for
Community & Environment

Steve Tuckwell, Cabinet Member for
Planning, Housing & Growth

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online at www.hillingdon.gov.uk

Published:

Friday 20 December 2024

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Putting our residents first

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

Useful information for residents and visitors

Watching & recording this meeting

You can watch the public part of this meeting on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

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Notice

Notice of meeting and any private business

The London Borough of Hillingdon is a modern, transparent Council and through effective Cabinet governance, it seeks to ensure the decisions it takes are done so in public as far as possible. Much of the business on the agenda for this Cabinet meeting will be open to residents, the wider public and media to attend. However, there will be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. Such business is shown in Part 2 of the agenda and is considered in private. Further information on why this is the case can be sought from Democratic Services.

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to confirm that the Cabinet meeting to be held on:

9 January 2025 at 7pm in Committee Room 6, Civic Centre, Uxbridge

will be held partly in private and that 28 clear days public notice of this meeting has been given. The reason for this is because the private (Part 2) reports listed on the agenda for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. An online and a hard copy notice at the Civic Centre in Uxbridge indicates a number associated with each report with the reason why a particular decision will be taken in private under the categories set out below:

- (1) information relating to any individual
- (2) information which is likely to reveal the identity of an individual
- (3) information relating to the financial or business affairs of any particular person (including the authority holding that information)
- (4) information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Notice of any urgent business

To ensure greater transparency in decision-making, 28 clear days public notice of the decisions to be made both in public and private has been given for these agenda items. Any exceptions to this rule are the urgent business items on the agenda marked *. For such items it was impracticable to give sufficient notice for a variety of business and service reasons. The Chairman of the relevant Select Committee has been notified in writing about such urgent business.

Notice of any representations received

No representations from the public have been received regarding this meeting.

Date notice issued and of agenda publication

20 December 2024
London Borough of Hillingdon

Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters before this meeting
- 3 To approve the minutes of the last Cabinet meeting 1 - 20
- 4 To confirm that the items of business marked Part 1 will be considered in public and that the items of business marked Part 2 in private

Cabinet Reports - Part 1 (Public)

- 5 Proposed Public Spaces Protection Order – Heathrow Area Private Hire Vehicles / Taxi Controls 21 - 76
- 6 Review of Public Spaces Protection Order 2023 77 - 110
- 7 Review of Charging for Social Care and Support Policy 111 - 138
- 8 Risk Management Policy 139 - 154
- 9 Public Preview of Confidential Reports 155 - 158

Cabinet Reports - Part 2 (Private and Not for Publication)

- 10** Smoking Cessation and Rough Sleeping Drug and Alcohol Treatment Services 159 - 166

The reports in Part 2 of this agenda are not for publication because they involve the disclosure of information in accordance with Section 100(A) and Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that they contain exempt information and that the public interest in withholding the information outweighs the public interest in disclosing it.

- 11** Any other items the Chairman agrees are relevant or urgent

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Minutes & Decisions

CABINET

Thursday, 12 December 2024 at 7pm

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



Decisions Published on: 13 December 2024

Decisions come into effect from: 5pm, 20 December 2024 or where otherwise stated

Cabinet Members Present:

Ian Edwards (Chair)
Jonathan Bianco (Vice-Chair)
Martin Goddard
Susan O'Brien
Jane Palmer
Steve Tuckwell

Members also Present:

Peter Curling
Stuart Mathers
June Nelson
Narinder Garg

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Eddie Lavery.

2. DECLARATIONS OF INTEREST IN MATTERS BEFORE THIS MEETING

No interests were declared by Members present.

3. TO APPROVE THE MINUTES OF THE LAST CABINET MEETING

The minutes and decisions of the Cabinet meeting held on 7 November 2024 were agreed as a correct record.

4. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS OF BUSINESS MARKED PART 2 IN PRIVATE

It was confirmed that items of business marked Part 1 would be considered in public and those marked Part 2 in private.

5. SPECIALIST RESOURCE PROVISION FOR PHYSICAL DISABILITIES AT COTEFORD INFANT SCHOOL

RESOLVED:

That the Cabinet:

- 1) In coming to a decision, has regard to the 292 responses and 2 petitions from the consultation in response to the proposed closure;**
- 2) Agrees the closure of the Specialist Resourced Provision for children with Physical Disabilities at Coteford Infant School.**

Reasons for decision

The Cabinet Member for Children, Families & Education introduced the report, asking the Cabinet to consider the proposals to close the physical Disability special resource provision (SRP) at Coteford Infant School. This proposal was put forward due to the falling demand for places at the school, which had itself requested a reduction. It was noted that children with physical disabilities fully attended the mainstream school with individual access arrangements as per their EHCPs. Furthermore, that it was expected that all schools would be fully inclusive of children with physical disabilities, complying with DDA standards.

The Cabinet Member noted that the pupils at Coteford Infant School, who had physical disabilities, attended mainstream classes 100% of the time and only left class for specific therapies embedded in their individual EHCP plans. Unlike other schools, Coteford did not have a separate physical space for SRP; all pupils were fully integrated into the classrooms.

The Cabinet Member outlined how the Council had been focusing on SEND education for several years, conducting a sufficiency review and formulating plans for new schools and units. Discussions with Coteford Infants had begun in February 2024, revealing that SRP pupils were already fully integrated with their mainstream peers. The consultation on the proposal started on September 25th and ended on October 25th, garnering significant interest from stakeholders, including two signed petitions and questions at full Council in November.

The proposal had been presented to the Children's, Families and Education Select Committee, whose comments were included in the Cabinet agenda. At that meeting, officers had assured that any proposed closure of the SRP would not impact the support provided to children with EHCPs and that the school would continue to receive the same level of funding for these pupils. The Cabinet Member emphasised that funding followed the child, determined by their EHCP, rather than the school.

The Cabinet Member praised Coteford Infant School as a shining example of successful integration of children with special educational needs into a mainstream setting. The Leader of the Council also acknowledged residents' concerns but emphasised that the vision in the Hillingdon local area SEND and alternative provision strategy aimed to spread Coteford's best practice to other schools,

ensuring all schools were inclusive and children attending could form local connections.

Following all due consideration of the consultation and the petitions received, the Cabinet agreed to the closure of the Special Resource Provision at Coteford Infants School at the end of the academic year 2024/25.

Alternative options considered and rejected

Cabinet could have decided to keep the SRP open, but considered this not suitable due to lack of demand and the expectation that mainstream schools should meet the needs of children with Physical Disabilities. Cabinet could have also decided to change the type of SRP, but noted that the school declined the offer due to lack of space and preference against alternate specialist provision on site.

Relevant Select Committee	Children, Families & Education Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet’s decisions can then be implemented.
Officer(s) to action	Abi Preston – Director of Education & SEND
Directorate	Children’s Services
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

6. HILLINGDON EDUCATION STRATEGY 2024-29

RESOLVED:

That the Cabinet approve the Education Strategy 2024-29.

Reasons for decision

The Cabinet Member for Children, Families & Education introduced a report on the Council’s new education strategy, outlining the main priorities for the education team for maintained and Academy schools, early years, and further education providers in Hillingdon for the next five years. It was noted that the vision was for all young people to prepare for adult life while being educated. The three priorities were: ensuring high-quality, supportive, and inclusive learning for every child and young person; preparing children for adulthood; and addressing key issues that put some children at risk of educational underachievement.

The Cabinet Member noted that the strategy process had begun in 2022, with officers working through turbulent years and new challenges, and being a five-year plan, aimed at long-term goals. It was reviewed by the Children's Family and Education Select Committee in November 2024, with comments included in the Cabinet papers.

The Cabinet Member thanked Abi Preston, her team, and Michael Hawkins for their contributions. The Leader of the Council also expressed gratitude to the officers and acknowledged the Chief Executive's role passing on the feedback.

Cabinet agreed the Council's Education Strategy

Alternative options considered and rejected

None.

Relevant Select Committee	Children, Families & Education Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.
Officer(s) to action	Abi Preston / Michael Hawkins, Children's Services, Education & SEND
Directorate	Children's Services
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

7. EXTENDING THE AGE RANGE OF THE ASSESSMENT BASE AT RUISLIP GARDENS PRIMARY SCHOOL

RESOLVED:

That the Cabinet:

1. Have regard to the 12 responses from the consultation;
2. Agree the proposal to expand the current age range of the Specialist Assessment Base for 3-5 years olds at Ruislip Gardens Primary School to include 2-year-olds when appropriate and necessary in exceptional circumstances.

Reasons for decision

The Cabinet Member for Children, Families & Education introduced a report to consider the outcome of the consultation regarding extending the age range of the specialist assessment base at Ruislip Gardens Primary School. This proposal was due to the increasing number of children with special educational needs and the progression to educational healthcare plans. Early identification would allow the Council to place children in the appropriate school settings early in their educational journey and gauge demand.

The Cabinet Member advised that the base was currently available to three to five-year-olds at Ruislip Gardens Primary School, and the proposal sought to expand the

age range to include two-year-olds in exceptional circumstances. The consultation had run during September and October of this year, inviting stakeholders to participate. Cabinet considered the consultation and agreed the proposal.

Alternative options considered / risk management

None.

Relevant Select Committee	Children, Families & Education Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet’s decisions can then be implemented.
Officer(s) to action	Abi Preston – Director of Education & SEND
Directorate	Children’s Services
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

8. PROPOSAL TO LOWER THE AGE RANGE AT THREE COMMUNITY SCHOOLS: COLHAM MANOR PRIMARY SCHOOL, FIELD END INFANT SCHOOL AND MINET INFANT AND NURSERY SCHOOL

RESOLVED:

That the Cabinet consider the consultation responses and agree:

- 1) That the age range of Colham Manor Primary School may be lowered from 3-11 years to 2-11years;**
- 2) That the age range of Field End Infant School may be changed from 3- 7 years to 2-7 years; and**
- 3) That the age range of Minet Infant and Nursery School may be changed from 3-7 years to 2-7years.**

Reasons for decision

The Cabinet Member for Children, Families & Education introduced a report to consider the outcome of the consultation with regards to lowering the age range for three schools. Column Manor, Field End infants and Minet Infants and Nursery schools. It was noted that in April 2024, the Government had expanded the early years entitlements with an aim to support families and parents to return to work if they needed or wanted to. The proposed offer was to enhance the parental choice as the schools provided a different model compared with current childcare providers. Cabinet considered the consultation responses and agreed the proposal.

Alternative options considered / risk management

Cabinet noted that if the school's age range was not lowered, eligible two-year-olds could struggle to secure childcare, and the Council could fail to meet its statutory duty.

Relevant Select Committee	Children, Families & Education Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.
Officer(s) to action	Philip Ryan, Adult Social Care and Health / Abi Preston, Director of Education & SEND
Directorate	Adult Social Care & Health
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

9. CONSIDERATION OF SETTING A LICENSED DEFICIT BUDGET IN 2024/25 FOR CERTAIN SCHOOLS IN THE BOROUGH

RESOLVED:

That the Cabinet approves the application for a licensed deficit for the schools outlined within this report.

Reasons for Recommendation

The Cabinet Member for Children, Families & Education introduced a report on setting a licence deficit budget for certain schools in the Borough. It was explained that maintained schools had a duty to provide a balanced budget, but in exceptional circumstances, a school may end up with a deficit budget. In such cases, the school, with the agreement of the Governors, must notify the local authority to request a licence deficit budget, allowing the school to function and reposition itself for the future.

The Cabinet Member advised that this year, the number of schools posting a deficit had increased from five to six for the 2024-2025 period. Finance officers and education advisors continued to meet with these schools to monitor, support, review, and work on financial plans. Some schools had struggled to achieve a balanced budget due to under-subscription of pupil numbers or the need for guidance in rebalancing expenditure.

The Leader of the Council thanked the Cabinet Member for compiling this and the previous education related reports and appreciated the additional effort by the staff. The recommendations were agreed upon.

Alternative options considered / risk management

None, as a Licensed Deficit was required for schools proposing to set an in-year deficit.

Relevant Select Committee	Children, Families & Education Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.
Officer(s) to action	Andrew Good
Directorate	Finance
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

10. STATEMENT OF GAMBLING POLICY

RESOLVED:

That Cabinet, following consideration of the consultation responses, recommends to Full Council the adoption of the updated Statement of Gambling Policy.

Reasons for decision

In the absence of the Cabinet Member, the Leader of the Council introduced a report on the Council's Statement of Gambling Policy. The Leader noted that the Council was obliged to publish the Statement of Gambling Policy, which had been subject to renewal and refreshing. With those changes incorporated, Cabinet agreed the proposal to recommend it to full Council for adoption.

Alternative options considered / risk management

None, as an updated Policy was required to be adopted to meet the Council's statutory obligations.

Relevant Select Committee	Residents' Services Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter cannot be called in and is now referred to the Full Council for final determination.
Officer(s) to action	Daniel Ferrer, Licensing Team Manager
Directorate	Homes & Communities
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

11. OLDER PEOPLE'S PLAN UPDATE

RESOLVEDL

That the Cabinet notes the activities underway across services and with partners to support older people in Hillingdon.

Reasons for decision

The Cabinet Member for Health & Social Care introduced a report on the Older People's Plan, detailing developments in services for older residents. It was explained that the services mentioned were covered through the existing budget setting process, with no additional costs arising and that the report served to reaffirm the Council's commitment to supporting older residents.

In response to national cuts in winter fuel payments, the Cabinet Member detailed how the Council had introduced three new initiatives using the Household Support Fund to support pensioners. Details were available on the Council's website, and assistance was provided for navigating the online application. The fund was also used to provide food and meals through the support service, and warm welcome centres offered free hot drinks and a nominated health champion to signpost other services.

The Cabinet Member then noted the exemplary falls prevention partnership, which had been formed in January, including partners from public health, CNWL, Age UK, Hillingdon and adult social care. Brunel University had evaluated the programme, with 74% of respondents reporting improved balance and 80% reporting better control over falls. It was also noted that Age UK had secured £1.7 million for older residents and conducted face-to-face appointments with 1,544 residents through the befriending service, significantly improving their mental health.

The Cabinet Member thanked the Health and Social Care Select Committee for their comments. Cabinet noted the report.

Alternative options considered / risk management

None.

Relevant Select Committee	Health & Social Care Select Committee
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter cannot be called in – as noting only.
Officer(s) to action	John Wheatley
Directorate	Corporate Services
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

12. 2025/26 BUDGET AND FUTURE MEDIUM-TERM FINANCIAL STRATEGY

RESOLVED:

That the Cabinet:

- 1) Approve the draft General Fund and Housing Revenue Account budgets and Capital Programme proposals for 2025/26 (as detailed in Appendices A and B) and beyond as the basis for consultation with Select Committees and other stakeholders subject to incorporating changes set out on the addendum sheet;**
- 2) Approve the proposed amendments to fees and charges to take effect in 2025/26 included in Appendix C, as the basis for consultation with Select Committees and other stakeholders subject to incorporating changes set out on the addendum sheet;**
- 3) Request the comments of individual Select Committees on the draft budget proposals relating to their areas of responsibility;**
- 4) Note that the Provisional Local Government Finance Settlement is awaited from HM Government and the output from these will be factored into the final 2025/26 budget proposals to be considered by Cabinet in February 2025;**
- 5) Authorise the Corporate Director of Finance, in consultation with the Cabinet Member for Finance & Transformation, to respond on behalf of the Council to the consultation on the provisional Local Government Finance Settlement and to the Mayor of London's budget consultation;**
- 6) Authorise the Chief Executive, in consultation with the Corporate Director of Finance and the Chief Operating Officer, the Leader of the Council and Cabinet Member for Finance and Transformation to develop specific savings proposals to meet (as a minimum) the savings currently identified as Target Operating Model savings;**
- 7) Note the significant risks associated with this budget strategy in relation to the forecast level of reserves as set out in this report; and**
- 8) Note the budget monitoring position and treasury management update as at October 2024 (Month 7), noting the actions proposed by officers as outlined in Section 3 of this report.**
- 9) Delegate authority to the Cabinet Member for Finance and Transformation (in consultation with the Corporate Director of Finance) to approve the purchase of grounds maintenance equipment to be funded from this year's budgeted capital contingency.**
- 10) Approve the revision to the Council's leisure Fees & Charges for 2024/25 as set out in Appendix C on the addendum effective from 1 December 2024.**
- 11) Approve the revision to the Council's Filming Fees & Charges for 2024/25 as set out in Appendix D on the addendum effective from 1 January 2025.**

Reasons for decision

The Cabinet Member for Finance and Transformation introduced a report on the Cabinet's budget proposals for 2025/26 for consultation and provided an update on

the latest budget monitoring position. The report addressed the financial budget for the upcoming financial year 2025/26 and outlined the medium-term financial strategy for a five-year period. This report was to be submitted for public consultation and to select committees for their comments, subject to Cabinet approval.

The Cabinet Member highlighted the challenges in formulating the budget due to several factors, including a 70% decrease in central government funding since 2011, population growth in Hillingdon exceeding the national average without corresponding funding increases, and static levels of business rates income. The Chancellor's autumn budget statement had added further pressure with announced increases in employers' National Insurance and the national minimum wage, which were expected to increase costs for outsourced contracts. Legacy inflation and sustained higher interest rates continued to depress economic confidence, leading to increased demand for frontline services, particularly in social care, housing, homelessness, and asylum seekers.

The Cabinet Member noted that the provisional local government finance settlement for 2025/26 had not yet been received, creating uncertainty regarding government grant funding, business rates, and the details of the autumn budget statement. It was reported that budget overspends among councils in England were expected to amount to £6.2 billion over the next two financial years, with many authorities seeking exceptional financial support from central government.

Regarding the budget monitoring position for month 7, the Cabinet Member advised that this had indicated a further overspend of £2 million, bringing the total overspend for the 2024/25 financial year to £8.9 million and a fuller analysis would be provided at a future Cabinet meeting.

For the next year's budget and the forecast for the following four years, the Cabinet Member explained that it was necessary to create a strategy to absorb cost pressures while rebuilding reserves. Two viable options were considered: increasing income or reducing expenditure. Given the stagnation of government grant and business rates income, the only material driver for income was Council Tax. However, any proposals for a substantial increase in Council tax were not proposed, because of the Council's policy of low taxation. Instead, a fundamental remodelling of the Council's operating model was selected, aiming to deliver £25 million worth of savings across the term of the medium-term financial strategy (MTFS). The proposals, therefore, included a 2.99% increase in core Council Tax and a 2% increase in the social care precept for 2025/26, while maintaining one of the lowest levels of Council tax in London. Fees and charges were proposed to be increased by 5% to catch up on underlying delivery costs, keeping them modest compared to neighbouring authorities.

The Cabinet Member explained that the budget forecast was cautious regarding changes in government grant funding and business rates. Inflation was expected to add significantly to the Council's cost base, with demand-led growth, primarily in waste, adult social care, homeless prevention, special education needs, transport, and looked-after children.

It was noted that the proposed savings programme, comprising outputs from zero-based budgeting and the reform of the target operating model, was expected to yield £65.2 million across the five-year term. Proposed capital expenditure programme amounted to £342 million across the five-year term. Regarding the housing revenue account, the Cabinet Member advised that rents were proposed to be increased by 2.7%. Furthermore, that proposed capital expenditure on the housing stock was set at £745 million across the five-year term.

The Cabinet Member moved an addendum with some minor changes to the report, along with updated fees and charges for consideration as part of the public consultation, along with in-year charges to be agreed by Cabinet that evening on film local services and leisure services.

For full transparency, the Leader of the Council emphasised that whilst fees and charges were generally proposed to be uplifted by 5%, parking fees and charges were proposed to be raised above that level, yet that despite that proposed increase, the parking charge per hour would remain lower than in neighbouring boroughs, keeping the rates competitive in London.

Cabinet considered the Council’s proposed budget for 2025/26, including Council Tax, housing rents, and fees and charges and agreed for the proposals to be issued for consultation, before returning in February for final consideration and determination by the Full Council. Cabinet agreed other matters in relation to the Council’s in-year budget.

Alternative options considered / risk management

The Cabinet could have decided to vary the proposals set out in the report.

Relevant Select Committee	
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	Cabinet’s decisions in relation to the proposed 2025/26 consultation budget CANNOT be called-in and are referred immediately for consultation purposes.
Officer(s) to action	Other decisions can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet’s decisions can then be implemented. Richard Ennis / Andy Goodwin
Directorate	Finance
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

13. INFRASTRUCTURE FUNDING STATEMENT 2023/24

RESOLVED:

That the Cabinet:

- 1) Notes the contents of the Infrastructure Funding Statement (IFS) 2023/24.
- 2) Agrees that the IFS can be published on Hillingdon's website by 31st December 2024.
- 3) Delegates any minor amendments prior to publication to the IFS to the Director of Planning and Sustainable Growth, in consultation with the Cabinet Member for Planning, Housing and Growth.

Reasons for recommendation(s)

The Cabinet Member for Planning, Housing & Growth introduced a report on the Council's Infrastructure Funding Statement for the financial year 2023-2024. It was noted that this Statement was required under regulations to demonstrate transparency and accountability in the use of developer contributions, and how these funds were effectively used to support sustainable growth and improve the lives of residents.

It was noted that the report had been recently reviewed by the Residents' Services Select Committee, whose comments and insights were greatly appreciated. Following their feedback, key areas for improvement included enhancing transparency, implementing new RT systems, and ensuring future funding was utilised as efficiently as possible.

The Cabinet Member commented on some of the highlights from the report which included significant sums being allocated to projects such as the new Platinum Jubilee Leisure Centre in West Drayton and various community infrastructure initiatives through the Chrysalis Fund. The Council had also spent £1.3 million on projects including affordable housing, air quality improvements, local park enhancements, community enhancements, and investments in apprenticeships, training, and skills development in the construction sector. It was noted that the largest single contribution was £3 million towards the Council's Section 106 Carbon Offset Fund from a new data centre under construction in Hayes. Cabinet agreed the recommendations in the report.

Alternative options considered / risk management

None.

Relevant Select Committee	Residents' Services Select Committee
Expiry date for any scrutiny call-in / date decision can be	This matter can be called in by the relevant select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.

implemented (if no call-in) Officer(s) to action	Mathieu Roger – Head of Strategic Planning and Regeneration
Directorate Classification	Place Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

14. PUBLIC PREVIEW OF CONFIDENTIAL REPORTS

RESOLVED:

That Cabinet note the reports to be considered later in private and Part 2 of the Cabinet agenda and comment on them as appropriate for public information purposes.

Reasons for decision

The Leader of the Council introduced the report which provided a public summary of the matters to be discussed in the private part of the Cabinet meeting later, increasing the Council's transparency.

Alternative options considered and rejected

These were set out in the public Cabinet report.

Relevant Select Committee	
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	This matter is not for call-in, as noting only.
Officer(s) to action	Mark Braddock
Directorate	Corporate Services
Classification	Public - <i>The report and any background papers relating to this decision by the Cabinet are available to view on the Council's website or by visiting the Civic Centre, Uxbridge.</i>

15. UPDATE AND LEASING OF THE EARLY YEARS NURSERIES

RESOLVED:

That the Cabinet:

- 1) Notes its decision on 14 September 2023 in relation to the “Hillingdon 0-19 Core Offer to Children Young People and their Families”, and the request for a further report to determine the future provision for the nurseries.**
- 2) Authorises the grant of a 15-year lease at Nestles Avenue, South Ruislip, and Uxbridge Early Years Nurseries, on the terms and conditions as detailed in this Cabinet report regarding the future provision of the nurseries.**
- 3) If the preferred bidder does not complete within the timescale proposed, agrees that officers may, subject to recommendation four, proceed to the next bidder.**
- 4) Delegates all necessary future decisions required regarding the lease to the Corporate Director of Place, in consultation with the Cabinet Member for Corporate Services & Property and the Corporate Director of Adult Social Care & Health.**

Reasons for decision

The Cabinet Member for Corporate Services & Property introduced a report, of which the recommendations were agreed, to the granting of a lease to operate nurseries at three sites, ensuring continued childcare delivery. This move would remove the Council's subsidy on the nurseries and increase capacity, supporting the national expansion of Early Years Entitlements for working parents. This had followed Cabinet's decision in 2023 decision to seek alternative provision for the services.

Alternative options considered and rejected

Cabinet could have decided to continue operating the nurseries as they are or increase nursery fees to cover costs.

Relevant Select Committee	Corporate Resources & Infrastructure
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	Cabinet's decisions on this matter can be called in by a majority of the select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.
Officer(s) to action	James Raven - Director of Property Services Julia Thompson - Development Surveyor
Directorate	Place
Classification	Private - <i>Whilst the Cabinet's decisions above are</i>

always made public, the officer report relating to this matter is not because it was considered in the private part of the meeting and contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it in accordance with Section 100(A) and paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended).

16. IRRECOVERABLE CORPORATE DEBT

RESOLVED:

That Cabinet formally approves writing off £3,096,180.19 in respect of individual irrecoverable Non-domestic Rates debt as set out in the report.

Reasons for decision

The Cabinet Member for Finance & Transformation introduced a report, of which the recommendations were agreed, to write-off individual cases of non-domestic debt over £50k which were deemed irrecoverable, either through no possibility of recovering the debts or uneconomical to undertake further action.

Alternative options considered and rejected

Alternative options for the site were considered by Cabinet, as set out in the confidential report.

Relevant Select Committee	Corporate Resources & Infrastructure
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	Cabinet's decisions on this matter can be called in by a majority of the select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.
Officer(s) to action	Tiffany Boreham, Head of Revenues and Benefits
Directorate	Finance
Classification	Private - <i>Whilst the Cabinet's decisions above are always made public, the officer report relating to this matter is not because it was considered in the private part of the meeting and contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it in accordance with Section 100(A) and paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended).</i>

17. INCREASING CAPACITY OF NURSING CARE BEDS IN THE BOROUGH

RESOLVED:

That the Cabinet:

- 1) Noting the projected savings that the Council may achieve, gives approval to the establishment of a Special Purpose Vehicle (SPV) to be owned by the Council and to the acquisition of the Care Home as set out in the report to be operated by the SPV and instructs officers to:
 - a. Complete all necessary due diligence in respect of the acquisition to ensure that the Council complies with all legal, regulatory and commercial requirements for the purchase and operation of the care home and to:**
 - b. Complete a detailed Business Case for the establishment of the SPV to support the acquisition and operation of the Care Home (and such other future opportunities for business as are considered appropriate) in accordance with Article 2 of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009.****
- 2) On completion of the above, agrees to delegate authority to the Leader of the Council, in consultation with the Cabinet Members for Health & Social Care and Corporate Services & Property and on the advice of the Corporate Director for Finance and the Corporate Director of Adult Social Care & Health to approve the Business Case if satisfied that the proposed acquisition will enable the Council to achieve best value in accordance with section 3 of the Local Government Act 1999, and to make all necessary decisions in relation to establishing and funding the Special Purchase Vehicle including shareholder designation and the acquisition and operation of the care home.**
- 3) Agree to the appointment of a care home operator on the Council's behalf, and delegates authority for any decision to award an operating contract to the Leader of the Council, in consultation with the Cabinet Member for Health & Social Care and on the advice of the Corporate Director for Finance and the Corporate Director of Adult Social Care & Health.**

Reasons for decision

The Cabinet Member for Corporate Services & Property introduced a report, of which the recommendations were agreed, to progress a project to increase the capacity of nursing beds in the Borough and made the necessary property and commercial decisions and delegations to proceed with the project to deliver it.

Alternative options considered and rejected

Alternative options for the site were considered by Cabinet, as set out in the confidential report.

Relevant Select Committee	Health & Social Care
Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)	Cabinet's decisions on this matter can be called in by a majority of the select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.
Officer(s) to action	Jan Major, Adult Social Care & Health
Directorate	Adult Social Care & Health
Classification	Private - <i>Whilst the Cabinet's decisions above are always made public, the officer report relating to this matter is not because it was considered in the private part of the meeting and contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it in accordance with Section 100(A) and paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended).</i>

18. REACTIVE WINDOW & DOOR REPLACEMENT & REPAIRS SERVICE CONTRACT

RESOLVED:

That the Cabinet accept the tender from Mysons Ltd for the provision of the Window and Door Reactive Replacement, Repair and Service Contract to the London Borough of Hillingdon for a period of 5 years with the option for a further 2 years at the total value of £2.5m.

Reasons for decision

The Cabinet Member for Corporate Services & Property introduced a report, of which the recommendations were agreed, for a long-term contract for reactive repairs and planned window and door replacements in Hillingdon's social housing portfolio which would improve the Council's housing stock.

Alternative options considered and rejected

Alternative options for the site were considered by Cabinet, as set out in the confidential report.

Relevant Select Committee	Corporate Resources & Infrastructure Select Committee
Expiry date for any scrutiny call-in / date	Cabinet's decisions on this matter can be called in by a majority of the select committee by 5pm, Friday 20

decision can be implemented (if no call-in) Officer(s) to action Directorate Classification

December 2024. If not called-in, Cabinet's decisions can then be implemented.

Liam Bentley – Operations Manager

Place

Private - *Whilst the Cabinet's decisions above are always made public, the officer report relating to this matter is not because it was considered in the private part of the meeting and contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it in accordance with Section 100(A) and paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended).*

19. RESIDENTIAL PROPERTY ACQUISITION PROGRAMME

RESOLVED:

That Cabinet:

- 1) **Notes the requirement to expedite the acquisition and refurbishment of residential properties for social rented housing within the Housing Revenue Account (HRA), in line with the Council's agreed policy and budget strategy to acquire 500 additional social rented homes over the next three years, with this contract meeting a material element of the strategy.**
- 2) **Agrees that subject to satisfactory performance of the pilot scheme and review of the services delivered (as provided by the Corporate Director of Place to the Leader of the Council and Cabinet portfolio holders concurring with this), along with noting the outcome of the procurement exercise set out in this report, to authorise the Corporate Director of Place to agree a contract award to Madison Brook (Group) Limited for an initial 2-year term with options to extend for a further 1+1+1 years;**
- 3) **Delegates authority to the Corporate Director of Place, in consultation with the Leader of the Council and Cabinet Member for Corporate Services and Property, and Cabinet Member for Planning, Housing and Growth to agree any extension of the Property Acquisition and Refurbishment Service Contract as set out above.**
- 4) **Requests the Corporate Director of Place, in consultation with the Corporate Director of Finance, to develop the governance framework for approval of property purchases or leases under this programme as well as robust budget and contract management, and for the process to be agreed by the Cabinet Members for Corporate Services and Property and Planning, Housing and Growth, prior to commencing this contract.**

- 5) Subject to that framework being agreed by the Cabinet Members, delegates authority to the Corporate Director of Place, in consultation with the Corporate Director of Finance to make the necessary decisions, acting within that governance framework and within their respective remits, including decisions on purchase prices, refurbishment costs and other fees or costs, decisions on due diligence work required on the purchase of property, and release of capital funds within the approved budget.

- 6) Notes that Officers have secured in principle agreement for grant funding from the Greater London Authority (GLA) to support the programme to acquire additional residential properties, as set out in paragraph 10. GLA Grant Funding.

Reasons for decision

The Cabinet Member for Corporate Services & Property introduced a report, of which the recommendations were agreed, to consider a contract for the purchase and refurbishment of Council properties to a lettable standard, subject to the outcome of the pilot project. It was noted that this was in support of the Council's housing objectives. Cabinet also made the necessary delegations to ensure efficient decision-making.

Alternative options considered and rejected

Alternative options for the site were considered by Cabinet, as set out in the confidential report.

Relevant Select Committee	Residents' Services Select Committee
<p>Expiry date for any scrutiny call-in / date decision can be implemented (if no call-in)</p> <p>Officer(s) to action</p> <p>Directorate</p> <p>Classification</p>	<p>Cabinet's decisions on this matter can be called in by a majority of the select committee by 5pm, Friday 20 December 2024. If not called-in, Cabinet's decisions can then be implemented.</p> <p>Craig Spence, Housing Programme Manager</p> <p>Place</p> <p>Private - <i>Whilst the Cabinet's decisions above are always made public, the officer report relating to this matter is not because it was considered in the private part of the meeting and contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it in accordance with Section 100(A) and paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended).</i></p>

20. ANY OTHER ITEMS THE CHAIR AGREES ARE URGENT

No further items were considered by Cabinet.

The meeting closed at 7.38pm

Internal Use only*	Implementation of decisions & scrutiny call-in
When can these decisions be implemented by officers?	<p>Officers can implement Cabinet’s decisions in these minutes only from the expiry of the scrutiny call-in period, unless otherwise stated in the minutes above, which is:</p> <p>5pm, Friday 20 December 2024</p> <p>However, this is subject to the decision not being called in by Councillors on the relevant Select Committee. Upon receipt of a valid call-in request, Democratic Services will immediately advise the relevant officer(s) and the Cabinet decision must then be put on hold.</p>
Councillor scrutiny call-in of these decisions	<p>Councillors on the relevant Select Committee shown in these minutes for the relevant decision made may request to call-in that decision. The call-in request must be before the expiry of the scrutiny call-in period above.</p> <p>Councillors should use the Scrutiny Call-in App (link below) on their devices to initiate any call-in request. Further advice can be sought from Democratic Services if required: Scrutiny Call-In - Power Apps (secure)</p>
Notice	<p>These decisions have been taken under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p> <p>This Cabinet meeting was also broadcast live on the Council’s YouTube channel here for wider resident engagement.</p> <p>Please note that these minutes and decisions are the definitive record of proceedings by the Council of this meeting.</p> <p>If you would like further information about the decisions of the Cabinet, please contact the Council below: democratic@hillington.gov.uk Democratic Services: 01895 250636 Media enquiries: 01895 250403</p>

PROPOSED PUBLIC SPACE PROTECTION ORDER - HEATHROW AREA PRIVATE HIRE VEHICLE / TAXI CONTROLS

Cabinet Member & Portfolio	Cllr Eddie Lavery Cabinet Member for Community & Environment
Responsible Officer	Dan Kennedy - Corporate Director of Homes & Communities
Report Author & Directorate	Stephanie Waterford - Head of Public Protection & Enforcement Homes and Communities Directorate
Papers with report	Appendix 1 – Draft Public Space Protection Order Heathrow Area PHV/Taxi Controls Appendix 2 – Relevant Area Map Appendix 3 – Equalities Impact Assessment Appendix 4 – Consultation Questions Appendix 5 – Consultation responses from HAL & HATF Appendix 6 – Key Issues and Consultation response summary

HEADLINES

Summary	Following Cabinet’s approval of the draft Public Spaces Protection Order (PSPO) for public consultation on 12 September 2024, this report presents the results of the public consultation. The findings from the consultation were strongly in support of the proposals. The report, therefore, makes recommendations for new prohibitions to restrict Taxi/Chauffer/Private Hire Vehicles from waiting in residential streets, to prevent nuisance and to reduce the detriment to the quality of life of local residents.
Putting our Residents First	This report supports our ambition for residents / the Council of: Be / feel safe from harm
Delivering on the Council Strategy 2022-2026	This report supports our commitments to residents of: Safe and Strong Communities
Financial Cost	Enforcement of the PSPO will be covered by the existing on-street enforcement contract arrangements. Existing resources will be redeployed to the affected areas and signage and publicity of the new PSPO will be met from existing resources. Resulting FPN’s will off-set the costs of enforcement. There will be no further cost to the Council in terms of enforcing the PSPO.
Select Committee	Residents’ Services
Ward(s)	Heathrow Villages / West Drayton / Pinkwell

RECOMMENDATIONS

That the Cabinet:

- 1) Considers the public consultation responses and summary information on the draft Public Spaces Protection Order;**
- 2) Has regard to the contents of the Equalities Impact Assessment and;**
- 3) Approves the finalised Public Spaces Protection Order in Appendix 1 for publication and implementation on 1st February 2025.**

Reasons for recommendation(s)

The Council deploys considerable resources to enforce the parking management schemes and anti-social behaviour controls near Heathrow Airport. Despite this, and the work undertaken with partners to deter and provide alternatives to drivers from waiting at the roadside, the Council continues to receive reports which evidence that residents living in the area are continuing to be negatively affected by the behaviours of private hire vehicle (PHV) and taxi drivers who choose to wait at the roadside before collecting passengers at the Airport.

Legal options to provide more effective controls on problematic PHV and taxi driver behaviour in the area have been assessed. Introducing a Public Spaces Protection Order which prohibits taxi and private hire vehicle drivers waiting in the area would provide the Council with new enforcement options which may better deter PHV and taxi drivers from waiting at the roadside near the Airport.

Public consultation on the proposals took place between 20th September and 1st November 2024. A total of 356 responses were received from residents, businesses and students in the affected areas. Official responses were received from Heathrow Airport Ltd and the Heathrow Area Transport Forum. Of those that took part in the survey, 303 responders agreed with or did not object to the view that new prohibitions would help to reduce nuisance, littering and parking problems in the area.

Therefore, it is recommended that the Council approves the introduction of new PSPO Prohibitions in the wards; Pinkwell, West Drayton and Heathrow Villages to take effect from 1st February 2025.

The draft Order is attached as Appendix 1.

The relevant area map is attached as Appendix 2.

Alternative options considered / risk management

Alternative options considered are:

- 1) Do nothing/ continue with the current arrangements.
Given the evidence of continued community impacts arising from PHV and taxi drivers waiting at the roadside near the airport, this option is not recommended.
- 2) Further engage with the PHV and taxi trade to encourage drivers not to park/wait in residential roads which impact on local communities.
It is considered that it is unlikely that the Council could make a significant positive impact on this problem through further engagement with the trade.
- 3) Introduce further legal restrictions on all vehicles waiting in streets near the airport.
There is limited evidence that non-PHV or taxi drivers waiting in local roads is having negative impacts on local residents. Therefore, a restriction on all vehicles entering or waiting in local streets other than when approved is not justified by the evidence and any benefits are outweighed by the negative impacts on local residents.

Democratic compliance / previous authority

Cabinet authority is required to approve public spaces protection orders, noting there are also requirements for statutory consultation on them. Cabinet approved the draft PSPO for public consultation on 12th September 2024.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

Legislative Background

1. The Anti-Social Behaviour Crime and Policing Act 2014 provides the legal framework to implement PSPO's. Orders may be introduced in a specific administrative area where the Council is satisfied that certain conditions have been met. These conditions focus on the behaviours which the Council is seeking to address which:
 - a. Have a detrimental effect or are likely to have a detrimental effect on the quality of life in a locality.
 - b. The effect or likely effect of such behaviours is or is likely to be persistent or continuing or is likely to be unreasonable.
 - c. And, justifies the restrictions being imposed through the enactment of a PSPO.
2. The Home Office published statutory guidance in July 2014 to support the effective use of new powers to tackle anti-social behaviour, introduced through the Anti-Social Behaviour, Crime and Policing Act 2014. The powers introduced by the 2014 Act were deliberately local in nature.

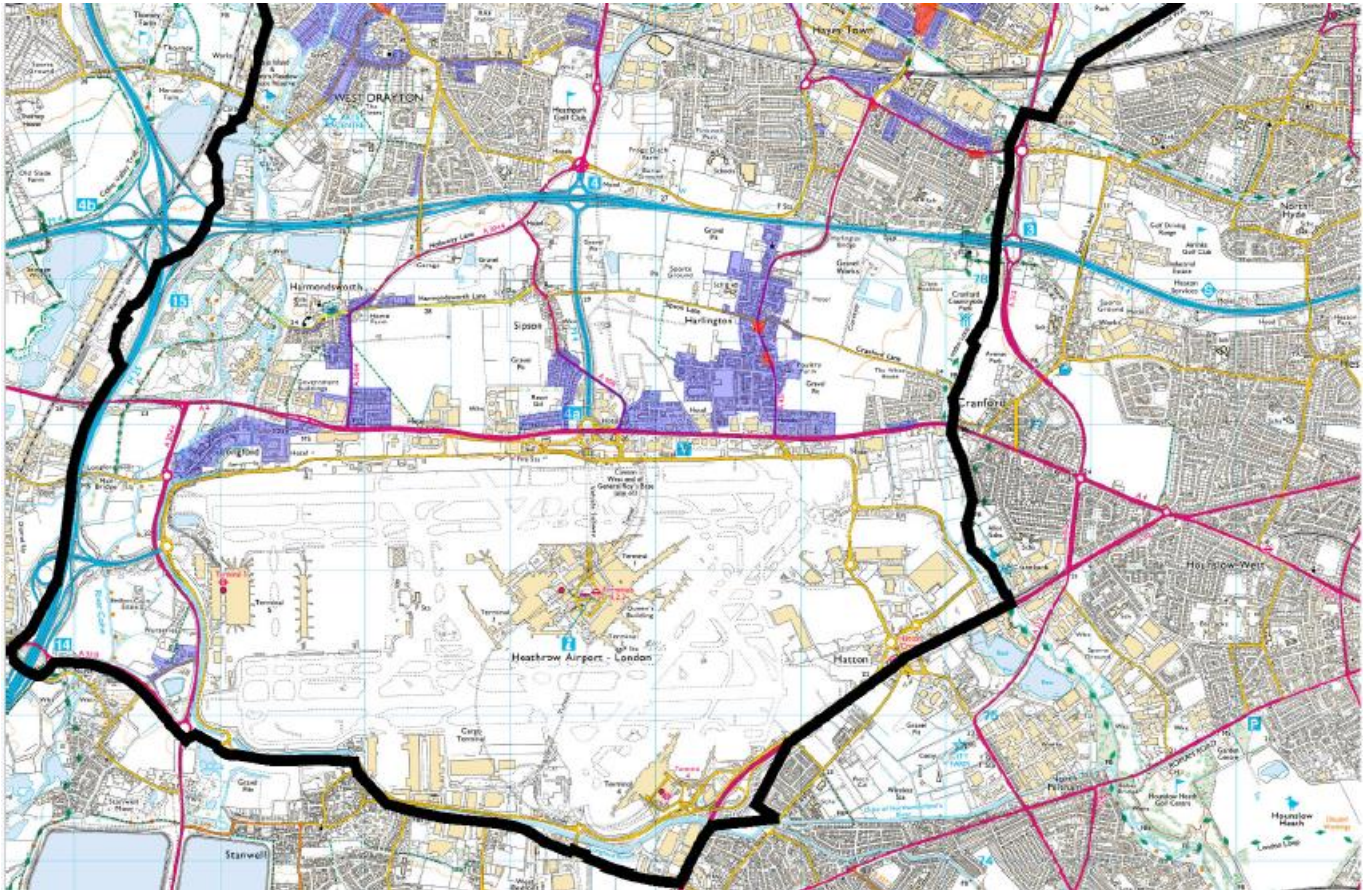
3. As a public authority, the Council needs to ensure that all its strategies, policies, services and functions, both current and proposed, have given proper consideration to human rights, equality, diversity, cohesion and integration. An Equality and Human Rights Impact Assessment (EHRIA) before the introduction of a PSPO can help to inform how best to balance the interest of different parts of the community and provides evidence as to whether or not the restrictions being proposed are justified, as required by section 59 of the 2014 Act. The EHRIA for this proposed new PSPO is attached at Appendix 3.

Purpose

4. Public Spaces Protection Orders (PSPOs) are intended to deal with nuisance or problems that are detrimental to the local community's quality of life and work by imposing conditions on the use of the area; enabling residents and visitors to use and enjoy public spaces, safe from anti-social behaviour. The PSPO provides local authorities with the necessary powers to introduce such restrictions and prohibitions within the designated area, where evidential tests are satisfied.
5. The implementation of the PSPO is to be applied to everyone within the designated area, however, it may have an increased negative impact on particular groups depending on the nature of the prohibitions.
6. Whilst designed to prohibit certain activities, the PSPO is also intended to enable people to feel Hillingdon is a safe and welcoming place for all.
7. A council can implement a PSPO on any public space within its own area. The definition of a public space is wide and may include any place to which the public has access as of right or by permission.
8. Police, council officers and officers authorised by the Council can enforce the conditions of PSPOs and may issue fixed penalty notices for non-compliance. Failure to comply with a PSPO is an offence which could result in a fine of up to £1,000 in a magistrates' court.
9. PSPOs are regularly reviewed in terms of reported breaches and enforcement undertaken and can be discharged/lapse or the conditions can be varied. Discharging a PSPO must be undertaken when the PSPO becomes unnecessary due to the issue that justified the PSPO having ceased.

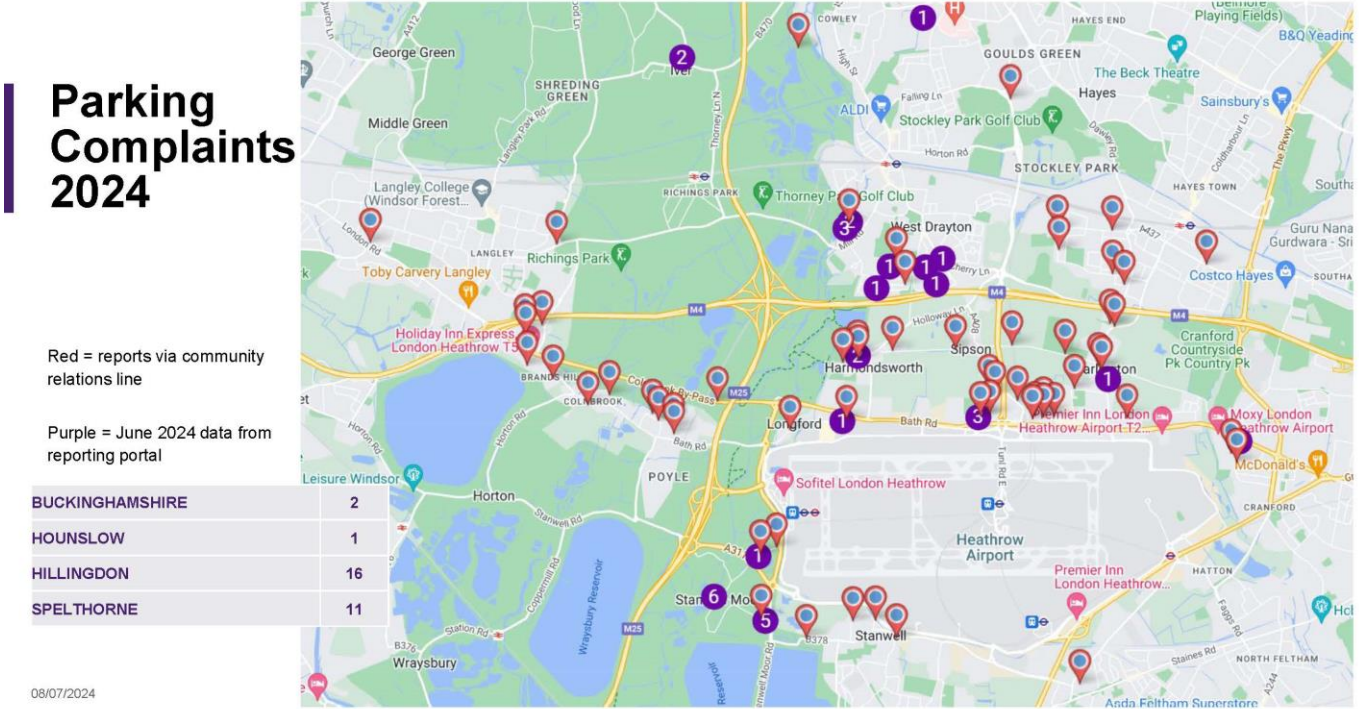
Ongoing concerns which have prompted the proposal for PSPO prohibitions

10. The Council has a range of controls in place which are intended to minimise the impact on local residents from people travelling to the airport. The main measures are Parking Management Schemes and Public Spaces Protection Orders (PSPO's).
11. The Parking Management Schemes (PMS) enable the Council to restrict parking in designated areas to people who are eligible for, and have obtained, the appropriate permit. The PMS close to the airport are shown in purple on the map below (the red areas indicate limited 'stop and shop' permissions apply).



12. Parking controls allow the Council to issue Penalty Charge Notices (PCNs) for parking violations, including parking in a PMS without the appropriate permit. However, for the Council to issue a PCN for contravention of a PMS restriction, by law the contravention must first be observed by a designated Civil Enforcement Officer (CEO) for a minimum of 2 minutes before a PCN can be issued. A PCN cannot be issued when the evidence of the contravention has been obtained by a local resident or a camera. As a result, a driver can choose to wait in vehicle within a PMS until a CEO arrives and then drive away before the PCN has been issued. Consequently, these existing parking restrictions are not proving to be effective in deterring drivers from parking and waiting in the restricted areas before collecting passengers at the airport.
13. Prior to any restrictions being considered, Officers collected data from Parking Services and the Environmental Enforcement Team to establish the severity of the concerns. Data was also sourced from the Heathrow Airport - Ltd Community Engagement Team.
14. The Parking Services data included observations made by Parking CEO's recording instances where PHV/Taxi/Chauffer vehicles were contravening local parking restrictions. Over a period of 7 months, CEO's recorded over 9,600 instances of vehicles contravening parking restrictions, the large majority of which were private hire vehicles. PCN's could not be issued in the majority of these cases since the driver moved away before the observation period had expired. Further evidence of individual resident complaints was also shared.

15. The Environmental Enforcement data showed that over 900 fixed penalty notices had been issued to drivers of PHV's for other PSPO breaches and offences during the same period. These offences included vehicle idling, littering, urination, spitting etc.
16. The Heathrow Airport Community Engagement Team provided a heatmap showing the locations of parking complaints submitted by residents to their community relations line and portal. The data shows complaints submitted throughout June 2024 with the most complaints being received in the Hillingdon area, closely followed by Spelthorne.



15. As Spelthorne have already implemented prohibitions through their PSPO, it is possible that migration into other areas will take place once drivers gain more awareness of the restrictions. Therefore, Hillingdon needs to consider the same prohibitions in its own area so that drivers are treated consistently when collecting passengers from Heathrow.
16. A Public Spaces Protection Order (PSPO) is in force across the whole borough and restricts specified behaviours that negatively impact on local communities or the environment. In addition, the Environmental Protection Act 1990 makes it a criminal offence to throw down, drop or otherwise deposit any litter in a public place which is open to the air. The Council can issue Fixed Penalty Notices for breaches of the PSPO or for littering. Evidence for these contraventions is normally obtained by the Council's contracted Environmental Enforcement Officers who are deployed to the area daily but this evidence can also be obtained from cameras or be provided to the Council by the public. Over the last 12 months, the Council has issued 475 FPN's to PHV drivers in the Heathrow area.

17. The number of FPNs issued each month for littering or contraventions of the PSPO has remained at similar levels despite the high numbers of FPNs issued. As such, the borough-wide PSPO is not effective in preventing anti-social behaviour that is impacting on the community.
18. Therefore, whilst the Council does have controls in place to deal with parking and PSPO contraventions and littering, the data from the CEOs, complaints from local residents and information from Heathrow Airport show that these controls are not preventing residents from being impacted by PHVs and taxis parking and waiting in the area. These reported impacts include the loss of parking amenity to those with permits and anti-social behaviour including littering, noise and public urination and defecation by drivers.

Neighbouring Boroughs and TFL

19. In response to the problem of PHVs and taxis parking and waiting south of the airport in the Stanwell Moor area, Spelthorne Council introduced a PSPO which prohibits PHVs and taxis waiting in that area. This PSPO took effect in late May 2024. Whilst it will take some time to establish how effective this PSPO will be in deterring PHV and taxi drivers from parking in the designated area this could displace the problematic parking in that area to other adjacent areas. One local resident has already reported an increase in PHVs and taxis waiting in their road since the Spelthorne area PSPO was introduced.
20. There has also been a recent increase in reports of Transport for London licensed 'black cabs' waiting in local residential streets. This may be due to the introduction of new booking apps which black cabs can use. Previously, black cab drivers who wished to collect from the airport were required to use a designated queuing area to access the official taxi rank. New apps which enable people to effectively book a taxi for a very short time ahead allow taxis to wait locally for a booking before collecting in the short-term car park.
21. Both these developments are likely to exacerbate the existing problems for residents in Hillingdon if the Council does not consider further controls of its own.

Alternative options for PHV, Taxi and Chauffeur drivers collecting passengers from the airport

22. Heathrow Airport have established an 'Authorised Vehicle Area' specifically for PHV drivers. The area provides parking, refreshment, toilet and prayer facilities and is currently charged at £1 per hour. This provides PHV drivers with an option to wait to collect a passenger at a cost far lower than the opportunities available to private individuals (short-stay parking). This facility has been widely promoted amongst the PHV trade. Licensed Hackney Carriage 'Taxi's' wishing to use Heathrow Taxi Ranks must wait in the Taxi feeder park which provides parking, refreshments, toilets and prayer facilities and is currently charged at £3 and provides access to Heathrow's taxi ranks to pick up passengers at no further cost. Taxi drivers using apps, i.e. Uber, Bolt etc. are more likely to be licensed PHV drivers and therefore could wait in the Authorised Vehicle Area before travelling to the terminal short stay car park pick up zone to collect their passenger(s).

Heathrow Area Transport Forum Special Interest Group (HATFSIG)

23. The HATFSIG is a partnership between organisations established to improve accessibility and increased public transport use to and from the airport. Representatives include community representatives, Heathrow Airport Ltd and, public bodies including local authorities, transport authorities and Police representatives.
24. Through regular meetings with this group, the wider impact of PHV, Chauffer and Taxi travel to and from the airport has been communicated between all parties. Members of this group have been widely supportive of the proposal to introduce restrictions as it is intended to promote the use of the Authorised Vehicle Area (AVA) and encourage responsible behaviour by drivers. Spelthorne BC have already implemented similar controls and other neighbouring boroughs have expressed interest in taking proposals forward through their own channels.

Financial Implications

Implementation of the recommendations in the report, introducing a Public Spaces Protection Order prohibiting Private Hire Vehicles and taxis waiting near Heathrow airport should result in a revenue neutral impact. The cost of the Council's enforcement contractors continues to be funded from income generated via the issue of Fixed Penalty Notices. The income from additional fines from PSPO work in the Heathrow area should offset any additional cost of enforcement.

If the PSPO is effective, it will assist in changing the behaviours of PHV/Taxi drivers. Whilst we currently don't have sight of the impact it will have; it is likely that the number of FPNs being issued in the Heathrow Airport area under the borough-wide PSPO will be driven down because their presence will be prohibited.

The Council currently issues large quantities of FPNs for idling and littering, but if those vehicles are elsewhere (e.g. in the AVA), we will not be able to issue. It may take several months for this to be noticeable in income figures. However, if the EET are no longer using their full capacity around Heathrow Airport, they would be re-tasked to other FPN hot-spots in the Borough (e.g. town centres) where issue rates are higher and yet could still be improved upon.

The anticipated total cost of Environment Enforcement Officers (EEOs) in 2024/25 is £452k, whilst current run rates for forecast income in 2024/25 estimates around £470k will be received this financial year. Any impact on costs and income generated via the issue of fines will be reported as part of the budget monitoring cycle and subsequently considered via the next refresh of the Council's MTFP planning process.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The introduction of a PSPO which is effective in reducing problematic behaviour of PHV and taxi drivers would have significant benefits for residents living near Heathrow Airport. It would reduce the anti-social behaviour that is evidenced by the reports made to us by residents, leading to cleaner streets. It would also release parking spaces for use by local residents which are currently often occupied by PHVs and taxis waiting to collect passengers from the Airport.

Consultation & Engagement carried out (or required)

The legislation requires local authorities to consult with the public and statutory bodies prior to implementing a new PSPO. Consultation on the draft PSPO took place between 20th September and 1st November 2024.

The purpose of the consultation was to explain why it is considered necessary to introduce a PSPO when the existing area is subject to residents parking restrictions and the current borough-wide PSPO covers anti-social behaviour and to seek views on the proposed further restriction. The Council needs to show that additional powers are needed to deal with the problems caused by the drivers.

The consultation asked a series of questions to establish:

- a) How the presence of PHV drivers affects the quality of life in the area: For example do they take up all the parking spaces, create litter, etc.
- b) Are the activities time sensitive or seasonal? Is there any time of the day when their presence is more disruptive - i.e. vehicles waiting late at night / early morning for a fare?
- c) The areas that are used by drivers and whether there has been an increased presence following the recent PSPO by Spelthorne Council.

A full copy of the consultation questions is attached as APPENDIX 4.

Statutory Consultees

Statutory consultees include the Chief Police Officer for the area and the Police & Crime Commissioner for the area. A response was received from the Hillingdon Superintendent to express neutrality on the proposal and to state that the Police had received no direct complaints on the concerns from residents. No response was received from the Police & Crime Commissioner.

Neighbouring boroughs

The following Councils were notified of the consultation:

- Spelthorne BC
- Surrey CC
- Slough
- Buckinghamshire
- LB Hounslow

Spelthorne BC submitted a response via the online survey. The other neighbouring boroughs did not respond in an official capacity however support of the proposal was indicated by their representatives through the Heathrow Area Transport Forum Special Interest Group.

Heathrow

Responses were invited from Heathrow Airport Ltd (HAL), Heathrow Area Transport Forum (HATF) and Council for the Independent Scrutiny of Heathrow Airport (CISHA). Full responses were received from HAL and HATF supporting the proposal.

Comment from HAL –

‘We strongly agree with London Borough of Hillingdon’s proposal for a zone in Heathrow Villages, Pinkwell and West Drayton within which no taxi, PHV or other vehicles not carrying paying passengers will be allowed to park or wait. The introduction of a PSPO aligns with the work of the HATF Parking Special Interest Group and our Taxi and PHV Strategy to reduce impacts of PHVs on local communities. Heathrow supports the proposal in its implementation and remains ready to help including the enforcement to ensure the rollout is of benefit to local residents and the community.’

Comment from HATF –

‘We believe one key output arising from the work of this group has been a new impetus to innovate and increase resources from all stakeholders in order to tackle this issue. As an example, you will be aware that Spelthorne Borough Council has recently introduced a PSPO that has also banned waiting mini- cabs and taxis in neighbourhoods to the south. This came into effect on 28 May 2024 and has already resulted in the issuing of 1052 written warnings and 177 Fixed Penalty Notices. The numbers of taxis and mini-cabs now being found on neighbourhood roads are starting to fall rapidly, suggesting that the introduction of this new prohibition in Hillingdon would indeed help to control this anti-social behaviour.’

The full responses from both organisations are contained in APPENDIX 5.

Trade Bodies and Representatives

The new prohibition will impact PHV, Taxi and Chauffeur drivers. The National Private Hire and Taxi Association (NPHTA) and the British Parking Association were consulted.

Public Consultation Survey

The full survey appeared on the Councils website throughout the consultation period. The survey was promoted through Council social media channels.

A total of 356 responses were received to the structured survey along with three separate responses. Of the 356 survey responses:

- 306 were from residents/on behalf of residents in the affected areas
- 3 from students in the affected areas
- 5 from local businesses in the affected areas
- 6 from community/voluntary representatives in the affected areas
- 22 from PHV/Taxi drivers
- 14 from ‘other’ (including two ‘nil’ responses to this question)

Key Issues Identified from the public consultation survey responses

1. **Parking Problems:**

- **Residential Parking:** Many residents reported that PHV drivers frequently occupy residential parking spaces, making it difficult for residents to find parking near their homes. This is particularly problematic in areas like Sipson Way, Blunts Avenue, and Mondial Way.
- **Blocking Driveways:** There are numerous complaints about PHV drivers blocking driveways, which prevents residents from accessing their properties.

- **Double Yellow Lines:** PHV drivers often park on double yellow lines, creating traffic hazards and obstructing the flow of traffic.
2. **Littering and Waste:**
- **General Littering:** PHV drivers are reported to leave behind food wrappers, drink containers, and other litter, contributing to the overall untidiness of the area.
 - **Urination and Defecation:** A significant number of respondents mentioned that PHV drivers urinate in bottles and leave them on the streets, or urinate and defecate in public areas, including residential gardens and parks.
3. **Noise and Air Pollution:**
- **Engine Idling:** Drivers often leave their engines running while waiting for fares, which contributes to noise and air pollution. This is particularly disturbing during the night and early morning hours.
 - **Loud Conversations:** Drivers talking loudly on their phones or to each other, often with their car windows open, is a common complaint.
4. **Aggressive and Intimidating Behaviour:**
- **Verbal Abuse:** Residents who ask drivers to move their vehicles or address their behaviour often face verbal abuse and aggressive responses.
 - **Intimidation:** The presence of drivers sitting in their cars for extended periods can be intimidating, especially for women and children.
5. **Public Health and Safety:**
- **Public Urination and Defecation:** This behaviour poses a significant public health risk and contributes to the degradation of the local environment.
 - **Obstructing Emergency Services:** Blocked driveways and congested streets can hinder the access of emergency vehicles.

Specific Areas Affected

- **Sipson Way and Blunts Avenue:** These areas are frequently mentioned as hotspots for parking issues, littering, and public urination.
- **Mondial Way:** Known for congestion and parking violations, particularly near the Novotel hotel and McDonald's.
- **Longford Village:** Experiences significant littering, parking issues, and public urination, especially near the Bath Road and McDonald's.
- **Harmondsworth Lane:** Reports of littering, urination, and parking problems, particularly near residential areas and schools.

Summary of consultation responses:

- 316 responders believe that the presence of drivers/vehicles affects the quality of life in the area.
- 237 responders stated that they had been personally affected by detrimental /negative behaviours of drivers.
- 330 responders provided information on the peak times and locations of issues.
- 303 responders agreed positively or in the neutral that the introduction of a new prohibition would help to control this behaviour. Overall, this indicates a strong consensus among the respondents in favour of the prohibition.

Space was provided in the survey for free text responses to enable responders to share their views.

Key resident comments are highlighted below:

- *I have suffered for 12 years having taxi drivers park outside my house, I have been physically and racially assaulted when I have approached them asking them to leave.*
- *They are aggressive when I ask them to move their car so I can park.*
- *Constantly dumping rubbish and leaving bottles of urination. Often rude when asked to move if parked in our own drive!*
- *When I return home I find taxi drivers parked in the permit holders bays and when I ask them I need to park as live here, their reply is I don't care and on many many occasions have become abusive.*
- *They cause disturbance, anti-social behaviour, urinating and throwing rubbish, won't give up space for residents, driving inconsiderate. Completely fed up with them.*
- *It's hard to find parking, they overcrowd and litter our areas, they urinate in public view.*

Some respondents, including PHV drivers themselves, offered a different perspective:

- **Economic Necessity:** PHV drivers are trying to earn a living, and the nature of their work requires them to wait for fares near busy areas like airports.
- **Lack of Facilities:** There is a lack of designated waiting areas and public facilities for drivers, which forces them to use residential streets.
- **Unfair Targeting:** Some drivers feel that they are being unfairly targeted and that not all drivers engage in the negative behaviours reported. They argue that the actions of a few should not lead to blanket restrictions on all PHV drivers.
- **Need for Better Solutions:** Instead of prohibitions, some suggest providing designated parking areas with facilities for drivers, which could alleviate the issues without impacting their ability to work.

Some driver/trade comments are highlighted below:

- *As a licensed London taxi driver who uses Heathrow regularly being tarred with the same brush as private hire is a tactic used by tfl to give us a bad name. This is 100% private hire issue but they have to add our name in for pc reasons.*
- *I often have to wait in the area when a flight has been delayed. I have never indulged in any of the practices described. Why should a section of the community be punished for the behaviour of a few idiots? Isn't collective punishment banned by The Hague Convention of 1899?*
- *Not at all. It doesn't make sense and bad for people who are trying to make a living for themselves and for their families.*

The key issues and consultation response summary report is contained in APPENDIX 6.

Engagement Activity

The following engagement activity was carried out throughout the consultation period:

- Leaflets were produced to provide information on the proposals and contained a QR code with a direct link to the online survey. These were distributed to libraries and businesses in the affected areas.
- Council Officers from the Street Scene Enforcement Team and Parking Services carried out engagement with taxi and PHV drivers in hot spot locations to advise them of the consultation and encourage them to respond. Leaflets were provided.
- The Heathrow Airport Limited Community Engagement Team handed out leaflets and engaged with residents through a door-knocking exercise in the affected areas to encourage responses to the consultation.
- The Councils Environmental Enforcement Team engaged with taxi/PHV drivers regularly throughout their normal patrols in the area. Leaflets were provided.

Enforcement of the new PSPO

The enforcement of the new prohibition will include deployment of officers providing on-street enforcement via foot and vehicle patrols and will include enforcement via fixed, mobile or body-worn CCTV.

The Council has powers to demand details of the registered keeper of vehicles where it suspects offences have been committed so will use these powers to enforce the PSPO prohibition.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the Financial Implications set out above, noting that any additional fines resulting from the implementation of the Public Spaces Protection Order will offset the additional cost of enforcement.

Furthermore, it is noted that the impact of the additional costs and income generated will be monitored as part of the regular budget monitoring process and is part of the wider MTFF budget setting process.

Legal

There is no known legal impediment to the Council making the Private Hire Vehicle and Taxi Public Spaces Protection Order as proposed. Although it has been scrutinised to ensure that it is legally compliant it should be noted that this is a developing area of law. PSPOs can be challenged, and several have been successfully contested.

The Council's powers in relation making PSPOs are derived from section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

Under section 59 of the Act, the Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. The first condition is that:

- a. activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or
- b. it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- a. is, or is likely to be, of a persistent or continuing nature;
- b. is, or is likely to be, such as to make the activities unreasonable; and
- c. justifies the restrictions imposed by the PSPO

The Council can impose conditions only if they are reasonable to:

- a. prevent the detrimental effect from continuing, occurring or recurring; or
- b. reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

The Council must carry out the necessary consultation and the necessary publicity before making a PSPO.

Section 72 of the Act outlines the required consultation and publicity the Council must engage in when creating a PSPO.

Consultation

This includes consulting with:

- a. the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- b. whatever community representatives the Council thinks it appropriate to consult; and
- c. the owner or occupier of land within the restricted area.

The consultation must be fair, adequate and comply with the four Gunning principles:

- a. Consultations must occur while proposals are still at a formative stage.
- b. Sufficient information needs to be supplied for the public to give the consultation 'intelligent consideration'.
- c. There needs to be an adequate time for the consultees to consider the proposal and respond.
- d. Conscientious consideration must be given to the consultation responses before decisions are made.

Publicity

The necessary publicity for creating a new PSPO requires the Council to publicise its proposal. If the decision is made following consultation to make the PSPO, the Council must, in accordance

with regulations 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014:

- a. publish the order as made on its website; and
- b. cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to:
 - i. the fact that the order has been made; and
 - ii. the effect of that order being made.

The decision-maker must ensure, based on verifiable data such as reports, complaints, consultation responses, and other evidence, that the conditions for making a PSPO are met and the PSPO is justified and proportionate under the given circumstances.

The decision-maker must also have regard to the public sector equality duty under section 149 of the Equality Act 2010, and section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 which requires the Council to have particular regard to article 10 (right to freedom of expression) and article 11 (right to freedom of assembly) of the European Convention on Human Rights in deciding whether to make a PSPO.

BACKGROUND PAPERS

- The Antisocial Behaviour, Crime & Policing Act 2014 - [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2014/12)
- [Home Office Guidance for Frontline Professionals – Anti-Social Behaviour Powers June 2022](#)
- [Local Government Association PSPO Guidance for Councils](#)
- [Cabinet report/decision – 12 September 2024](#)

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HILLINGDON
LONDON

Public Spaces Protection Order

Anti-Social Behaviour Crime and Policing Act 2014 s.59

Notice is hereby given that London Borough of Hillingdon ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act"):

1. The land described in the schedule below ("the restricted areas") being land in the area of the Council is land to which the Anti-Social Behaviour Crime and Policing Act 2014 applies and will be protected by the making of this Order.
2. The Order may be cited as the (Private Hire Vehicle and Taxi) Public Spaces Protection Order ("the Order") and came into force on ***** for a duration of 3 years.
3. The effect of the Order is to impose the following conditions on the use of the land:

Conditions in the Order which are prohibitions:

1. A person in charge of a motor vehicle being utilised as a taxi, private hire vehicle, chauffeur vehicle or any other type of vehicle used for hire or reward purposes will be guilty of an offence if they park and/or wait within the restricted area described in the schedule below unless:
 - a. The person in charge of the motor vehicle is either collecting or dropping off a passenger/passengers from within the exclusion area, or;
 - b. The person in charge of the motor vehicle resides within the restricted area, or;
 - c. The business operating the motor vehicle (i.e. Taxi/PHV operator) is based within the restricted area and the offence has taken place within the vicinity of the business premises.

Penalty

A person who fails without reasonable excuse to comply with condition 1 above commits an offence under section 67 of the Act and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

Any authorised officer may issue a fixed penalty notice to anyone he/she has reason to believe has committed an offence under section 67 of the Act in relation to this order.

Schedule of the restricted areas:

Wards – Heathrow Villages, Pinkwell and West Drayton. Map attached.



HILLINGDON

LONDON

General

An authorised officer means a Local Authority Employee, a person designated by the Local Authority, a Police Officer or Police Community Support Officer. The Council is satisfied that the conditions set out in sections 59, 64 & 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this order for the purposes of reducing anti-social behaviour in the restricted areas. The Council makes the order because anti-social behaviour in the restricted areas has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed in this order. If any "interested person" desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

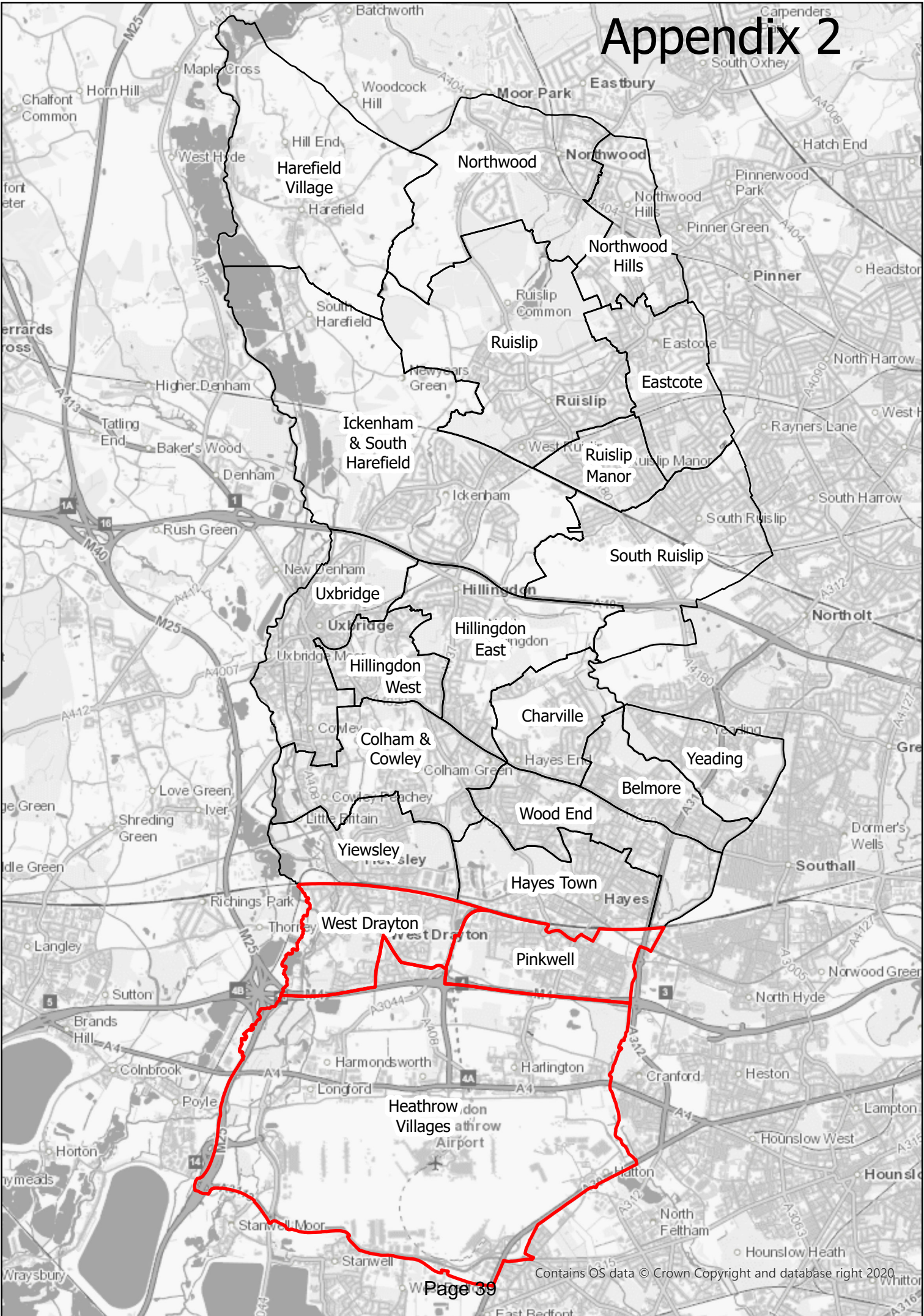
Signed:.....

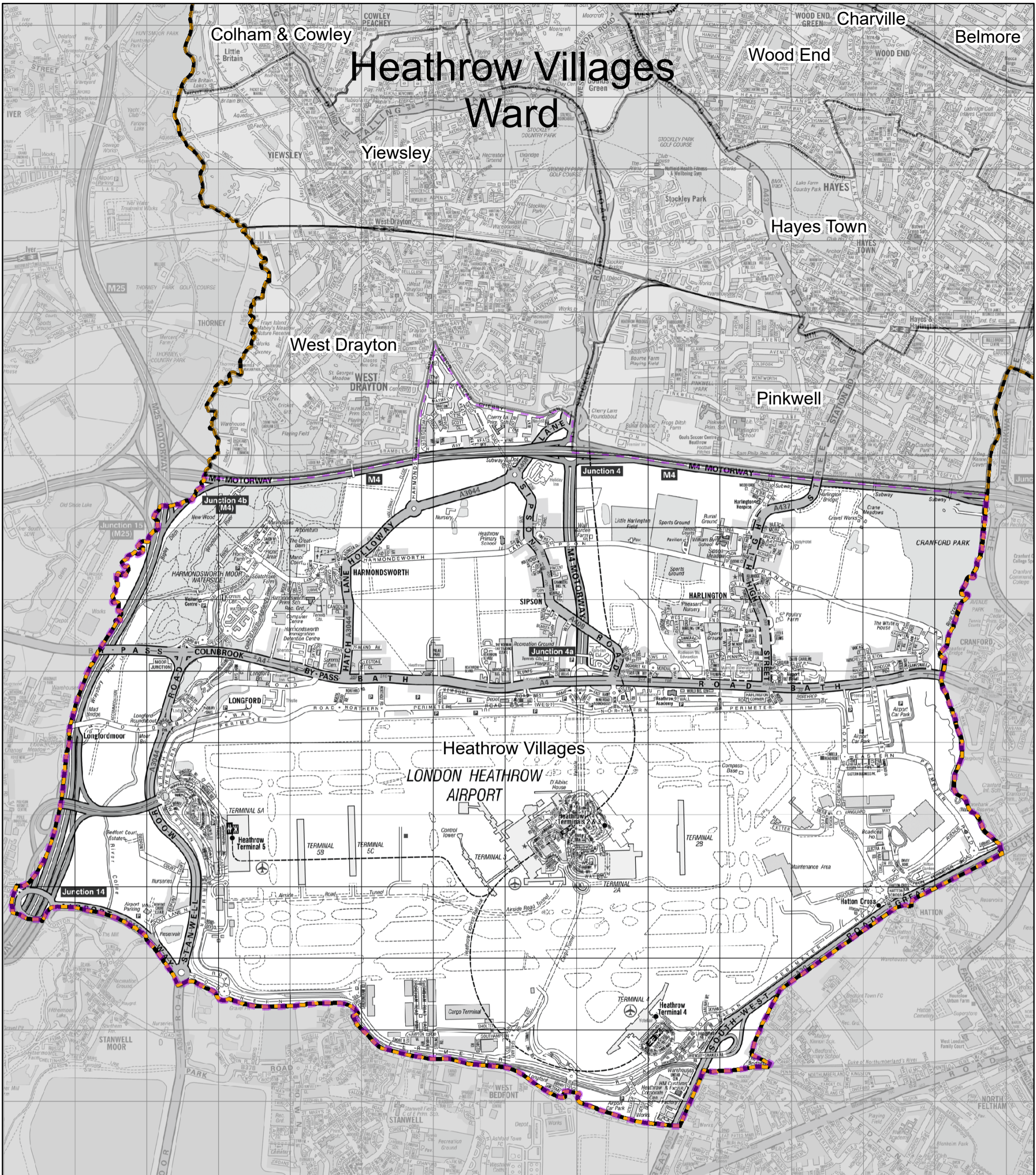
Designation:

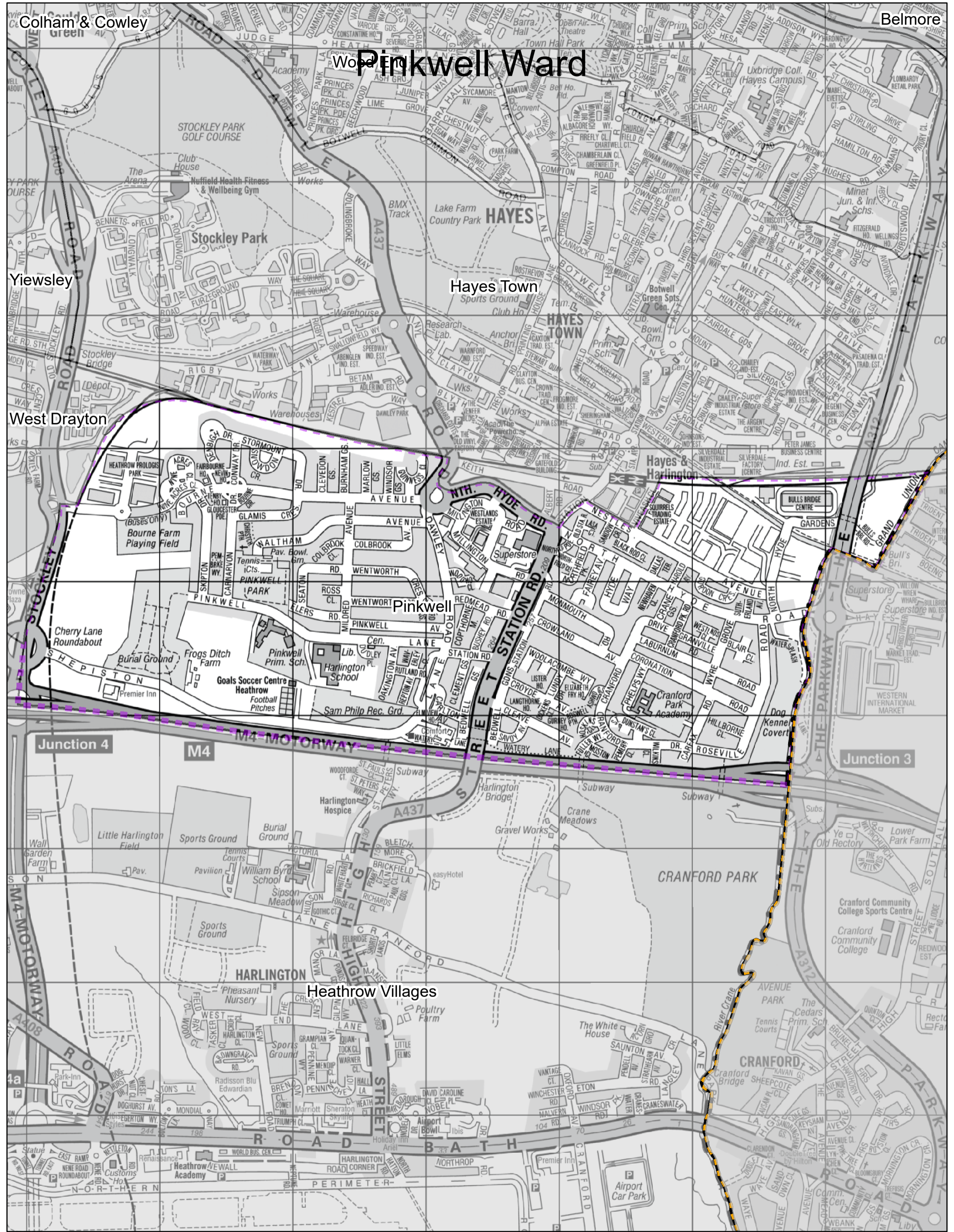
(The officer appointed for the purpose)

Date:

Appendix 2







Colham & Cowley

Belmore

Pinkwell Ward

Yiewsley

West Drayton

Junction 4

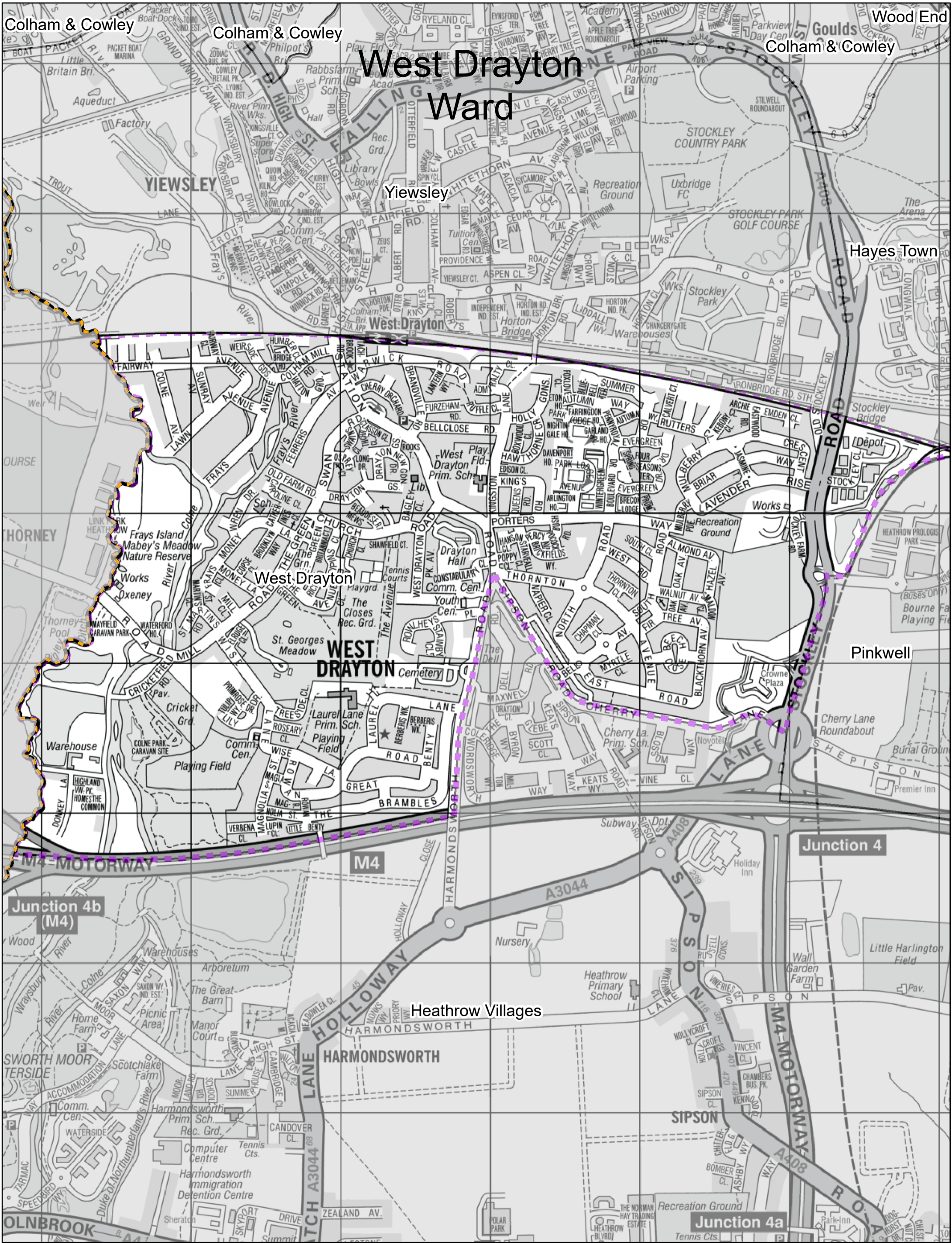
M4

M4-MOTORWAY

Junction 3

Heathrow Villages







HILLINGDON
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Equality and Human Rights Impact Assessment (“EIA”)

A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick ✓

Review of a service Staff restructure Decommissioning a service

Changing a policy ✓ Tendering for a new service A strategy or plan ✓

2024 Public Spaces Protection Order (“PSPO”) – Private Hire Vehicle and Taxi Nuisance around London Heathrow Airport

Who is accountable? E.g. Head of Service or Corporate Director

Corporate Director of Homes and Communities

Date assessment completed and approved by accountable person

Completed – 2nd December 2024
Richard Webb, Director of Community Safety & Enforcement

Names and job title(s) of person / people carrying out the assessment

Stephanie Waterford, Head of Public Protection & Enforcement

A.1) What are the main aims and intended benefits of what you are assessing?

The purpose of this EIA is to review the introduction of the 2024 PHV/Taxi PSPO, which contains a prohibition aimed at taxi and private hire vehicles/drivers who are waiting for fares in residential streets around Heathrow Airport and are evidenced to have had a detrimental effect on those in the locality.

The Council's ambition for residents is to ensure Hillingdon is a safe, inclusive, green, more digital borough with a strong economy. We want all our residents to: · Live active and healthy lives. · Enjoy access to green spaces, leisure activities, culture and arts. · Live in a sustainable borough that is carbon neutral. · Be/feel safe from harm. · Live in good quality, affordable homes in connected communities. · Stay living independently for as long as they are able. · Achieve well in education, with opportunities for learning at all ages. · Have opportunities to earn an income that supports their families. Anti-social behaviour can impact on a number of these ambitions for residents.

The PSPO is designed to prevent the relevant area from being misused by taxi and private hire vehicle drivers and provides immediate relief to the residents, improving their safety and quality of life and deters those who may seek unauthorised waiting areas in residential or restricted streets.

Many residents have reported the detrimental impact of taxi/PHV vehicles parking in residential streets whilst they wait for an airport fare. This has resulted in a number of negative behaviours which the Council is seeking to address through the implementation of a new PSPO. These include:

1. Restricted parking spaces being available to residents
2. Highway obstruction due to inconsiderate parking
3. Verbal abuse when challenged
4. Vehicle idling
5. Littering
6. Urination/defecation
7. Smoking in a smoke free place

Hillingdon Council is committed to maintaining a clean and safe environment and it is the Council's responsibility to keep our public spaces and local environment clear of litter and obstructions and deal with other local environmental quality issues, including anti-social behaviour. The proposal to adopt a PSPO for the Heathrow Villages, Hayes and West Drayton Wards is in line with the Council's corporate strategy priorities and supporting commitments to protect the built environment, parks and open spaces and take action to protect residents and environment, which includes matters that cause harassment, annoyance or nuisance. The Council knows that the majority of those who live in, work in, and visit the borough do keep the area clean and safe; however, it wants to ensure that where this is not the case it uses the relevant legislation and approaches to maintain a clean and safe environment.

The PSPO places restrictions and requirements on people using the area defined by the PSPO. These can be blanket restrictions or targeted at groups (such as dog walkers) or apply at certain times. Breach of a PSPO is a criminal offence and could lead to a fixed penalty notice of £100 or a maximum penalty of £1,000 if prosecuted.

The proposed prohibitions were identified looking at the evidence base, complaints to members, joint operations by our enforcement teams and issues which have a detrimental effect on the safety of residents and the wider public.

The PSPO provides the Council and Police with the necessary powers to introduce restrictions upon activity and behaviours deemed to be having a detrimental effect, of persistent or continuing nature on those in the locality. It is designed to restrict and prohibit certain behaviours, within the designated area, where evidential tests are satisfied.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

Taxi and PHV drivers and Chauffeurs will be affected by the implementation of the new PSPO as this is the group that the PSPO will target.

The 2023 Labour Force Survey conducted by the Office of National Statistics provides information on the profile of 'Taxi, Private Hire and Chauffer Drivers':

- Estimated 143,000 drivers operating in 2023
- 93% identify as male
- Average age is 51 years old
- 50% are Asian or Asian British
- 35% are white European

Source - [Taxi and private hire vehicle statistics, England: 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2023)

The Council is seeking the prohibition of waiting taxi/PHV vehicles who seek out unauthorised and unrestricted residential parking areas to wait for their bookings. There are a variety of waiting and parking areas located within the boundary of the airport which are the authorised specific facilities for taxi and PHV drivers.

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
<ul style="list-style-type: none"> • The Leader of the Council, Councillor - Ian Edwards • Councillor Eddie Lavery • Corporate Management Team (Hillingdon Council) • Director of Community Safety & Enforcement – Richard Webb • Head of Service - Stephanie Waterford • Local residents • Local businesses 	<ul style="list-style-type: none"> • Provide a safe and improved service for residents • A transparent and fair enforcement process • Value for money in service delivery • Providing a solution to a daily problem for residents

A.4) Which protected characteristics or community issues are relevant to the assessment? Tick in the box ✓

Age	✓	Sex	✓
Disability		Sexual Orientation	
Gender reassignment		Carers	
Marriage or civil partnership		Community Cohesion	✓
Pregnancy or maternity		Community Safety	✓
Race / Ethnicity	✓	Human Rights	
Religion or belief			

B) Consideration of information; data, research, consultation, engagement

B.1) Consideration of information and data

The PSPO sets out a range of powers available to the Council and how these will be legally applied. The Council has considered a range of data and intelligence to inform the extent of the problem as set out in the Cabinet paper for the decision on whether to implement this PSPO. This has included parking data, information on FPN's issued under the current PSPO to taxi/PHV drivers and complaints and testimonies from local residents. It has also considered the outcome of the implementation of a similar PSPO in a neighbouring local authority area.

The operation of the PSPO will be kept under review. The advice, warnings and enforcement of the PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

The authorised Officers who enforce the PSPO will consider the needs of the individuals and their circumstances to make an informed and balanced decision as to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

Any abuse of discretion when enforcing the PSPO will be dealt with swiftly using internal procedures which could include additional training or management action.

Anyone who is issued with a Fixed Penalty Notice ("FPN") given for breach of the PSPO may make representation or lodge a corporate complaint which would be investigated and responded to by a Senior Manager.

It is important to note that there are no formal grounds of appeal against an FPN. It is an invitation for an individual to discharge their liability to prosecution. In essence, this means that whilst this is not an admission of an individual's guilt, it is an agreement that the individual accepts that an offence has been committed and that by paying the sum of money specified, no further action will be taken by, or on behalf of, the Council. This method of dealing with offences not only saves time involved for everyone in prosecuting cases at court, but the cost associated with an FPN is likely to be substantially lower than any fine imposed by the courts.

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick ✓

No

Yes ✓

Section 72(4) of the 2014 Act sets out the consultation requirements that apply when a PSPO is made, extended, varied or discharged.

The Council is required to consult with:

- a. The chief officer of police and the local policing body
- b. Whatever community representatives the Council thinks it is appropriate to consult
- c. The owners or occupiers of land within the restricted area

The consultation asked a series of questions to establish:

- a) How the presence of PHV drivers affects the quality of life in the area: For example do they take up all the parking spaces, create litter, etc.
- b) Are the activities time sensitive or seasonal? Is there any time of the day when their presence is more disruptive - i.e. vehicles waiting late at night / early morning for a fare?
- c) The areas that are used by drivers and whether there has been an increased presence following the recent PSPO by Spelthorne Council.

The full survey appeared on the Councils website throughout the consultation period. The survey was promoted through the Councils social media channels.

A total of 356 responses were received to the structured survey along with three separate responses. Of the 356 survey responses:

- 306 were from residents/on behalf of residents in the affected areas
- 3 from students in the affected areas
- 5 from local businesses in the affected areas
- 6 from community/voluntary representatives in the affected areas

- 22 from PHV/Taxi drivers
- 14 from 'other' (including two 'nil' responses to this question)

Summary of consultation responses:

- 316 responders believe that the presence of drivers/vehicles affects the quality of life in the area.
- 237 responders stated that they had been personally affected by detrimental /negative behaviours of drivers.
- 330 responders provided information on the peak times and locations of issues.
- 303 responders agreed positively or in the neutral that the introduction of a new prohibition would help to control this behaviour. Overall, this indicates a strong consensus among the respondents in favour of the prohibition.

Key Issues Identified from the public consultation survey responses

1. **Parking Problems:**

- **Residential Parking:** Many residents reported that PHV drivers frequently occupy residential parking spaces, making it difficult for residents to find parking near their homes. This is particularly problematic in areas like Sipson Way, Blunts Avenue, and Mondial Way.
- **Blocking Driveways:** There are numerous complaints about PHV drivers blocking driveways, which prevents residents from accessing their properties.
- **Double Yellow Lines:** PHV drivers often park on double yellow lines, creating traffic hazards and obstructing the flow of traffic.

2. **Littering and Waste:**

- **General Littering:** PHV drivers are reported to leave behind food wrappers, drink containers, and other litter, contributing to the overall untidiness of the area.
- **Urination and Defecation:** A significant number of respondents mentioned that PHV drivers urinate in bottles and leave them on the streets, or urinate and defecate in public areas, including residential gardens and parks.

3. **Noise and Air Pollution:**

- **Engine Idling:** Drivers often leave their engines running while waiting for fares, which contributes to noise and air pollution. This is particularly disturbing during the night and early morning hours.
- **Loud Conversations:** Drivers talking loudly on their phones or to each other, often with their car windows open, is a common complaint.

4. **Aggressive and Intimidating Behavior:**

- **Verbal Abuse:** Residents who ask drivers to move their vehicles or address their behavior often face verbal abuse and aggressive responses.
- **Intimidation:** The presence of drivers sitting in their cars for extended periods can be intimidating, especially for women and children.

5. **Public Health and Safety:**

- **Public Urination and Defecation:** This behaviour poses a significant public health risk and contributes to the degradation of the local environment.
- **Obstructing Emergency Services:** Blocked driveways and congested streets can hinder the access of emergency vehicles.

Space was provided in the survey for free text responses to enable responders to share their views:

Some resident comments are highlighted below:

- *I have suffered for 12 years having taxi drivers park outside my house, I have been physically and racially assaulted when I have approached them asking them to leave.*
- *They are aggressive when I ask them to move their car so I can park.*
- *Constantly dumping rubbish and leaving bottles of urination. Often rude when asked to move if parked in our own drive!*
- *When I return home I find taxi drivers parked in the permit holders bays and when I ask them I need to park as live here, their reply is I don't care and on many many occasions have become abusive.*
- *They cause disturbance, anti-social behaviour, urinating and throwing rubbish, won't give up space for residents, driving inconsiderate. Completely fed up with them.*
- *It's hard to find parking, they overcrowd and litter our areas, they urinate in public view.*

Some driver/trade comments are highlighted below:

- *As a licensed London taxi driver who uses Heathrow regularly being tarred with the same brush as private hire is a tactic used by tfl to give us a bad name. This is 100% private hire issue, but they have to add our name in for pc reasons.*
- *I often have to wait in the area when a flight has been delayed. I have never indulged in any of the practices described. Why should a section of the community be punished for the behaviour of a few idiots? Isn't collective punishment banned by The Hague Convention of 1899?*

- *Not at all. It doesn't make sense and bad for people who are trying to make a living for themselves and for their families.*

B.3) Provide any other information to consider as part of the assessment

Legal context

The Council has a duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010). The Council, as a public authority, is also required to comply with the Human Rights Act 1998 as well as the 2014 Act.

C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** or **POSITIVE** impacts (actual or potential):

EQUALITY GROUP	IMPACT ON THIS GROUP AND ACTIONS NEEDED
Age	Whilst the proposed PSPO will specifically target Taxi/PHV drivers, the enforcement of prohibitions will apply consistently regardless of the age of the perpetrator. Prior to the commencement of formal enforcement, the Council will engage with drivers through proactive operations and make them aware of the new PSPO. The Council will also educate and promote the authorised waiting and parking facilities at London Heathrow Airport which is the intended facility for taxi/PHV drivers waiting for fares.
Sex	Whilst the proposed PSPO will specifically target Taxi/PHV drivers, the enforcement of prohibitions will apply consistently regardless of the sex of the perpetrator. Prior to the commencement of formal enforcement, the Council will engage with drivers through proactive operations and make them aware of the new PSPO. The Council will also educate and promote the authorised waiting and parking facilities at London Heathrow Airport which is the intended facility for taxi/PHV drivers waiting for fares.
Race/Ethnicity	Whilst the proposed PSPO will specifically target Taxi/PHV drivers, the enforcement of prohibitions will apply consistently regardless of the race/ethnicity of the perpetrator.

	<p>Prior to the commencement of formal enforcement, the Council will engage with drivers through proactive operations and make them aware of the new PSPO.</p> <p>The Council will also educate and promote the authorised waiting and parking facilities at London Heathrow Airport which is the intended facility for taxi/PHV drivers waiting for fares.</p>
Disability	<p>The effect of many PHV/Taxi drivers using residential parking bays and unrestricted streets is that many residents cannot access parking near to their homes. This will negatively affect those persons with disabilities and age related mobility issues. The introduction of the PSPO may alleviate current problems with residents locating parking spaces near to their homes.</p>

D) Conclusions

The creation of the Anti-Social Behaviour (“ASB”) legislation has given local authorities the opportunity to bring in proportionate measures for a maximum of 3 years and is being adopted by many local authorities in the UK. Section 70 of 2014 Act allows for a PSPO to supersede any byelaw once in operation.

The introduction of the PSPO impacts the lives of people who live, work and visit Hillingdon Borough. The restrictions will impact positively on people whose protected characteristics are impacted upon by the anti-social behaviour the PSPO is designed to address. The legitimate aim of the PSPO is to deal with a particular nuisance or problem in an area that is detrimental to the local community’s quality of life by imposing conditions on the use of that area that applies to everyone. It is designed to ensure people can use and enjoy public spaces safe from anti-social behaviour. This action is proportionate and necessary.

The initiative will also support the delivery of the Council’s strategy, supporting strategic themes around its vision of putting residents first.

The Council is not intending to block airport trade or passenger journeys or prevent taxi/PHV drivers from earning a living, it is simply wanting to redirect taxi and PHV drivers to the authorised waiting areas within the Heathrow boundary.

Environmental Enforcement and Street Scene Officers will enforce the order primarily however there will be some assistance from relevant Police Safer Neighbourhood Teams.

The operation of the PSPO will be kept under review. The advice, warnings and enforcement of the PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

The authorised Officers who enforce the PSPO will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision as

to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

The human rights of individuals being enforced against will not be impacted as the PSPO will only impact on business activity.

The human rights of residents in the relevant areas will improve as the PSPO will have an impact on negative behaviours causing detriment to the area.

COMPLETED BY:



Signed:

Name: Stephanie Waterford
Position held: Head of Public Protection & Enforcement
Dated: 2nd December 2024

APPROVED BY:



Signed:

Name: Richard Webb
Position held: Director Community Safety & Enforcement
Dated: 05/12/2024



Public Spaces Protection Order (PSPO) Survey

* Required

Please complete the survey questions below so that we can capture your views.

The survey will only take a few minutes to complete.

The consultation will end on Friday 1 November 2024.

1. In what capacity are you responding to this survey? *

- As a resident in one of the affected areas
- On behalf of a resident in one of the affected areas
- As someone who studies in one of the affected areas
- On behalf of a local business in one of the affected areas
- On behalf of a local community or voluntary group in one of the affected areas
- As a taxi/Private Hire Vehicle driver who is subject this proposed PSPO
- Other

2. Has the presence of Private Hire Vehicle drivers affected the quality of life in the area?

For example, do they take up all the parking spaces, block access, create litter, intimidate residents etc.

Yes

No

3. If yes, please provide details:

4. Have you been personally affected by any detrimental or negative behaviours by Taxi/Private Hire Vehicle drivers?

Yes

No

5. If yes, please tell us about your experience:

6. Are the activities time sensitive or 24/7?

Is there any time of the day when their presence is more disruptive - i.e. vehicles waiting late at night / early morning for a fare?

Is this worse during school holidays?

7. Is this a problem in particular roads/streets? If so, please let us know where the issues are?

8. Do you think that the introduction of a new prohibition would help to control this behaviour?

9. Please tell us about anything else connected to taxi/Private Hire Vehicle behaviours that you feel is relevant.

About you

We want to make sure that the views from a wide range of people are captured in the review.

The following standard questions and responses you provide will be used only for monitoring purposes.

10. What is your postcode? *

11. What is your age group? *

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to say

12. What is your gender? *

- Male
- Female
- Prefer not to say
- Other

13. Which of the following best describes your sexual orientation? *

- Bisexual
- Gay
- Lesbian
- Straight/heterosexual
- Prefer not to say
- Other

14. Do you have a disability? A physical or mental illness or condition that has a substantial and long-term effect on your ability to carry out normal day to day activities. *

- Yes
- No
- Prefer not to say

15. How would you describe your ethnicity? *

- Asian or Asian British ethnic group or background (Indian, Pakistani, Bangladeshi, Chinese or any other Asian Background)
- Black, Black British, Caribbean, or African ethnic group or background (Caribbean, African, any other Black, Black British, Caribbean or African)
- Mixed or multiple ethnic group or background (White and Black Caribbean, White and Black African, White and Asian, any other mixed or multiple background)
- White group or background (English, Welsh, Scottish, Northern Irish or British Irish, English Gypsy/Traveller, Irish Traveller, Roma, any other Traveller background, any other White)
- Other ethnic group or background (Arab, any other ethnic group)

16. What is your religion or belief? *

- No religion
- Buddhist
- Christian (Catholic, Church of England, Protestant, and all other Christian denominations)
- Hindu
- Jewish
- Muslim
- Sikh
- Prefer not to say

Heathrow Airport Limited
The Compass Centre, Nelson Road,
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T: +44 (0)844 335 1801
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London Borough of Hillingdon **Heathrow PSPO Taxi/Private Hire Vehicle consultation**

Written response submitted by Heathrow Airport Limited

22nd October 2024

Heathrow Airport Limited supports and welcomes the opportunity to respond to this London Borough of Hillingdon consultation on the proposal to introduce a Public Spaces Protection Orders (PSPO) in relation to taxis and private hire vehicles (PHVs) using residential streets for parking or waiting.

Heathrow is committed to working closely with our community to ensure we are a good neighbour and that we engage on issues of concern in a constructive way. Through our community engagement we acknowledge the impact that taxis and PHVs are having on our surrounding local communities.

Our Heathrow Taxi and PHV Strategy sets out how we will improve how taxis and PHVs operate at the airport including reducing impact on our local communities. The strategy has been developed through engagement with stakeholders including the local community, taxi and private hire trades and local authorities. In addition to this, we have been collaborating with local authorities and other stakeholders through a Heathrow Area Transport Forum, (HATF), Parking Special Interest Group, (Parking SIG), which aims to reduce the impacts of private hire and other types of vehicles on local communities. A key output from this group has been the development of a [Local Community Parking Action Plan](#) which the group is committed to delivering.

We strongly agree with London Borough of Hillingdon's proposal for a zone in Heathrow Villages, Pinkwell and West Drayton within which no taxi, PHV or other vehicles not carrying paying passengers will be allowed to park or wait. The introduction of a PSPO aligns with the work of the HATF Parking Special Interest Group and our Taxi and PHV Strategy to reduce impacts of PHVs on local communities. Heathrow supports the proposal in its implementation and remains ready to help including the enforcement to ensure the rollout is of benefit to local residents and the community.

Consideration must also be given to the risk of displacing behaviour from one area with an active PSPO in force to another local community without it. LB Hillingdon should consider adjacent roads to be included in the scope of this Order such as the surrounding areas of Yiewsley and Hayes Town, as well as working with neighbouring boroughs such as London Borough of Hounslow and Slough Borough Council to control the impact on the neighbouring areas.

Heathrow believes the enforcement of the PSPO is essential in ensuring its success and welcomes enforcement via fixed penalty notices (FPN). Collaboration between council officers, police officers and police community support officers should be considered as part of the enforcement process to ensure the effectiveness of the PSPO.

Please find our responses below to questions provided in the online consultation, and please do not hesitate to contact us for any further information:

2. Has the presence of Private Hire Vehicle drivers affected the quality of life in the area? For example, do they take up all the parking spaces, block access, create litter, intimidate residents etc.

Yes

3. If yes, please provide details:

Whilst the vast majority of taxis and PHVs provide an excellent and valuable service to passengers and local residents, there is a small but impactful minority that park and wait in the surrounding community and cause serious problems. We receive regular feedback from residents, including communications received through our Local Community Forum and Parking Reporting Portal, that the presence of parked PHVs are causing significant and persistent issues. This includes regular offenses of anti-social behaviour such as detrimental levels of intimidation, verbal abuse, littering, urination and defecation by the roadside. Local residents' quality of life has clearly been impacted and it also affects visitors and the wider perception of the Heathrow Villages and surrounding areas.

Further to the anti-social impacts caused by taxi and PHVs, Heathrow understands from reports from Heathrow Rangers that some drivers are causing damage to the environment. Littering, urination and defecation are detrimental acts of harm to the local community, but they are of considerable harm to the local environment and residential areas. Action is required to protect both the community and environment.

The introduction of the proposed PSPO should be designed to help tackle the negative social and environmental impact resulting from some drivers by including it in the scope of the Order. The impact on both environment and community quality of life justifies LB Hillingdon taking this action and Heathrow would support the ambition of reducing anti-social behaviours in and around our local areas.

4. Have you been personally affected by any detrimental or negative behaviours by Taxi/Private Hire Vehicle drivers?

Yes

5. If yes, please tell us about your experience:

Some drivers are reportedly committing considerable anti-social behaviour offenses in our local communities and, in response, we introduced our Authorised Vehicle Area (AVA) in 2014. This helps tackle these issues by providing toilets, catering, and prayer room facilities for drivers. However, despite providing these facilities in the AVA, we know from our engagement with communities locally that there are still some drivers who regularly continue with such behaviour. In coordination with local community groups and the Council, our Heathrow Rangers regularly attend areas in Heathrow Villages to support with picking up litter left by

PHV drivers waiting in local residential roads. The introduction of a PSPO would help to reduce the frequency of these behaviours. PSPOs, along with a range of other interventions, have been included as part of an action plan developed through the HATF Parking SIG to reduce these issues and we continue to support action that protect local residents from anti-social behaviour.

6. Are the activities time sensitive or 24/7? Is there any time of the day when their presence is more disruptive - i.e. vehicles waiting late at night / early morning for a fare? Is this worse during school holidays?

In most cases, these activities occur during the daytime hours, during the operational hours of Heathrow Airport. The AVA opening hours are 24 hours / 7 days a week, which provides full coverage for the airport operational hours.

Through our Community Relations line and the reporting portal, we have received complaints of taxis and PHVs parked in local roads near Terminal 5 in time for the morning peak arrival (pre 0900) when enforcement officers are less likely to be on shift. Some areas (Mondial Way, Doghurst Avenue & Bolton's Lane) report experiencing disturbance from 0400-2300.

7. Is this a problem in particular roads/streets? If so, please let us know where the issues are?

We are aware that the parking issues are most commonly located on streets closest to the airport especially those without any parking restrictions.

Areas reported direct to the team and via the parking reporting portal:

- Sipson: Mondial Way, Doghurst Avenue, Bolton's Lane, Blunts Avenue, Sipson Road - A408 on Spur Road flyover, Sipson Lane - near Vineries Close, Sipson Way – from Sipson Recreation Ground to Bath Road
- Longford: Heathrow Close, Spout Lane North, slip road of junction A3133 Airport Way & Spout Lane North, Bath Road – from Shell Petrol Station to Thistle Hotel, Bath Road – unofficial layby just off Longford R/about towards Colnbrook
- West Drayton: A408 Stockley Road – layby near Stillwell Roundabout, Shepiston Lane – in front of gates to Heathrow Rail escape shaft
- Harmondsworth: High Street, Cambridge Close, Acacia Mews, Holloway Lane – in layby in front of number 42

8. Do you think that the introduction of a new prohibition would help to control this behaviour?

Heathrow supported the introduction of Spelthorne Borough Council's PSPO in order to tackle anti-social behaviour as a result of taxis and PHVs on local roads. In the 5 months since it launched on 28th May 2024 there have been over 1,100 written warnings and 188 FPNs. Subsequently, they have experienced a rapid decline of taxis & PHVs parking on local roads as well as a reduction in litter and have seen just 3 repeat offenders.

The introduction of a PSPO in Spelthorne has shown how successful the proposed prohibition could be to control these behaviours. The introduction of a prohibition eliminates the need to observe an infringement, which has led to more effective enforcement compared to previous parking control policies of requiring an observation time in order to enforce an infringement.

9. Please tell us about anything else connected to taxi/Private Hire Vehicle behaviours that you feel is relevant.

We strongly agree and support the Council's proposals to create an exclusion area covering Heathrow Villages, Pinkwell and West Drayton, to help tackle the negative impacts resulting from PHV drivers.

This will not only help improve the quality of life for local communities but also reduce damage to the environment and anti-social behaviour which is a result of some vehicle occupants.



London Borough of Hillingdon
Public Protection Team

Via Email: customerengagement@hillingdon.gov.uk

14 October 2024

Dear London Borough of Hillingdon,

Heathrow PSPO taxi/private hire vehicle consultation – Response from Heathrow Area Transport Forum and Heathrow Local Community Forum

We write jointly as the Chairs of the Heathrow Area Transport Forum (HATF) and the Heathrow Local Community Forum (LCF) to offer our strong support for the proposed Public Space Protection Order (PSPO) seeking to ban taxis and minicabs from waiting in residential areas in Hillingdon immediately adjacent to the airport, currently out to consultation.

The Heathrow Area Transport Forum is the statutory partnership of public and private organisations working to improve sustainable transport around the airport, required under the Aviation policy Framework (2013).

The Heathrow Local Community Forum exists to facilitate a dialogue between the airport and its neighbouring communities. It supports sharing of information on both the airport's current operations and its future plans, and provides a space for members to give feedback and work with Heathrow to deliver positive outcomes.

Members of the LCF, which includes resident groups from within the geographic area that this proposed new PSPO will cover, have long highlighted anti-social parking by taxis and mini-cabs waiting for fares from airport passengers as being a particular source of blight on their neighbourhood.

To support concerted action in this space, HATF, working with the LCF, have convened a Parking Special Interest Group to explore a range of opportunities to tackle this anti-social behaviour across Heathrow's geography. This brings together the airport operator with local councils alongside other key stakeholders including the Aviation Police, TfL and the British Parking Association.

Through the work of this group we are aware that, like other councils in the area, Hillingdon has sought to reduce these impacts by introducing resident-only Controlled Parking Zones; as well as a separate PSPO specifically targeting some of the more unpleasant behaviours that some of these drivers have exhibited, notably public urination, littering. However, as is clear from the fact that this issue remains a key source of concern for residents at the Local Community Forum, these efforts, whilst welcome, have not yet been sufficient in solving the problem. We experienced this first hand earlier this year on a tour of local communities which laid bare the issues that local residents were dealing with on a day to day basis. Further information about what we found, and the work of the Parking Special Interest Group more generally, can be found in this report [Parking-tour-report-April-2024.pdf \(hatf.org.uk\)](#) and the accompanying blog: [Making airport taxi parking work for all \(transportxtra.com\)](#).

We believe one key output arising from the work of this group has been a new impetus to innovate and increase resources from all stakeholders in order to tackle this issue. As an example. you will be aware that Spelthorne Borough Council has recently introduced a PSPO that has also banned waiting mini-cabs and taxis in neighbourhoods to the south. This came into effect on 28 May 2024 and has already resulted in the issuing of 1052 written warnings and 177 Fixed Penalty Notices. The numbers of taxis and mini-cabs now being found on neighbourhood roads are starting to fall rapidly, suggesting that the introduction of this new prohibition in Hillingdon would indeed help to control this anti-social behaviour.

We can see great merit in trying to agree a common set of parking restrictions around the airport which can be easily communicated and understood by both local residents and also the taxi/private hire trade and other airport users. In this respect we particularly welcome Hillingdon adopting a consistent approach with Spelthorne and, via our Parking Special Interest Group, have been actively encouraging other local councils to explore a similar set of restrictions. At a recent meeting representatives from Gatwick Airport expressed their support for such an approach too, holding out the prospect of common standards around all UK airports, which we feel would greatly assist with compliance.

We will let local resident groups and businesses comment on the detail of any particular issues on individual streets that might need require special attention in terms of enforcement, however the feedback we have had suggests that universal 24/7 restrictions would be appropriate across the geography set out in the draft order.

We once again commend London Borough of Hillingdon for progressing this PSPO, which we believe will be a vital new tool in responding to residents' legitimate concerns about anti-social behaviour; helping to mitigate some of the negative issues of living close to the airport and thereby improving their quality of life.

Yours faithfully,

Anthony Smith, Independent Chair, Heathrow Area Transport Forum
Dr Roger Green, Independent Chair, Heathrow Local Community Forum

Appendix 6

Key Issues Identified from the public consultation

1. Parking Problems:

- **Residential Parking:** Many residents reported that PHV drivers frequently occupy residential parking spaces, making it difficult for residents to find parking near their homes. This is particularly problematic in areas like Sipson Way, Blunts Avenue, and Mondial Way.
- **Blocking Driveways:** There are numerous complaints about PHV drivers blocking driveways, which prevents residents from accessing their properties.
- **Double Yellow Lines:** PHV drivers often park on double yellow lines, creating traffic hazards and obstructing the flow of traffic.

2. Littering and Waste:

- **General Littering:** PHV drivers are reported to leave behind food wrappers, drink containers, and other litter, contributing to the overall untidiness of the area.
- **Urination and Defecation:** A significant number of respondents mentioned that PHV drivers urinate in bottles and leave them on the streets, or urinate and defecate in public areas, including residential gardens and parks.

3. Noise and Air Pollution:

- **Engine Idling:** Drivers often leave their engines running while waiting for fares, which contributes to noise and air pollution. This is particularly disturbing during the night and early morning hours.
- **Loud Conversations:** Drivers talking loudly on their phones or to each other, often with their car windows open, is a common complaint.

4. Aggressive and Intimidating Behaviour:

- **Verbal Abuse:** Residents who ask drivers to move their vehicles or address their behaviour often face verbal abuse and aggressive responses.
- **Intimidation:** The presence of drivers sitting in their cars for extended periods can be intimidating, especially for women and children.

5. Public Health and Safety:

- **Public Urination and Defecation:** This behaviour poses a significant public health risk and contributes to the degradation of the local environment.
- **Obstructing Emergency Services:** Blocked driveways and congested streets can hinder the access of emergency vehicles.

Specific Areas Affected

- **Sipson Way and Blunts Avenue:** These areas are frequently mentioned as hotspots for parking issues, littering, and public urination.
- **Mondial Way:** Known for congestion and parking violations, particularly near the Novotel hotel and McDonald's.

- **Longford Village:** Experiences significant littering, parking issues, and public urination, especially near the Bath Road and McDonald's.
- **Harmondsworth Lane:** Reports of littering, urination, and parking problems, particularly near residential areas and schools.

Suggested Solutions

1. Enhanced Enforcement:

- **Regular Patrols:** Increased presence of traffic wardens and enforcement officers to monitor and address parking violations and anti-social behaviour.
- **CCTV Monitoring:** Installation of CCTV cameras to deter illegal parking and capture evidence of violations.

2. Designated Waiting Areas:

- **PHV Parking Zones:** Creation of designated parking areas for PHV drivers away from residential streets, equipped with proper facilities such as toilets and waste bins.

3. Community Engagement:

- **Resident Permits:** Strict enforcement of resident-only parking permits to ensure that parking spaces are available for local residents.
- **Public Awareness Campaigns:** Educating PHV drivers about the impact of their behaviour on the local community and encouraging respectful and responsible conduct.

4. Infrastructure Improvements:

- **Signage:** Clear signage indicating parking restrictions and penalties for violations.
- **Physical Barriers:** Installation of barriers to prevent parking on double yellow lines and in restricted areas.

Quotes from residents within the restricted area regarding the impact of Private Hire Vehicle (PHV) drivers in their areas:

1. Resident 1:

- "They engine idle, litter, urinate and defecate on ****location****. I have suffered for 12 years having taxi drivers park outside my house. I have been physically and racially assaulted when I have approached them asking them to leave."

2. Resident 2:

- "In local roads such as Sipson Way and Sipson Road, PHV park for hours on end with their engines running and take up all the legitimate parking spaces. Drivers

often leave the remnants of their meals or the debris from valeting their vehicles by the roadside making walking along public footpaths extremely hazardous."

3. Resident 3:

- "Taxis regularly wait and park up on yellow lines in front of my place of employment. They block the entrance and then shout at you or gesticulate when you ask them to move. They park on roundabouts and cause a hazard."

4. Resident 4:

- "They park across multiple spaces, preventing myself and others from being able to park our vehicles. Once approached and asked to move, they become aggressive and refuse to move."

5. Resident 5:

- "Taxi drivers always take up our parking spaces, even during the residents-only parking hours. They refuse to move their vehicle after being asked, and on many occasions they present a very rude, disrespectful and aggressive behaviour."

6. Resident 6:

- "They block the space, urinate and litter. I have been sworn at, and some have made nasty comments of a sexual nature and some have spat in my direction."

These quotes highlight the various issues residents face, including parking problems, littering, aggressive behaviour, and public urination.

Some respondents, including PHV drivers themselves, offered a different perspective:

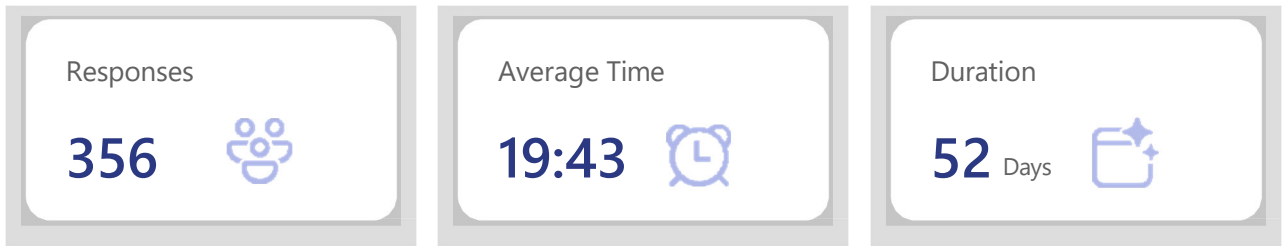
- **Economic Necessity:** PHV drivers are trying to earn a living, and the nature of their work requires them to wait for fares near busy areas like airports.
- **Lack of Facilities:** There is a lack of designated waiting areas and public facilities for drivers, which forces them to use residential streets.
- **Unfair Targeting:** Some drivers feel that they are being unfairly targeted and that not all drivers engage in the negative behaviours reported. They argue that the actions of a few should not lead to blanket restrictions on all PHV drivers.
- **Need for Better Solutions:** Instead of prohibitions, some suggest providing designated parking areas with facilities for drivers, which could alleviate the issues without impacting their ability to work.

Conclusion

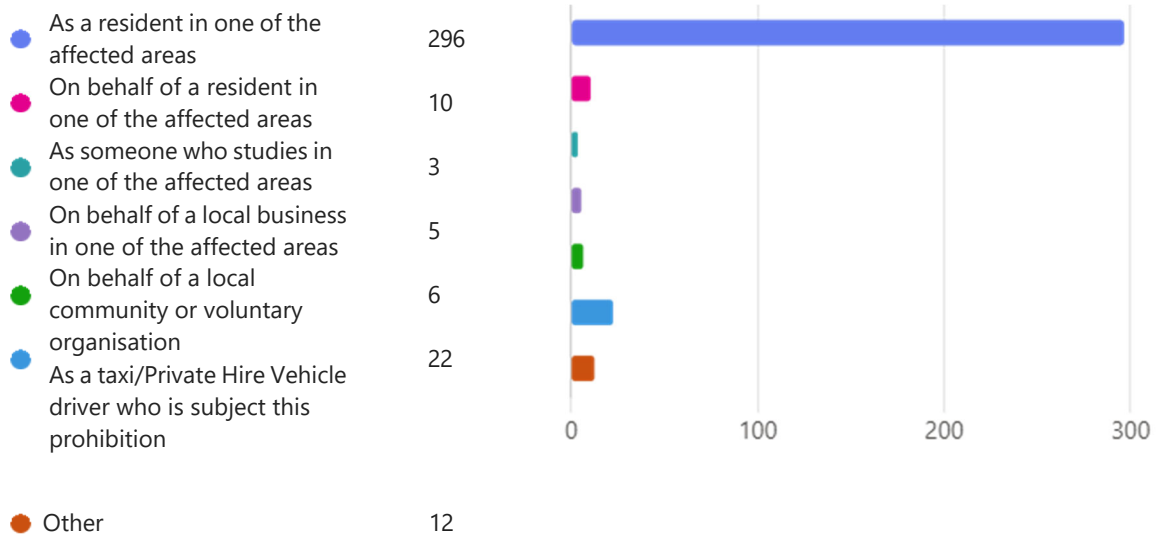
The survey responses highlight significant issues caused by PHV drivers in the local community, including parking problems, littering, noise and air pollution, aggressive behaviour, and public health risks. Addressing these issues will require a combination of enhanced enforcement, designated waiting areas, community engagement, and infrastructure improvements. Implementing these solutions can help improve the quality of life for residents and create a more harmonious environment for everyone.

Responses Overview

Active



1. In what capacity are you responding to this survey?



2. Has the presence of Private Hire Vehicle drivers affected the quality of life in the area?

For example, do they take up all the parking spaces, block access, create litter, intimidate residents etc.

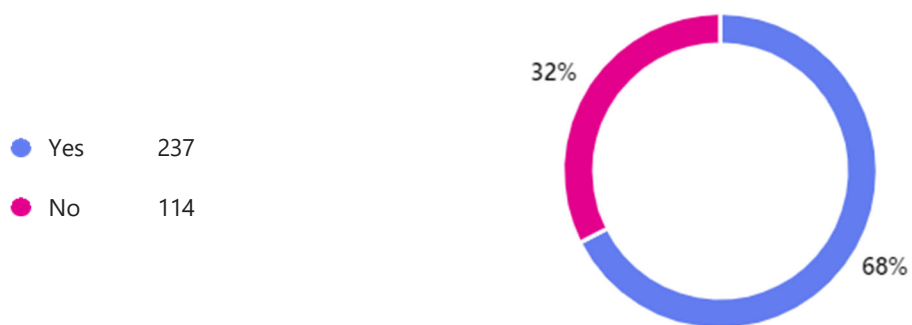


3. If yes, please provide details:

Of the responders who answered 'Yes' **310 responders gave further details**. Here are the most common issues reported:

1. **Littering:** Mentioned in 107 responses, residents frequently complained about PHV drivers leaving litter, including food wrappers, bottles, and other waste, on the streets.
2. **Blocking Access:** Reported in 64 responses, drivers often block driveways, parking spaces, and access to properties, causing significant inconvenience to residents.
3. **Urinating and Defecating:** Noted in 29 responses, several residents reported that drivers urinate and defecate in public areas, including streets and parks.
4. **Aggressive Behaviour:** Also mentioned in 29 responses, some residents experienced aggressive or rude behaviour from drivers when asked to move their vehicles or stop certain activities.
5. **Intimidation:** Found in 4 responses, the presence of drivers, especially in groups, can be intimidating to residents, particularly when they gather in residential areas.
6. **Engine Idling:** Mentioned in 1 response, drivers leave their engines running while waiting, contributing to noise and air pollution.

4. Have you been personally affected by any detrimental or negative behaviours by Taxi/Private Hire Vehicle drivers?



5. If yes, please tell us about your experience:

Of those responders who answered 'Yes', **233 responders** gave further details. Here are the most common issues reported:

1. **Parking Violations:** Mentioned in 101 responses, drivers frequently park in unauthorized areas, including blocking driveways, parking on double yellow lines, and occupying resident-only parking spaces.
2. **Aggressive Behaviour:** Reported in 41 responses, some residents experienced aggressive or rude behaviour from drivers when asked to move their vehicles or stop certain activities.
3. **Littering:** Noted in 33 responses, residents complained about PHV drivers leaving litter, including food wrappers, bottles, and other waste, on the streets.
4. **Blocking Access:** Found in 24 responses, drivers often block driveways, parking spaces, and access to properties, causing significant inconvenience to residents.
5. **Noise:** Mentioned in 11 responses, drivers contribute to noise pollution by talking loudly, playing music, or leaving their engines running while waiting.
6. **Urinating and Defecating:** Reported in 6 responses, several residents mentioned that drivers urinate and defecate in public areas, including streets and parks.

6. Are the activities time sensitive or 24/7?

Is there any time of the day when their presence is more disruptive - i.e. vehicles waiting late at night / early morning for a fare? Is this worse during school holidays?

There are **330 responses** to this question. Here are the most common times of day mentioned in the responses:

1. **24/7/ All the time/ Every day:** was reported by 86 responders indicating that issues are constant
2. **Night:** Mentioned in 43 responses, indicating that issues with PHV drivers are prevalent during nighttime.
3. **Evening:** Reported in 24 responses, suggesting that evenings are also a problematic time for residents.
4. **Early Morning:** Noted in 21 responses, highlighting that early mornings see significant activity from PHV drivers.
5. **Morning:** Found in 15 responses, indicating that mornings are also affected.
6. **Afternoon:** Mentioned in 8 responses, showing that afternoons are less problematic but still notable.
7. **Midnight:** Reported in 3 responses, indicating some issues around midnight.
8. **Late Night:** Mentioned in 2 responses, suggesting occasional problems during late-night hours.

7. Is this a problem in particular roads/streets? If so, please let us know where the issues are?

There are **316 responses** in to this question. These responses highlight various locations where residents have reported issues with PHV drivers, including littering, blocking access, and other anti-social behaviours. Addressing these concerns in the identified locations could help improve the quality of life for residents in the affected areas.

Here are the most common locations mentioned in the survey responses.

1. **Sipson Way**
2. **Bath Road**
3. **Sipson Road**
4. **Boltons Lane**
5. **Sipson Lane**
6. **Nobel Drive**
7. **Doghurst Avenue**
8. **Axis House**
9. **Mondial Way**
10. **Ashby Way**
11. **Longford Village**
12. **Blunts Avenue**
13. **Bath Road Longford**
14. **Longford**

8. Do you think that the introduction of a new prohibition would help to control this behaviour?

There are **339 responses** to this question.

- **Neutral:** 230 responses
- **Positive:** 73 responses
- **Negative:** 36 responses

The majority of responses are neutral, indicating that many respondents provided factual or non-opinionated answers. However, there is a significant number of positive responses, showing support for the introduction of a new prohibition to control the behaviour of PHV drivers. There are also some negative responses, indicating opposition or scepticism about the effectiveness of such a prohibition.

9. Please tell us about anything else connected to taxi/Private Hire Vehicle behaviours that you feel is relevant.

There are **224 responses** to this question. These responses provide additional comments related to taxi/Private Hire Vehicle (PHV) behaviours, highlighting various issues and suggestions for improvement. Here is an analysis of the responses:

1. **Black Cabs:** Mentioned in 5 responses, indicating some specific concerns or comments about black cabs.
2. **Parking Issues:** Several respondents highlighted problems with parking, including:
 - **Dangerous Parking:** Near McDonald's on Bath Road, where drivers park on double yellow lines and pavements, endangering pedestrians.
 - **Blocking Roads:** Drivers blocking roads and access points, causing congestion and safety hazards.
3. **Litter and Human Waste:** Multiple responses mentioned issues with littering and human waste, including:
 - **Littering:** Drivers throwing rubbish out of their vehicles, including food wrappers and bottles.
 - **Urinating and Defecating:** Drivers urinating and defecating in public areas, creating health hazards and unpleasant conditions.
4. **Aggressive and Unsafe Behaviour:** Some respondents reported aggressive behaviour from drivers, including:
 - **Teasing and Taking Photos:** Drivers teasing people and taking photos or videos, making residents feel unsafe.
 - **Aggressive Responses:** Drivers being rude or aggressive when asked to move or stop certain behaviours.
5. **Environmental Impact:** Concerns about the environmental impact of PHV drivers, including:
 - **Engine Idling:** Drivers leaving engines running while parked, contributing to air pollution.
 - **Noise Pollution:** Noise from idling engines and loud conversations.
6. **Suggestions for Improvement:** Respondents provided various suggestions to address these issues, including:
 - **CCTV Enforcement:** Using CCTV to enforce parking and behaviour regulations.
 - **Government Legislation:** Implementing legislation to manage meet-and-greet parking and other related issues.
 - **Resident Permits:** Providing residents with parking permits to ensure they have access to parking spaces.
7. **General Comments:** Some respondents reiterated points made in previous sections or provided additional context to their concerns.

Overall, the responses to this question highlight significant issues related to parking, littering, aggressive behaviour, and environmental impact caused by PHV drivers.

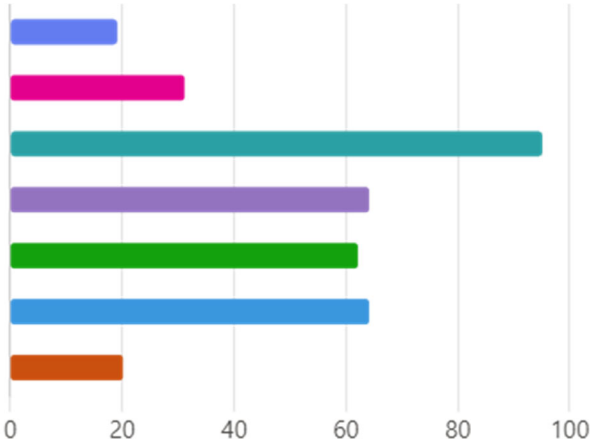
10. What is your postcode?

There were 350 responses to this question. Here are the most common postal areas mentioned in the survey responses, along with the number of respondents for each:

- 1. **UB7**: 97 responses
- 2. **UB3**: 51 responses
- 3. **UB70**: 20 responses
- 4. **UB35**: 12 responses
- 5. **UB4**: 5 responses
- 6. **TW196**: 4 responses
- 7. **UB8**: 3 responses
- 8. **TW19**: 3 responses
- 9. **UB78**: 3 responses
- 10. **UB31**: 2 responses
- 11. **SE22**: 1 response

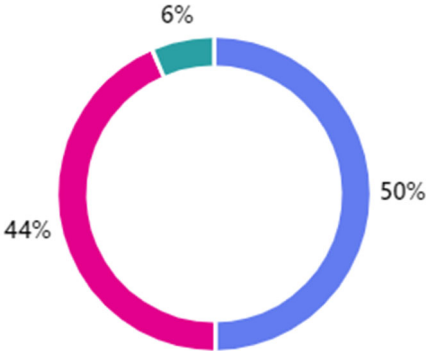
11. What is your age group?

● 18-24	19
● 25-34	31
● 35-44	95
● 45-54	64
● 55-64	62
● 65+	64
● Prefer not to say	20

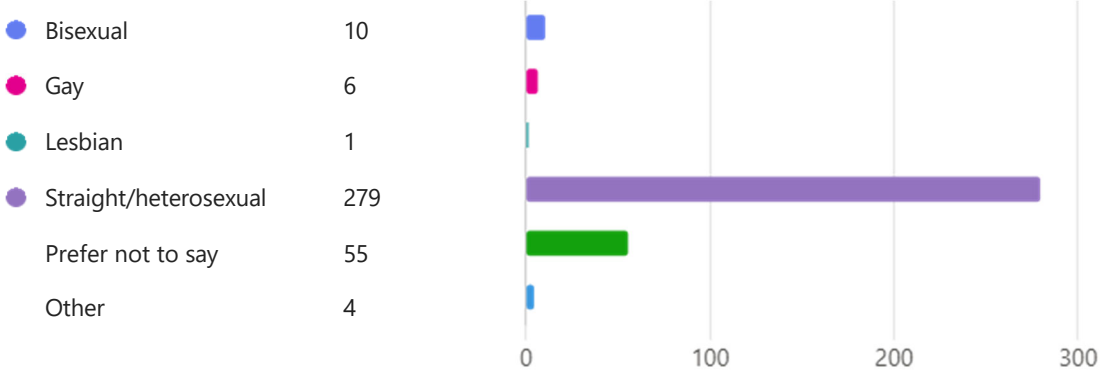


12. What is your gender?

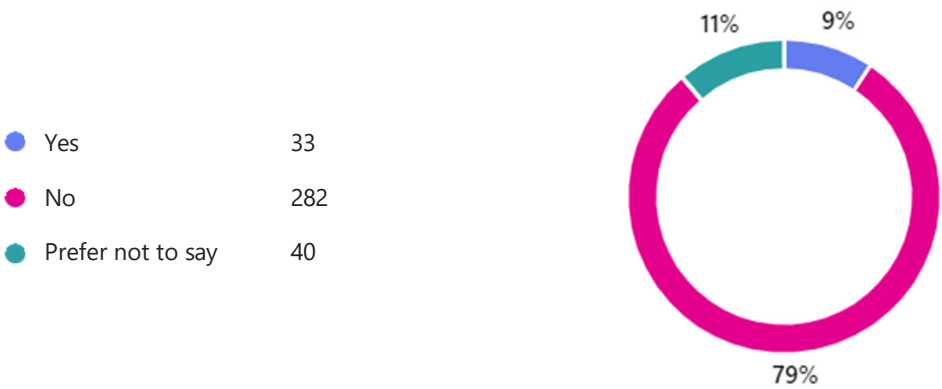
● Male	177
● Female	155
● Prefer not to say	23
Other	0



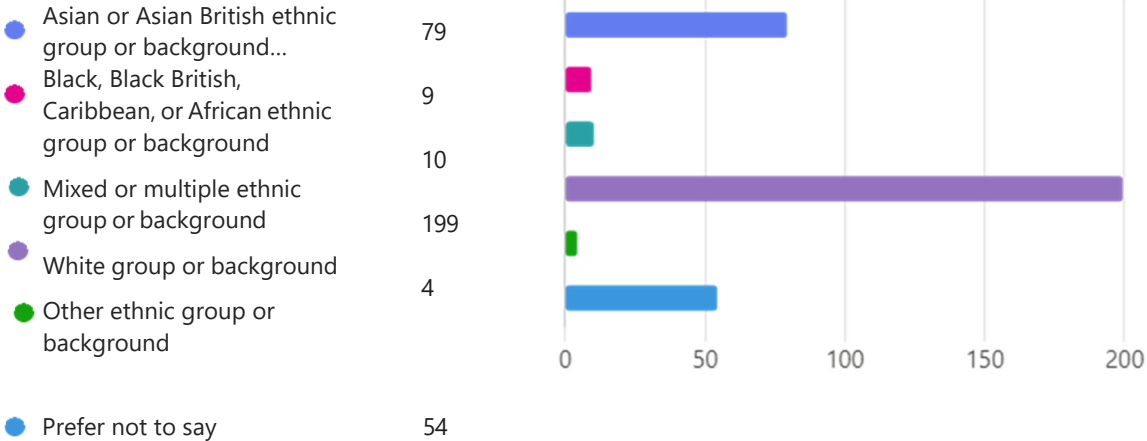
13. Which of the following best describes your sexual orientation?



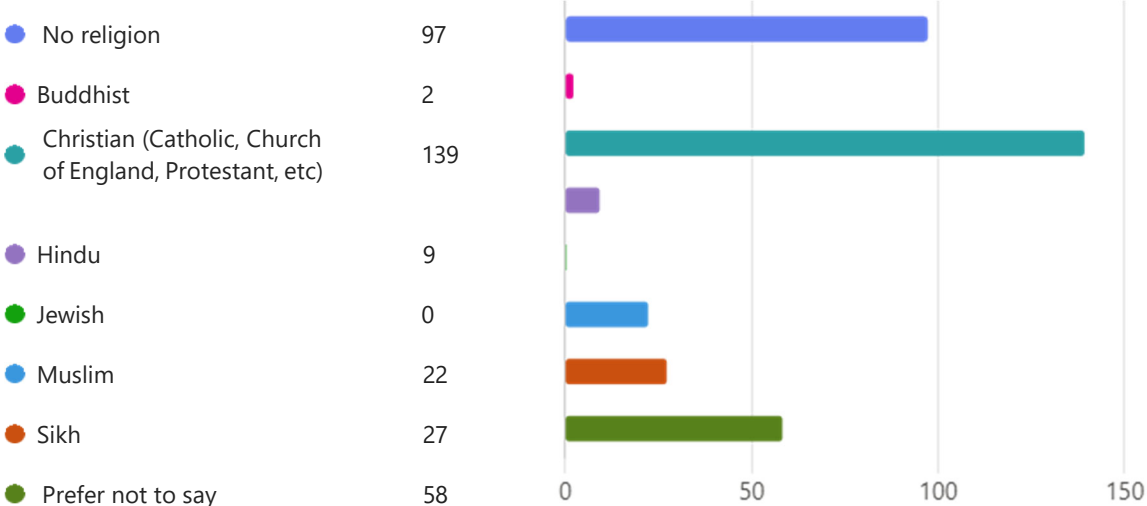
14. Do you have a disability? A physical or mental illness or condition that has a substantial and long-term effect on your ability to carry out normal day to day activities.



15. How would you describe your ethnicity?



16. What is your religion or belief?



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REVIEW OF PUBLIC SPACES PROTECTION ORDER 2023

Cabinet Member & Portfolio	Councillor Eddie Lavery Cabinet Member for Community & Environment
Responsible Officer	Richard Webb, Director Community Safety & Enforcement
Report Author & Directorate	Joanne Howells, Service Manager, Street Scene Enforcement Team, Home & Communities Directorate
Papers with report	Appendix 1: Published PSPO 2023 Appendix 2: Draft review of PSPO 2025

HEADLINES

Summary	<p>This report seeks approval to review the current Public Spaces Protection Order (PSPO) 2023, to amend current conditions of that PSPO where evidential tests reflecting the detrimental effect on residents' quality of life, have been reviewed resulting in the need for amendment.</p> <p>Approval is sought to commence a public consultation on the proposed updated PSPO conditions. Subject to Cabinet approval, the findings of the consultation along with any recommendations will be presented to Cabinet in April 2025 for consideration, with any agreed changes to take effect thereafter.</p>
<p>Putting our Residents First</p> <p>Delivering on the Council Strategy 2022-2026</p>	<p>This report supports our ambition for residents / the Council of: Enjoy access to green spaces, leisure activities, culture and arts Be / feel safe from harm Live in a sustainable borough that is carbon neutral</p> <p>This report supports our commitments to residents of: Safe and Strong Communities</p>
Financial Cost	A revenue neutral impact is anticipated from the recommendations within this report. Furthermore, it is worth noting that the costs of the Council's enforcement contractors continue to be funded from income generated via the issue of Fixed Penalty Notices. Therefore, should the outcome of the consultation conclude that changes be made to the PSPO operations, this will have a net nil impact on the service's operating budget.
Select Committee	Residents' Services Select Committee
Ward(s)	All wards

RECOMMENDATIONS

That the Cabinet:

- 1) **Agree to review the current PSPO 2023 and approve the draft for consultation;**
- 2) **Note the consultation process proposed;**
- 3) **Agree to receive the updated final version of the PSPO 2025 in April 2025 following consultation, for consideration and approval.**

Reasons for recommendation(s)

Cabinet in July 2023 approved updated 2023 Public Spaces Protection Orders (PSPOs) and this report seeks a review of these Orders for consultation for the reasons set out in this report. The outcome of which will then be duly considered by Cabinet in April 2025, and subject to Cabinet's considerations, would then take effect covering a 3-year period.

PSPOs are intended to deal with activities that are detrimental to the local community's quality of life and work by imposing conditions on the use of the area, enabling residents and visitors to use and enjoy public spaces, safe from such activities. The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities with the necessary powers to introduce PSPO restrictions and prohibitions within the designated area where evidential tests are satisfied.

Whilst designed to prohibit certain activities, the PSPO is also intended to enable people to feel that Hillingdon is a safe and welcoming place for all.

A local authority can implement a PSPO on any public place within its own area. The definition of a public place is wide and may include any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The police, Council officers and officers authorised by the Council can enforce the conditions of PSPOs and may issue fixed penalty notices for non-compliance. Failure to comply with a PSPO is an offence, which could result in a fine of up to £1,000 in a magistrates' court.

PSPOs are regularly reviewed in terms of reported breaches and enforcement undertaken and can be discharged or can lapse or the conditions can be varied. Discharge of a PSPO must be undertaken when the PSPO becomes unnecessary due to the issue that justified the PSPO having ceased.

The Council has faced challenges to prohibitions within the current PSPO which have resulted in a full review of the justification required to support the continuance of those prohibitions. Following this review, it is recommended that the following prohibitions be removed or amended:

Section 2 – Town Centres – to be removed

Amplification

- c) No person shall use a microphone, loudspeaker, megaphone, loud hailer or any other similar equipment designed to amplify the volume of speech or music unless authorised by the council.
- c) No person shall use mains electricity or generator power for the purposes of amplification unless authorised as above.
- c) This does not prevent free speech as long as carried out without the use of any equipment stated in 2(a) or 2(b)
Any person who without reasonable excuse fails to comply with this prohibition commits an offence.

Placing of tables, stands, signage or other installations

- a) No person(s) shall place a table/stand/signage or similar within any part of the public area without written authorisation from the Council

Section 2 – Town Centres – to be amended

Street Trading and leaflet distribution

- b) No person shall sell any product or item in outdoor public spaces within the restricted area without having the express written permission or licence from the Council. This includes persons selling from bags, trolleys, or other mobile means.
- b) No person(s) shall distribute any free leaflet, pamphlet or written word without written permission of the Council, *unless exempt for political, charitable or religious purposes under the provisions of the Cleaner Neighbourhoods and Environment Act 2005.*

All other prohibitions contained within the 2023 PSPO will remain and will be reviewed in full prior to the expiration of next PSPO period. It should also be noted that the amplification prohibition will remain in place for green spaces in Hillingdon, it is only proposed to be removed for Town Centres.

Removal is being recommended as the current complaint volumes do not meet the test in the legislation to prove that the behaviours are detrimental. There is alternative legislation under the Environmental Protection Act 1990 and the Highways Act 1980 to deal with such incidents.

The proposed 2025 PSPO is shown in Appendix 2.

The format of the PSPO document has also changed due to revisions to the legal preamble at the start of the notice. Furthermore, the headings and layout of the conditions and prohibitions have been formatted to provide clarity when reading the notice.

Alternative options considered / risk management

Alternative options for the Council's officers to manage anti-social behaviour in public spaces are limited due to available enforcement legislation. Police officers have additional legislative powers to manage criminal activities and offences, however, their resources are limited and unable to tackle this type of anti-social behaviour.

The Council must consider the impact a PSPO may have on the vulnerable, homeless and rough sleepers and should ensure that it is not aimed at this group of people but at specific activity and behaviour.

An interested person can challenge the introduction of a PSPO in the High Court within six weeks of its introduction. It may also be challenged by judicial review on public law grounds within three months of the decision to implement.

Democratic compliance / previous authority

Cabinet authority is required to approve public space protection orders, noting there are also requirements for statutory consultation on them.

Select Committee comments

None at this stage. Select Committee comments may be sought during the consultation period.

SUPPORTING INFORMATION

1. The Home Office published statutory guidance in July 2014 (revised in March 2023) to support the effective use of the powers introduced under the Anti-Social Behaviour, Crime and Policing Act 2014. The powers introduced by the Act were deliberately local in nature. The Anti-Social Behaviour, Crime and Policing Act 2014 provides the legal framework to implement PSPOs.
2. PSPOs may be introduced in a specific administrative area where the Council is satisfied that certain conditions have been met with regards to the targeted activities. These conditions are that:
 - (a) The activities are carried on in a public place within the designated area and have had a detrimental effect on the quality of life of those in the locality, or it is likely that they will be carried out in a public place within the designated area and that they will have such an effect; and
 - (b) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or likely to be such as to make them unreasonable, and justifies the prohibitions and requirements imposed.
3. A local authority can implement a PSPO on any public place within its own area. The definition of a public place is wide and may include any place to which the public or any

section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

4. The police, Council officers and officers authorised by the Council can enforce the conditions of PSPOs and may issue fixed penalty notices for non-compliance. Failure to comply with a PSPO is an offence, which could result in a fine of up to £1,000 in a magistrates' court.
5. As a public authority, the Council needs to ensure that it considers equality, diversity, cohesion and integration with regards to all its strategies, policies, services and functions, both current and proposed. An Equality Impact Assessment (EIA) before the introduction of a PSPO can help to inform how best to balance the interests of different parts of the community and can help to evidence whether the conditions proposed are justified, as required by section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Financial Implications

A revenue neutral impact is anticipated from the recommendations within this report, furthermore, it is worth noting that the costs of the Council's enforcement contractors continue to be funded from income generated via the issue of Fixed Penalty Notices.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The PSPOs allow authorised Council officers and Police officers to take robust actions against perpetrators who choose to cause harm or nuisance to the environment and/or community. Existing PSPO powers have proved effective in imposing financial sanctions. The August 2023 to October 2024 Fixed Penalty Notice figures is summarised below:

Amplification	1
Verbally Abusive	15
BBQ	1
Car Meet	142
Dog Fouling	52
Dogs off Lead	3
Drinking/Drugs	165
Feeding Birds	7
Fishing	2
More than 4 dogs	1
Idling vehicle	2998
Motorised electric vehicles	289
Spitting	776
Urinating/Defecating	434
Obstruction of officer	131
Total	5017

Consultation & Engagement required

Before introducing, extending or varying a PSPO, the Council is required to consult with statutory consultees as well as the public. Statutory consultees include:

- Chief Officer of Police for the area
- Police & Crime Commissioner
- Owners/occupiers of land affected by the PSPO (where practicable)
- Community representatives

This report seeks approval to launch the public consultation which will run for a minimum of six weeks.

Officers will publicise the PSPO consultation through social media channels, engagement with Community and Town Centre representatives and direct contact to residents' associations and other interested parties such as the Kennel Club, Homeless charities, religious, charitable and political groups.

The proposed timetable for consultation and implementation of the PSPO is:

- 20/01/25 Earliest date for public consultation (6 weeks)
- 02/03/25 End of public consultation
- 10/04/25 Cabinet consideration of consultation and decision on adoption of reviewed PSPO 2025
- 01/05/25 Earliest date for implementation of amended PSPO 2025

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the Financial Implications set out above, noting there are no direct financial implications associated with the recommendations in this report.

Legal

As explained in the report, the Council's powers in relation to PSPOs are derived from the Anti-Social Behaviour, Crime and Policing Act 2014.

This report recommends a review of the Council's current PSPO 2023 and approving the draft PSPO 2025 for consultation, meaning that the Council is considering discharging the PSPO 2023 (which would otherwise lapse 3 years after it was made) and making a new PSPO. The power to make a PSPO is under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 whilst the power to discharge a PSPO is under section 61.

Under section 59, the Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. The first condition is that:

- (a) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (a) is, or is likely to be, of a persistent or continuing nature;
- (b) is, or is likely to be, such as to make the activities unreasonable; and
- (c) justifies the restrictions imposed by the PSPO.

The Council can only impose conditions that are reasonable to impose in order to:

- (a) prevent the detrimental effect from continuing, occurring or recurring; or
- (b) reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

The above criteria create an evidential basis. The Council must satisfy itself based on data, reports, complaints, consultation responses, and any other evidence that the PSPO conditions are justified and proportionate in the circumstances.

Also, in deciding whether to exercise either of the power to make (and, if so, how so) or discharge a PSPO, section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 requires the Council to have particular regard to the article 10 (right to freedom of expression) and article 11 (right to freedom of assembly) of the European Convention on Human Rights. This has been incorporated into the equality impact assessment, which has also been completed in consideration of the Council's public sector equality duty under section 149 of the Equality Act 2010. Where a PSPO restricts Convention rights and freedoms, those restrictions are permissible if lawful, necessary and proportionate.

Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 also specifies the necessary consultation and necessary publicity the Council must undertake when making a PSPO and when discharging a PSPO. The necessary consultation includes consulting with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the Council thinks it appropriate to consult; and
- (c) the owner or occupier of land within the restricted area.

The necessary publicity for making a PSPO means publication of the proposed PSPO whilst the necessary publicity for discharge means publicising the proposal. If the decision is made following consultation to discharge the PSPO 2023 and make a new PSPO, the Council must, in accordance with regulations 2-3 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, publish a notice on its website regarding the discharge, publish the new PSPO as made on its website, and erect physical notices in affected public places regarding the PSPO discharge and the new PSPO being made.

The consultation that the Council undertakes must also adhere to the legal standard of fairness and adequacy, as underpinned by the *Gunning* principles. The product of the consultation must be conscientiously taken into account in finalising any decision to discharge the PSPO 2023 and make a new PSPO. The consultation responses will also assist in determining if the evidential basis set out in section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 exists.

Further legal advice on PSPOs and equality considerations is given as and when sought by Council officers.

BACKGROUND PAPERS

- The Antisocial Behaviour, Crime & Policing Act 2014 - [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/12)
- [Home Office Guidance for Frontline Professionals – Anti-social Behaviour Powers June 2022](#)
- [Local Government Association PSPO Guidance for Councils](#)
- [Cabinet decision / report on 2023 PSPOs – 27 July 2023](#)



HILLINGDON LONDON

Public Spaces Protection Order

Anti-Social Behaviour Crime and Policing Act 2014 s.59

Notice is hereby given that London Borough of Hillingdon ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act"):

The land described in the schedule below ("the restricted areas") being land in the area of the Council is land to which the Anti-Social Behaviour Crime and Policing Act 2014 applies and will be protected by the making of this Order

The Order may be cited as the (Parks and Public Places) Public Spaces Protection Order ("the Order") and came into force on 1st August 2023 for a duration of 3 years.

1. The Public Spaces Protection Order (Borough Wide) 2023

The effect of the Order is to impose the following prohibitions within the 'Restricted Area' relating to all public spaces shown in Schedule 1:

Alcohol and Drugs:

- a) A person commits an offence if without reasonable excuse they are in possession of an open container of alcohol and/or are consuming alcohol (other than in premises licensed for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised person.
- b) A person commits an offence if without reasonable excuse they fail to hand over immediately any alcohol, whether in an open or closed container, when required to do so by an authorised person who believes that the person has consumed, is consuming or intends to consume alcohol in breach of the prohibition 1 (a) above.
- c) A person commits an offence if without reasonable excuse they are under the influence of controlled drugs and/or other psychoactive substance.

Penalties - In the restricted areas any person who continues drinking alcohol having been required to desist by an authorised officer under condition (a) above or fails to hand over any alcohol in his or her possession when required to do so by an authorised officer under condition (b) a above commits an offence under section 63 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100

Vehicles:

- d) A person commits an offence if without reasonable excuse, they drive a motorised, electric or powered vehicle over any footway, footpath, grass verge adjacent to any part of the public highway or within the Councils Green Spaces. (This prohibition does not apply to those persons using mobility vehicles).



HILLINGDON

LONDON

- e) A person commits an offence if without reasonable excuse, they leave a parked or stationary vehicle engine running on any part of the Public Highway.
- f) A person commits an offence if they use remote controlled model vehicles or aircraft that is likely to cause nuisance from noise or cause harassment, alarm, or distress to another person.
- g) A person commits an offence if they use drones or small unmanned aircraft (SUA) of any mass without the express consent of the Council (condition to apply to the parks and open spaces set out in Annex 1 to this order)
Penalties – A person who is guilty of an offence under this part of the order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Car Meets, Street Racing

- h) A person commits an offence if they participate in 'Car meets, street racing' anywhere within the Restricted Areas outlined in the plans annexed to this Order. Participating in 'Car Cruising' means being the driver of, or being carried in or on a motor vehicle, when two or more vehicles (including motorbikes) being on a highway, or a publicly accessible place, at which any such vehicle, or occupant of a vehicle, performs any of the activities listed below:
 - i. Speeding
 - ii. Driving in Convoy
 - iii. Racing
 - iv. Performing stunts
 - v. Sounding horns or playing music as to cause nuisance
 - vi. Using foul or abusive language
 - vii. Using threatening, intimidating behaviour towards another person
 - viii. Causing obstruction on a public highway, whether moving or stationary.
 - ix. Causing obstruction on a public highway, whether moving or stationary.
- i) Participating in any activity stated in clause (h) as a passenger or driver of a vehicle within the Restricted Areas.
- j) Congregating in the Restricted Areas to spectate in any activity stated in clause (h).
- k) Using any water outlet for the purpose of flooding the road to facilitate performing stunts in the Restricted Areas.

- l) To promote, organize or publicise, via email, the internet, Facebook, Twitter or similar social media, or any publication or broadcast any 'car cruising' within the Restricted Areas

Urinating, defecating & spitting

- m) No person shall urinate, defecate, or spit within any public place within the administrative area of the London Borough of Hillingdon (The 'Restricted Area'), except in a premise designed for that purpose.

Penalties – A person who is guilty of an offence under this part of the order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dogs and vermin

- n) A person commits an offence if they are in sole charge of more than four dogs in a public place within the administrative area of the London Borough of Hillingdon (The 'Restricted Area') without a licence.
- o) Where a valid licence is in force, a person commits an offence if they are in sole charge of more than six dogs in a public place within the administrative area of the London Borough of Hillingdon (The 'Restricted Area').
- p) A person commits an offence if, without reasonable excuse, any dog in their charge defecates on land within the 'restricted area' and they fail to remove the faeces and deposit it in a dog faeces receptacle, forthwith.
- q) A person commits an offence if they fail to place a lead on a dog (which at the time the person is in charge of or responsible for) when the dog is on a pavement by a road (within 3 metres of a carriageway) or when required to do so by an authorised officer.
- r) A person commits an offence if they place or distribute of any type of food source in a street or Green Space to either feed or attract birds or vermin.

Penalties – A person who is guilty of an offence under this part of the order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Notes relating to condition (k) - placing faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land under requirement (k) above; being unaware of the defecation or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces; this requirement does not apply if the person is a registered assistance dog owner.

Parks and Open Spaces

- s) A person commits an offence if they light or are in control of or responsible for activity involving a fire, barbecue, or fireworks without the express consent of the Council.
- t) A person commits an offence if they use any device designed or adapted for detecting or locating any metal or mineral on or in the ground without the express consent of the Council.
- u) A person commits an offence if they smoke any substance including cigarettes, cigars, electronic cigarettes (vapes), herbal cigarettes or similar within the boundary of a children's play area.
- v) A person commits an offence if they engage in any type of fishing or dredge or remove any material from any park or open space without the express consent of the Council.
- w) A person commits an offence if they do not leave a park at the designated closing time or when required to do so by an authorised officer.

- x) A person commits an offence if they do not extinguish a fire and/or barbecue or firework (if appropriate and safe to do so), removing all waste and/or associated items for safe disposal.
- y) A person commits an offence if they fail to ensure that any dog (which at the time the person is in charge of or responsible for) having entered a children's play area, leaves that play area forthwith.
- z) A person commits an offence if they use a microphone, loudspeaker, megaphone, loud hailer, or any other similar equipment designed to amplify the volume of speech or music unless authorised by the council.

General Prohibitions

- aa) A person commits an offence if they encamp (with or without a vehicle) without the express consent of the Council.
- bb) A person commits an offence if they are being verbally abusive to any person or using foul language or behaving in a way which causes or is likely to cause harassment, alarm or distress to another person.
- cc) A person commits an offence if they are engaged in the act of begging for food or money that causes harassment, alarm, or distress to another person.

Obstruction

- dd) Any person who attempts to obstruct an Authorised Officer in carrying out their duties under this Public Spaces Protection Order shall commit an offence.
- ee) Obstruction includes, but is not limited to, giving false information, physically obstructing an Authorised Officer, and refusing to comply with any reasonable instruction given to ensure compliance with this PSPO.

2. The Public Spaces Restriction Order (Town Centres) 2023

The effect of the Order is to impose the following prohibitions within the Uxbridge, Hayes, Ruislip town centres being 'Restricted Town Centre Areas' relating to all public spaces shown in Schedule 2:

Amplification

- a) No person shall use a microphone, loudspeaker, megaphone, loud hailer or any other similar equipment designed to amplify the volume of speech or music unless authorised by the council.
- b) No person shall use mains electricity, battery, or generator power for the purposes of amplification unless authorised as above.
- c) This does not prevent free speech as long as carried out without the use of any equipment stated in 2(a) or 2(b)
Any person who without reasonable excuse fails to comply with this prohibition commits an offence.

Placing of tables, stands, signage or other installations

- d) No person(s) shall place a table/stand/signage or similar within any part of the public area without written authorisation from the Council.

Financial agreements in the street

- e) Any person involved in stopping people for the purpose of encouraging them to enter into financial agreements for charitable or other purposes, must only operate from a stand and may only approach people a maximum of 2 metres from the stand.
- f) No stand must be placed on the public highway, which includes the pedestrianised area, without the authorisation of the Council.

Street Trading and leaflet distribution

- g) No person shall sell any product or item in outdoor public spaces within the restricted area without having the express written permission or licence from the Council. This includes persons selling from bags, trolleys, or other mobile means.
- h) No person(s) shall distribute any free leaflet, pamphlet, or written word without authorisation of the Council.

NB – 'Authorisation' means Highway Event Permit, Premises Licence, Temporary Event Notice, Green Spaces Lease Agreement, Busking Permit, Leaflet Distribution Permit or other written permission from the Council. Authorisations must be approved prior to any of the above activities taking place and must be available on request by Authorised Officers of the Council.

Schedule of the restricted areas:

Schedule 1 – Whole Borough

Schedule 2 – Town Centres

‘Authorisation’ means Highway Event Permit, Premises Licence, Temporary Event Notice, Street Trading Licence, Green Spaces Lease Agreement, Busking Permit, Leaflet Distribution Permit or other written permission from the Council.

"Park" means all Parks and Open Spaces that are managed, owned or under the control of The London Borough of Hillingdon.

"Public Place" means all land in the open air (including any park, open space, street or highway) owned maintained or managed by the Council.

Definitions:

For the purpose of this Order, the following definitions will apply:

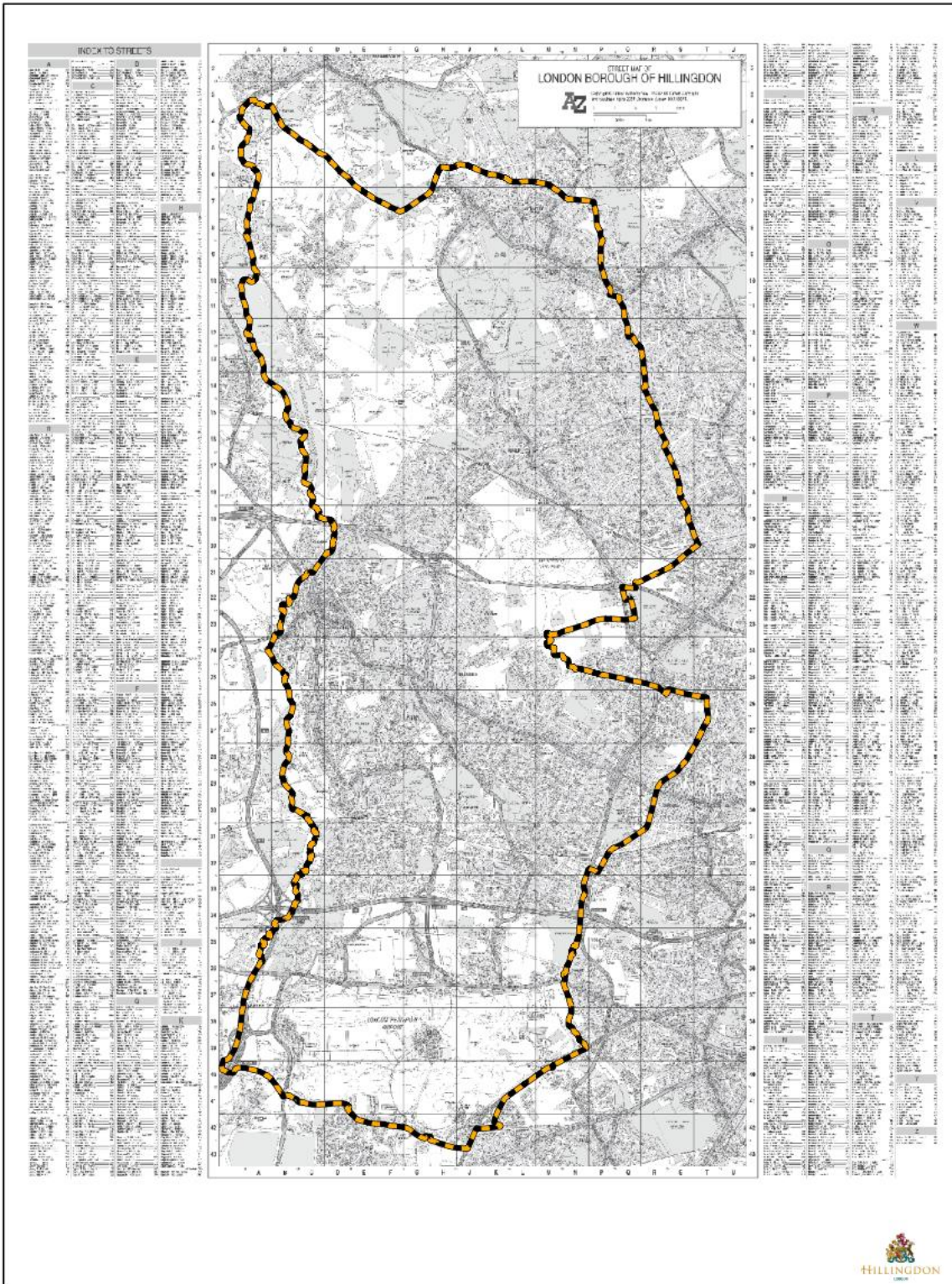
1. Alcohol - this has the meaning given by Licensing Act 2003 s191.
2. Controlled Drugs - this has the meaning given by Parts I, II, III and IV of [Schedule 2 to the Misuse of Drugs Act 1971](#) and in Schedule 1,2,3,4, or 5 of the Misuse of Drugs Regulations 2001, unless prescribed by a medical practitioner. The legislation regarding Controlled Drugs is subject to change and current information regarding Controlled Drugs can be found at www.dh.gov.uk.
3. Psychoactive Substances - this has the meaning given by Psychoactive Substances Act 2006 section 2(2).
4. Product - means an article or substance that is manufactured or refined for sale.
5. Street furniture - means objects placed or fixed in the street for public use, such as post-boxes, road signs, and benches.
6. Food source - means any substance containing nutrients, such as carbohydrates, proteins and fats that can be ingested by a living organism and metabolized into energy and body tissue.
7. Powered vehicles - mobility scooter and other forms of powered mobility devices for the disabled are excluded.

General

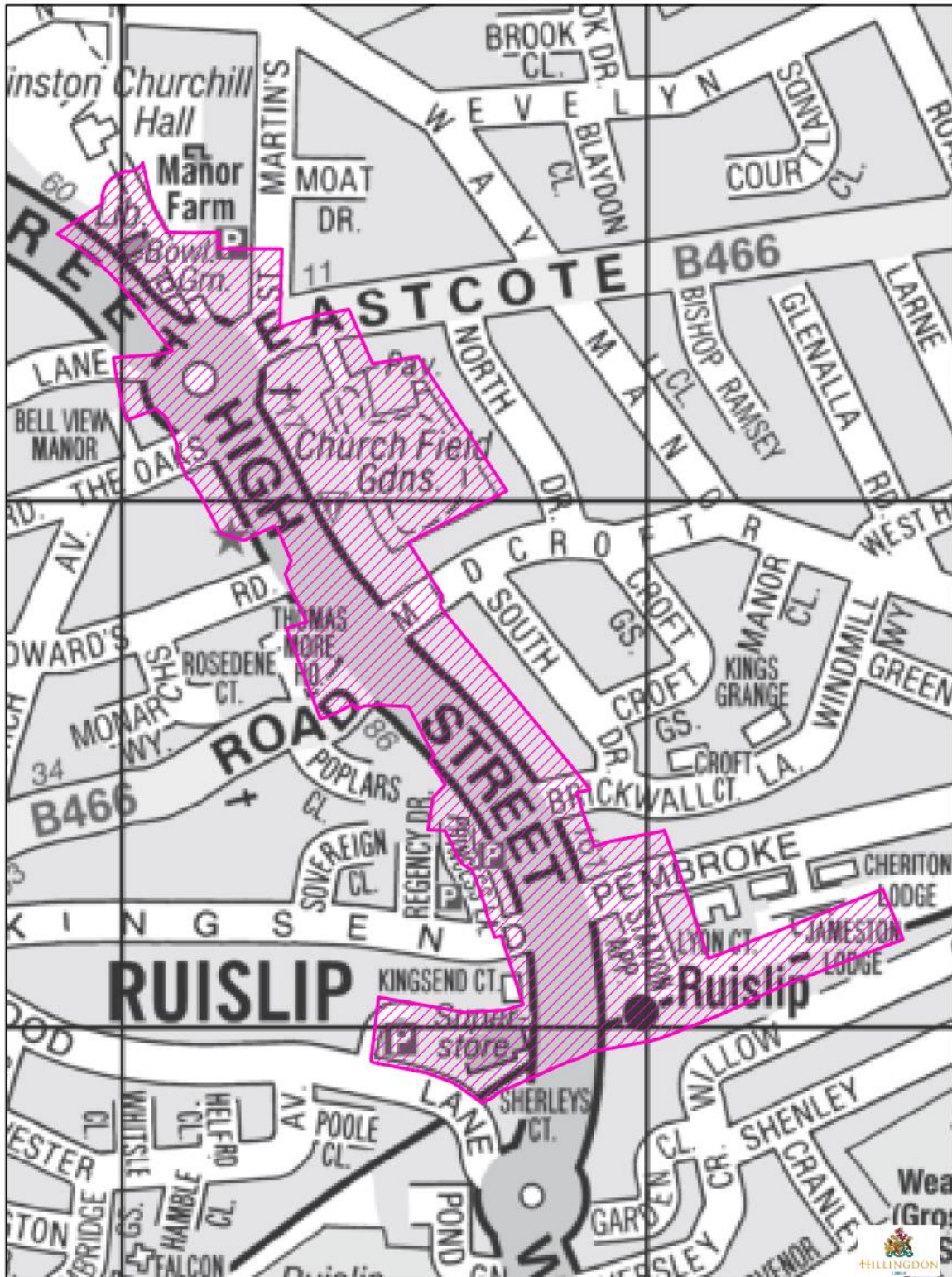
An authorised officer means a Local Authority Employee, a person designated by the Local Authority, a Police Officer or Police Community Support Officer. The Council is satisfied that the conditions set out in sections 59, 64 & 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this order for the purposes of reducing anti-social behaviour in the restricted areas. The Council makes the order because anti-social behaviour in the restricted areas has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed in this order. If any "interested person" desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Schedule 1

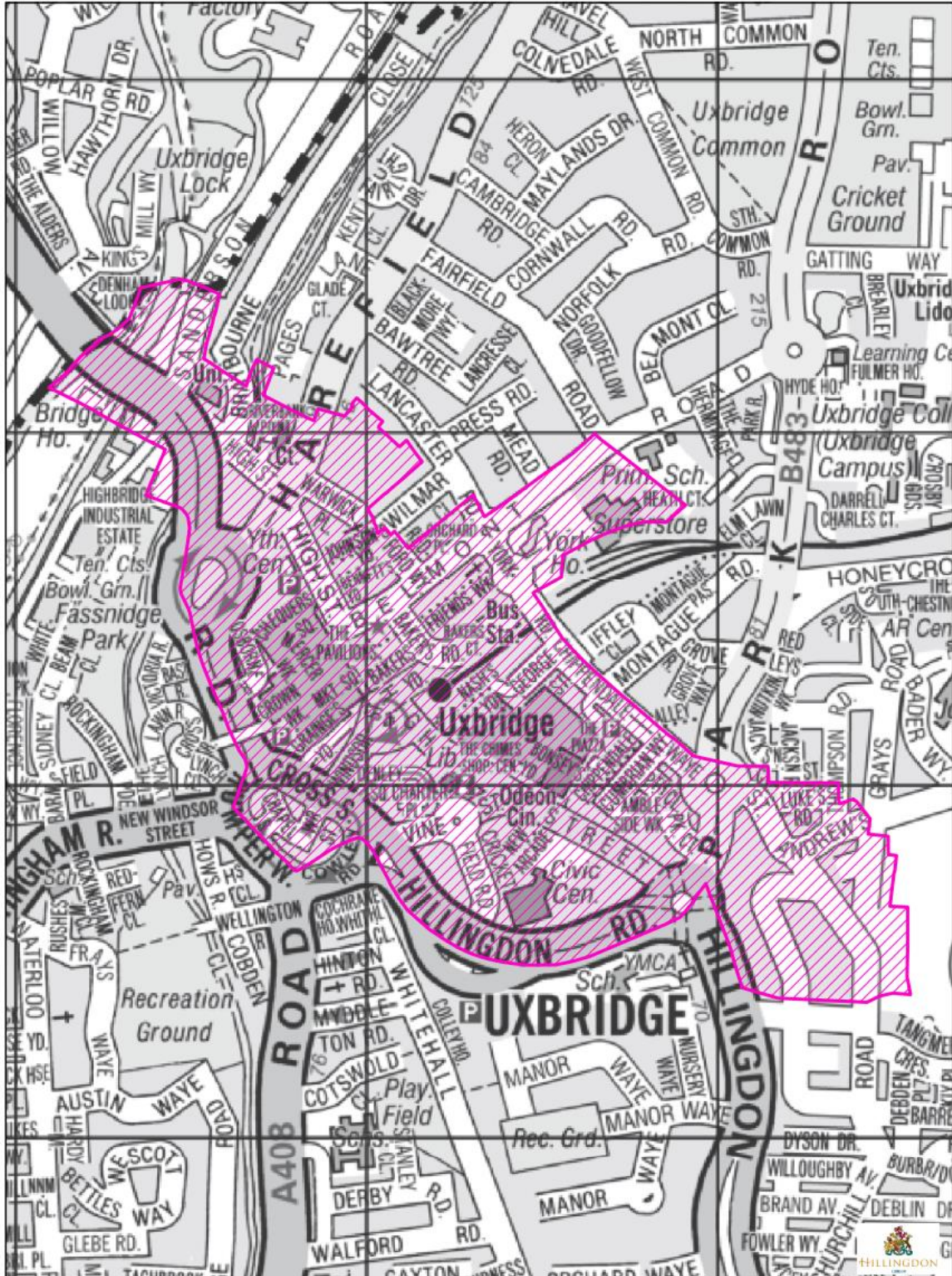
London Borough of Hillingdon



Ruislip



Uxbridge





HILLINGDON
LONDON

**LONDON BOROUGH OF HILLINGDON (BOROUGH WIDE AND TOWN CENTRES) PUBLIC SPACES PROTECTION ORDER 2025
("THE ORDER")**

Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act"), section 59

A) RECITALS

1. The London Borough of Hillingdon ("**the Council**") makes the Order under section 59 of the 2014 Act and is satisfied that the applicable requirements set out in Chapter 2 of the 2014 Act have been met and that it is, in all the circumstances, appropriate to make the Order.
2. The land edged in Schedule 1 to the Order ("**the Borough Wide Restricted Area**") and the land [edged / hatched [colour]] in Schedule 2 to this Order ("**the Town Centres Restricted Area**"), collectively "**the Restricted Areas**", is land in the administrative area of the Council to which the 2014 Act applies and is identified as being protected by the making of the Order.
3. The Council, in accordance with section 59(7)(a) of the 2014 Act, identifies the activities prohibited or otherwise controlled or restricted by the conditions set out in the Order as being activities that the Council is satisfied meet the condition set out in section 59(2) of the 2014 Act, namely that:
 - (a) they are carried on in a public place within the Restricted Areas and have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that they will be carried out in a public place within the Restricted Areas and that they will have such an effect.
4. Based on reports of these activities, the Council is also satisfied that the condition set out in section 59(3) of the 2014 Act has been met, namely that the effect, or likely effect, of the activities:
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or likely to be such as to make them unreasonable, and
 - (c) justifies the prohibitions and required imposed by the Order.
5. The Council is further satisfied that the prohibitions and requirements imposed by the Order are ones that are reasonable to impose in order to:

- (a) prevent the detrimental effect of the activities from continuing, occurring or recurring, or
 - (b) reduce that detrimental effect of the activities or to reduce the risk of its continuance, occurrence or recurrence.
6. The Council has had regard to the rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms 1950, in particular to article 10 (right of freedom of expression) and article 11 (right of freedom of assembly), and has concluded that, in so far as the Order restricts such rights and freedoms, those restrictions are lawful, necessary and proportionate.

B) CITATION

The Order may be cited as London Borough of Hillingdon (Borough Wide and Town Centres) Public Protection Order 2025.

C) COMMENCEMENT AND DURATION

The Order shall come into force on [date] for a duration of 3 years from that date, subject to any extension, variation or discharge by the Council pursuant to its statutory powers.

D) INTERPRETATION

1. For the purposes of the Order:

“alcohol” has the meaning given by section 191 of the Licensing Act 2003.

“authorisation” means a relevant, valid and demonstrable highway event permit, premises licence, temporary event notice, street trading licence, green spaces lease agreement, busking permit, leaflet distribution permit or other written permission or consent from the Council approved in advance; any authorisation relied upon must be made available on request by an authorised officer.

“authorised officer” means an employee of the Council, a police officer, police community support officer, or any other person designated by the Council to enforce the Order.

“car meet” means 2 or more vehicles (which may include motorbikes) being on a highway, or a publicly accessible place, where any such vehicle, or occupant of a vehicle, performs any of the activities listed below:

- i. speeding

- ii. driving in convoy
- iii. racing
- iv. performing stunts (including but not limited to doughnuts, drifting, skidding, handbrake turns, and wheel spinning)
- v. sounding horns or playing music so as to cause nuisance
- vi. revving of engines so as to cause nuisance
- vii. using foul or abusive language
- viii. using threatening, intimidating behaviour towards another person
- ix. causing obstruction on a public highway or in a publicly accessible place, whether moving or stationary

“controlled drug” has the meaning given by section 2 of the Misuse of Drugs Act 1971.

“dog faeces receptacle” includes a receptacle which is provided for the purpose of the disposal of waste.

“food source” means any substance containing nutrients, such as carbohydrates, proteins and fats, that can be ingested by a living organism and metabolised into energy and body tissue.

“park” means any park or and open space that is managed, owned or under the control of the Council.

“product” means any article or substance that is manufactured or refined for sale.

“psychoactive substance” has the meaning given by section 2 of the Psychoactive Substances Act 2016.

“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

2. A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

E) BOROUGH WIDE CONDITIONS

The effect of the Order is to impose the prohibitions and requirements in this Part E within all public places and housing communal areas within the Borough Wide Restricted Area (as shown edged in Schedule 1) at all times.

1. Alcohol and Drugs

- (a) A person commits an offence if without reasonable excuse they are in possession of an open container of alcohol and/or are consuming alcohol (other than in premises licensed for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised person.
- (b) A person commits an offence if without reasonable excuse they fail to hand over immediately any alcohol, whether in an open or closed container, when required to do so by an authorised person who believes that the person has consumed, is consuming or intends to consume alcohol in breach of the prohibition 1 (a) above.
- (c) A person commits an offence if without reasonable excuse they are under the influence of controlled drugs and/or other psychoactive substance.

Penalties - In the restricted areas any person who continues drinking alcohol having been required to desist by an authorised officer under condition (a) above or fails to hand over any alcohol in his or her possession when required to do so by an authorised officer under condition (b) a above commits an offence under section 63 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £10.

2. Vehicles

- (a) A person commits an offence if without reasonable excuse, they drive a motorised, electric or powered vehicle over any footway, footpath, grass verge adjacent to any part of the public highway or within the Councils Green Spaces. (This prohibition does not apply to those persons using mobility vehicles).
- (b) A person commits an offence if without reasonable excuse, they leave a parked or stationary vehicle engine running on any part of the Public Highway.
- (c) A person commits an offence if they use remote controlled model vehicles or aircraft that is likely to cause nuisance from noise or cause harassment, alarm, or distress to another person.
- (d) A person commits an offence if they use drones or small unmanned aircraft (SUA) of any mass without the express consent of the Council (condition to apply to the parks and open spaces set out in Annex 1 to this order)

Penalties – A person who is guilty of an offence under this part of the order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3. Car Meets

- (a) No person shall participate in a car meet as a driver or passenger being carried in or on a motor vehicle. ^[OBJ]
- (b) No person shall congregate to spectate a car meet.
- (c) No person shall use any water outlet for the purpose of flooding the road to facilitate performance of stunts at a car meet.
- (d) No person shall promote, organise or publicise a car meet (including but not limited to via email, the internet, social media, or any publication or broadcast medium).

4. Urinating, Defecating and Spitting

No person shall urinate, defecate, or spit except in a premises or receptacle designed for that purpose.

5. Dogs, birds and vermin

- (a) A person commits an offence if they are in sole charge of more than four dogs in a public place within the administrative area of the London Borough of Hillingdon (The 'Restricted Area') without a licence.
- (b) Where a valid licence is in force, a person commits an offence if they are in sole charge of more than six dogs in a public place within the administrative area of the London Borough of Hillingdon (The 'Restricted Area').
- (c) A person commits an offence if, without reasonable excuse, any dog in their charge defecates on land within the 'restricted area' and they fail to remove the faeces and deposit it in a dog faeces receptacle, forthwith.
- (d) A person commits an offence if they fail to place a lead on a dog (which at the time the person is in charge of or responsible for) when the dog is on a pavement by a road (within 3 metres of a carriageway) or when required to do so by an authorised officer.
- (e) A person commits an offence if they place or distribute of any type of food source in a street or Green Space to either feed or attract birds or vermin.

Penalties – A person who is guilty of an offence under this part of the order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Notes relating to condition (C) - placing faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land under requirement (C) above; being unaware of the defecation or not having a device for or other suitable means of removing the faeces shall not be a reasonable

excuse for failing to remove the faeces; this requirement does not apply if the person is a registered assistance dog owner.

5.1. Exempted persons

The following are exempt from conditions 5(c) to 5(e) above:

- i. any person with a disability within the meaning of the Equality Act 2010 whose disability affects their mobility, manual dexterity, physical coordination, ability to lift, carry or move everyday objects, or otherwise comply with the condition where they are in charge of a dog upon which they rely for assistance
- ii. any person who is in charge of an assistance dog trained by a relevant charity
- iii. any person who has been given permission by the owner, occupier or person or authority in charge of the relevant land not to comply with the condition on that land.
- iv. a dog used by the police, emergency services or other agencies permitted by the Council for official purposes.

6. General Prohibitions

- (a) A person commits an offence if they encamp (with or without a vehicle) without the express consent of the Council.
- (b) A person commits an offence if they are being verbally abusive to any person or using foul language or behaving in a way which causes or is likely to cause harassment, alarm or distress to another person.
- (c) A person commits an offence if they are engaged in the act of begging for food or money that causes harassment, alarm, or distress to another person

7. Obstruction of an Authorised Officer

- (a) Any person who attempts to obstruct an Authorised Officer in carrying out their duties under this Public Spaces Protection Order shall commit an offence.
- (b) Obstruction includes, but is not limited to, giving false information, physically obstructing an Authorised Officer, and refusing to comply with any reasonable instruction given to ensure compliance with this PSPO.

F. PARKS AND OPEN SPACES CONDITIONS

The effect of the Order is to impose the prohibitions and requirements in this Part F within all Green Spaces and Parks within the Borough Wide Restricted Area (as shown in green in Schedule 1) at all times.

- (a) A person commits an offence if they light or are in control of or responsible for activity involving a fire, barbecue, or fireworks without the express consent of the Council.
- (b) A person commits an offence if they use any device designed or adapted for detecting or locating any metal or mineral on or in the ground without the express consent of the Council.
- (c) A person commits an offence if they smoke any substance including cigarettes, cigars, electronic cigarettes (vapes), herbal cigarettes or similar within the boundary of a children's play area.
- (d) A person commits an offence if they engage in any type of fishing or dredge or remove any material from any park or open space without the express consent of the Council.
- (e) A person commits an offence if they do not leave a park at the designated closing time or when required to do so by an authorised officer.
- (f) A person commits an offence if they do not extinguish a fire and/or barbecue or firework (if appropriate and safe to do so), removing all waste and/or associated items for safe disposal
- (g) A person commits an offence if they fail to ensure that any dog (which at the time the person is in charge of or responsible for) having entered a children's play area, leaves that play area forthwith
- (h) No person shall use a microphone, loudspeaker, megaphone, loud hailer or any other similar equipment designed to amplify the volume of speech or music unless authorised by the council.
- (i) No person shall use mains electricity or generator power for the purposes of amplification unless authorised as above.

G. TOWN CENTRE CONDITIONS

The effect of the Order is to impose the prohibitions and requirements in this Part G within all public places in the Uxbridge, Hayes and Ruislip Town Centres Restricted Area (as shown edged in Schedule 2) at all times:

1. Financial Agreements in the Street

Any person involved in stopping people for the purpose of encouraging them to enter into financial agreements for charitable or other purposes must only operate from a stand and may only approach people a maximum of 2 metres from the stand.

2. Street Trading

No person shall sell any product or item, including but not limited to from bags, trolleys, or other mobile means, in outdoor public places without authorisation.

3. Distribution of printed matter

No person shall distribute any free printed matter without authorisation unless they are distributing the matter by or on behalf of a charity and it relates to or is intended for the benefit of a charity, or they are distributing the matter for political purposes or for the purposes of a religion or belief.

H. OFFENCES AND PENALTIES

1. If an authorised officer who reasonably believes that a person is or has been consuming alcohol in breach of a condition of the Order, or intends to consume alcohol in circumstances in which doing so would be a breach of such a condition requires that person:

- (a) not to consume, in breach of the Order, alcohol or anything which the authorised officer reasonably believes to be alcohol;
- (b) to surrender anything in their possession which is, or which the authorised officer reasonably believes to be, alcohol or a container of alcohol;

and that person fails without reasonable excuse to comply with such a requirement validly imposed commits an offence under section 63 of the 2014 Act and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

2. A person who without reasonable excuse does anything that they are prohibited from doing by the Order or fails to comply with a requirement to which they are subject under the Order is guilty of an offence under section 67 of the 2014 Act and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

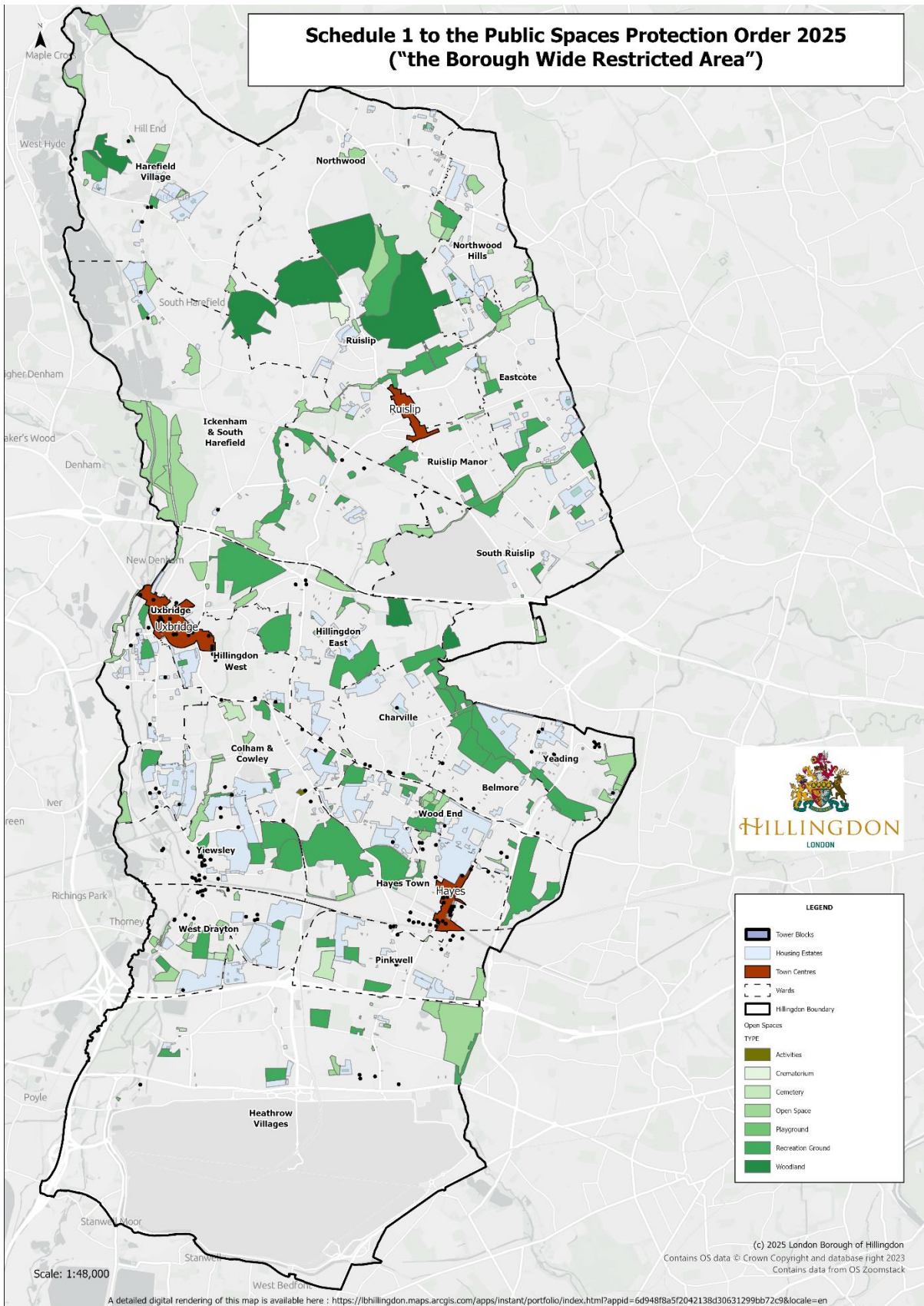
3. An authorised officer may issue a fixed penalty notice under section 68 of the 2014 Act to any person they have reason to believe has committed an offence in relation to the Order, offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council within 14 days.

I. APPEALS

Under section 66 of the 2014 Act, an individual who lives in the Restricted Areas or who regularly works in or visits the Restricted Areas and wishes to question the validity of the Order on the grounds that the Council had no power to make it or that any requirement of the 2014 Act was not been complied with in relation to the Order may make an application to the High Court within the period of 6 weeks beginning from the date on which the Order is made.

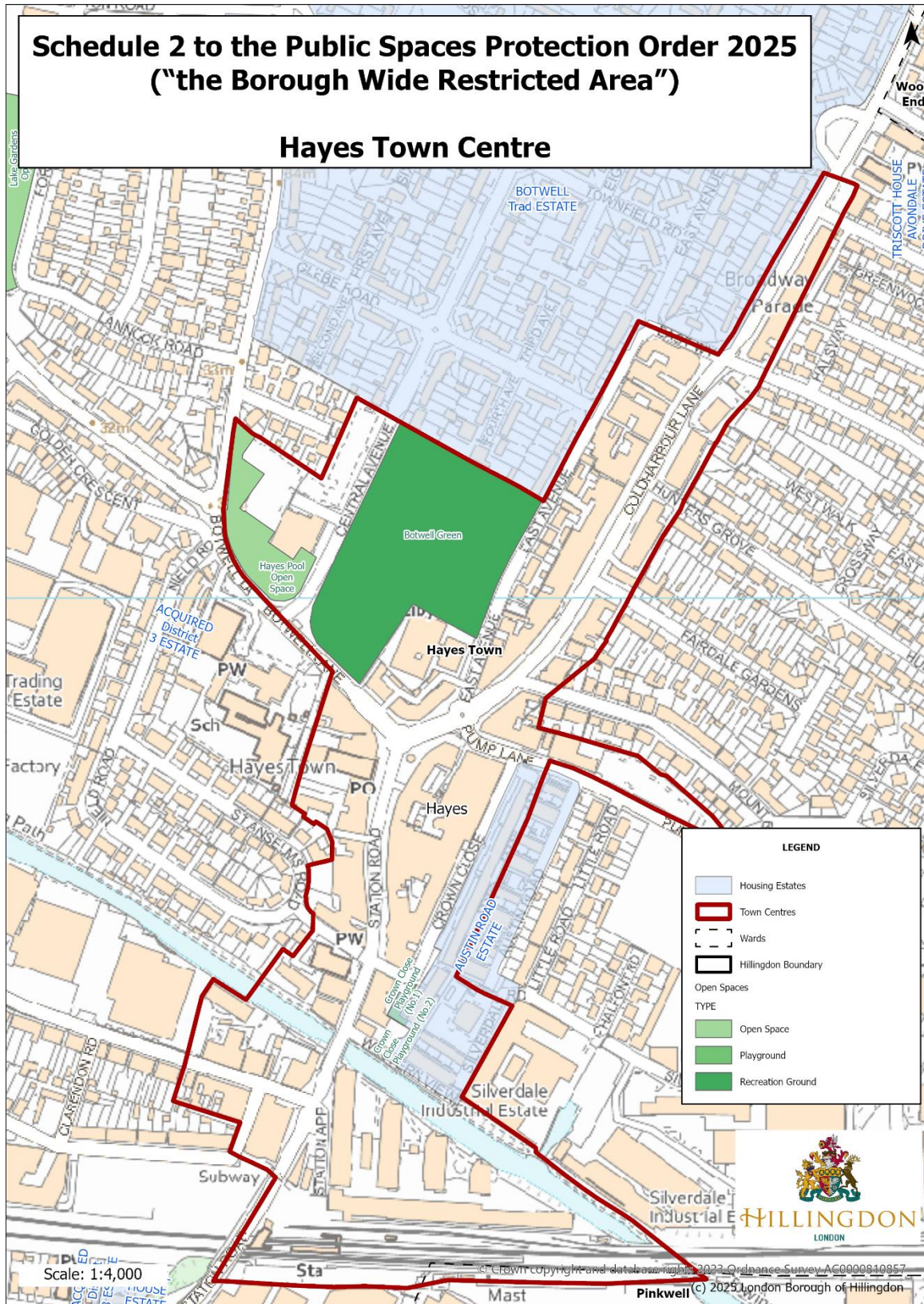
SCHEDULE 1

Borough Wide Restricted Area and Green Spaces/Open Spaces Restricted Area



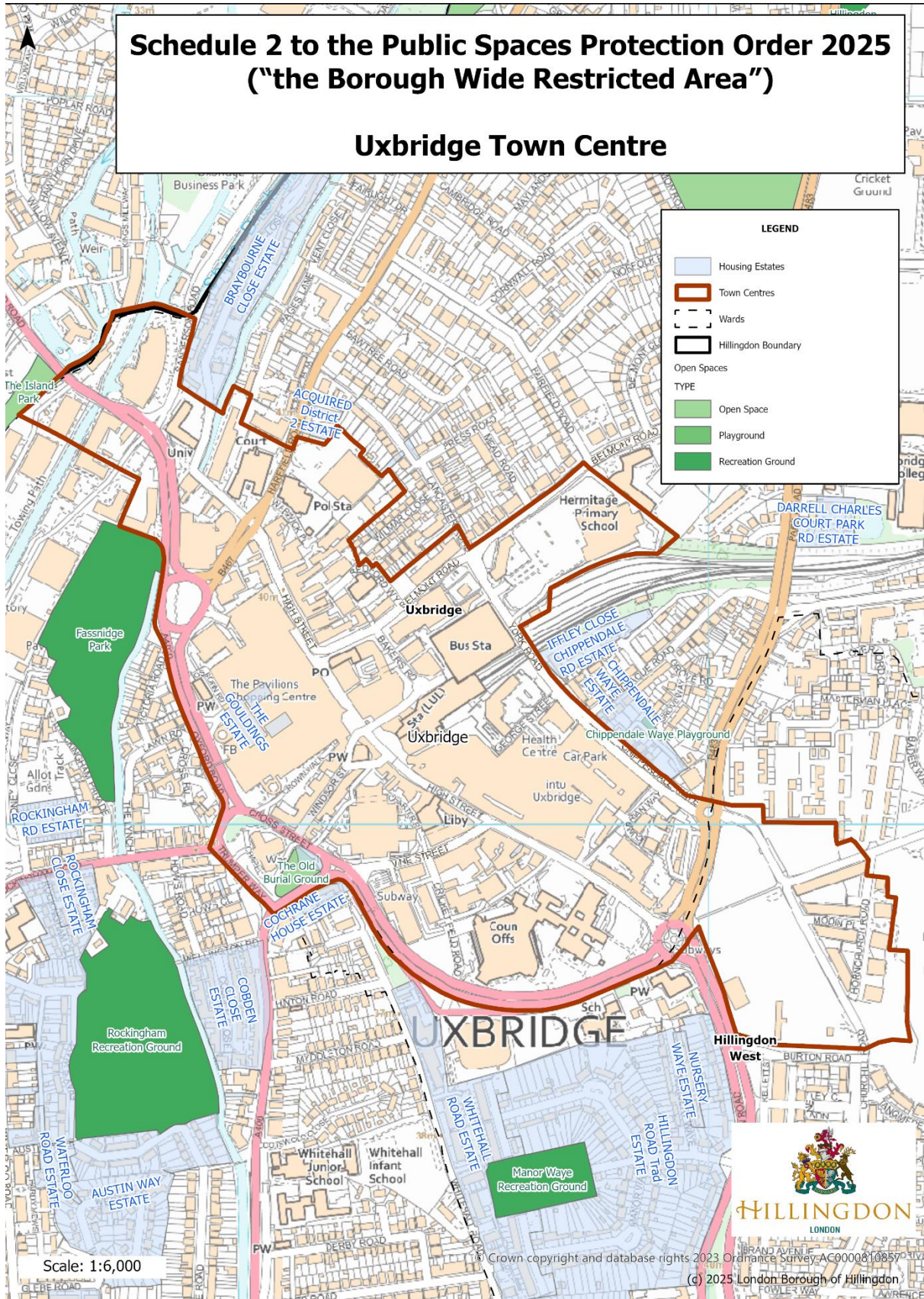
SCHEDULE 2 Town Centres Restricted Area

[Insert town centre maps with the Town Centres Restricted Area clearly identified edged / hatched in a certain colour]



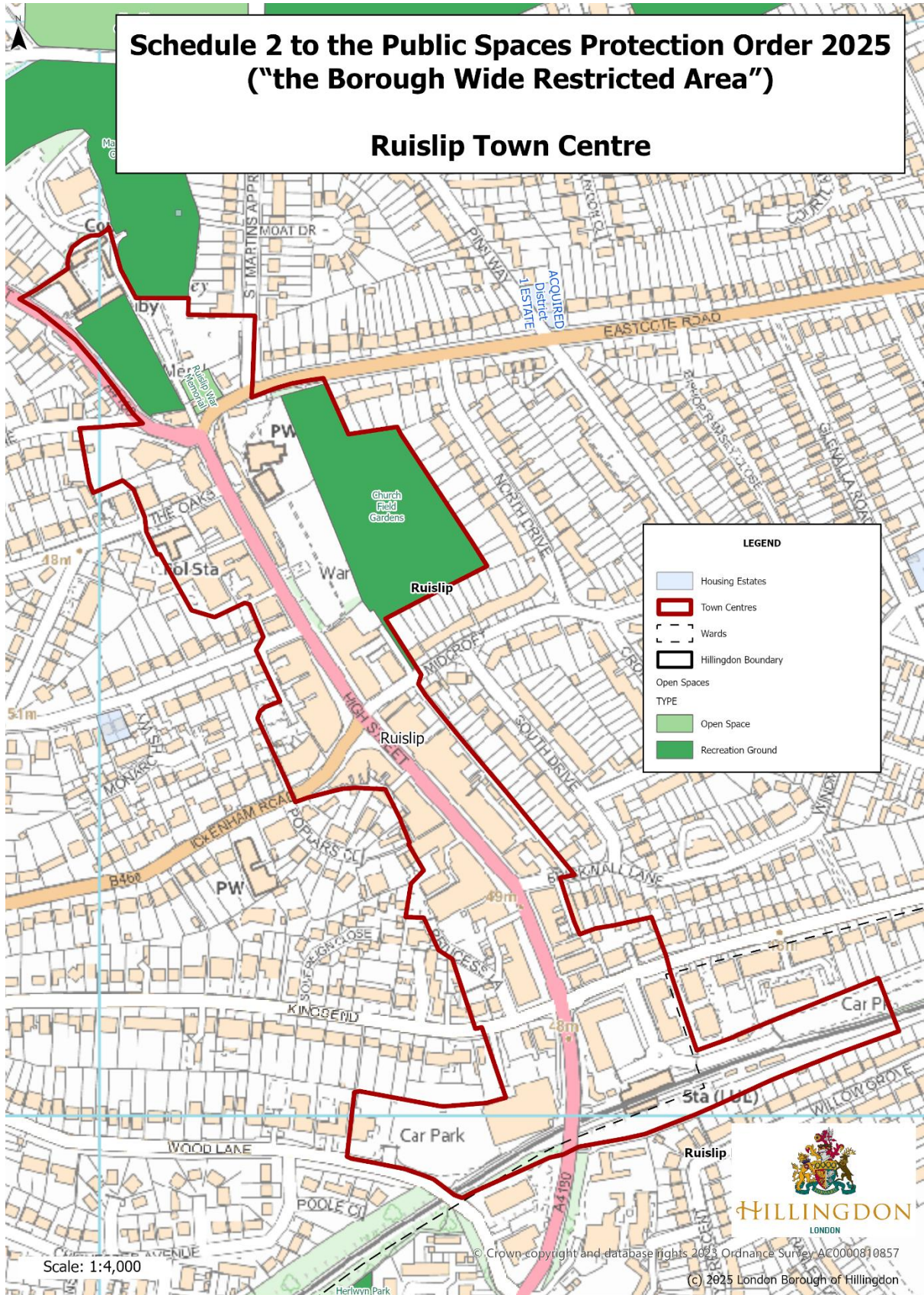
Schedule 2 to the Public Spaces Protection Order 2025 ("the Borough Wide Restricted Area")

Uxbridge Town Centre



**Schedule 2 to the Public Spaces Protection Order 2025
("the Borough Wide Restricted Area")**

Ruislip Town Centre



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REVIEW OF CHARGING FOR SOCIAL CARE AND SUPPORT POLICY

Cabinet Member & Portfolio	Cllr Jane Palmer, Cabinet Member for Health & Social Care
Responsible Officer	Sandra Taylor, Corporate Director of Adult Social Care & Health
Report Author & Directorate	Sarah Baker, Project Manager
Papers with report	Appendix 1 – Proposed Charging for Social Care and Support Policy

HEADLINES

Summary	The purpose of this report is to seek the Cabinet’s approval for the Council’s revised Charging for Social Care and Support Policy to be consulted on, and subject to further Cabinet approval, to be introduced from April 2025. The revised Policy sets out how the Council will charge eligible and financially assessed adults who receive care and support services. The charging policy has been updated to include the application of a fee for arranging care to any resident who has sufficient funds to pay for their own care.
Putting our Residents First Delivering on the Council Strategy 2022-2026	<p>This report supports our ambition for residents / the Council of: Stay living independently for as long as they are able</p> <p>This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents</p> <p>This report supports our commitments to residents of: Safe and Strong Communities</p> <p>This report supports the visions outlined in the Joint Health & Wellbeing Strategy and Adult Social Care and Health Plan.</p>
Financial Cost	Having a robust and up to date charging policy enables the council to successfully collect assessed contributions for care services. The updated policy proposes applying a care arrangement fee to residents funding their own care. This charge will take two forms: an annual set up fee and then a yearly admin cost after that to cover the cost of arranging, reviewing and monitoring care and will generate a c£65k new income stream.
Select Committee	Health & Social Care select committee
Ward(s)	N/A

RECOMMENDATIONS

That the Cabinet:

1. Approves for consultation the updated **Adult Social Care Charging for Social Care and Support Policy for Hillingdon for 2025/26** for charging adults receiving care and support services in the Borough, as set out in the report and Appendix 1;
2. Delegates authority to the Cabinet Member for Health & Social Care, in consultation with the Corporate Director of Finance and Corporate Director of Adult Social Care & Health, to consider the outcome of the public consultation and to then determine the final policy and fees for 2025/26;
3. Agrees that, thereafter, this policy and fees are reviewed annually as part of the Council's wider review of fees and charges to provide a transparent and consistent approach going forward.

Reasons for recommendation(s)

1. The Care Act 2014 gives local authorities discretionary powers to charge adult recipients for social care services provided.
2. Section 17 of the Care Act 2014 states that having determined that it will charge, the local authority must carry out a financial assessment to determine how much an individual should pay towards their care.
3. The basis of those charges varies depending on whether someone is receiving care in a care home or in their own home or in another setting.
4. It is essential that there is a policy to provide a framework for charging, and that this is reviewed and updated annually in line with the Councils fees and charges review at annual budget setting.
5. The review of the existing charging policy is guided by several aims and will achieve the following benefits detailed below:
 - To ensure that the Council has an up-to-date policy by considering the latest best practice, law, and guidance.
 - To consider any relevant legal developments
 - To ensure that the policy is written in plain language, transparent, and consistent for residents, officers, and other interested parties.
 - To ensure residents are subject to individual, personalised financial assessments, so that their personal circumstances are considered when charging for care services and they are not expected or asked to pay a charge that they cannot afford
 - To ensure that residents who have been financially assessed have an opportunity to maximise welfare benefits thus maximising their ability to contribute to their care costs
 - To maximise achievable income for the Council by adopting a new more robust Charging for Social Care and Support Policy.

- To ensure that the policy reflects the Adult Social Care vision detailed in the Adult Social Care and Health Plan 2024-2027.
 - To ensure that the policy reflects the Council's aims and objectives, detailed in the Council Strategy 2022-2026.
6. The fees charged by the council for adult social care services are crucial, they are however, proportionate and take into consideration the ability to pay. Without the revenue from these charges, the service would not be viable in the future.
7. The Council needs to undertake a 'sufficient' consultation which provides for public participation in the decision-making process, particularly those with care and support needs. There needs to be conscientious engagement with stakeholders in respect of the changes. The consultation document is set out in Appendix 1.

Alternative options considered / risk management

8. Cabinet can choose not to review the policy at this time. This is not recommended due to:
- The current policy is out of date and therefore is not providing the necessary clarity and transparency regarding paying for care which may result in a loss of income
 - The benefits highlighted in the points above will not be achieved

Democratic compliance / previous authority

9. Cabinet authority is required to propose/set fees and charges and, thereby, may also determine matters in relation to the policy surrounding those. Cabinet may also delegate such matters to the relevant Cabinet Member.

Select Committee comments

10. None at this stage.

SUPPORTING INFORMATION

11. The Care Act 2014 states that Local authorities may charge for most care and support services. The Care and Support Statutory Guidance (the CSS Guidance) requires that where a local authority decides to charge for services, it must follow the Care and Support (Charging and Assessment of Resources) Regulations (the Regulations) and have regard to the Guidance.
12. The CSS Guidance requires that local authorities should develop and maintain a policy on how they wish to apply their charges locally to ensure fairness and transparency.
13. The Charging for Care and Support Policy for Hillingdon was last amended prior to the introduction of the Care Act 2014 and although informative leaflets are available for residents, a full rewrite of the policy has not been undertaken for some time. This means that the policy is now dated and is not providing the clarity and transparency that is expected by residents, officers, and other interested parties in order to maximise income.

14. There are several principles that local authorities must follow when charging for care services. Most importantly, nobody should be expected or asked to pay a charge that they cannot afford. This is why people are subject to individual, personalised financial assessments, so that their personal circumstances are considered when charging for care services.
15. The Charging for Care and Support Policy outlines how Hillingdon Council calculates any charges it may make to a resident or a third party following an assessment of their care and support needs. There are rules around whether a financial contribution needs to be made towards care and support provided whilst the resident is living in their own home, which is also known as non-residential care. There are also rules around the contribution they need to make if they are living in a residential home or nursing home.
16. There are 2 main types of care home:
- residential - offers personal care, such as help with washing, dressing, going to the toilet and taking medication.
 - nursing - provides personal care and always have qualified nurses on duty. They can be suitable for people who require frequent medical attention.
17. Non-residential services refer to a range of care and support that is provided in the resident's own home or in the community to meet their needs and to help them achieve their identified outcomes. These include:
- Day opportunities and support in the community.
 - Transport to and from day care and respite care;
 - Assistive Technology
 - Care at home services that provide support with personal care and daily living in their home.
 - Other services that they may purchase directly, e.g., a personal assistant.
 - Shared Lives services;
 - Extra Care services
 - Supported living services
18. The Care Act 2014 states that people with eligible needs for support in the community i.e. not via a care home placement, with financial assets above the upper capital limit may ask the council to meet their needs often because they find it difficult to manage their own care. When a person asks the council to meet their eligible needs, then the council may choose to meet their needs but charge a fee for the service.
19. The Charging for Care and Support Policy for Hillingdon has been updated to include the application of a fee for arranging care to any resident who has sufficient funds to pay for their own care.

Financial Implications

20. The table below shows that from 20/21 to 23/24, commissioned care cost has grown significantly each year with billed income keeping pace with that growth in cost. Despite this, aged client debt and the subsequent client bad debt provision has grown at a much faster rate.

Outturn Cost/Income/Debt

Cost Element	Financial Year £'000			
	20/21	21/22	22/23	23/24
Commissioned Care Cost	78,210	85,108	99,260	115,321
Year on Year Cost Growth		9%	17%	16%
Client Contributions	-10,703	-12,972	-14,706	-17,969
Client Contribution % of Commissioned Cost	14%	15%	15%	16%
Aged Client Debt	6,337	7,927	11,337	15,298
Year on Year Debt Growth		25%	43%	35%
Bad Debt Provision	2,953	3,445	3,932	5,792
Bad Debt Provision % of Aged Client	47%	43%	35%	38%

21. There are numerous contributing factors contributing to the growing debt position, however, a robust, understandable and up to date charging policy will ensure residents fully understand their client contribution obligations and options for claiming benefits which in turn will maximise collection rates. The aim is that this will reduce the client debt position and bad debt provision requirement and prevent further build up in the future.

22. Furthermore, as part of this revised policy, a charge for self-funders is proposed. This charge will take two forms: an annual set up fee of £470 and then a yearly admin charge of £255 after that to cover the cost of arranging care. The forecast number of self-funders by the end of the financial year is 270. It is estimated that the new charging policy will produce an income stream of c£72k per annum. This assumes 13 new self-funders each year based on historic trends but also assumes attrition of 13 self-funders due to deterrent impact of the charge. There is a risk that the deterrent impact is greater than anticipated which will reduce the income target.

Self Funder Modelling	25/26 £'000
<u>Set Up Modelling</u>	
New Self Funders Clients	13
New Self Funder Income	6
<u>Annual Review Modelling</u>	
Existing Self Funders Clients	257
Annual Review Income	66
<u>Total Self Funders Clients</u>	270
Total Self Funder Income	72
<i>*Modelling assumes 13 new starters each year but anticipated attrition of 13 due to deterrent impact of charge</i>	

23. A benchmarking exercise has been carried out to assess other local authority arrangement fee charges and the methodology used to arrive at a fair charge. The outcome of this exercise has informed the proposed charge in this paper. This method assessed the roles involved in the end-to-end process and devised a cost by estimating the time required for each element of the process and multiplying it by the 25/26 budgeted hourly rate for each role.

24. A Set Up Fee of £470 payable at the start of services will cover:

- Identifying providers of care and support
- Negotiating rates and times with individual providers for care to be delivered
- Putting the appropriate contracts in place
- Setting up methods of payment for the resident to pay for their services (e.g.: direct debit)
- Paying the resident's care and support providers
- Dealing with any queries relating to the resident's services
- Monitoring the resident's services to ensure they are receiving the agreed support from their providers
- Invoicing the resident for the cost of their care and our administration fees and collecting this money from the resident.

25. An Annual Arrangement Fee of £255, payable each year thereafter, will cover:

- Paying the resident's care and support providers
- Dealing with any queries relating to the resident's services
- Monitoring the resident's services to ensure they are receiving the agreed support from their providers
- Invoicing the resident for the cost of their care and our administration fees, and collecting this money from the resident

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

26. A clear and straightforward policy reduces complexity and makes it easier for residents to understand their financial responsibilities. This can help alleviate stress and confusion for those navigating the care system.
27. A robust Adult Social Care Charging policy is essential for creating a sustainable, fair, and effective social care system that meets the needs of all residents.
28. It is important that the Adult Social Care Charging policy is reviewed and updated annually in line with the Council's annual fees and charges review.
29. The proposed changes will have an impact on all residents who are funding their own care but ask for it to be arranged by the council
30. An Equality Impact Assessment will be completed and a consultation exercise with residents will be carried out.

Consultation & Engagement carried out (or required)

31. Whilst there is no provision in the Care Act (2014) itself requiring the Council to consult on local practice there are several areas of decision making highlighted in the Care and Support Statutory Guidance where consultation is advised. This includes decisions about a Council's charging policy.
32. In accordance with best practice, the consultation period would run for 6 weeks. The primary stakeholders in the consultation are the current and future residents supported by Adult Social Care in Hillingdon, their carers, their representatives, family and friends and the providers of care services. It will also be of interest to residents and the voluntary sector more broadly.
33. The consultation will provide:
 - The context, the start and end dates, who is invited to respond, what will be done with the responses and next steps.
 - The questions will have a narrative to explain what we are asking and why, and where possible an example or scenario.
 - We will ask questions to understand the demographics of the respondents to ensure there is fair representation from individuals and groups of people who share common characteristics.
 - The consultation will be undertaken online with paper forms being made available. A direct mailing will be sent to all current users of services or to their representative along with current service providers. The consultation will be promoted on social media and the council's website.
 - A further report will be produced following the conclusion of the consultation process and this will include an updated Equality Impact Analysis.

CORPORATE CONSIDERATIONS

Corporate Finance

34. Corporate Finance have reviewed this report and concurs with the Financial Implications set out above noting there are no direct financial implications associated with the recommendations in this report.
35. Furthermore, it is noted that if the updated Adult Social Care Charging for Social Care and Support Policy for Hillingdon for 2025/26 is implemented after consultation, there will be an additional Income stream through charging self-funding residents. The current estimate for this income stream is £65k, based on the current number of self-funding residents, however, this could reduce if the new charge acts a deterrent and reduces the number of self-funding residents, alongside this there are expectations that there will be a reduction in outstanding debt which could mitigate the reduction in self-funding residents. The impact of the additional income stream and reduction in outstanding debt will be monitored as part of the regular monthly budget monitoring process and as part of the wider MTFS.

Legal

36. There are no legal impediments to the recommendation set out within the report.

BACKGROUND PAPERS

NIL

Adult Social Care Charging Policy

Appendix 1



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1. Introduction

Adult social care provides personal and practical support to people with care and support needs, including older people or people with a disability or a physical or mental illness. People with informal caring responsibilities can also benefit from social care support.

In the London Borough of Hillingdon, the core purpose of adult care and support is to help you to achieve the outcomes that matter to you in your life and to promote your wellbeing. A key aim is to support you to live as independently as possible, for as long as possible.

The Council provide free information and advice, relating to care and support for adults and support for carers, to enable you to make informed choices and take control of your care and support. This includes information about social care on our website at www.hillingdon.gov.uk/socialcare

Adult Social Care vision

Hillingdon Council is committed to its provision of Adult Social Care Services (ASC) and its vision that ***“Care and support will be personalised and will prevent, reduce and delay needs. Residents will be enabled to live independent and fulfilled lives, supported within and by their local networks wherever possible.”***

The ASC vision is underpinned by the Council Strategy 2022-2026, and the Council’s five commitments to residents which can be found here: www.hillingdon.gov.uk/council-strategy

2. Purpose of this policy

In England, adult social care is currently means-tested and, unlike the NHS, is not free for everyone, with costs dependent on a person’s level of need and their financial situation. This means that most care and support will be subject to a charge, but you will only be asked to pay what you can afford, this will be done by a fair and transparent financial assessment process.

This Charging for Care and Support Policy outlines how Hillingdon Council calculates any charges it may make to you or a third party following an assessment of your care and support needs. There are rules around whether a financial contribution needs to be made by you towards care and support provided to you whilst living in your own home, which is also known as non-residential care. There are also rules around the contribution you may need to make if you are living in a residential home or nursing home.

These rules follow central government policy designed to make sure that people over the age of 18 are charged in a fair and reasonable way. The policy does not apply to people under the age of 18 years.

Residential	<p>Residential care means care and support is provided to someone in a care home setting. It is for people who need substantial help with their personal care.</p> <p>There are 2 main types of care home:</p> <ul style="list-style-type: none"> • residential - offers personal care, such as help with washing, dressing, going to the toilet and taking medication. • nursing - provides personal care and always have qualified nurses on duty. They can be suitable for people who require frequent medical attention.
Non-Residential	<p>Non-residential services refer to a range of care and support that is provided in your home or in the community to meet your needs and to help you achieve your identified outcomes. These include:</p> <ul style="list-style-type: none"> • Day opportunities and support in the community; • Transport to and from day care and respite care; • Assistive Technology • Care at home services that provide support with personal care and daily living in your home; • Other services that you may purchase directly, e.g., a personal assistant; • Shared Lives services; • Extra Care services • Supported living services

3. The Legal Framework

A key aim of the policy is to ensure that when you are charged for care and support, that you are charged in accordance with the Care Act 2014 and the associated statutory guidance.

Section 14 of the Care Act 2014 provides the Council with the power to ask you to make a contribution for the cost of your care and support.

Section 17 of the Care Act 2014 allows the Council to carry out a financial assessment to determine the amount you can afford to contribute towards your care and support.

The Council must undertake an assessment as stipulated under the Care Act 2014 for any adult that appears to need care and support. This is regardless of whether the Council thinks you have eligible needs or of your financial circumstances.

Where the Council decides to charge it must follow the Care and Support Charging and Assessment of Resources Regulations 2014 and have regard to the Care and Support Statutory Guidance.

The legal framework provided by the Care Act is aimed at making charging fairer and clearly understood by everyone.

4. Principles

The policy adopts the following principles when making decisions on charging.

- You will not be charged more than it is reasonably practicable for you to pay in accordance with the Care Act 2014 legislation.
- Be clear and transparent so you know how much you will be charged. A written record of the financial assessment will be given to you to explain how the assessment has been carried out, what it will be, how often it will be made and the reason for any fluctuations.
- Ensure that the Council charging arrangements reflect the true cost of the services, unless flat rate charges apply.
- Be sustainable for the Council in the long-term.
- Be comprehensive to reduce variation in the way you are assessed and charged.
- Advice on how to claim welfare benefit entitlements will be made available to you and anyone that is a carer.
- Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control.
- Be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet your needs.
- Support you, if you are a carer, to look after your own health and wellbeing and to care effectively and safely.
- Have an effective formal appeals and review process, in addition to the complaints process.

5. Chargeable Services

All services, whether residential or non-residential will be chargeable except where the Council is required to arrange care and support free of charge – see section 6. The detail of how to charge is different depending on whether you are receiving care in a care home or your own home or another setting.

6. When charges do not apply

There are some circumstances and services which the Council will not charge for. These include:

- Provision of community equipment (including minor adaptations to property up to £1,000).
- Intermediate care and reablement support services must be provided free of charge for up to a maximum of six weeks. The period of reablement you receive is determined by your needs.
- Any services which are provided as part of your aftercare under section 117 of the Mental Health Act 1983.
- If you are suffering from variant Creutzfeldt-Jacob disease for meeting your needs.
- Any services which a local authority is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
- Assessment of needs, financial assessments and the preparation of the care and support plan.
- In the same way as chargeable services, all provision should reflect best value and be clearly linked to specified outcomes.

7. The Financial Assessment

If the Council assist with arranging any care services that you need, there will always be a financial assessment to see if you can afford to pay towards the cost of these services.

The financial assessment will look at your:

- Income
- Savings and investments
- Benefits
- Any property that you own or part own - where applicable
- Any other regular income that you receive.

You will be assessed on your own finances which will determine how much you will be expected to contribute towards the cost of the care you receive. It is your responsibility to provide all the information required to complete the financial assessment. The Financial Assessment Team within the Council will aim to complete the financial assessment within 28 days of all required information being received. The completion date is dependent on the Council receiving the information requested.

If you do not want to undergo a financial assessment or refuse to cooperate with the assessment process and you have not contacted the Council regarding any delays, the Council will assume that you have over the £23,250 threshold. You will be charged for the full cost of your care and the Council will consider that you do not require any financial contribution from Hillingdon council until the assessment is completed.

The financial assessment for both residential and non-residential care and support can be undertaken online and can be found here:

www.hillingdon.gov.uk/financial-assessment/completing

8. Examples of how the council work out a contribution

In your own home

A resident who receives care and support outside a care home will need to pay for their general living costs, such as: food, utilities, daily activities and clothing.

To ensure that a resident can meet their general living costs, when a financial assessment is carried out, they must be left with a weekly minimum income guarantee (MIG) amount, as set out in The Care and Support (Charging and Assessment of Resources) Regulations 2014.

The MIG amount is reviewed each year by the Secretary of State for Health and Social Care.

Examples of the weekly MIG for a single person, in different age groups, are set out below:

Aged 18-24: £160.30

Aged 25 up to pension age: £183.25

Pension age and over: £228.70

The examples are based on the pension credit age group or over receiving the Standard Minimum Income Guarantee (Pension Credit) and the remaining age groups receiving an Income Support Personal Allowance, a Disability Premium and an Enhanced Disability Premium.

Example 1

A 27-year-old resident lives at home with their family. They receive Employment and Support Allowance (Support Group) and Personal Independence Payment (PIP) Mobility and has £63.51 per week disability related spending. They have been assessed and agreed that a personal budget of £200.00 a week will enable them to purchase their care and support.

Income each week	
Employment Support Allowance (Support Group)	£149.05
PIP Mobility	£ 75.75
Total income	£224.80

Less PIP Mobility	- £ 75.75
Less disability-related spending	- £ 63.51
Less MIG	- £183.25
Total amount ignored	£322.51
The total income less the total amount ignored gives the assessed contribution	- £97.71

They will not be required to make a contribution to their care costs.

They will receive their personal budget allocation of £200.00 a week to purchase their care and support.

Example 2

A 76-year-old resident living on their own has a State Pension, a private pension and receives Attendance Allowance. They have been assessed to have £36.08 disability related expenses each week and £11.15 housing expenses ignored each week. Their care needs have been assessed and a care manager has agreed that a personal budget of £108.00 a week will enable them to purchase their care and support.

Income each week	
State Pension	£128.95
Private pension	£110.10
Attendance Allowance	£108.55
Total income	£347.60
Less the night element of Attendance Allowance	- £ 35.90
Less disability-related spending	- £ 36.08
Less housing costs	- £ 11.15
Less MIG	- £228.70
Total amount ignored	£311.83
The total income less the total amount ignored gives the assessed contribution	£35.77

Weekly personal budget £108.00.

Their contribution is £35.77 per week.

They will receive £72.23 per week from the council, so they have a total of £108.00 to purchase their care.

In a residential/nursing home

If you are in a care home, the Council deduct a personal expenses allowance of £30.15 a week from your total income, along with a deduction of up to £6.95, if you receive the savings part of Pension Credit.

For the first four weeks of a permanent placement, the Council may consider making an allowance for any additional expenses that you have to pay during this period

Example of a financial assessment

A resident has been offered a place in a care home whose weekly fees are £650.00 and Adult Social Care agree to fund the care.

The resident receives a retirement pension of £185.00 each week and rental income of £300.00 each week.

Income each week	
State Pension	£185.00
Rental income	£300.00
Total income	£485.00
Less the personal allowance	- £ 30.15
Total amount ignored	£30.15
The total income less the total amount ignored gives the assessed contribution	£454.85

The council will pay the care home the weekly fee of £650.00 per week.

The resident's contribution is £454.85.

This means that the council will contribute £195.15 per week towards the resident's care home fees.

9. Mental Capacity

If you lack mental capacity, the Council will still financially assess you to establish if you can contribute towards the cost of your care and support. The Council will work with the person who has the legal authority to make financial decisions on your behalf. For example:

- Enduring Power of Attorney
- Lasting Power of Attorney for Property and Affairs
- Lasting Power of Attorney for Health and Welfare
- Property and Affairs Deputyship under the Court of Protection; or
- Any other person responsible for dealing with that person's affairs (e.g. a person who has been given appointeeship by the Department for Work and Pensions for the purpose of benefit payments).

Where reasonable efforts to identify the person or persons with legal authority to make financial decisions on your behalf have been unsuccessful. The Council will make the necessary arrangements to assume this role for the purposes of financial assessment.

10. Capital Limits

The capital limits refer to the levels of capital and/or savings to qualify for Council funded care and support services. If you have capital above the capital limit, you would not qualify for Council-funded care services. The following list gives examples of capital. This list is intended as a guide and is not exhaustive.

- In bank or building society accounts, no allowance is made for deferred expenditure

- In National Savings bank accounts
- In PEP or ISA accounts
- In save-as-you-earn (SAYE) schemes
- In cash
- As Bonds or National Savings Certificates
- As stocks, shares, trust funds and investments; invested in property, building and land (rental income will be included); and which someone else is holding on your behalf.

When determining the classification and/or treatment of an asset in the financial assessment, the Council will consider each individual asset that you own on its merits, guided by relevant legislation, regulations and statutory guidance where appropriate.

The value and treatment of capital will be based on the guidelines set by the Department of Health and Social Care. For 2024 to 2025, the upper limit is currently £23,250 and the lower limit is £14,250.

The Council will ignore:

- The mobility part of Disability Living Allowance or Personal Independence Payment
- War Pension or War Widow's Pension
- Payments to veterans, under the War Pension Scheme, are fully disregarded, with the exception of payments of Constant Attendance Allowance, which will be taken into account
- Payments you may receive under the War Pension Scheme who is not a veteran (e.g. surviving family members) only the first £10 per week is disregarded
- War Widow's special payment
- Child Benefit and Child Tax Credit
- The part of Attendance Allowance, Disability Living Allowance (care part) or Personal Independence Payment (daily living part) that covers your care at night
- Working Tax Credit
- Disabled Person's Tax Credit
- Maternity Allowance
- Payments you receive from a charity
- The savings part of Pension Credit
- Earned income from paid employment

The Council will require evidence of your income and capital and cannot accept redacted or amended documents.

11. Deprivation of Capital

The term "Deprivation of Assets" refers to cases where you may have deliberately tried to avoid paying for your care and support costs through depriving yourself of assets - either capital or income. Where it is deemed that you have deliberately deprived yourself of a capital asset the Council may treat you as possessing the asset, and it

will be included in any financial assessment. The Council will, in instances where they believe deprivation has occurred, follow the Care Act 2014 statutory guidance.

12. Changes in an individual's financial circumstances

The amount you need to financially contribute towards your care will usually increase every April, in line with the annual increase in state benefits and pensions. The Council will review the amount you have to contribute every April and will notify you in writing of any change to your contribution. However, if you experience any changes in your circumstances before April, for example your income or capital increases or decreases, you must tell the Council about the change immediately, so that the Council can review your contribution. The Council reserves the right to backdate any changes in your circumstances to the date the change occurred, which could result in you being billed for backdated charges.

13. Living Expenses - Residential Care

If you are living in a care home, then you are entitled to a Personal Expenses Allowance (PEA) of £30.15 a week (2024-25.) This amount has been set by the Department for Health and Social Care and is reviewed annually. The PEA is deducted from the assessed charge. The PEA is to cover the cost of items such as newspapers or toiletries and should not be spent on care or support.

14. Treatment of property - Residential

The financial assessment will take into account the value of any property that you own 12 weeks after you go into the home permanently. The Council will always ignore the value of your home for the first 12 weeks of a permanent stay, if the capital is under £23,250 – this is called the 12-week property disregard. However, this does not apply if you have previously funded your own care fees.

If you are eligible for the 12-week property disregard, the Council will need to carry out a financial assessment to work out your contribution for this period, from your income and capital under £23,250. If you are a property owner and you do not have capital above the capital limit for funding set by the Department of Health and Social care, currently £23,250, you can apply for a 12-week property disregard. However, this is only applicable if you have the needs of a certain level which means that you are eligible for residential/nursing care and your needs cannot be met in the community.

If eligible, this means that for the first 12 weeks of your stay at the care home, the Council will ignore the value of your property. However, you will have to pay a financial contribution in this 12-week period based on a financial assessment of your income and capital between £14,250 and £23,250. The 12-week property disregard does not apply to second homes.

If the property is sold within this 12-week period, the disregard ceases to have effect from the date of sale and the proceeds will be counted as capital. Following the sale,

if you have more than £23,250 in capital, you will be expected to fund your care privately with the relevant care home, from the date the property was sold.

15. Deferred Payment Agreement

If you cannot pay the full cost of your long-term care, either because your property has not yet been sold, or because you do not want to sell your property, the council can enter into a deferred payment agreement with the you.

In accordance with the Care Act 2014, and effective from 1 April 2015, the Department of Health and Social Care requires all local authorities in England to offer a standard universal deferred payment agreement scheme to those who are eligible. This replaces any previous discretionary powers.

A deferred payment agreement is an arrangement with the Council that will enable you to use the value of your homes to help pay for your care. In accordance with the Care Act 2014, and effective from 1 April 2015, the Department of Health and Social Care requires all local authorities in England to offer a standard universal deferred payment agreement scheme to you if you are eligible.

This replaces any previous discretionary powers. A deferred payment agreement is an arrangement with the Council that will enable you to use the value of your home to help pay for your care home costs. If you are eligible, the Council will work out how much you can afford to pay each week towards the cost of your care home fees, based upon your income and available capital. The Council will then pay the difference between your 'assessed weekly contribution' and the actual cost of the care home. You will still have to make a weekly contribution, to Hillingdon Council, based on your income and available capital. The Council will send you monthly bills for the contribution that they have assessed you as having to pay.

The part that the Council pays on your behalf is the 'deferred payment' amount. Any deferred payments build up as a debt and will be secured against your property using a legal charge. This debt is repaid when your house is sold or when your residential setting ends. A deferred payment agreement means that you should not have to sell your home, in your lifetime, to pay for your care home bills.

The deferred payment agreement only becomes active when a legal charge has been placed on your property to secure the Council's interest. You will only be charged the full cost of your care until the legal charge has been confirmed. Once confirmed, the Council will reassess you based on your income and capital.

Deferred payment agreements will suit some people's circumstances better than others and not everyone will be eligible. You should be eligible for a deferred payment agreement if you are in or moving into a residential or nursing care home on a long-term basis and:

- You have been assessed by adult social care as needing that care
- You own your own home, and it is not occupied by a spouse or dependent relative

- You have capital, including savings and investments, of less than £23,250
- This will be established through a means tested financial assessment

Permission may be refused in certain circumstances e.g. where there is insufficient security or a lack of engagement with the Deferred Payment Scheme process.

Once you enter into a deferred payment agreement, interest will apply from the start date of the agreement to any deferred amount. Interest will be compounded on a daily basis. The interest rate is based upon the cost of government borrowing and is expected to change every six months; on the 1 January and 1 July each year. The Council will send you regular statements to show the amount of care charges deferred and the amount of interest payable.

A one-off administration fee is required to cover the Council's costs in setting up the agreement. More information regarding the deferred payment scheme and the application form for the scheme can be found at:

www.hillingdon.gov.uk/financialassessment

While payments are being deferred, you can rent out your property but the rental income you receive, less some expenses, will be included in your financial assessment for your contribution towards care fees.

From 1 April 2015, the 12-week property disregard no longer applies if you have been paying your own care fees in a residential or nursing setting but later need financial help from the council because most of your savings have been used up. The council will expect you to start contributing towards the cost of fees from the value of your property straight away.

This is because, according to the government, you should have had time to sell your property (or make other arrangements such as securing a bridging loan or renting the property out) whilst paying your own care home fees and would have been able to foresee that your money was running low. The 12-week property disregard is designed to protect people from unexpected changes in circumstances. However, if you own more than one home or have a financial interest in more than one home, you may not qualify for a property disregard.

If you are already in receipt of Attendance Allowance, Disability Living Allowance (care component), Severe Disablement Premium or Pension Credit or the daily living component of the Personal Independence Payment, you may continue to receive these benefits. They will be included in your financial assessment. If you are not in receipt of these benefits, you can claim Attendance Allowance, if you are over state pension age or Personal Independence Payment if you are under state pension age. Again, they will be included in your financial assessment. You or your legal representative are responsible for notifying the Department for Work and Pensions of any changes in your circumstances.

It is advisable that you speak to a financial adviser or seek advice from an independent organisation before entering into any financial agreements. Please note that you may be charged for independent financial advice.

16. Top Up Payments

If you are eligible to receive help from the Council, in relation to paying for care home fees, and it has been agreed that a place in one of our contracted homes will not meet your needs; the Council will help you find somewhere more suitable.

Third party top up

If you choose a home, which costs more than the amount the authority can pay, a third party can agree to pay the difference.

This extra cost is in addition to your client contribution and is referred to as a 'third party top up.' The top up must be paid directly to the home by someone else other than yourself who is receiving the care.

Your chosen third party will need to sign an agreement called a third party top up contract with the local authority. If they fail to pay the top up directly to the home, the Council may ask you to move to another home within local authority rates.

Very rarely, charities or benevolent societies may help you with any shortfall. This will depend on you meeting their conditions for help. You will need to source this assistance independently.

Self-Top up

You can choose to make a 'top up' payment yourself in the following circumstances:

- Where you are subject to a 12-week property disregard
- Where you have a deferred payment agreement in place with the council
- Where you are receiving accommodation provided under S117 for mental health aftercare

17. Charging for Non-Residential Care and Support

There are rules around whether a financial contribution needs to be made by you towards care and support provided to you whilst living in your own home, this is also known as non-residential care. Non-residential care means all support and care that you receive whilst living at home, for example, home care, day care, outreach, respite care, support provided by a personal assistant and supported housing/living.

The amount that you will have to pay towards your care services will be calculated by a means tested financial assessment. If you have capital assets of more than £23,250, you will pay the actual cost of the care and support you receive. Capital assets are savings, stocks and shares, and other investments, not including the value of the house in which you live.

If you own or part own a property, other than the main or only home in which you live, the value of that property will be included in your financial assessment based on the percentage of ownership.

Please note that if you are in the UK under a sponsorship, the person who arranged for you to live in this country will be liable to pay the full cost of your care service.

If your savings and investments are below £14,250 and your income is at or below the basic Income Support or Pension Credit level, you may not have to contribute towards your care cost. If your income is above the basic Income Support or Pension Credit level, you may be assessed to contribute towards the care and support you receive.

18. Living Expenses - Non-Residential

If you receive care and support outside a care home you will need to pay for your general living costs, such as: food, utilities, daily activities and clothing. To ensure that you can meet your general living costs, when a financial assessment is carried out, you must be left with a weekly minimum income guarantee (MIG) amount, as set out in The Care and Support (Charging and Assessment of Resources) Regulations 2014. The MIG amount is reviewed each year by the Secretary of State for Health and Social Care.

19. Housing costs

If you pay a mortgage, service charge, rent (net of housing benefit) or council tax, ground rent and maintenance charges for Lease Holders (unless these costs are part of ordinary weekly expenditure). The Council will take these from your income before they work out your contribution. Your rent and council tax payments are the amounts you have to pay after any related benefits have been taken off your income.

If more than one person lives in the household the costs will be apportioned.

20. Disability Related Expenses

If you receive Attendance Allowance, Disability Living Allowance (care part) or Personal Independence Payment (daily living part) and you have any extra spending due to your disability or being frail, the Council may be able to include the expenditure in your financial assessment. The Council will need to ask you how these extra costs relate to your disability or being frail and will ask for proof of your spending on these items in the form of receipts, bills and invoices covering a three-month consecutive period.

The Council may make allowances for:

- Specialist washing powders or laundry
- Extra costs of bedding
- Special dietary needs
- Special clothing or footwear

- Extra heating costs
- The reasonable cost of basic garden maintenance
- The reasonable cost of cleaning or domestic help
- Private chiropody (foot care) services
- Buying disability-related equipment privately
- Transport costs

Please note this list is not exhaustive.

21. Operation of the Council's Charging Policy

Any charge will start from the day that service commences.

If you are assessed as able to contribute to your services, you will be required to make a financial contribution up to the whole amount of the personal budget/cost of your care subject to your financial assessment.

Where you receive support from two paid carers at the same time, you will be expected to pay the full charge of both carers up to your maximum contribution as calculated in the financial assessment. This is called a double up service.

There will be a minimum charge of 30 mins per home care call with charges made per minute thereafter. There will be no maximum charge: you will pay up to the value of your personal budget/cost of care subject to your financial assessment.

If your Care Provider increases the cost of your care service(s), your contribution may also increase from the start date of the change. The changes may take place retrospectively. You will be notified through the monthly invoice.

Home care calls will still be charged unless cancellation has been made directly with the care provider. The provider requires you to provide them with 24hrs notice to cancel or they will still impose a charge.

If you do not agree with the level of care you have been invoiced for, the first step is to contact the care provider to seek a resolution. If this fails, then you can register a formal complaint with the council. Full payment is expected while an invoice is being disputed. Credits will generate if any actuals are amended by the provider

Care charges will still apply for someone residing in a placement and admitted to hospital providing their room within the care/nursing home remains allocated to them.

22. Transport Costs

The Council may choose to charge for some eligible elements of transport services, if this is the case, you will need to also pay your assessed care charges over and above this flat rate.

23. Charging for Technology Enabled Care

If you are receiving technology enabled care (TEC) as a form of preventative support, you may be charged a weekly fee based on the level of TEC being used to cover the costs of monitoring and any response service.

Where TEC is included in your care package, the costs of monitoring and any response service may form part of your financial assessment.

24. Charging for the arrangement of care for full cost paying residents

There may be occasions when a resident funding their own care in their own home asks the council to arrange their care. This could be for a variety of reasons such as the person finding the system too difficult to navigate or wishing to take advantage of the local authority's knowledge of the local market of care and support services.

If you are funding your own care, you can ask for support from the council to meet your needs, this support will include the provision of information and advice on different options.

Where the council agree to support you in meeting your needs in your own home, an arrangement fee will be charged.

The arrangement fee will only cover the following costs incurred by the council

A Set Up Fee of £485 payable at the start of services, this cost will cover:

- Identifying providers of care and support
- Negotiating rates and times with individual providers for care to be delivered
- Putting the appropriate contracts in place
- Setting up methods of payment for resident pay for their services (e.g.: direct debit)
- Paying resident's care and support providers
- Dealing with any queries relating to resident's services
- Monitoring resident's services to ensure they are receiving the agreed support from their providers
- Invoicing resident for the cost of their care and our administration fees, and collecting this money from resident

An Annual Arrangement Fee of £263 payable each year thereafter, this cost will cover:

- Paying the resident's care and support providers
- Dealing with any queries relating to the resident's services
- Monitoring the resident's services to ensure they are receiving the agreed support from their providers
- Invoicing the resident for the cost of their care and our administration fees, and collecting this money from the resident

If you are in residential care and are responsible for funding your own care, the council will not arrange your care unless you lack capacity or there are other reasons that require the involvement of the council.

25. Safeguarding

Under the Care Act 2014 the Council has a duty to safeguard adults at risk of abuse or neglect, which includes financial abuse. In these situations, in accordance with the Council's Safeguarding procedures the Council may need to share information with the Office of the Public Guardian or the Department of Work and Pensions on any state benefits you receive.

26. Debt Recovery and Fraud

The Council will calculate the amount you must pay towards your care and support using government legislation and guidance. If you are financially assessed to pay for all or part of your care costs, you have a liability to ensure payments are made to Hillingdon Council on time.

Following your financial assessment, you will be sent an invoice for your contributions. Further invoices will be sent to you every four to five weeks. The invoice will set out clearly the period covered and the amount you need to pay. Where possible, the council will collect charges for care and support via a direct debit straight from your bank account. Alternatively, you can pay in one of the following ways:

- via the council website by visiting www.hillingdon.gov.uk/social-care-charges and following the online instructions
- via a standing order straight from your bank account
- using our automated telephone payment line – 01895 556699
- by bank transfer, cheque or cash payment at a bank

If you are in receipt of a direct payment, the charge will be deducted directly from the direct payment which will then be paid net of the charge.

Hillingdon's most cost-effective and efficient method of invoicing is via email. You are encouraged to provide an email address for billing and communication purposes, which will help facilitate timely payment of care charges.

If you do not pay your charges for care and support, the council we will firstly try to establish the reason for non-payment and take the appropriate action to resolve any problems that have prevented payment.

After all initial avenues of recovery have been explored the council will commence the debt recovery process. The debt recovery process includes digital debt collection campaigns, letters, telephone calls and face to face visits to attempt to resolve the issue. After all available avenues of recovery have been explored, legal action will be considered. Any court action will be via the County Court, legal costs and interest may accrue, as a result of any court action taken.

Where you have appointed an attorney or deputy to make financial decisions with you or for you, the attorney or deputy is required to consider and engage with any debt recovery on your behalf. A referral to our Safeguarding Team may be made, if it is thought that your legal representative is not acting in your best interests.

Where it is deemed that you are lacking capacity and have no attorney or deputy and have substantial debts, then an application to the Court of Protection for a deputy is required.

Where you may have difficulty in understanding the options available to you, the Council will consider the need for independent advocacy in accordance with Statutory Guidance.

If you have any difficulty in making payments, you must contact the Corporate Collections Team without delay. Their telephone number is 01895 250345. Please do not ignore your liability to pay for the care and support arranged for you. The Council will seek to protect public money from fraud, misuse, or deprivation of assets and will take robust action to recover any monies lost because of such unlawful activities.

27. Appeals

If you think the contribution is wrong, you can request an appeals form. The request must be made to the Financial Assessment Team within 28 days from the date of your financial assessment notification letter. You can email the Financial Assessment Team: financialassessment@hillingdon.gov.uk or call 01895 250207 or 01895 556278 or 01895 250882.

28. Complaints

If you think that you have not been dealt with properly and you want to make a complaint or comment, you should first speak to the member of staff you are in contact with or their manager. If you cannot settle the problem with them, you can contact the council's complaints department by: Telephone: 01895 277800
Web address: www.hillingdon.gov.uk/complaints

29. Reviewing the Policy

This policy will be reviewed regularly. This will consider learning from complaints, compliments and concerns, from anyone that uses the Councils services and their families. Fees and financial levels are correct at the time of publication.

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RISK MANAGEMENT POLICY

Cabinet Member & Portfolio	Cllr Martin Goddard, Cabinet Member for Finance & Transformation
Responsible Officer	Richard Ennis, Director of Finance
Report Author & Directorate	Claire Baker, Head of Internal Audit & Risk Assurance, Finance Directorate
Papers with report	Appendix A: Risk Management Policy

HEADLINES

Summary	This report seeks approval from the Cabinet to adopt and implement the updated Risk Management Policy.
Putting our Residents First Delivering on the Council Strategy 2022-2026	This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents This report supports our commitments to residents of: A Digital-Enabled, Modern, Well-Run Council
Financial Cost	There are no additional direct financial implications arising from the recommendation's contained within this report.
Select Committee	Corporate Resources & Infrastructure Select Committee
Ward(s)	N/A

RECOMMENDATION

That the Cabinet approves the updated Risk Management Policy attached in Appendix A for implementation.

Reasons for recommendation(s)

Under the Accounts and Audit Regulations 2015, Hillingdon Council has a statutory responsibility to ensure appropriate arrangements are in place for managing risks, and risk management is embedded into the culture of the organisation. This Risk Management Policy provides a framework for managing risks and clearly defined roles and responsibilities for both members and officers.

Alternative options considered / risk management

An alternative would be for the Council not to implement the Risk Management Policy. However, this would have a negative impact as the Council would not be following CIPFA best practice or legislative requirements.

Democratic compliance / previous authority

As per the Council's Constitution, Cabinet sets the strategy/policy in relation to risk management across the organisation. In addition to Cabinet Members, Corporate Management Team and service areas monitoring risks regularly, it is also the role of the Audit Committee for assurance purposes to monitor and review the Council's risk management arrangements, including regularly reviewing the corporate risk register which they undertake quarterly.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

The Risk Management Policy outlines the Council's framework for the systematic identification, evaluation and mitigation of potential threats to the Council and Council services. This includes assessing the likelihood and impact of any potential risks, identifying actions to mitigate against the risk, and monitoring the effectiveness of these measures. The management of risk is a core element of corporate governance to ensure the Council's services are delivered to the expected standards, and key objectives are achieved.

The Risk Management Policy included in Appendix A has been updated to reflect the Risk Management System implemented during 2024, and to remove outdated references that are no longer applicable. However, the core content and risk management framework remains consistent with the previous version.

Financial Implications

There are no additional, direct financial implications linked to the Risk Management Policy.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The management of risk is a core element of corporate governance and helps ensure the Council's services continue to be delivered for the benefit of residents, service users and communities. Without appropriate risk management arrangements there is an increased likelihood services are impacted by unexpected changes that could have been prevented.

Consultation & Engagement carried out (or required)

No consultation was carried out in relation to this report. The policies listed do not involve proposals that directly affect residents; therefore, no consultation is required.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting there are no additional or direct financial implications associated with the recommendation contained in this report.

Legal

The Accounts and Audit Regulations 2015 require the Council to have a sound system of internal control which must include effective arrangements for the management of risk. This is echoed in the CIPFA/SOLACE guidance *Delivering Good Governance in Local Government*.

BACKGROUND PAPERS

NIL

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Risk Management Policy



HILLINGDON
LONDON

www.hillingdon.gov.uk

1. INTRODUCTION

- 1.1 The London Borough of Hillingdon (LBH) has a statutory responsibility to ensure arrangements are in place for managing risks. Risk management should be embedded into the culture of the organisation, with members and officers recognising that risk management is part of their role.
- 1.2 Risk Management is about managing opportunities and threats to objectives and in doing so helps create an environment of “no surprises”. It is a crucial element of good management and a key part of corporate governance. Risks can never be entirely eliminated but proportionate and targeted action should be taken to reduce risks to an acceptable level.
- 1.3 Managing risk is part of everyday business for the Council and is a process that involves; the early identification of risks, assessing their potential consequences and determining the most effective way to reduce the likelihood and/or impact of the risk. This policy and guidance provides a framework to ensure:
- Clear accountabilities and well defined roles and responsibilities for managing risks
 - Employees have the knowledge and skills to identify and manage risks
 - Risks are identified at an early enough stage and their likelihood and impact on Council business is accurately assessed and appropriate action is taken to mitigate the potential risk
 - Decisions are taken having considered relevant risks
 - The impact of risk management is evaluated.
- 1.4 The Chief Executive, the Corporate Management Team (CMT), Senior Management Teams (SMTs), Members of the Audit Committee, Members of Cabinet and Full Council should be familiar with this policy and guidance. This document applies to all employees of the Council, with the exception of schools as they are required to put in place their own local risk management arrangements.

2. PURPOSE

- 2.1 The Council is committed to providing high quality services in the most efficient and cost effective way that puts its residents first. The management of risk is a core element of corporate governance to ensure the Council's priorities for improvement as well as day to day services are delivered as expected. For the purpose of this policy and guidance, risk is considered to mean anything that will, or has the potential to, adversely affect the achievement of Council objectives and/ or disrupt day-to-day operational service delivery.

3. RISK MANAGEMENT FRAMEWORK

- 3.1 To ensure effective risk management, the Council will:
- Incorporate risk management into service improvement and everyday management arrangements
 - Identify, assess and manage risks so as to minimise the potential costs and disruption to services caused by undesired events
 - Raise employee awareness of risk management through promotion, training, performance management and review

- Make informed decisions based on a balance between risk and the benefits that may be realised from opportunities for service improvement
 - Encourage innovation and improvement through taking calculated and well managed risks to improve services for residents
 - Support the Annual Governance Statement in relation to the authority's system of internal control, corporate governance arrangements and risk management framework
 - Work in partnership to manage risks.
- 3.2 Risks should be recorded, escalated and communicated as appropriate. At a Service and Directorate level, risks should be escalated to SMT leads for consideration, and where appropriate escalated to Corporate Directors for discussion with CMT. Cabinet Members and the Leader of the Council must be informed of all Strategic and Corporate risks as well as any key risks appearing in the Directorate Risk Registers, with a decision sought on the recommended mitigating action, where appropriate.
- 3.3 The Council's approach to risk management requires managers and staff to undertake the following steps:
- 1) Risk Identification
 - 2) Risk Analysis & Evaluation
 - 3) Risk Response
 - 4) Risk Monitoring & Review
 - 5) Risk Reporting

4. RISK MANAGEMENT CYCLE

Risk Identification

- 4.1 There are many different types of risks that could affect Council business. These include risks to the Council's finances, the delivery of services, the health and safety of staff and residents, and anything that affects the reputation of the Council. Managers must ensure they, and their teams, are alert to risks and consider how risks could affect service delivery and service improvement.
- 4.2 The annual planning and ongoing performance review process as part of the Council's corporate governance arrangements is also an opportunity to identify potential risks to service delivery or achieving the service objectives. Managers and their teams are expected to discuss any potential and emerging risks as they are identified.

Risk Analysis & Evaluation

- 4.3 Officers must use the Council's risk management scoring methodology to assess a risk (refer to **Appendix A**). The assessment of a risk is based on a combined score from the likelihood of the risk occurring and the impact in the event that the risk is fully realised. The risk scoring methodology shows the risk criteria in use to guide officers when assessing the likelihood/impact of the risk and the score the assessment will produce.
- 4.4 All risks must be recorded in the Council's risk management system. The risk assessment will lead to the risk being graded either 'red', 'amber' or 'green'. Those risks with the greatest likelihood and/or the greatest impact to Council business will be graded 'red'. 'Red' graded risks will be escalated to CMT to be regularly reviewed and lead officers must prioritise actions to minimise the Council's exposure to these risks. 'Amber' graded risks should be escalated to Directorate SMT to be regularly reviewed and actions monitored at a Directorate

level. 'Green' graded risks should be managed at a local level and reviewed through service level team meetings and action plans.

- 4.5 Managers can record project specific risks as part of service risk register or in a separate project risk register on the risk management system. Where risks impact on more than one service area the relevant Heads of Service should agree which service will lead on the risk, or whether it would be more appropriate to add two separate linked risks.

Risk Response

- 4.6 Managers must agree and take action to mitigate the impact and/or likelihood of all risks to an acceptable level. The action to be taken and the lead senior officer accountable to progress the action must be recorded on the risk management system.
- 4.7 Managers should consider all options available when identifying actions to mitigate or prevent a risk. Actions for Amber and Red rated risks should be agreed with CMT or the relevant SMT, these could include agreeing not to proceed with a proposal which has significant risks attached to it. For example, the cost of proceeding with a proposed service improvement may outweigh the benefits to be realised and therefore the proposal may have to be reconsidered.
- 4.8 A risk may be removed from the risk register where it is no longer thought necessary to keep it under review or where the risk has been terminated. A justification should be added to the risk record on the risk management system to document why the risk is no longer required. Typically this will be because the mitigating actions have been fully implemented and the residual risk is considered acceptable.

Risk Monitoring & Review

- 4.9 All risks must be regularly reviewed and the risk management system updated as required. There are governance arrangements for monitoring and reviewing risks (refer to **Appendix B**). This includes:
- As a minimum, a quarterly review of corporate ('red' rated) and directorate ('amber' rated) risks by the Directorate SMTs and CMT
 - A quarterly review of the strategic and corporate risks by senior managers through the Corporate Risk Management Group (CRMG), see **Appendix D** for terms of reference.
 - A quarterly review of the strategic and corporate risks by the Leader of the Council, Cabinet Member for Risk and Audit Committee.

Risk Reporting

- 4.11 All red rated risks are presented to CRMG and the Audit Committee on a quarterly basis. Key performance indicators relating to the effectiveness of the Council's risk register and risk management arrangements are also presented to CRMG and the Audit Committee on a quarterly basis. A summary of the Risk Management arrangements over the year is included in the annual Risk Management Report.

Risk Appetite

- 4.12 Risk appetite is the phrase used to describe how much risk the Council is prepared to take in pursuit of its objectives. Due to its diverse range of services the Council does not have a single risk tolerance and the appetite for risk will vary between different risk categories.
- 4.13 Considering and setting risk appetite enables the Council to optimise its risk taking and accepting calculated risks by enabling risk-reward decision making. Equally, it reduces the likelihood of unpleasant surprises. Risk targets should be determined for each risk based on the overarching risk appetite.

4 ROLES AND RESPONSIBILITIES

5.1 It is the responsibility of all employees to identify and manage risk effectively. The following roles and responsibilities underpin effective officer leadership for risk management. Further information about the wider roles and responsibilities for risk management and the governance arrangements for reviewing and mitigating risks can be found in [Appendix B](#).

5.2 Directors/Deputy Directors

- Are accountable for effective risk management in their Directorate
- Provide leadership within their Directorate for risk management
- Ensure that arrangements for identifying, mitigating and reviewing risks are working effectively and in line with relevant policies, procedures and guidelines
- Review and update the risks for the Directorate with the relevant Lead Member on a quarterly basis.

5.3 Heads of Service/Service Managers

- Must actively identify and take action to mitigate any risks which could affect service delivery and service improvement
- Bring significant (rated amber or red) or escalating risks to the attention of the Directorate SMT
- Ensure that staff within each of the service areas understand and are alert to all potential risks
- Ensure that members of staff attend relevant and appropriate training
- Provide regular updates on risk management as required.

5.4 All Staff

- All members of staff have a responsibility to identify, assess and manage risks effectively in their job, report risks to their managers and to work within the appropriate risk management process.

5 Wider Risk Management Arrangements

Service and Financial Planning

6.1 Risk management is part of service and financial planning. Managing strategic risks is a core responsibility for senior managers in close liaison with Elected Members. The annual planning process requires services and directorates to consider and report risks that may affect or arise from service improvement and financial budget proposals. The Council's capital programme includes risk management as part of the criteria used to allocate resources.

Project Management

6.2 Hillingdon has a Council-wide approach to project management. The management of risks is seen as one of the key requirements for delivering successful projects. Where a project management approach is required, the risks to achieving the project are monitored throughout the life of the project.

Contractual Arrangements

- 6.3 Risks identified through the contract management process are recorded and managed for individual service providers and kept under review as part of the Council's contract management framework.

7. Promotion, Training and Support

- 7.1 To support the development of a robust approach to risk management in the Council, all managers are encouraged to complete the e-learning risk management module. The Corporate Risk Management Group will monitor training and support for risk management and provide further information/ briefings on risk management as and when needed.
- 7.2 Training on risk management for Elected Members and the Independent Chair of the Audit Committee is facilitated by the Risk Assurance team. This is provided on an individual basis through the induction process, as part of the annual Member Development Day, or as a specific session within the corporate Training & Development Plan co-ordinated by Democratic Services.

8. Review Cycle

- 8.1 The Council's Risk Management Policy and Guidance will be updated periodically (as and when required) and be subject to a detailed review every 3 years to ensure it is up to date with best practice in this area. The next detailed review is planned for September 2027.

APPENDIX A. RISK SCORING METHODOLOGY

LIKELIHOOD			RISK SCORE			
Greater than 90%	This Week	Very High (A)	A4 (6)	A3 (12)	A2 (18)	A1 (24)
70% to 90%	Next Week / This Month	High (B)	B4 (5)	B3 (10)	B2 (15)	B1 (20)
50% to 70%	This Year	Significant (C)	C4 (4)	C3 (8)	C2 (12)	C1 (16)
30% to 50%	Next Year	Medium (D)	D4 (3)	D3 (6)	D2 (9)	D1 (12)
10% to 30%	Next 5 Years	Low (E)	E4 (2)	E3 (4)	E2 (6)	E1 (8)
Less than 10%	Next 10 Years	Very Low (F)	F4 (1)	F3 (2)	F2 (3)	F1 (4)
			IMPACT			
			Small (4)	Medium (3)	Large (2)	Very Large (1)
Financial:			Up to £250k	£250k - £1million	£1million - £5million	Over £5million
Service Provision:			Slightly reduced	Service suspended short term	Service suspended long term / statutory duties not delivered	
Health & Safety:			First Aider required	Broken Bones/Illness	Loss of life/Major illness	Major loss of life/large scale major illness
Workforce:			Negative morale	Some hostility/minor non cooperation	Industrial action	Mass staff leaving
Reputation:			Minor Letters	Adverse local media	Adverse national publicity	Remembered for years
Government Relations:			Poor assessment		Service taken over temporarily	Service taken over permanently

Appendix B: Corporate Governance of Risk Management



Appendix C: Risk Management Roles & Responsibilities

Elected Members

The Leader of the Council

- To review significant risks on a quarterly basis (or otherwise through direct contact with Cabinet Members) and provide feedback to officers as appropriate.

The Cabinet

- To promote risk management and take risk management issues into account when making decisions
- As portfolio holders, to review the relevant Risks on the Council's Register with Corporate Directors at least quarterly.

Cabinet Member responsible for Risk Management

- To specifically champion risk management within the Council and to provide leadership on the issue amongst Elected Members
- To ensure that risk management is given due consideration in Cabinet discussions
- To attend Audit Committee meetings as required to present on the risk management arrangements

Audit Committee

- To periodically review the Council's Risk Management policy, guidelines and framework
- To review the effectiveness of the risk management arrangements at least quarterly
- To review significant risks (Corporate and Strategic risks) on a half yearly basis, or at such frequency as it considers necessary and provide feedback to officers as appropriate
- To report to Full Council annually providing assurance that the risk management process is operating effectively, and reporting concerns on specific risks on an exception basis.

All Service Select Committees

- To review the management of risks within their specific service areas

Full Council

- Full Council has ultimate responsibility for risk management within Hillingdon.
- Full Council will need to consider the annual report from the Audit Committee.

Officers

Corporate Management Team (CMT)

- CMT has overall responsibility for the operation of the agreed risk management approach within the Council's business operations
- To give due consideration to risk management in strategic decision making and performance management, and ensure that advice to Cabinet and other member bodies takes full account of risk management considerations
- To review all significant risks at least quarterly, ensuring that all emerging risks have been identified and appropriate actions are being taken, and report comprehensively to the Leader of the Council
- To periodically review the Council's risk management policy, guidelines and the effectiveness of the risk management arrangements.

Corporate Director of Finance (CMT Risk Management Lead)

- To act as the champion of risk management within the Council's management structure
- To lead on the development of the Council's risk management framework
- To ensure that the risk management strategy and framework meet appropriate standards of best practice
- Operational responsibility for the implementation of the risk management strategy and framework
- Co-ordination of the Corporate Risk Management Group

Directors/Deputy Directors/Heads of Service

- Are accountable for effective risk management in their Directorate/Service
- Provide leadership within their Directorate/Service for risk management
- Nominate a risk champion at SMT level who will co-ordinate and promote risk management within the Directorate
- Ensure that arrangements for identifying, mitigating and reviewing risks are working effectively and in line with relevant policies, procedures and guidelines
- Review and update the risks for the Directorate with the relevant Lead Member on a quarterly basis

Service Managers

- Actively identify and take action to mitigate any risks which could affect service delivery and service improvement
- To bring significant or escalating risks to the attention of the Directorate SMT
- Ensure that staff within their service areas understand and are alert to potential risks
- Ensure that members of staff attend relevant and appropriate training
- Provide regular updates on risk management as required

Corporate Risk Management Group (CRMG)

- To share good practice on risk management and to promote risk management across the authority
- To meet on a quarterly basis to raise or discuss material risk management issues and ensure matters identified are appropriately progressed
- To report to CMT on risks and risk management issues

Risk Champions (representative from each Directorate)

- To promote risk management within their Directorate
- To provide support on risk management issues within their Directorate
- To ensure that the risk management framework is being applied within their Directorate
- To ensure appropriate reporting to SMT's and CRMG

Internal Audit & Risk Assurance

- To provide independent and objective assurance on the risk management process and the controls in place to mitigate risks
- To provide an Internal Audit Plan that is based on a reasonable evaluation of risk and to provide an annual assurance statement to the Council based on work undertaken in the previous year
- Production of reports for CMT, the Leader of the Council and Audit Committee on the operation of the risk management process and the current status of the high-level corporate risks

All Staff (whether permanent or temporary)

- Have a responsibility to ensure that they are aware of this policy and to ensure risks are identified and managed in line with relevant policies, procedures and guidelines; and
- Are to undertake training as required.

Appendix D**CORPORATE RISK MANAGEMENT GROUP
TERMS OF REFERENCE****1. Purpose**

- 1.1 The Corporate Risk Management Group (CRMG) is responsible for ensuring good practice in risk management as well as promoting risk management across the Council.
- 1.2 CRMG will ensure significant risks that may impact on the Council's objectives are appropriately identified, analysed, managed and reported to Corporate Management Team and Members on a quarterly basis.

2. Key Responsibilities

- 2.1 The key responsibilities of the CRMG are to:
 - Ensure there is consistent reporting and management of risks across the Council by monitoring and enforcing compliance against the Risk Management Policy and agreed risk management arrangements.
 - Raise awareness and promote the Council's risk management arrangements, including monitoring the delivery of risk management training, guidance and communications to ensure they are embedded effectively.
 - Review the Strategic and Red rated risks recorded in the Corporate and Strategic Risk Registers to ensure they reflect the actual risks facing the organisation, including risks identified or presented by external agencies, significant partnerships and advisors.
 - Review the Amber rated risks recorded in the Directorate Risk Registers and note any potentially increasing risks that should be considered for escalation to a red rating and included on the Corporate Risk Register.
 - The CRMG will ensure all risks presented to them have been comprehensively reviewed and consider if appropriate actions have been identified and implemented in line with the expected implementation timeline.

3. Members of the Corporate Risk Management Group

- 3.1 The Group will be chaired by the Corporate Director of Finance or in his absence the Head of Internal Audit and Risk Assurance.
- 3.2 Other members of the Group will include representatives from each of the Directorates. Relevant Group members are responsible for making arrangements for another officer to attend and deputise on their behalf if they are unable to attend a CRMG meeting. They may also request other officers to attend if they would aid the discussion of key risks.
- 3.4 Other Cabinet and Council Members may also be invited to attend based on the risks under discussion, subject to consultation with the Cabinet Member for Risk Management.

4. Frequency of Meetings

- 4.1 CRMG meetings will be held quarterly.

5. Review of Terms of Reference

- 5.1 Membership of CRMG and the Terms of Reference will be reviewed annually.

PUBLIC PREVIEW:

MATTERS TO BE CONSIDERED LATER IN PRIVATE

Cabinet Member(s)	As appropriate
Cabinet Portfolio(s)	As appropriate
Officer Contact(s)	Mark Braddock – Democratic Services
Papers with report	None

HEADLINES

Summary	<p>A report to Cabinet to provide maximum transparency to residents on the private matters to be considered later in Part 2 of the Cabinet meeting and agenda.</p> <p>This will enable Cabinet Members to openly discuss such matters generally in public, and via the Council’s live broadcast of the meeting, without prejudicing their later consideration in private.</p>
<p>Putting our Residents First</p> <p>Delivering on the Council Strategy 2022-2026</p>	<p>This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents</p> <p>This report supports our commitments to residents of: A Digital-Enabled, Modern, Well-Run Council</p>
Financial Cost	As set out in the report.
Relevant Select Committee	As set out in this report under each item – however, this item is not for scrutiny call-in as it is information only.
Ward(s)	As set out in the report

RECOMMENDATION

That Cabinet note the reports to be considered later in private and Part 2 of the Cabinet agenda and comment on them as appropriate for public information purposes.

Reasons for recommendation

Why are certain reports considered in private?

As a transparent, democratic organisation, the Council's Cabinet will consider matters in public on Part 1 of this Cabinet agenda. However, there will inevitably be some reports that will need to be considered in private. These would generally relate to contracts, property transactions or commercially sensitive information, for example, tender bids from commercial organisations, which if made public, could prejudice the Council's ability secure value-for-money for resident taxpayers.

This information is also called 'exempt' information and is considered in Part 2 of any Cabinet agenda by applying the relevant section of the Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains certain information and that the public interest in withholding that information outweighs the public interest in disclosing it.

How can the public find out more about the private reports?

To ensure maximum transparency when the Cabinet considers such private reports:

- 1) They are first given advance notice on the Cabinet's Forward Plan in summary form setting out the reason why they will be considered in private. The [Forward Plan](#) is a public document setting out all the expected decisions the Cabinet will make over the coming year, except those that are urgent, and is available on the Council's website to view;
- 2) This report provides a fuller public preview of the matters to be discussed in Part 2 of this Cabinet meeting and gives an opportunity for Cabinet Members to highlight issues of significance within and for public information purposes, without prejudicing their later fuller consideration in private. It also sets out the recommendations in general terms that are being proposed for a decision on.
- 3) Consideration of this report will also be broadcast live on the Council's YouTube channel: Hillingdon London, and available for viewing afterwards, for wider democratic engagement.
- 4) After these private reports are considered in Part 2 of this Cabinet meeting, Cabinet's full decisions on them will then be published on the Council's website the day after the Cabinet meeting, along with the decisions on the other matters already considered in public.

Alternative options considered

Cabinet could resolve to release any private report into the public domain in extraordinary or highly exceptional cases, where it considers the public interest in disclosing the information outweighs the public interest in withholding it. However, to ensure greater transparency on all private matters considered, this public preview item is advised as the most suitable way forward.

Legal comments

Such private matters are considered in accordance with Local Government Act 1972 (as amended) Access to Information provisions and also The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This report enables such matters to be discussed in public as far as is possible under the relevant legislation.

SUPPORTING INFORMATION

ITEM 10 - SMOKING CESSATION AND ROUGH SLEEPING DRUG AND ALCOHOL TREATMENT SERVICES

Relevant Cabinet Portfolio(s)	Cabinet Member for Health & Social Care
Relevant Ward(s)	N/A
Relevant Select Committee	Health and Social Care Select Committee

Information

This report proposes a variation to an existing contract to enable the introduction of new Local Stop Smoking Services and the continuation of Rough Sleeping Drug and Alcohol Treatment Services.

The funding for these services come from external grants. A new Government Department of Health & Social Care (DHSC) grant for Local Stop Smoking Services and the use of the final year of the Rough Sleeping Drug and Alcohol Treatment Services Grant.

Local Stop Smoking Services are part of a five-year Government plan aimed at expanding smoking cessation services, particularly targeting vulnerable groups and preventing children from starting to smoke and vape. This grant will also enable the recruitment of additional stop smoking advisors and an increase health education for children and young people.

The Rough Sleepers Drug and Alcohol Treatment Service provides treatment and support for rough sleepers, including those with mental health needs, aiming to increase the number of people supported. It offers evidence-based treatment and wrap-around support services.

Overall, the proposals in the report are designed to improve public health outcomes, reduce health disparities, and provide essential health support to certain populations in the Borough.

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