

OPTIONS TO THE REDUCE THE IMPACTS ON COMMUNITIES OF TAXIS AND PRIVATE HIRE VEHICLES WAITING IN RESIDENTIAL STREETS NEAR HEATHROW AIRPORT

Cabinet Member(s)	Councillor Eddie Lavery
Cabinet Portfolio(s)	Cabinet Member for Residents' Services
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Papers with report	Appendix 1 Proposed PSPO PHV & Taxi 2024 Draft Order Appendix 2 PSPO PHV & Taxi Draft Restricted Area Map

HEADLINES

Summary	<p>The Council is aware that residents are being negatively impacted by behaviours associated with taxi and private hire vehicles waiting in residential streets near Heathrow Airport. These impacts include inconsiderate parking, littering, urination and defecation in public places, engine idling creating pollution, noise and abusive behaviour towards residents.</p> <p>The Council has legal options available which could be deployed to reduce these negative impacts. This report proposes a consultation is commenced with local residents, stakeholders and the taxi and private hire trade in order to determine whether to introduce new restrictions which could reduce the problems associated with vehicles waiting near the airport.</p>
Putting our Residents First Delivering on the Council Strategy 2022-2026	<p>This report supports our ambition for residents / the Council of: Be / feel safe from harm</p> <p>This report supports our commitments to residents of: Safe and Strong Communities</p>
Financial Cost	<p>This report proposes a consultation be commenced on whether to introduce new legal restrictions on vehicles waiting in residential streets near Heathrow Airport. A consultation in itself would have no direct financial on the Council. Implementation of any new restrictions that it is determined to be appropriate after consultation could have cost implications which will be set out in the supporting report.</p>
Select Committee	Residents' Services
Relevant Ward(s)	Heathrow Villages, Pinkwell, West Drayton

RECOMMENDATIONS

That the Cabinet:

- 1) **Agrees that public consultation will be undertaken on the introduction of a Public Spaces Protection Order prohibiting private hire vehicle and taxi vehicles waiting on the roadside near Heathrow Airport.**
- 2) **Receives a further report when the consultation has concluded and an equality impact assessment has been prepared to decide whether to introduce a Public Spaces Protection Order and, if so, the scope of that Order.**

Reasons for recommendation

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. Therefore, it is recommended that the Council consults on a proposal to introduce new legal controls in specified areas to enable a decision to be made on whether to introduce those controls.

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 with 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 other than when approved entering or waiting in local streets is not justified by the evidence and any benefits are outweighed by the negative impacts on local residents.

Select Committee comments

None at this stage.

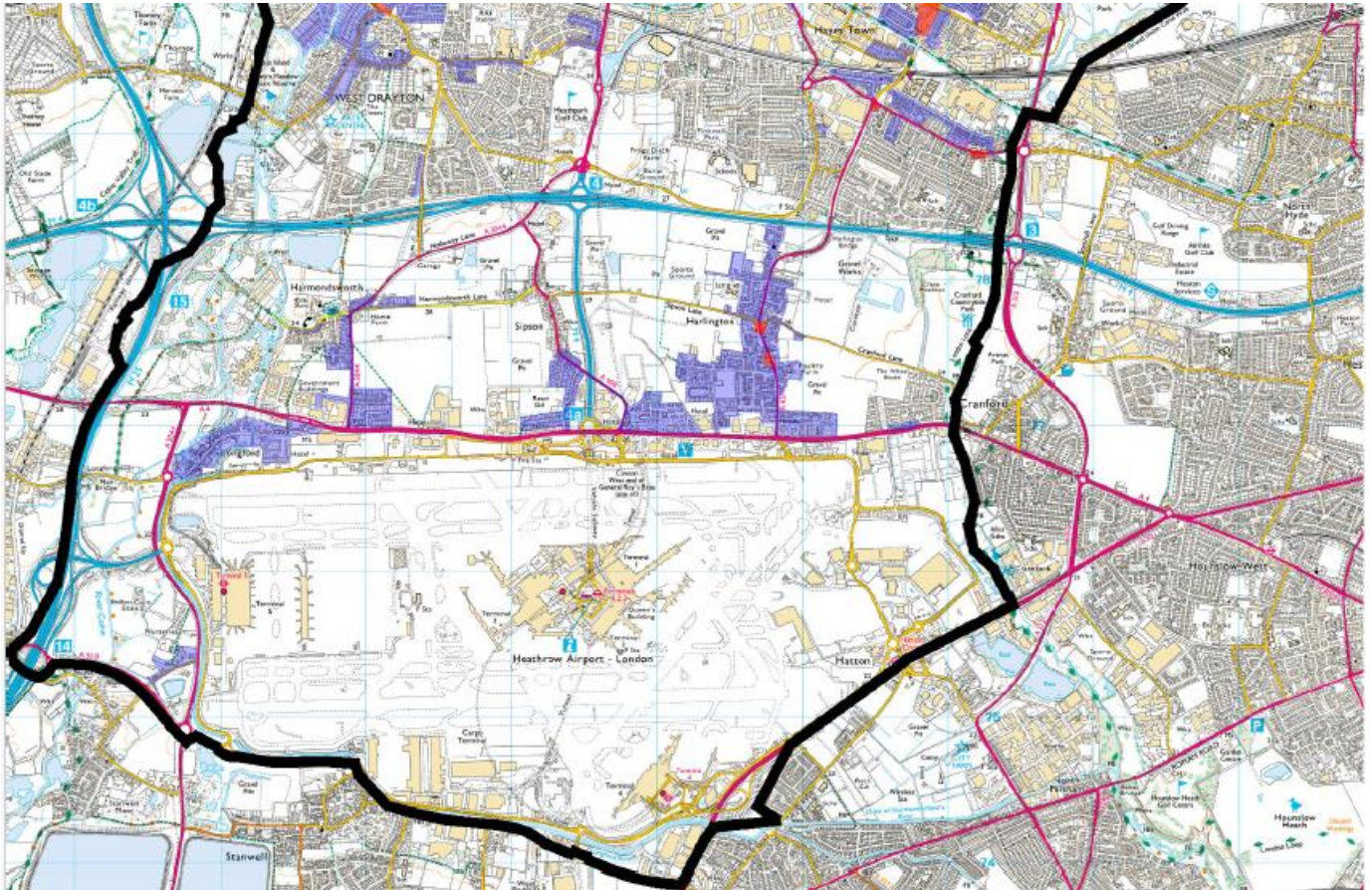
SUPPORTING INFORMATION

1. Background

- 1.1 The practice of Private Hire Vehicles (PHV's) and taxi's using residential streets in Hillingdon Borough to park and wait before collecting passengers at Heathrow Airport has increased in recent years. This has resulted in negative impacts on residents and local communities close to the airport. These impacts include inconsiderate parking, littering, urination and defecation in public places, engine idling creating pollution, noise and abusive behaviour towards residents.
- 1.2 These issues are widely shared by other areas neighbouring the Heathrow site and many have shared accounts of similar issues reported by their residents. Whilst a programme of work by the Council, Airport, Police and others has sought to reduce these negative impacts, the problems experienced by residents close to the airport persist and therefore a new approach may now be necessary to better protect residents.

2. Existing Legal Controls on Taxis and PHVs Parking or Waiting near the Airport

- 2.1 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).
- 2.2 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).



- 2.3 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. As a consequence, 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.
- 2.4 The extent to which taxis and PHVs park or wait in contravention of parking restrictions near Heathrow is most clearly demonstrated by data recorded by the Council's contracted parking enforcement service. Between February 2023 and January 2024, the Hillingdon CEO's recorded over 9000 PHV/Taxi drivers contravening parking restrictions in the four Wards nearest the airport. However, PCN's could not be issued in the majority of these cases since the driver moved away before the observation period had expired.
- 2.5 A Public Spaces Protection Order (PSPO) is in force across the whole borough and restricts 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.

- 2.6 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 PSPO is not effective in preventing anti-social behaviour that is impacting on the community.
- 2.7 Despite the continued presence of Council enforcement officers in the areas near Heathrow, local residents report that there are still significant numbers of PHVs and taxis waiting on the roadside, and that there are widespread problems with anti-social behaviour by the drivers of those vehicles. Heathrow Airport launched a Nuisance Parking Portal in April this year to enable local residents to notify them of problems that they are experiencing. There have been 93 reports of PHVs or taxis waiting in Hillingdon's residential streets via this portal so far. The Heathrow engagement team also receive reports from residents directly.
- 2.8 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.

3 Recent Developments

- 3.1 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 this PSPO was introduced.
- 3.2 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.
- 3.3 Both these developments are likely to exacerbate the existing problems for residents in Hillingdon.

4 Alternative Options for PHV and Taxi Drivers Collecting at the Airport

4.1 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).

5 Legal Options to Restrict Problematic PHV and Taxi Waiting Near Heathrow Airport

5.1 Given the continued practice of taxi and PHV drivers waiting on the roadside near Heathrow, despite alternatives being available to them and with resulting negative impacts on local residents, legal options to further restrict PHV and taxi parking/ waiting in the area have been reviewed. This is explained further in the table below.

6 Options Assessment

6.1 As outlined above, Heathrow Airport has provided PHV and taxi drivers with a dedicated waiting area for use at low cost prior to collecting passengers from the airport. Despite this, evidence shows many drivers choose to continue to wait in nearby roads. Some of those taxi and PHV drivers ignore the current parking restrictions in this area and prohibitions on anti-social behaviour despite clear signage of those restrictions where they apply. Therefore, it is appropriate for the Council to consider what actions could be taken to reduce the negative impacts on local communities.

6.2 The following options have been considered:

a) Do nothing/ continue with the current arrangements.

This option would result in the existing controls over parking and anti-social behaviour remaining in place and the Council continuing to deploy resources to enforce those restrictions in the areas known to be used by PHVs and taxis for waiting prior to going to the airport. 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.

b) Further engage with the PHV and taxi trade to encourage drivers not to park/ wait in residential roads which impact on local communities.

Information provided to the Council shows that the PHV and taxi drivers waiting in residential streets near the airport come from all over the country and therefore engagement with all relevant drivers and businesses is not practicable. There is clear signage of the current restrictions which those drivers are choosing to ignore. Heathrow Airport has undertaken extensive engagement with PHV and taxi drivers in order to discourage waiting other than in designated areas, but this has not solved the problem.

Therefore, 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.

- c) Introduce further legal restrictions on all vehicles waiting in streets near the airport.
In addition to parking controls, the Council could look to prohibit any vehicle from entering or waiting on designated roads unless approved (e.g. belonging to or registered by a resident on that road). However, this approach is likely to have significant impacts on local residents, requiring them to register vehicles they wish to be allowed to access roads and potentially limiting their ability to arrange for deliveries or have visitors without pre-planning. 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 other than when approved entering or waiting in local streets is not justified by the evidence and any benefits are outweighed by the negative impacts on local residents.
- d) Introduce further legal restrictions on PHVs and taxis which are likely to be effective in deterring drivers of those vehicles from waiting in designated streets.
As outlined above, the Council does have options available to it which could be utilised which would further restrict the ability of PHV and taxi drivers to wait in streets near the airport. For any new prohibitions to reduce the impact on local communities of these behaviours, it will be important that those restrictions can be effectively enforced, thereby deterring drivers from acting contrary to those restrictions. In practice, this means four criteria need to be met:
1. Since drivers will leave the area if Council officers are seen, it will be necessary to be able to identify the driver of a vehicle when that vehicle is seen to leave the area and is suspected to have contravened a legal restriction.
 2. It is not feasible to deploy resources so that there is a regular physical presence on all the roads currently impacted by this problem. Therefore, for the controls to be effective it will be necessary that evidence can be obtained by Council enforcement officers travelling by vehicle along those roads or from CCTV cameras.
 3. It should be possible to prove the contravention to the standard required to ensure enforcement actions are successful either by evidence from Council officers or from the public.
 4. The enforcement options available to the Council include the issue of a financial penalty (either as the final penalty or as an alternative to prosecution for the person suspected on committing the contravention). For the Council to prosecute a person suspected of a contravention of a legal restriction, an evidential file needs to be prepared and a court hearing scheduled. Financial penalties are a lower cost alternative, removing the burden on the Courts of administering the process, and ensuring that the matter can be concluded swiftly. The person concerned is still able to contest the contravention, either through a court hearing or independent adjudication process depending on whether the contravention is a criminal or civil law breach. Financial penalties are more suitable for less serious legal contraventions which occur frequently.

6.3 The following table assesses the legal options for further prohibitions on PHVs and taxis waiting in roads near Heathrow against the criteria above.

Legal Option	Would enable the Council to require the registered keeper of the vehicle to identify the driver at the time of the contravention?	Enforceable through evidence from mobile officers or CCTV evidence alone?	Enforceable with evidence from a member of the public?	Enforceable through financial penalty option?
PSPO	Yes. By virtue of the Greater London Council (General Powers) Act 1972, section 17 the Council has the power to require the owner of a vehicle to provide details of the driver or person in charge of a vehicle at the time an offence was committed. Failure to do so is an offence.	Yes. A contravention of the prohibition evidenced through images from a CCTV camera or by a witness statement would be actionable.	Yes. If a member of the public provides evidence of the contravention in a witness statement, the Council would be able to take enforcement action.	Yes.
Traffic Regulation Order (TRO)	Yes. Legislation makes the registered keeper of the vehicle concerned liable for contraventions of road traffic orders.	No. Legislation prevents camera based enforcement of a TRO prohibiting parking or waiting and limits enforcement by officers when the vehicle drives away before the officer has observed the contravention for a specified time.	No. Legislation prevents the enforcement of a TRO through evidence from a member of the public.	Yes.
Bye Law	Yes. By virtue of the Greater London Council (General Powers) Act 1972, section 17 the Council has the power to require the owner of a vehicle to provide details of the driver or person in charge of a vehicle at the time an offence was committed. Failure to do so is an offence.	Yes. A contravention of the prohibition evidenced through images from a CCTV camera or by a witness statement would be actionable.	Yes. If a member of the public provides evidence of the contravention in a witness statement, the Council would be able to take enforcement action.	No. A byelaw may require confirmation by the Secretary of State and the financial penalty is limited to a prosecution with a level 2 - £500

6.4 On the basis of the options assessment outlined above, the introduction of a PSPO which prohibits PHVs and taxis from waiting in designated areas would be likely to act as a

deterrent to PHV and taxi drivers and reduce the negative impacts of this behaviour on local communities.

7 Legal Framework for PSPOs

- 7.1 The Antisocial 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.
- 7.2 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.
- 7.3 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.
- 7.4 Local Authorities are required to undertake consultation when considering whether to introduce a PSPO. Consultation should include the Police, Mayor of London, owners or occupiers of land within the affected area (where reasonably practicable), and appropriate community representatives.
- 7.5 Consultation on a draft PSPO to address problematic PHV and taxi waiting in specified areas would need 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.
- 7.6 The consultation would need to explain why it is considered necessary to introduce a PSPO when the existing area is subject to residents parking restrictions and the current PSPO covers anti-social behaviour. The Council would need to show that additional powers are needed to deal with the problems caused by the drivers.
- 7.7 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 equality,

diversity, cohesion and integration. An Equality Impact Assessment (EIA) 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.

- 7.8 Evidence from the consultation and EIA will need to be weighed up before authorities can determine whether or not it is appropriate and proportionate to introduce a PSPO at all, and if so, whether the draft proposals are suitable. It will also help the Council determine the appropriate scope of the Order and any exemptions (for example times of the day when a behaviour may be prohibited), the area covered by the restrictions, the potential impact of the proposals and any necessary mitigation measures and how each of the restrictions meets the legal test.
- 7.9 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.

8 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.

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

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

- 9.1 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. 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.
- 9.2 The introduction of further measures which reduce problematic behaviour of PHV and taxi drivers may also release Council resources which are currently deployed to deter these behaviours so those resources can be utilised to resolve the benefit of other local areas in the Borough.

9.3 The recommended consultation process and completion of an equality impact assessment informed by responses to that consultation will provide further information on the benefits for local residents.

10 Consultation carried out or required

10.1 No consultation exercise has been undertaken at this time. This report proposes that a public consultation is commenced to inform the final decision on whether to introduce further controls to deter PHV and taxi waiting near Heathrow.

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 recommendation in this report. Furthermore, it is noted that if the introduction of the Public Spaces Protection Order is implemented after the consultation, it is expected that the income from the additional fines will offset the additional costs of enforcement, the impact of additional costs and income generated will be monitored as part of the regular monthly budget monitoring process and as part of the wider MTFB budget setting process.

Legal

As explained in the report, the Council continues to receive complaints about PHV's and taxis taking up parking spaces in residential streets close to Heathrow Airport, despite parking being confined to those with resident permits. This parking not only inconveniences residents but also results in antisocial behaviour including littering, urination, defecation and abusive behaviour. The Council has issued 475 FPN's to Private Hire Drivers over the last 12-month period.

It is confirmed that a PSPO could be introduced in the Heathrow area to counter these problems where the Council is satisfied, following a public consultation, that the activities being complained of are having a detrimental effect on the quality of life in the area, that these activities are of persistent or continuous nature making them unreasonable thereby justifying their prohibition. Section 72 of the Antisocial Behaviour, Crime & Policing act 2014 sets out the consultation procedures and, in order to ensure that all parties affected by the potential PSPO are able to participate, specific efforts should be made to consult with drivers by placing consultation notices on lampposts in streets affected by the proposed PSPO. This will ensure that the consultation is fair and inclusive in accordance with caselaw. Further, more detailed legal advice will be given when this matter returns to Cabinet following the public consultation.

BACKGROUND PAPERS

Papers from the Heathrow Area Transport Forum and Special Interest Group on parking can be seen here- <https://www.hatf.org.uk/2024-meetings/>