



HILLINGDON
LONDON

Appendix 2 - Equality and Human Rights Impact Assessment

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 ✓

Public Spaces Protection Order ("PSPO"): Discharge of PSPO 2023 and proposed Borough Wide and Town Centres PSPO 2025. To assess the equalities and human rights impact of the proposed discharge of the current PSPO and the implementation of PSPO 2025

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

Corporate Director Home and Communities

Date assessment completed and approved by accountable person

Completed 19/03/25

Approved 19/03/25

Names and job titles of people carrying out the assessment

Joanne Howells – Service Manager, Street Scene Enforcement Team

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

This equality and human rights impact assessment is being conducted as part of the discharge of the current PSPO 2023 and to assess the proposed PSPO 2025-2028.

PSPOs provides local authorities and Police with the necessary powers to introduce restrictions upon activity and behaviours occurring in public spaces and deemed to

have a detrimental effect on those in the locality. They can restrict and prohibit certain behaviours within the designated area where evidential tests are satisfied.

The proposed conditions for the PSPO 2025 target activities and behaviours identified from the evidence base (including complaints from residents and relevant enforcement data and information), complaints to Members, and issues which have a detrimental effect on the safety of residents and the wider public. The responses to the due consultation will be taken into account and may also add to the evidence base. The relevant activities include:

- Alcohol and drug misuse
- Idling vehicles
- Use of drones
- Urinating, defecating and spitting
- Dog control - in charge of more than 4 dogs (6 with a valid licence). fail to remove faeces and deposit it in appropriate receptacle
- encamp (with or without a vehicle) without the express consent of the Council.
- do not leave a park at the designated closing time or when required to do so by an authorised officer
- Begging - engaged in the act of begging for food or money that causes harassment, alarm, or distress to another person
- 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
- 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).
- Parks and open spaces - 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.
- use any device designed or adapted for detecting or locating any metal or mineral on or in the ground
- smoke any substance including cigarettes, cigars, electronic cigarettes (vapes), herbal cigarettes or similar within the boundary of a children's play area.
- engage in any type of fishing or dredge or remove any material from any park or open space

- Parks and open spaces - use a microphone, loudspeaker, megaphone, loud hailer, or any other similar equipment designed to amplify the volume of speech or music
- Parks and open spaces - light or are in control of or responsible for activity involving a fire, barbecue, or fireworks
- Parks and open spaces - 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.
- 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.
- use remote controlled model vehicles or aircraft that is likely to cause nuisance from noise or cause harassment, alarm, or distress to another person
- Participation and attendance in car meets/street racing
- Placing, leaving exposed, or distributing any type of food source in a public place to either feed or attract birds, or vermin

The PSPO places restrictions and requirements on people using the area defined. These can be blanket restrictions or targeted at groups (such as dog walkers) or apply at certain times. Breach of a PSPO without reasonable excuse is a criminal offence and may lead to a fixed penalty notice (FPN) of £100 or a maximum fine of £1,000 if prosecuted.

The PSPO conditions are designed to prevent the area from being misused and provide immediate relief to the residents, improving their safety and quality of life and deter those who are participating and organising gatherings which are causing severe nuisance and anti-social behaviour, increasing the fear of crime and reducing perception of safety within the community.

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 new Borough Wide and Town Centres PSPO for Council public spaces is in line with the Council's corporate strategy priorities, will support communities to protect the built environment, parks and open spaces, and will protect residents and the environment against issues of enviro-crime and anti-social behaviour, 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 where this is not the case that it uses the relevant legislation and approaches to maintain a clean and safe environment.

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

Some parts of the PSPO are to apply to the whole borough. Other conditions apply only in Uxbridge, Hayes and Ruislip town centres, identified on maps attached to the PSPO.

The PSPO is generally (bar any specific exemptions contained within it) to be applied to anyone within a public place within the designated areas and therefore affects Hillingdon's entire population. 2021 census information for Hillingdon indicates the characteristics of the borough's population, which stood at 305,900 at the time of the census:

https://www.nomisweb.co.uk/sources/census_2021/report?compare=E09000017.

Age

Aged 4 and under	6.5%
Aged 5 to 9 years	6.7%
Aged 10 to 15 years	7.7%
Aged 16 to 19 years	4.9%
Aged 20 to 24 years	6.5%
Aged 25 to 34 years	14.5%
Aged 35 to 49 years	22.4%
Aged 50 to 64 years	17.3%
Aged 65 to 74 years	7.2%
Aged 75 to 84 years	4.3%
Aged 85 years and over	1.9%

Sex

Female	50.6%
Male	49.4%

Sexual orientation

Straight or heterosexual	88.9%
Gay or Lesbian	0.9%
Bisexual	1.0%
Pansexual	0.1%
Asexual	0.0%
Queer	0.0%
All other sexual orientations	0/3%
Not answered	8.9%

Gender identity

Gender identity the same as sex registered at birth	91.7%
Gender identity different from sex registered at birth but no specific identity given	0.5%
Trans woman	0.2%
Trans man	0.2%
Non-binary	0.0%

All other general identities	0.0%
Not answered	7.4%

Marriage or civil partnership

Never married and never registered a civil partnership	37.0%
Married	48.5%
In a registered civil partnership	0.2%
Separated, but still legally married or in a civil partnership	2.0%
Divorced or civil partnership dissolved	7.1%
Widowed or surviving civil partner	5.1%

Ethnic Group

Asian, Asian British or Asian Welsh	33.3%
Black, Black British, Black Welsh, Caribbean or African	7.8%
Mixed or Multiple ethnic groups	4.4%
White	48.2%
Other ethnic group	6.3%

Religion

No religion	19.4%
Christian	39.0%
Buddhist	0.9%
Hindu	10.8%
Jewish	0.5%
Muslim	14.4%
Sikh	8.6%
Other religion	0.9%
Not answered	5.6%

Employment

Economically active (excluding full-time students): in employment	57.2%
Economically active (excluding full-time students): unemployed	3.9%
Economically active and a full-time student: employed	1.9%
Economically active and a full-time student: unemployed	0.9%
Economically inactive: retired	15.5%
Economically inactive: student	7.2%
Economically inactive: looking after home or family	6.5%
Economically inactive: long-term sickness or disabled	2.9%
Economically inactive: other	4.0%

Disability

Disabled: day-to-day activities limited a lot	6.5%
Disabled: day-to-day activities limited a little	8.2%

Not disabled: has long term physical or mental health condition but day-to-day activities are not limited	4.9%
Not disabled: no long term physical or mental health condition	82.2%

Data is not currently collected for those to whom enforcement action is taken against.

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

Stakeholders	Interest
Those who live in, work or visit Hillingdon borough	<p>To ensure that public spaces in the borough can be used safely and without fear of nuisance, annoyance or other anti-social behaviour.</p> <p>To ensure any enforcement action is fair and transparent.</p>
Corporate Director Homes and Communities	<p>To ensure that public spaces in the borough can be used safely and without fear of nuisance, annoyance or other anti-social behaviour.</p> <p>To ensure any enforcement action is fair and transparent.</p> <p>To ensure value for money in service delivery.</p>
Council Leader and Cabinet	<p>To ensure that public spaces in the borough can be used safely and without fear of nuisance, annoyance or other anti-social behaviour.</p> <p>To ensure any enforcement action is fair and transparent.</p> <p>To ensure value for money in service</p>

	delivery.
Enforcement and other partners and agencies	To ensure that public spaces in the borough can be used safely and without fear of nuisance, annoyance or other anti-social behaviour. To ensure any enforcement action is fair and transparent. To ensure value for money in service delivery.

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

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

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

B.1) Consideration of information and data - what have you got and what is it telling you?

The PSPO sets out a range of powers available to the Council and how these will be legally applied. Its use will be determined by the behaviour occurring and is not directed at any group. The PSPO is generally (bar any specific exemptions contained within it) to be applied to anyone within a public place within the designated areas and therefore affects Hillingdon's entire population.

In the absence of data to understand the actual impacts of the PSPO on equality characteristics, officers consulted and engaged with a variety of stakeholders and the public to identify what the potential impact on equality characteristics may be. These potential impacts have been outlined in Section C.

In the future, the equality characteristics of those against whom enforcement action is taken will be recorded.

This assessment will also be reviewed in 6 months' time.

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

No

Yes

Section 72(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act) sets out the consultation requirements that apply when a PSPO is made, extended, varied or discharged.

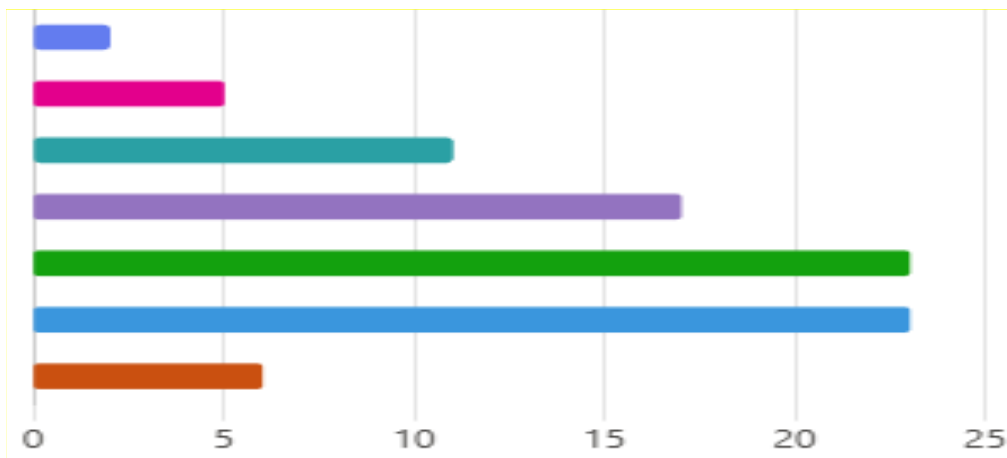
The Council is required to consult with:

- a. The chief officer of police and the local policing body
- b. Whichever community representatives the Council think appropriate
- c. The owners or occupiers of land within the restricted areas

The Council also issued a public consultation survey.

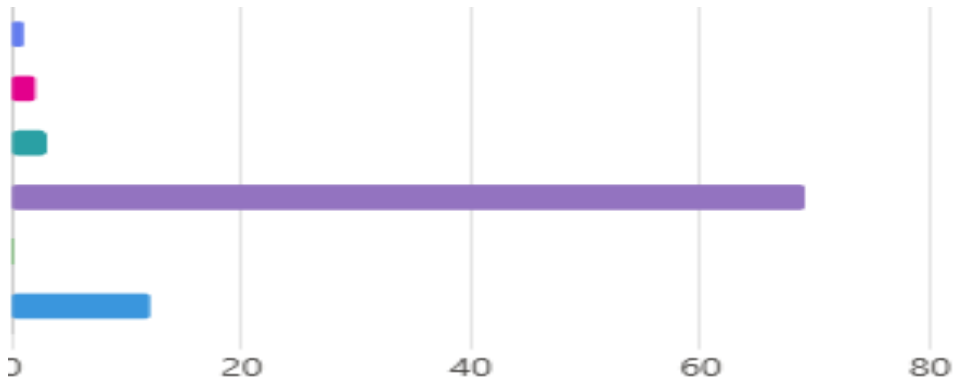
The equality profile of those who responded is presented below (data labels for the chart axis is shown below the table for clarity):

Age



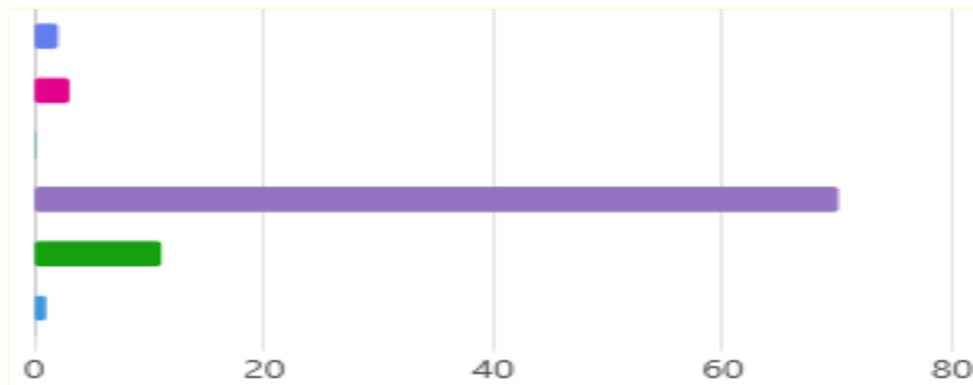
- Under 25 - 2
- 25-34 - 5
- 35-44 - 11
- 45-54 - 17
- 55-64 - 23
- 65+ - 23
- Prefer not to say - 6

Ethnic Background



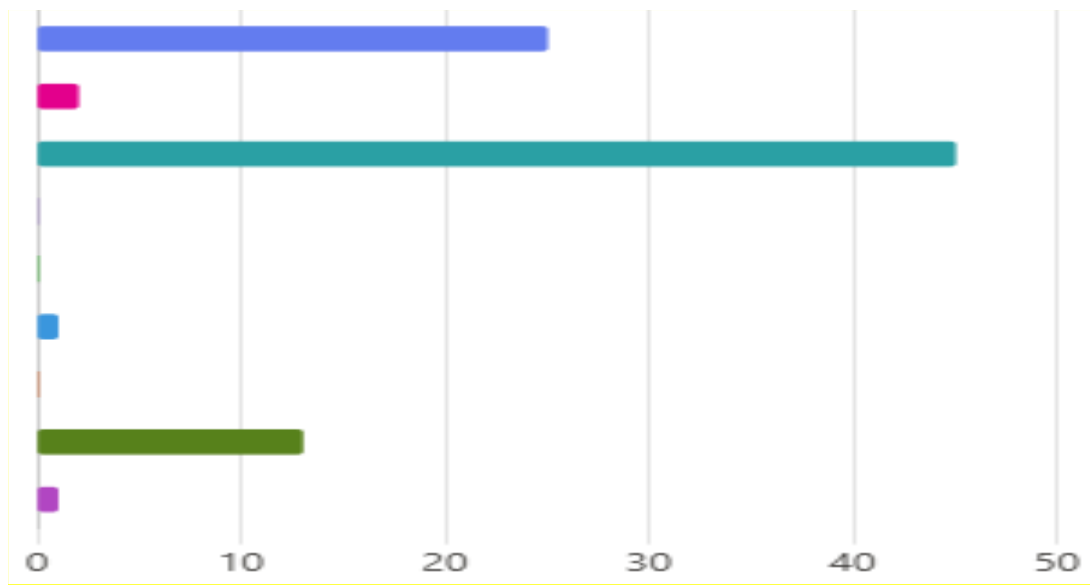
- Asian or Asian British ethnic group - 1
- Black, Black British, Caribbean, or Africa - 2
- Mixed or multiple ethnic group - 3
- White group or background - 69
- Other ethnic group or background - 0
- Prefer not to say - 12

Sexual Orientation



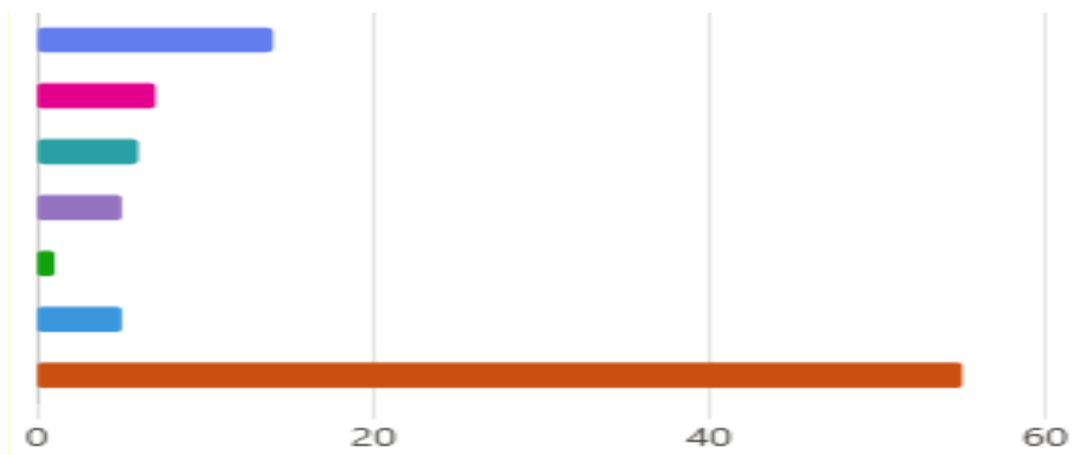
- Bisexual - 2
- Gay - 3
- Lesbian - 0
- Straight/heterosexual - 70
- Prefer not to say - 11
- Other - 1

Religion or belief



- No religion - 25
- Buddhist - 2
- Christian (Catholic, Church of England) - 45
- Hindu - 0
- Jewish - 0
- Muslim - 1
- Sikh - 0
- Prefer not to say - 13
- Other - 1

Type of disability



- Physical - 14
- Mental - 7
- Mobility - 6

- Hearing - 5
- Visual - 1
- Learning - 5
- Other - 55

64% of respondents supported the proposal to discharge PSPO 2023 and introduce PSPO 2025

67% of respondents supported the proposed conditions

90% of respondents supported the geographical scope of the proposed borough-wide PSPO conditions

64% of respondents supported the geographical scope of the proposed town centre PSPO conditions

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

Legal context

In discharging or making a PSPO, the Council must follow the scheme provided in the 2014 Act.

The Council also has an ongoing public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010, section 149). It is believed that the proposed PSPOs will have a positive impact on the ability of people to use public space safely and without fear of nuisance, annoyance or other anti-social behaviour.

The Council, as a public authority, is also required to comply with the Human Rights Act 1998 on an ongoing basis in relation to observation of certain rights protected by the European Convention of Human Rights. Section 72(1) of the 2014 Act requires the Council to have particular regard to article 10 (right to freedom of expression) and 11 (right to freedom of assembly) of the Convention.

The article 10 right (right to freedom of expression) may be engaged due to PSPO conditions restricting verbal abuse, lewd, obscene or sexist comments or gestures towards a member of the public.

However, this is limited to scenarios where the behaviour is likely to cause harassment, alarm or distress to another person and therefore any interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The PSPO conditions are limited to what is proportionate and necessary according to the evidence base. The Council will continue to ensure this is the case through a flexible and sensitive enforcement approach.

The article 11 right (right to freedom of assembly and association) may also be engaged. However, the PSPO places restrictions on how people can use our public spaces, not their ability to use it or gather. The PSPO does not prevent the freedom to peacefully assemble. There are no restrictions on gatherings per se or the number of people that can gather together.

As such, the PSPO does not interfere with the article 11 right. However, even if article 11 were engaged, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The PSPO conditions are limited to what is proportionate and necessary according to the evidence base. The Council will continue to ensure this is the case through a flexible and sensitive enforcement approach.

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** impacts (actual or potential):

EQUALITY GROUP	IMPACT: RELEVANT PSPO CONDITIONS <i>Based on observation and information, PSPO conditions targeting the following activities may affect the equality group more than other groups</i>	ACTIONS
Young people	<u>Alcohol and drugs</u>	Where appropriate, provide increased educational information on alcohol harm and drug use to young people. Work closely with schools, colleges and universities to ensure that there is a good understanding of the application of the PSPO to their students and support available where needed.
	<u>Anti-social behaviour</u>	Respond to children (17 years and under) acting anti-socially as a need for support / safeguarding rather than PSPO formal enforcement.

	<u>Car meets and street racing</u>	The PSPO enables the Council and Police to issue immediate penalties to those organising or participating in illegal car meets and street racing. Since these events are illegal, no negative impacts have been identified arising from the inclusion of these prohibitions in the PSPO.
Those with poor physical or mental health or other vulnerabilities	Poor physical or mental health and/or other vulnerabilities may cause people to act in breach of the conditions.	Hillingdon Council hold regular meetings with the Police and with Community Safety Partners, including those who provide support and provisions for vulnerable people. Alleged offenders will be appropriately signposted to relevant support services. We will continue to refer and signposting individuals to commissioned support services.
People with disabilities who use assistance dogs	<u>Dog control</u> It is recognised that people with mobility problems or visual impairments who use assistance dogs may find it more challenging to comply with the dog control conditions.	There are exemptions included in the PSPO to exempt people who use assistance dogs from these conditions.
People with lower socio-economic status	<u>Alcohol</u> The PSPO will challenge drinking behaviour in all public spaces. There is some anecdotal information which suggests that some deprived areas across the Borough have disproportionate street drinking whereas some more affluent areas are subject to issues around the 'night economy'.	All agencies should be mindful of displacement and should consider appropriate actions.
Street Population Community / Homeless	<u>Alcohol</u> The PSPO will affect those with dependency issues,	We will ensure that enforcement is justified and fair, is sensitive to needs and signposts appropriately to support provisions.

	<p>a known problem for the street population community and can be the reason that led to someone becoming homeless. The Council recognises street drinking is prominent amongst the street homeless population, and they often suffer from ill mental health.</p>	<p>There is a sustained and significant programme of outreach work with people who are rough sleeping to encourage and support them to engage with the Council to find alternatives to life on the street. Similarly, officers will engage with anyone who is begging to encourage them to access support services.</p>
	<p><u>Encampments</u> The homeless community may also be impacted by conditions on encampments and obstructions as they have no fixed abode.</p>	
Those from the Gypsy, Roma, Traveller communities	Encampments	The condition provides an exception where authorisation is sought from the Council. The Council will consider reasonable authorisation requests.
Religious groups	<p><u>Distribution of free printed matter</u> Religious groups are known to conduct outreach in town centres, which includes distributing leaflets and literature for religious purposes</p>	<p>Pursuant to paragraph 1(4) of Schedule 3A to the Environmental Protection Act 1990, no offence is committed in relation to distribution of free printed matter:</p> <p>(a) by or on behalf of a charity where the printed matter relates to or is intended for the benefit of the charity;</p> <p>(b) where the distribution is for political purposes or for the purposes of a religion or belief.</p> <p>This wording has been included in the PSPO wording to confirm that religious groups are exempt from the condition.</p>

C.2) Describe any **POSITIVE** impacts (actual or potential):

EQUALITY GROUP	IMPACT AND ACTION NEEDED
Whole population	<p>The introduction of the Borough Wide PSPO is an additional tool to enable Council and police officers to manage specific types of behaviour that has a detrimental impact to all, particularly vulnerable groups. As a result:</p> <ul style="list-style-type: none"> • People will feel safer across the borough • Community cohesion will increase as people feel safer in their neighbourhoods • There can be a more coordinated response to detrimental behaviours • There will be reduced complaints and dissatisfaction from the public • Access and signposting to support services will be more effective as pathways from detrimental behaviours for vulnerable people are strengthened • People will be protected from detrimental and anti-social behaviour, so they feel safe living, working and visiting the area
Children and the elderly	<p>The impact on all of the community including the elderly, young people and children has been taken into account in implementing the PSPO not least the impact on young people who live in the borough who have felt increasingly excluded from being able to access and enjoy public spaces.</p> <p>For the avoidance of doubt, this does not just refer to young children whose parents have felt unable to allow them to play in open spaces due to the impact of urination, defecation, and anti-social behaviour, but also older young people and the elderly.</p> <p>Safety is a concern for all age groups; therefore, this PSPO should have a positive impact across all ages. All ages will benefit from improved cleanliness.</p>
<p>Groups that may be more likely to experience intimidation and discrimination, e.g.</p> <p>Women</p> <p>LGBTQ+</p> <p>Various race / ethnicity groups</p> <p>Disabled</p>	<p>Whilst the PSPO is designed to prohibit certain activities it is also designed to enable people to feel that Hillingdon is a safe and welcoming place for all.</p> <p>There are some sections of the community who currently may not feel this is the case (e.g. some older people, disabled people, women, LGBTQ+ community, certain race / ethnic groups, etc) due to experience of prejudice, hate crime and discrimination and behaviours that intimidate and harass them on account of their</p>

	<p>protected characteristics, which could have a negative impact on the individuals and the likelihood that they will choose not to visit the Borough.</p> <p>The implementation of the PSPO will encourage more responsible use of public places and tackle intimidating behaviours. It could therefore potentially have a positive impact on these groups.</p>
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D) Conclusions

PSPOs give local authorities the opportunity to bring in proportionate measures for a maximum of 3 years and are being adopted by many local authorities in the UK.

The introduction of the proposed PSPO impacts the lives of people who live, work and visit Hillingdon Borough. The conditions will impact positively on people whose protective characteristics see them impacted upon by the 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.

Furthermore, there are some exceptions built into some of the PSPO conditions to mitigate negative impact. These include exceptions for particular groups of people (e.g. those requiring use of assistance dogs; those using mobility vehicles) and broader exceptions (e.g. those who obtain prior written permission from the Council).

The initiative will also support the delivery of the Council's borough plan, supporting strategic themes around putting residents first.

The Council's Environmental Enforcement and Street Scene Officers will police the PSPO primarily, however there will be some assistance from relevant Police Safer Neighbourhood Teams.

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. They will recognise that no offence is committed where reasonable excuse exists for breach of a PSPO condition and make appropriate enquiries on a case-by-case basis to determine whether reasonable excuse exists. Officers will also continue to receive training on subjects such as equality and diversity, to ensure the enforcement process is fair and transparent.

Young people in breach of the PSPO will be referred through safeguarding arrangements when appropriate.

Mental health considerations are assessed on a case-by-case basis and support and early intervention will be used prior to more serious enforcement action.

Council and police officers will continue the partnership approach across the Hillingdon Borough avoiding duplication where possible and in accordance with the Council's Corporate Enforcement and Anti-Social Behaviour Policies. 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.

They will enforce with reasonable discretion, identifying people with vulnerabilities and providing appropriate advice, signposting information and/or referrals on their behalf (e.g. safeguarding).

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

Anyone who is issued with an FPN given for breach of the proposed 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 a 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 individuals accept 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. This is a further positive impact of the PSPO.

The operation of the PSPO will be kept under review in accordance with the Council's public sector equality duty and human rights duties. Discharge or variation of a PSPO can be undertaken in line with statutory procedure under the 2014 Act if necessary.

COMPLETED BY:

Signed:



Name:

Joanne Howells

Position:

Service Manager, Street Scene Enforcement

Dated:

5th March 2025

APPROVED BY:

Signed:

A handwritten signature in black ink, appearing to read 'Daniel Kennedy', written in a cursive style.

Name: Daniel Kennedy

Position Held: Corporate Director, Home and Communities

Dated: 19/03/25