

PUBLIC SPACES PROTECTION ORDER 2025

Cabinet Member & Portfolio	Cllr Eddie Lavery Cabinet Member for Community and Environment
Responsible Officer	Dan Kennedy – Corporate Director of Homes and Communities
Report Author & Directorate	David Holmes – Team Leader, Street Scene Enforcement Team, Homes and Communities Directorate
Papers with report	Appendix 1 – Public Spaces Protection Order 2025 Appendix 2 – Equalities Impact Assessment

HEADLINES

Summary	<p>Following Cabinet’s approval of the draft Public Spaces Protection Order (PSPO) for public consultation on 9th January 2025, this report presents the results of the public consultation.</p> <p>The findings from the consultation were in support of the proposals. The report, therefore, makes recommendations for the continuing and revised restrictions on the anti-social use of alcohol and drugs, the anti-social use of vehicles and general acts of anti-social behaviour, as well as control measures for dogs, birds and vermin with specific measures for areas within the borough’s green spaces and town centres, to prevent nuisance and to reduce the detriment to the quality of life of local residents.</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	A revenue neutral impact is anticipated from the recommendations within this report. Enforcement of the PSPO will be covered by the existing on-street enforcement contract arrangements. Existing resources will be redeployed to any affected areas and signage and publicity of the revised PSPO will be met from existing resources.
Select Committee	Residents’ Services
Ward(s)	All

RECOMMENDATIONS

That the Cabinet:

- 1) **Considers the public consultation responses and summary information on the draft PSPO.**
- 2) **Has regard to the contents of the Equalities Impact Assessment.**
- 3) **Formally withdraw Public Spaces Protection Order 2023 effective 1st May 2025 before its expiry in 2026; and**
- 4) **Approve the finalised Public Spaces Protection Order 2025 in Appendix 1 for publication and implementation on 1st May 2025 for a period of 3 years.**

Reasons for recommendation(s)

The Public Spaces Protection Order 2025 identifies specific unreasonable and persistent behaviours that have been found to have had a detrimental effect on residents, visitors and the community. In considering the scope of the Order, information was drawn from internal and external stakeholders and data. The draft revised PSPO was the subject of public consultation between 20th January 2025 and 2nd March 2025. A total of 87 responses were received from residents, businesses and students. Official responses were received from The Hayes Town Partnership and the Uxbridge Business Improvement District.

An Equalities Impact Assessment was conducted during which consideration was given to specific groups within the community on grounds of race, religion, sex and culture. Targeted engagement has followed to ensure a raising of awareness of the proposed PSPO and to provide an opportunity to comment.

It is recommended that the Council approves the introduction of the revised PSPO from 1st May 2025 and withdraw PSPO 2023 at the same time.

Alternative options considered / risk management

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

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 these groups of people but at limiting specific harmful activity and behaviour.

An interested person can challenge the introduction of a PSPO in the High Court within six weeks of its adoption. 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 a Public Spaces Protection Order before it can be implemented.

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 PSPOs. 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 is or is likely to be persistent or continuing or is likely to be unreasonable; and
 - (c) are justified to be subject to the restrictions in the 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 considered 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 interests of different parts of the community and provides evidence as to whether the restrictions being proposed are justified, as required by section 59 of the 2014 Act. The Equalities and Human Rights ImHRIA for this proposed new PSPO is attached at Appendix 2.

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 enforce those restrictions and prohibitions within the designated area, where evidential tests are satisfied.

5. The restrictions and prohibitions in the PSPO apply to everyone within the designated area, however, they may have an increased negative impact on 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 they 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.

Further Considerations

10. The proposed PSPO is to form part of controls in place which are intended to minimise the impact of anti-social behaviour on residents. Specific measures are already in place to tackle parking around Heathrow Airport and joint working is undertaken with interested parties and partner agencies to prevent retail crime, nighttime economy risks and anti-social behaviour in communal areas and green spaces within the Borough.
11. On consideration of a PSPO and its content, a balance is sought between including items that people identify as making them feel safer, whilst at the same time not making unnecessary restrictions on the enjoyment of others or introducing rules and regulations that cannot be enforced. Figures from August 2023 to October 2024 indicate that 5017 breaches of the current PSPO were detected and challenged by enforcement services. These are punishable with a fixed penalty of £100 or a maximum penalty of £1,000 at court and provides a deterrent to future potential offending behaviour.

Financial Implications

Implementation of the recommendations in the report, introducing a revised Public Spaces Protection Order to tackle various social problems, 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 mentioned in the report should offset any additional cost of enforcement.

The anticipated total cost of Environment Enforcement Officers (EEOs) in 2024/25 is £452,000, whilst current run rates for forecast income in 2024/25 estimates around £470,000 from the generation of penalty income receipts. 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 MTFS planning process.

RESIDENT BENEFIT & CONSULTATION

Impact and/or benefits to residents, services users and communities

The Public Spaces Protection Order (PSPO) for Council public spaces is in line with the Council's corporate strategy priorities to support communities, to protect the built environment, parks and open spaces and to take action to protect residents and environment against issues of environmental crime and anti-social behaviour, which includes matters that cause harassment, annoyance or nuisance.

The Council is aware that the majority of those who live, work and visit the borough keep the area clean and safe. However, it wants to ensure where this is not the case that it uses the relevant legislation and approaches to maintain a clean and safe environment. The PSPO places restrictions and requirements on people using the defined areas.

The prohibitions contained within the PSPO were identified from an evidence base including service requests from residents and complaints made to Elected Members about issues which have a detrimental effect on the safety of residents and the wider public. The continuation of a tailored and effective PSPO within the borough is targeted at:

- Reducing alcohol and drug abuse.
- Promoting safe use of the highway and footways.
- Ensuring control over dogs, birds and vermin.
- Protecting residents against abuse and anti-social behaviours such as urination and defecation in public places and spitting in the street.
- Unauthorised use of public spaces.
- Controlling trading within the town centres.

The prohibitions are intended to have significant benefits for residents and others, living, working and visiting the Borough. The PSPO will assist in the prevention of an area being misused and provide immediate relief to residents where anti-social behaviour does occur, improving their safety and quality of life. It will also deter people from participating in or organising gatherings which cause severe nuisance and anti-social behaviour, increasing the fear of crime and perception of safety within the community.

Consultation & Engagement

The Anti-Social Behaviour, Crime and Policing Act 2014 requires local authorities to consult with the public and statutory bodies prior to implementing such a PSPO. This allows this authority to demonstrate the reasons for considering such action and consider the views of residents and interested parties.

The consultation on the proposed new PSPO took place between 20th January 2025 and 2nd March 2025. It included questions related to residents' support, or not, of the proposed measures

and requested alternative conditions for consideration. Opinion was tested on the proposals relating to specific geographic areas.

Full details of the public consultation and individual responses can be found in the Background Papers for review.

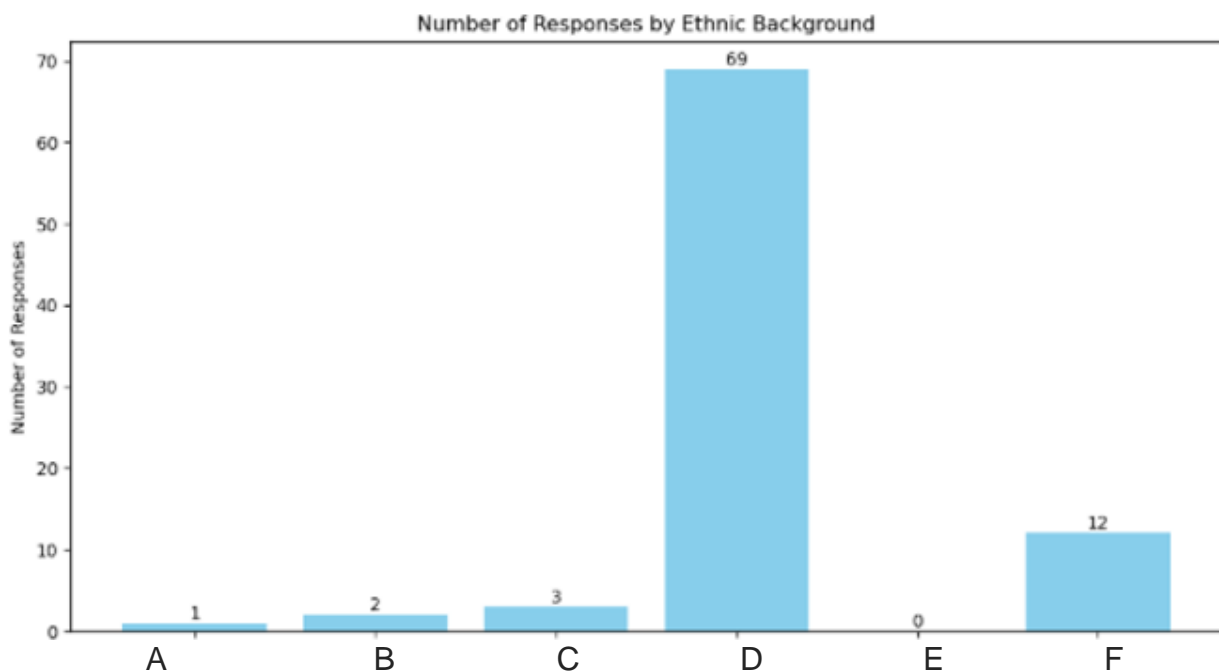
The full survey was publicised on Hillingdon Council website throughout the consultation period, promoted through Council social media channels and direct engagement with specific groups/organisations, including:

- Trade & Community Interest Groups
- Church Groups
- Ward Councillors
- Residents Associations
- Charities
- Bordering Local authorities
- Kennel Club
- London Heathrow Airport
- Internal Council Departments

A summary of the main points relating to the consultation responses follows.

Demographic Profile of Respondents

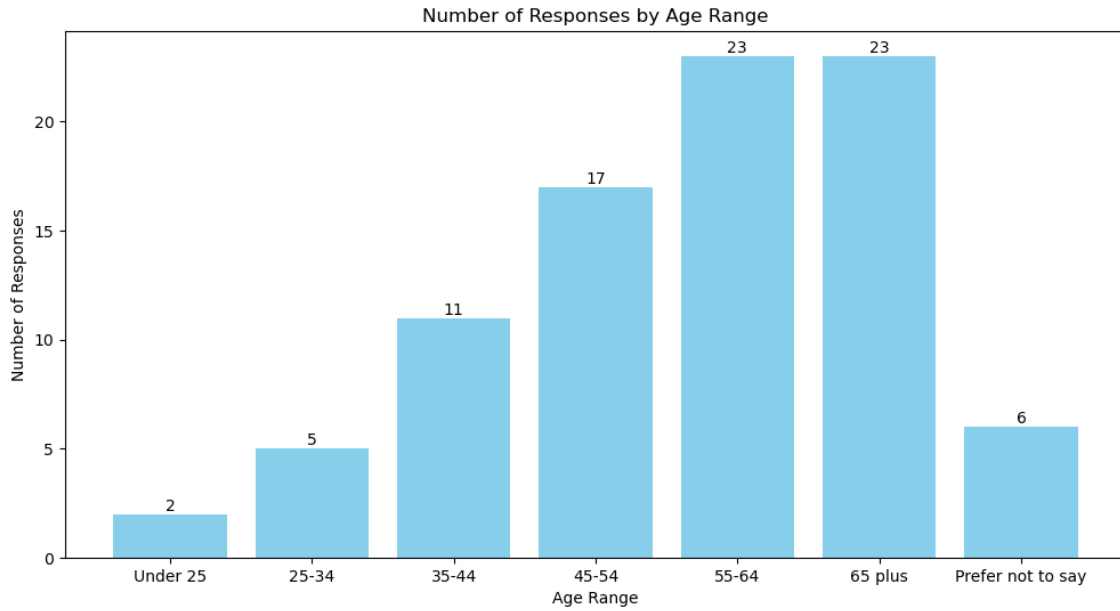
Ethnic Background



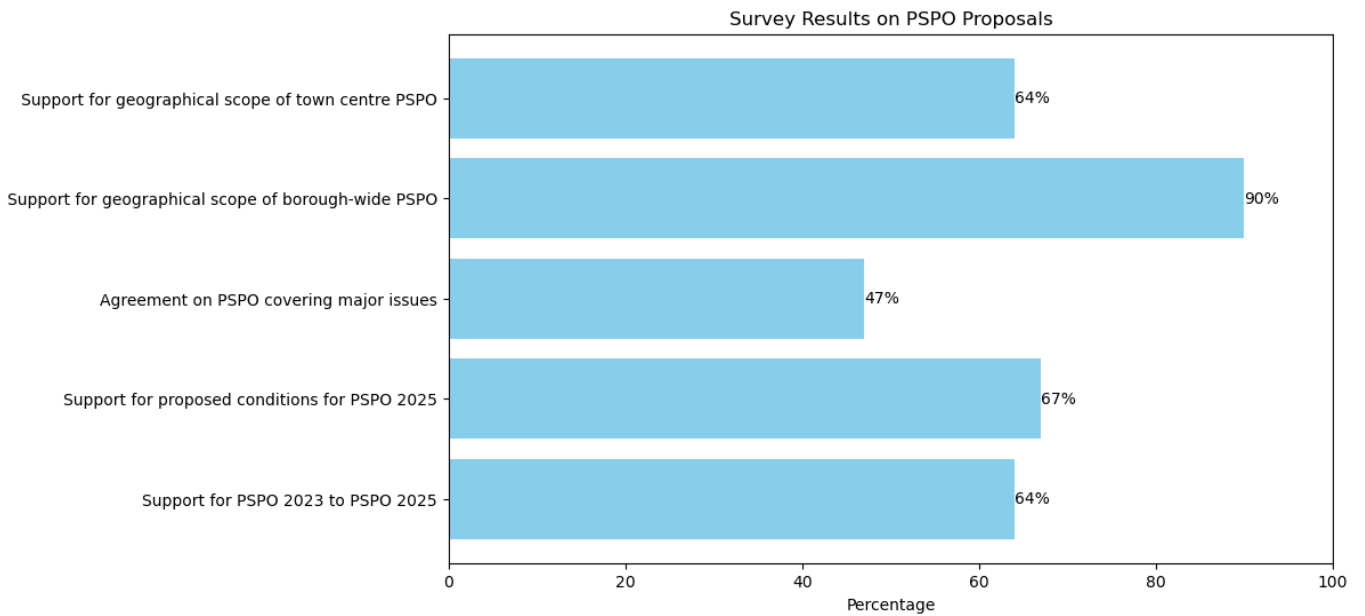
- A- Asian or Asian British ethnic group
- B- Black, Black British, Caribbean, or Africa
- C- Mixed or multiple ethnic group

- D- White group or background
- E- Other ethnic group or background
- F- Prefer not to say

Age range



Overall Survey Response

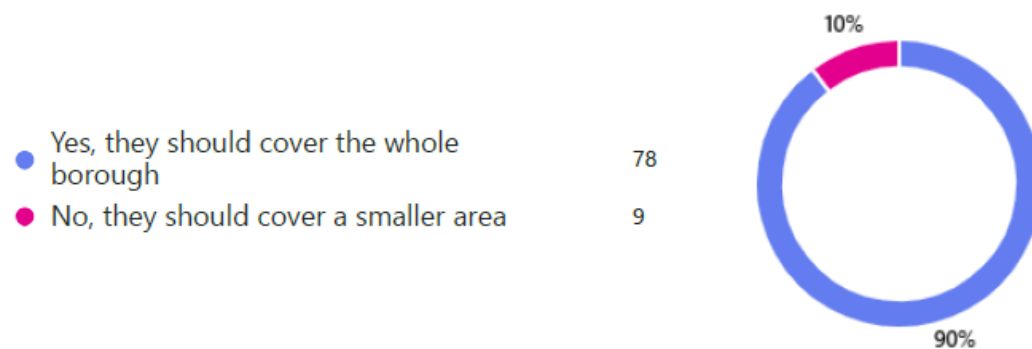


Detail of Overall Survey Response

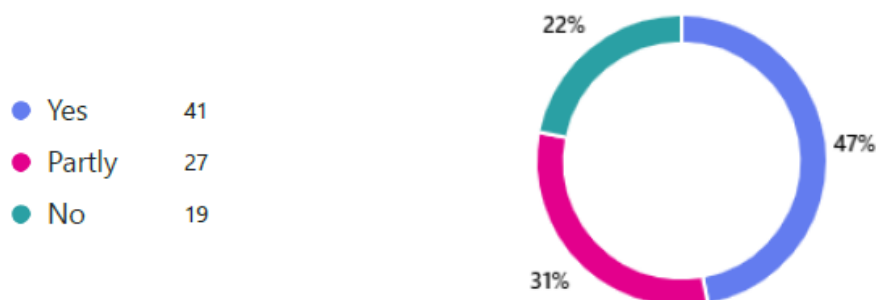
Do you support the geographical scope of the proposed town centre PSP O conditions?



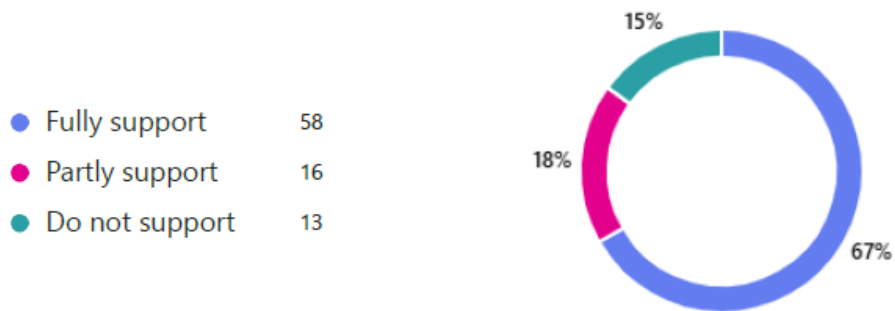
Do you support the geographical scope of the proposed borough-wide P SPO conditions?



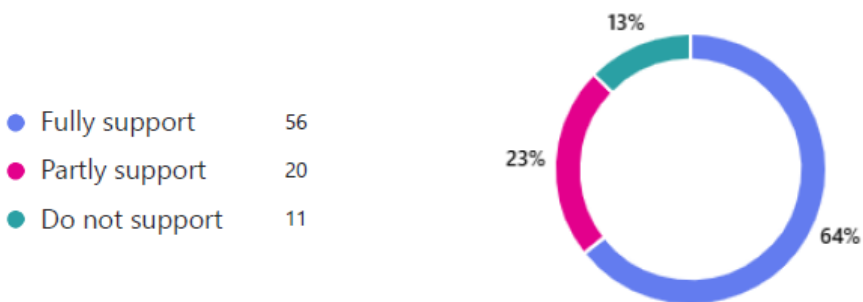
Do you feel the proposed PSPO covers the major issues in your area?



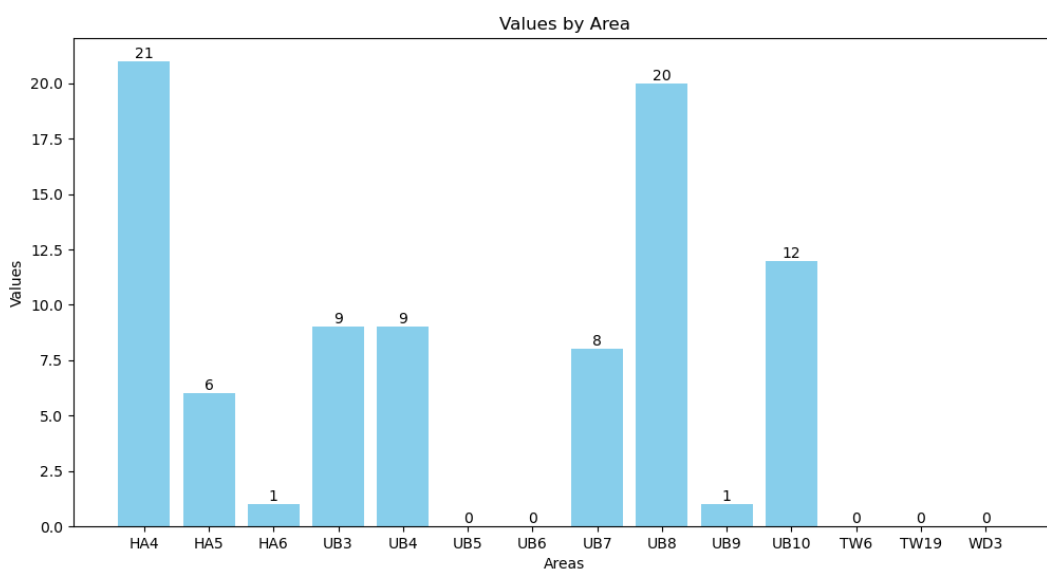
Do you support the proposed conditions?



Do you support the proposal to discharge PSPO 2023 and introduce PSPO 2025?



Geographical Profile of Respondents



Representation

- **Ethnic Diversity:** Consultation responses are predominantly from individuals with a White background (79.31%). Views and experiences of other ethnic groups may be underrepresented.
- **Age Representation:** The highest number of responses comes from the 55 plus age range, indicating that older individuals are more engaged or more likely to respond to the survey. This could mean that the perspectives of younger age groups are underrepresented.
- **Area-Specific Issues:** The highest level of responses were from HA4 and UB8 areas, suggesting that these areas may have specific issues, or a higher level of engagement compared to others.

Enforcement and Clarity

Some respondents highlighted the need for a clear enforcement strategy, including patrol schedules, resource allocation, and monitoring. There were requests for clearer definitions and explanations of certain conditions, such as the prohibition of idling engines and the use of motorised vehicles in green spaces.

Community Engagement

Some respondents emphasised the importance of engaging residents in the development and implementation of the PSPO, ensuring their concerns are addressed.

There were calls for a balanced approach that supports vulnerable individuals, such as the homeless, rather than enforcement.

Key Issues Identified

The Metropolitan Police raised concerns linked to the use of e-scooters, and the status of e-bikes as bicycles not vehicles, and the use of both conveyances in the commission of crime within Hillingdon Borough. The Police requested e- bikes and e- scooters are specifically identified, referred to, and restricted within the PSPO conditions. This issue was also highlighted in consultation responses from residents.

The current condition 2(a) within the draft PSPO 2025 states:

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).

Following a European Court of Justice's landmark ruling in 2023, stating pedal-assist electric bicycles are bicycles and not motorcycles or motor vehicles and in response to the public consultation, condition 2(a) PSPO 2025 has been amended to reflect the legal definition:

A person commits an offence if without reasonable excuse, they use an electric powered e-scooter or e-bicycle, motorised or powered vehicle, to drive 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 or motorised wheelchairs).

Condition 2(b) related to 'idling' of motor vehicles and what constitutes the offence, was considered ambiguous. There has been an increase in challenges to FPNs issued for a breach of this condition, related to the legality and confusion of the language used. In response and to ensure clarity, condition 2(b) has been amended:

Original draft

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.

Amended

A person commits an offence if without reasonable excuse they allow any vehicle in their charge, to idle unnecessarily when parked, whether attended or otherwise, on any part of the public highway unless as part of an official examination or assessment by a mechanic.

General issues of ASB raised within the consultation, such as fly tipping, littering, are noted as matters of concern for residents. These areas are not covered by the PSPO as they are enforceable under primary specific legislation independent of a PSPO.

Official responses received from the Hayes Town Partnership and Uxbridge Business Improvement District (BID) identified a link with anti-social behaviour and access ways or alleyways. It was confirmed with the partnership that such public areas are generally covered by the PSPO, although it should be noted this must be confirmed on each occasion. Issues were raised related to realistic enforcement, why bird feeding applied to green spaces and how the PSPO fits with agreements already in place within the town centre.

Key resident comments

- *I feel there has been things left out that need to be addressed. Not prohibiting motorbikes and quad bike use for one.*
- *It's not so much lack of support for any of the content but rather the omission of any specific mention of trying to control the use of illegal eBikes which I would like to see the Council do more to prevent.*
- *The updated PSPO includes necessary restrictions, such as:
Banning illegal car meets and street racing – This is essential for areas like Uxbridge Road and The Parkway in Hayes.*
- *Expanding ASB prohibitions (e.g., aggressive begging, street drinking, and vandalism) – These are persistent issues in Hayes Town Centre.*

Response to Key Resident Comments

The use of motorbikes, quad bikes, e-bikes, e-scooters and vehicles at car meets has been considered within the PSPO 2025. Restrictions are in place on highways and within the Council's green spaces. Car meets have also been considered with restrictions around participation, promoting, organising or publicising such an event.

Restrictions are included in the proposed PSPO relating to the activities of begging and street drinking involving open or closed containers of alcohol and being verbally abusive or presenting behaviour likely to cause harassment, alarm or distress, including whilst begging. Vandalism is a separate matter and can be dealt with under specific legislation.

Consultation Conclusion

The consultation responses support the discharge of PSPO 2023 and the introduction of PSPO 2025. Some matters raised are not a question for the implementation of the PSPO but for its strategic application and enforcement.

A response has been included within this Cabinet paper to the comments relating to the subjects of e-bicycles, e-scooters, vehicles and idling. This is in reply to the concerns of both to the public and the Police expressed during the consultation.

The geographical areas covered by the PSPO have been identified by information of offending behaviour at the time of consideration. These areas do change and have been reviewed at this stage and will be subject to further review if necessary.

Other specific issues that were raised in the consultation have been covered within the PSPO, and other matters can be covered by primary legislation in use by the Council.

In considering the PSPO 2025, an opportunity to comment has been provided through general consultation along with a direct approach to statutory bodies and specific groups/organisations. An Equalities Impact Assessment has been completed. The combined result is believed to offer a balanced approach that supports any vulnerable individuals whilst providing protection to residents, visitors and businesses against elements of anti-social behaviour present in society.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance have reviewed this report and concurs with the Financial Implications set out above, noting the recommendation to approve the finalised Public Spaces Protection Order 2025, with the implementation forecast to be revenue neutral within the Council's budget and therefore in line with the budget strategy approved by Cabinet and Council in February 2025.

Legal

There is no known legal impediment to the proposed actions. Although the proposals have been scrutinised to ensure legal compliance, it should be noted that this is a developing area of law. PSPOs can be challenged, and several have been successfully contested.

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 that, having regard to the consultation and equalities impact assessment, the current PSPO 2023 be discharged (which would otherwise lapse 3 years after it was made) and that PSPO 2025 be introduced for a period of 3 years with effect from 1st May 2025. 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 powers 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 equalities 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. The Council should also bear in mind human rights and equalities considerations in the way that the PSPO is enforced in practice.

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 is publication of the proposed PSPO whilst the necessary publicity for discharge is publicising the proposal, which was done as part of the consultation. If the decision is now made to discharge PSPO 2023 and introduce PSPO 2025, 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 PSPO 2025 as made on its website, and erect physical notices in affected public places regarding PSPO 2023 discharge and PSPO 2025 being made.

Any consultation that the Council undertakes must also adhere to the legal standard of fairness and adequacy, as underpinned by the *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

Crucially, the product of the consultation must be conscientiously considered by the decision-maker in finalising any decision to discharge PSPO 2023 and introduce PSPO 2025.

BACKGROUND PAPERS

- [Full Consultation Summary and Responses](#)
- [Anti-social Behaviour, Crime and Policing Act 2014](#)
- [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](#)