

Stockton-on-Tees Borough Council
Public Spaces Protection Order (No.1) 2023

Stockton-on-Tees Borough Council (“the Council”) in exercise of the power under sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), and all other enabling powers, hereby makes the following Order:-

1. The land identified by the maps at Appendices 1 and 2 (“the Designated Areas”), being land in the area of the Council, is land to which the Act applies and will be protected by this Order, specifically Stockton-on-Tees Town Centre and Norton High Street/Town Centre and village green.
2. The Council is satisfied that the conditions set out in section 59(2) of the Act have been met, namely that the consumption of alcohol and aggressive begging has been carried out within the Designated Areas, which have had or are likely to have a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within the areas and have such an effect.
3. The Council is also satisfied that the conditions set out in section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order, and that it is, in all the circumstances, expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
4. The Order may be cited as the Stockton-on-Tees Borough Council Public Spaces Protection Order (No.1) 2023 and shall come into force on **XX 2023** for the duration of three years, expiring at midnight on **XX 2026**, unless varied, revoked or extended pursuant to section 60 of the Act.

By this Order

5. The effect of the Order is to impose the following conditions on the use of the Designated Areas at all times:

Prohibitions

Begging

6. No person shall aggressively beg within the Designated Areas. Aggressive begging includes but is not limited to begging in a manner which a reasonable person would perceive to be threatening, intimidating or aggressive, or following a member of the public.

Exemption

7. In relation to paragraph 6 nothing in this Order shall apply to anyone who is in possession of a permit and/or written authorisation/licence for face-to-face fundraising issued by the Council and who is abiding by the Council’s rules and regulations issued at the time of issuing the permit.

Alcohol

8. No person shall consume alcohol within the Designated Areas in circumstances where an Authorised Person has directed them not to do so in the reasonable belief that such a direction is necessary.
9. If an Authorised Person reasonably believes that a person:-
 - (a) is, or has been, consuming alcohol in breach of the prohibition in section 8,
or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such prohibition,he or she may impose a requirement upon that person under section 10(a) or 10(b).
10. An Authorised Person may require the person:-
 - (a) not to consume alcohol or anything which an Authorised Person reasonably believes to be alcohol
and/or
 - (b) to surrender anything in his or her possession which is, or which an Authorised Person reasonably believes to be, alcohol and/or any sealed or unsealed containers for alcohol or containers which an Authorised Person believes contain alcohol.

Exemption

11. Nothing in paragraphs 8 to 10 of the Order on consuming alcohol shall apply to licensed premises as defined in section 62 of the Licensing Act 2003.

Human Rights

12. In consulting regarding this Order before it was made, the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

Byelaws:

13. A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order is of no effect in relation to the restricted area for the duration of this Order.

Appeals:

14. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Appendices:

15. Appendix 1 – Map of Stockton-on-Tees Town Centre
16. Appendix 2 – Map of Norton High Street/Town Centre

Definitions

- “the Council”
- The Council of the Borough of Stockton-on-Tees.
- “an Authorised Person”
- A Police Officer;
 - A Police Community Support Officer; or
 - An officer of Stockton-on-Tees Borough Council, who has been duly authorised to enforce Public Space Protection Orders .
- “the Act”
- The Anti-Social Behaviour, Crime and Policing Act 2014 (and any subsequent amendments).
- “Designated areas”
- The land to which this Order applies, specifically identified on maps at Appendices 1 and 2, as appropriate.

Offences

1. In the Designated Areas any person who continues to carry out activities from which they are prohibited commits an offence; and
2. In the Designated Areas any person who fails to comply with any requirement of this Order or any request of an Authorised Person made in accordance with this Order, commits an offence:-

OFFENCES AND FIXED PENALTY NOTICES-

3. It is an offence for a person, without reasonable excuse, to engage in any activity that is prohibited by this Order.
4. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine (currently £500) or to a Fixed Penalty Notice up to £100.
5. In accordance with section 67 of the Act, a person found to be in breach of this Order, other than by consuming alcohol or by refusing to surrender alcohol to an authorised person, is liable on summary conviction to a maximum level 3 fine (currently £1,000) or to a Fixed Penalty Notice up to £100.
6. No proceedings may be taken for the offence before the end of the 14-day period following the date of the Fixed Penalty Notice; and
7. The person may not be convicted of the offence if the person pays the Fixed Penalty Notice amount before the end of that period.

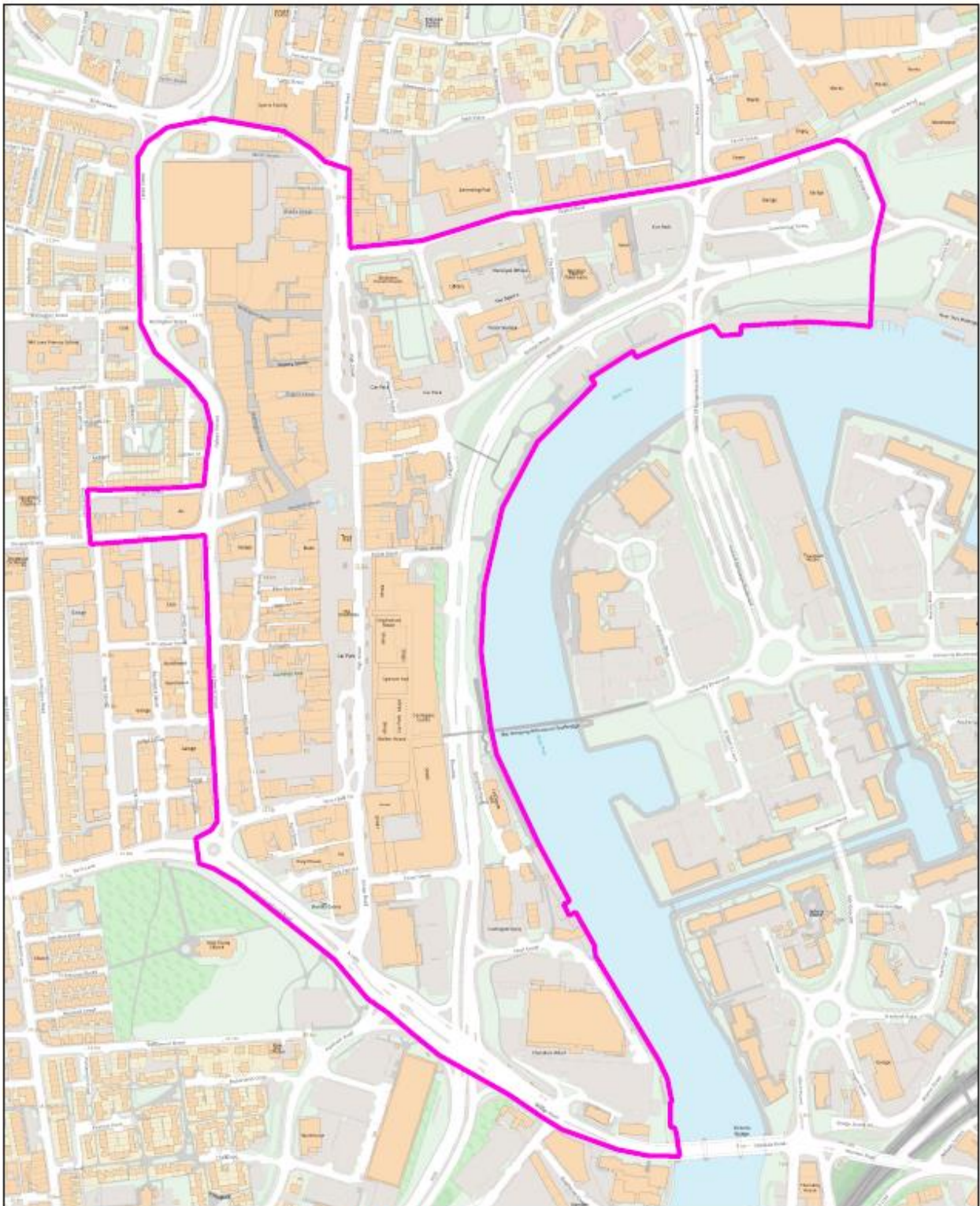
Given under the Common Seal of
The Council of the Borough of Stockton-on-Tees

On the _____ day of _____ 2023

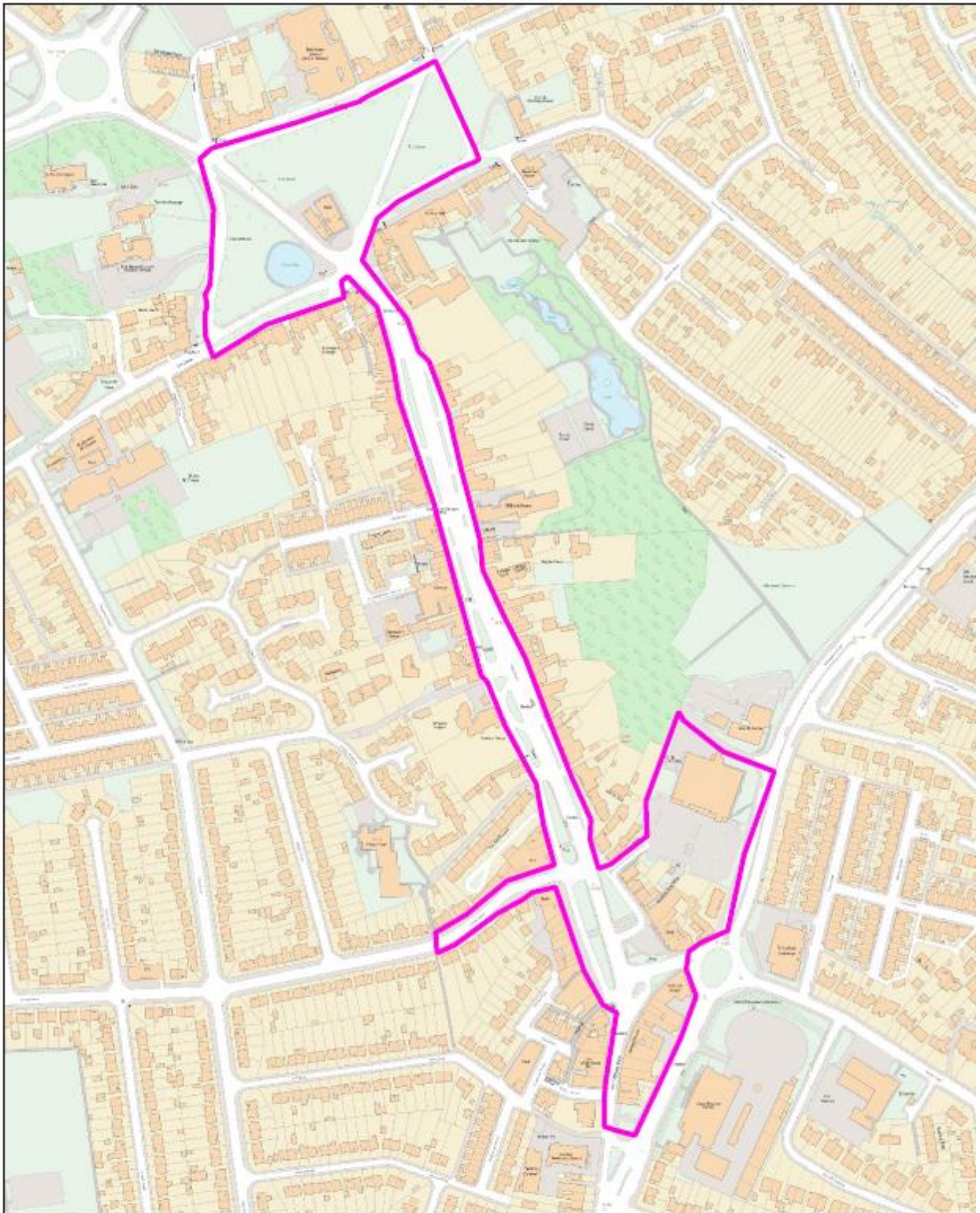
THE COMMON SEAL of the
COUNCIL
Was hereunto affixed in the presence of

.....

Authorised Officer



 Stockton-on-Tees BOROUGH COUNCIL	<p>Information and Intelligence Children's Services Stockton-on-Tees Borough Council</p> <p>4th Floor, Bayheath House, Prince Regent Street Stockton-on-Tees TS18 1DF</p>	<p>Title</p> <p>Stockton Town Centre Public Space Protection Order</p>
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 Stockton-on-Tees BOROUGH COUNCIL	Information and Intelligence Children's Services Stockton-on-Tees Borough Council 4th Floor, Bayheath House, Prince Regent Street Stockton-on-Tees TS18 1DF	Title Norton Town Centre Public Space Protection Order
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