



HILLINGDON
LONDON

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