

Stockton on Tees Borough Council
Public Spaces Protection Order (No.#) 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 to 3, being land in the area of the Council, is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by this Order.
2. The Council is satisfied that the conditions set out in section 59 (2) of the Act have been met. Namely that anti-social behaviour and criminal activities have been carried out within the various areas identified on the maps at Appendices 1 to 3, 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 area 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 crime and/or 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.#) 2023 and shall come into force on ## 2023 for the duration of three years, expiring at midnight on ## 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 land at all times:

Prohibitions

Begging

6. No person shall aggressively beg within the designated area (see maps at Appendices 1 to 3). Aggressive begging includes but is not limited to begging in a manner a reasonable person would perceive to be threatening, intimidating or aggressive, approaching or following a member of the public, begging in close proximity to a cash machine or bus stop

Exemption

7. In relation to paragraph 6 nothing in this Order shall apply to anyone who is in possession of a permit and written authorisation/licence for face-to-face fundraising issued by the Council

and who has agreed to abide by the Council's rules and regulations issued at the time of issuing the permit.

Alcohol

8. In order to prevent a public nuisance or disorder, a person is not permitted to consume alcohol within the Designated Areas (see maps at Appendices 1 and 2).
9. Persons within the designated areas causing or who are likely to cause harassment, alarm or distress, are on the request of an authorised Officer, to comply immediately with a request to cease drinking alcohol and surrender any sealed or unsealed containers believed to contain alcohol in their possession.

Exemption

10. Nothing in paragraphs 8 and 9 of the Order on consuming alcohol shall apply to licensed premises as defined in section 62 of the Act (see Definitions below).

Human Rights

11. 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:

12. 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:

13. 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:

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

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

DEFINITIONS

- “the Council”
- The Council of the Borough of Stockton on Tees
- “an authorised Officer”
- A Police Officer
 - A Police Community Support Officer
 - An officer of Stockton on Tees Borough Council, who has been duly authorised to enforce this order
- “the Act”
- The Anti-Social Behaviour, Crime and Policing Act 2014 (and any subsequent amendments)
- “Designated area”
- The land to which this order applies, specifically identified on maps at Appendices 1 – 3, as appropriate

“Section 62 of the Act” **The Licensing Act 2003**

...

62 Premises etc to which alcohol prohibition does not apply

- 1 A prohibition in a public spaces protection order on consuming alcohol does not apply to—
 - a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - c) a place within the curtilage of premises within paragraph (a) or (b);
 - d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- 2 A prohibition in a public spaces protection order on consuming alcohol does not apply to—
 - a) when the premises are being used for the supply of alcohol, or
 - b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol

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Anti-Social Behaviour Crime and Policing Act 2014

63 Consumption of alcohol in breach of prohibition in order

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)—
- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.
- In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).
- (2) The constable or authorised person may require P—
- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
 - (b) to surrender anything in P’s possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—
- (a) is asked by P to show evidence of his or her authorisation, and
 - (b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

OFFENCES

1. In the designated areas, as identified on maps at Appendices 1 to 3, as appropriate, any person who continues to carry out activities from which they are prohibited commits an offence; and
2. In the designated areas, as identified on maps at Appendices 1 to 3, as appropriate, any person who fails to comply with any requirement of this Order or any request of an authorised Officer made in accordance with this Order, commits an offence:

THIS ORDER IS SUBJECT TO THE EXEMPTIONS AS SET OUT ABOVE

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

