

**REPORT TO CABINET**

**12<sup>th</sup> MARCH 2026**

**REPORT OF  
CORPORATE  
MANAGEMENT TEAM**

## **CABINET KEY DECISION**

**Access, Communities and Community Safety - Lead Cabinet Member –  
Councillor Norma Stephenson OBE**

# **MAKING NEW PUBLIC SPACES PROTECTION ORDERS FOR STOCKTON TOWN CENTRE AND NORTON TOWN CENTRE (2026-2029)**

## **Summary**

In Spring 2025, the Community Safety Select Committee published *Scrutiny Review of Welcoming and Safe Town Centres*, stating that as Stockton-on-Tees Borough Council redevelops its town centres, safe and welcoming spaces remain essential. The introduction of a Public Spaces Protection Order (PSPO) in 2023 for selected zones in Stockton and Norton was highlighted as a key step towards these goals. The Committee recommended evaluating the 2023 Orders, including their principles, implementation, and resourcing.

PSPOs help prevent anti-social behaviour (ASB) in public areas and are widely used across England and Wales.

The existing Public Spaces Protection Order for both Stockton Town Centre and Norton Town Centre expires at midnight on 2 April 2026. This report seeks Cabinet approval to make new PSPOs for these areas for the period 2026–2029. In determining whether to make new Orders, Cabinet must be satisfied that the statutory conditions in section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 are met on the evidence presented. The making of a PSPO is a fresh statutory decision and there is no presumption of continuation when an Order expires.

In Stockton, proposed restrictions include failure to comply with a requirement not to consume alcohol or to surrender alcohol (commonly referred to as street drinking

controls), begging, anti-social loitering, anti-social driving/vehicle use, public urination/defecation, dogs off-lead, and dog fouling. Requirements also mandate moving temporary structures, providing personal details to officers if breaching the Order or causing ASB, and leaving the area when directed. Norton's proposed conditions include street drinking controls, begging, ASB loitering, and anti-social vehicle/bicycle use, with similar requirements for providing details and vacating the area when instructed.

This report offers Cabinet the context needed to decide on the next steps for the PSPOs in both Stockton Town Centre and Norton.

### **Reasons For Recommendations:**

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), the making of a Public Spaces Protection Order is an executive function. Consequently (unless delegated) this is therefore a matter for Cabinet.

The current PSPO will expire at midnight on 2 April 2026. The making of any new Order requires Cabinet to apply the statutory test in section 59 of the 2014 Act and to be satisfied on reasonable grounds, on the evidence presented, that the legal conditions are met

### **Recommendations:**

Cabinet is recommended to:

1. To note the contents of the report and the considerations relevant to the making of new Public Spaces Protection Orders for Stockton Town Centre and Norton Town Centre from 3 April 2026
2. To determine, having considered the evidence and applying the statutory tests in section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, whether Cabinet is satisfied on reasonable grounds that the legal conditions for making a new Public Spaces Protection Order is met and, if so satisfied, to approve the making of the proposed Orders for (i) Stockton Town Centre (2026–2029) and (ii) Norton Town Centre (2026–2029)
3. To set the fixed penalty notice rate at £100.00 for breaches of the new Orders, consistent with current arrangements.
4. To delegate authority to the Director of Adults, Health & Wellbeing and the Director of Corporate Services to make such minor drafting, typographical, formatting, mapping, cross-referencing or other consequential amendments to the approved Orders as are necessary prior to making them, provided that such amendments do not alter the substance, scope,

or effect of any prohibition, requirement, or restricted area approved by Cabinet.

## Detail

### Public Spaces Protection Orders (PSPOs)

1. The protection of residents, businesses and visitors is a Council priority. The Council invests in Civic Enforcement and CCTV to help create welcoming and safe town centres.
2. On 20 October 2014, the Anti-Social Behaviour, Crime and Policing Act 2014 came into force, providing a set of tools and powers to address ASB, including PSPOs.
3. A PSPO can be made where specified behaviours in a public place have a detrimental effect on the quality of life of those in the locality, are persistent or continuing, unreasonable, and justify restrictions. Conditions apply across the defined area.
4. The conditions of a PSPO can apply to everyone who uses that certain area (a 'PSPO zone'). The Council can make a PSPO in an impacted area if satisfied on reasonable grounds, that the following conditions are met, in relation to the activities sought to be regulated:
  - *that they are, or are likely to be, carried on in a public place within the Council's area;*
  - *that they have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;*
  - *that the effect, or likely effect of the activities is likely to be, persistent or continuing in nature;*
  - *is or is likely to be such, as to make the activities unreasonable;*
  - *and therefore justifies the restrictions sought to be imposed by the order.*
5. The Council must comply with statutory consultation and publication requirements under the Anti-social Behaviour, Crime and Policing Act (Publication of Public Spaces Protection Orders) Regulations 2014, including advertising and placing clear signage on affected land to inform the public of existing controls.
6. If approved, new PSPO details must be posted on the Council's website and clearly notified on affected land within the 'PSPO zone'. Any changes or discharge of the orders should also be publicised in the same way, including the existing 2023 PSPO while it remains in force.

7. Breaching a PSPO is considered a criminal offence and can be addressed either through a fixed penalty notice (FPN) or by prosecution. If an individual faces prosecution, they may be required to pay a fine in court and comply with any additional orders imposed. The rate of the fixed penalty notice can vary from one local authority to another, but it is advisable to set the maximum rate at £100.00 which aligns with the current Order.
8. PSPOs may only have effect for a maximum period of three years. When an Order expires, the authority may make a new Order if the statutory conditions are met. The making of a new PSPO is a fresh decision.
9. Throughout each three-year term, consistent monitoring of PSPO usage will occur, supported by oversight from the existing Safer Stockton Partnership (SSP) framework, reflecting the collaborative nature of the multi-agency partnership.
10. In Spring 2025, the Community Safety Select Committee emphasized the significance of Public Spaces Protection Orders (PSPOs), noting their potential to enhance safety and create welcoming town centre environments. The Committee recommended that the Council assess the 2023 Orders by reviewing their guiding principles, implementation strategies, and resource allocation. This evaluation informed the proposals presented to Cabinet today.

#### Public Spaces Protection Order 2023

11. The Community Safety Select Committee's 2025 report highlighted several important observations about the 2023 Public Spaces Protection Order (PSPO). The Committee recognised that while the PSPO's introduction was initially impactful, there were concerns from the Stockton Business Improvement District (BID) regarding a perceived reduction in its effectiveness over time. The Committee noted that ongoing evaluation and feedback are essential to improve the PSPO's operation. There was also discussion about whether the PSPO had simply displaced anti-social behaviour to other parts of the Borough; while one instance was noted, it was dealt with by the authorities. Initially, the PSPO had a positive effect in the town centres, but its influence appeared to diminish over time, partly due to a changing population in the area and reduced familiarity between officers and individuals present, making management of behaviours more challenging.
12. Following a Community Safety Select Committee request because of the review into 'safe and welcoming town centres', officers reviewed the 2023 Order and its procedures, then held public consultations on the 2026 draft proposals from 8 December 2025 to 9 January 2026.

### Proposed 2026 Public Spaces Protection Order

13. The proposed 2026 Orders are drafted taking account of the 2023 Order, but are proposed to be made as two new Orders with distinct conditions for Stockton Town Centre and Norton Town Centre. This ensures that the restrictions proposed reflect the evidence and statutory tests applicable to each area.
14. The proposed Orders have been developed in line with our community safety initiative, Operation Shield, implemented with partner agencies including Cleveland Police, to make our town centres welcoming and safe places to visit, work, and live. The proposed Order will run in tandem with the operation and the recently introduced *Reducing the Strength Scheme* (RTS).
15. Alongside plans to strengthen PSPO conditions, we will revise our enforcement policy to ensure efficient implementation. Enforcement of the proposed new PSPOs will be shared by the Council and Cleveland Police reflecting the strengthening of our partnership working to tackle ASB and crime in both areas proposed by the order.

### Stockton Town Centre PSPO

16. The proposed Stockton Town Centre PSPO will run from April 2026 to April 2029, with an expanded zone now covering identified emerging threats and ASB hotspots since 2023. New locations in the new order include Parkfield Shops, Trinity Gardens, the area around Change Grow Live , and *Splash*. The restricted areas have been reviewed to ensure no improper restriction of statutory rights of way, common land, village greens or open access land, and that owners/occupiers of affected land have been notified in accordance with section 72. The draft Order includes prohibitions and requirements, which can be summarised as below:
  - Alcohol restrictions. Under section 63 of the Act an offence arises only where an individual fails to comply with a reasonable requirement by an authorised person not to consume alcohol or to surrender alcohol or a container reasonably believed to contain alcohol. Exemptions apply to licensed premises/authorised events. For clarity, consuming alcohol is not itself an offence. The offence arises only from failing, without reasonable excuse, to comply with a requirement made under section 63.
  - Begging refers to a situation in which an individual makes verbal, non-verbal, or written requests for money, donations, or goods. This includes actions such as placing hats, clothing, or containers, in circumstances that may cause or are likely to cause harassment, alarm, or distress to others.

- Loitering and causing ASB: where a person without reasonable excuse, loiters in a manner causing or likely to cause harassment, alarm, or distress, to any person – this could apply in circumstances where a person occupies and obstructs a High Street doorway, refuses to move, and also refuses help and support from local services.
- Driving of vehicles in an anti-social manner: the driving of any mechanically propelled vehicle, moped, quad bike, off-road bike, e-scooter, or e-bike, in an anti-social manner, where such manner means that their conduct has caused or is likely to cause harassment, alarm, or distress, to any other person.
- A prohibition in relation to urinating and defecating in the street in order to simplify enforcement against such acts.
- A requirement for a person to move their motorhome or other such vehicle or temporary structure, like a tent, if an officer believes the vehicle or structure is to be used for an overnight stay in a public place. This will help us address illegal or unauthorised occupations of public land.
- A requirement for a person to place their dog on a lead, except for when a dog is exercising in *Trinity Gardens*.
- A requirement for a person to pick up dog foul in the PSPO zone.
- In applying dog-related requirements, regard will be had to animal welfare needs, available alternative exercise areas and the potential for displacement, with appropriate exemptions (e.g. assistance dogs).
- A requirement for a person to provide their personal details to an officer when they have breached the Order or are causing ASB.
- A requirement to disperse from the PSPO zone when directed to leave by an officer, where the officer believes the individual is causing or is likely to cause ASB, or has broken any of the conditions of the PSPO, in the PSPO zone.
- These provisions will be enforced only where behaviour amounts to anti-social behaviour within the meaning of section 59 and will not be used to restrict everyday sociability or penalise rough sleeping in the absence of ASB.
- Any requirement relating to temporary structures or a direction to leave will be used only where necessary and proportionate in the individual circumstances, including ensuring continued access to essential services.

#### Norton Town Centre PSPO 2026

17. The proposed Norton Town Centre PSPO 2026, will run from April 2026 to April 2029. Note that the zone it applies to has been altered to meet the demand of

emerging ASB concerns at Harbron Woods. This Order will include the following prohibitions or requirements:

- Alcohol restrictions. Under section 63 of the Act an offence arises only where an individual fails to comply with a reasonable requirement by an authorised person not to consume alcohol or to surrender alcohol or a container reasonably believed to contain alcohol. Exemptions apply to licensed premises/authorised events. For clarity, consuming alcohol is not itself an offence. The offence arises only from failing, without reasonable excuse, to comply with a requirement made under section 63.
  - Begging refers to a situation in which an individual makes verbal, non-verbal, or written requests for money, donations, or goods. This includes actions such as placing hats, clothing, or containers, in circumstances that may cause or are likely to cause harassment, alarm, or distress to others.
  - Loitering and causing ASB: where a person without reasonable excuse, loiters in a manner causing or likely to cause harassment, alarm, or distress, to any person – this could apply in circumstances where a person occupies and obstructs a High Street doorway, refuses to move, and also refuses help and support from local services.
  - Driving of vehicles in an anti-social manner: the riding/driving of any bicycle or mechanically propelled vehicle, moped, quad bike, off-road bike, e-scooter, or e-bike, in an anti-social manner, where such manner means that their conduct has caused or is likely to cause harassment, alarm, or distress, to any other person.
  - A requirement for a person to provide their personal details to an officer when they have breached the Order or are causing ASB.
  - A requirement to disperse from the PSPO zone when directed to leave by an officer, where the officer believes the individual is causing or is likely to cause ASB, or has broken any of the conditions of the PSPO, in the PSPO zone.
18. Cabinet will note that the provisions relating to loitering and causing ASB will be enforced only where behaviour amounts to anti-social behaviour within the meaning of section 59 and should not be used to restrict everyday sociability or directly penalise rough sleeping in the absence of ASB.
19. Cabinet will further note that any requirement relating to temporary structures or a direction to leave should be used only where necessary and proportionate in the individual circumstances, including ensuring continued access to essential services.

20. The PSPO grants officers the authority to seize any alcohol container, whether open or closed, if someone is found drinking in a public space and violating the 2026 Order. According to section 63 of the Act, an offence only occurs when the individual either refuses to follow an officer's instruction not to drink alcohol or fails to hand over alcohol or a suspected alcohol container. If these reasonable requests are ignored, the officer can issue a fixed penalty notice of £100. If prosecuted, the court may impose a fine up to the statutory maximum.
21. Enforcement would be undertaken by the Council and Cleveland Police. For repeat offenders, prosecution and/or applications for Criminal Behaviour Orders may be pursued where appropriate.

#### Consultation on the Draft 2026 PSPOs

22. Evidence derives from the strategic needs assessment, partner statements, and public consultation (528 responses). Headlines include strong support for addressing begging, street drinking (via the lawful section 63 route), loitering, vehicle-related ASB, and related behaviours in both areas.
23. Data and performance monitoring evidences that alcohol-related incidents reported to the Council's Civic Enforcement Service have decreased in Stockton Town Centre and Norton Town Centre compared to previous years. However, they still represent a significant problem regarding anti-social behaviour (ASB). In Stockton Town Centre, this trend, declining frequency but persistent complaints; can be seen across various activities such as begging, loitering, and defecation/urination, which have all reduced but continue to require Council attention due to the negative public perception of these areas. One notable exception is the increase in temporary structures and ASB in 2025, specifically due to repeated unauthorised encampments at *Trinity Gardens*. In Norton, most ASB issues have either declined or levelled off recently, yet they still pose considerable challenges. There is wide recognition throughout both town centres that further efforts are needed to support the ongoing reduction of these incidents and create safe spaces for the whole community to enjoy.
24. A significant amount of research has been undertaken as part of this review process. Numerous national and regional PSPOs were examined during the initial drafting, with 9 local authorities contacted by the Council's Community Safety Service in 2025 and another in 2026 for best practice discussions. The Community Safety Service has maintained ongoing communication with three of those authorities to share insights and inform revisions. Following completion of draft designs and consultations between Community Safety, Legal Services, Cleveland Police, partner agencies, stakeholders, and elected members, statutory consultations were held as part of the second phase of developing the 2026 proposals. Cabinet should note that some material is hearsay-based; the

weight to be attached should reflect factors including contemporaneity, corroboration, and any risk of undue influence in line with civil evidence principles.

25. As part of this development, the Council has consulted with:
- The Cleveland Police and Crime Commissioner (statutory requirement);
  - The Chief Constable of Cleveland Police (statutory requirement);
  - Stockton Police Command Team;
  - Businesses in both Stockton Town Centre and Norton Town Centre;
  - Internal Stockton on Tees Borough Council departments, relevant to this workstream;
  - The Safer Stockton Partnership;
  - Local Members of Parliament (MPs) and;
  - Local elected members (Councillors);
  - Local landowners whose land is covered by the Orders (statutory requirement).
  - Local support and recovery services engaged with the Operation Shield community safety initiative.
26. The public consultation took place between 8 December 2025 and 9 January 2026. The public consultation was carried out in-person and online. Paper copies of the survey were held in local libraries, whilst employees from the Council went out on foot in Stockton Town Centre and Norton Town Centre, filling the survey out with members of the public on the street, and the staff working in local businesses. This occurred whilst our robust communication strategy promoted the digital survey online, utilising various social media platforms and online engagement which resulted in 130,372 views, 122 comments.
27. Overall, 528 either full or partial responses were received for the consultation, with 18 paper copies coming from the libraries and being incorporated into the overall results. A full in-depth breakdown of the consultation report is available in the background papers for this report however key highlights include:
- The consultation revealed that 92.66% of participants identified begging as an issue in Stockton Town Centre, compared to 86.61% in Norton.
  - A total of 95.24% reported street drinking as a problem in Stockton Town Centre, while 76.89% said the same for Norton.

- Support for street-drinking controls and begging (through a PSPO), with respondents believing it would increase their sense of safety, was expressed by 87.3% regarding Stockton and 82.59% regarding Norton.
  - Concerns over people loitering while intoxicated, swearing, blocking doorways, or behaving intimidatingly were noted by 92.65% in Stockton Town Centre and 77.23% in Norton. Additionally, 88.67% in Stockton and 86.16% in Norton supported measures in a PSPO to address these issues and felt it would make them feel safer.
  - Anti-social vehicle use, including e-bikes, scooters, and off-road bikes, was cited as a problem by 80.32% in Stockton Town Centre and 81.77% in Norton. Support for a PSPO to combat this showed 83.07% approval in Stockton and 83.55% in Norton, with many believing it would improve safety.
  - Public urination and defecation in Stockton Town Centre were found to be a problem by 71.94% of respondents, and 79.48% favoured introducing a PSPO to address these concerns.
  - Regarding overnight stays in tents or vehicles or setting up tents for anti-social behaviour in communal spaces in Stockton Town Centre, 67.67% identified it as a concern, and 67.92% supported using a PSPO to tackle this, believing it would enhance safety.
  - Worries about dogs off their leash affected 70.52% of respondents in Stockton Town Centre, while 85.12% felt dog fouling was an issue. A PSPO promoting responsible dog ownership received 84.83% support, with respondents believing it would make public spaces safer.
  - When asked if Authorised Persons like Civic Enforcement Officers and Police Officers authority should have to demand personal details from those breaching the PSPO or committing ASB for effective enforcement, 95.62% supported this for Stockton and 93.33% for Norton.
  - Support for giving Authorised Persons the power to disperse those who breach the Order or engage in ASB in the proposed PSPO was 97.4% for Stockton and 94.22% for Norton.
28. Cabinet should give the weight it considers appropriate to each item of evidence, including materials compiled prior to the formal statutory consultation period. Cabinet must be satisfied on the totality of the evidence that the conditions in section 59 are met.
29. Public consultation confirmed officers assessment of issues in both town centres and supported our proposed PSPO and other measures to enhance safety and make these areas more welcoming.

30. Based on consultation results, partner and stakeholder feedback, and the Councils strategic needs assessment, this report invites Cabinet to determine whether to make the proposed PSPOs. The Council has also considered alternative or less-restrictive options (including targeted enforcement, outreach, licensing tools and injunctions) and will continue to use these alongside any PSPO to ensure a proportionate, least-restrictive approach.

### **Evidence Available to Cabinet**

31. A substantial and diverse body of evidence has been gathered from frontline council services, local businesses, partner agencies, cultural and faith organisations, and the police. This material indicates that a range of behaviours including but not limited to street drinking, begging, anti-social loitering, intimidation, vehicle-related disorder, drug- and alcohol-related nuisance, urination and defecation in public spaces, temporary structures associated with ASB, and irresponsible dog control continue to occur within defined areas of Stockton Town Centre and Norton Town Centre. These behaviours are consistently reported across independent sources as having a detrimental effect on the quality of life of residents, businesses, staff, visitors and vulnerable groups, and are described as persistent, recurring, and unreasonable in their impact. Evidence highlights obstruction and intimidation of the public, harm to business operation and customer confidence, degradation of the public realm, environmental health issues, and reduced feelings of safety particularly among families, older people and those using key transport routes or community facilities. Public consultation results further demonstrate strong community support for proportionate measures to address these issues.
32. It remains for Cabinet, as the statutory decision-maker, to consider this evidence in the round and determine whether it is satisfied on reasonable grounds that the legal tests in section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 are met, and that the proposed restrictions are necessary and proportionate at this time
33. For transparency and to support Cabinet in applying the statutory tests in section 59, the evidence base has been organised into three Evidence Packs.
  - Pack 1 contains representations from statutory consultees;
  - Pack 2 contains evidence from relevant Council services; and
  - Pack 3 contains representations from external consultees including businesses, community organisations and civic partners.

Cabinet will note that Pack 3 contains sensitive and commercially confidential information relating to businesses and other organisations who have contributed their views and is therefore recommended for consideration as exempt under Schedule 12A of the Local Government Act 1972.

34. Cabinet must determine the appropriate weight to apply to each pack when assessing whether the statutory conditions for making a PSPO are met.

### **Community Impact And Equality And Poverty Impact Assessment**

35. The Equality and Poverty Impact Assessment identifies both potential positive impacts and potential adverse impacts on certain groups. Cabinet must have due regard to those impacts in determining whether the proposed measures are justified and proportionate.

### **Corporate Parenting Implications**

36. This report has been assessed and does not contain any corporate parenting implications.

### **Financial Implications**

37. Strengthening and expanding PSPO provisions in Stockton and Norton Town Centres will not have significant financial impact. While staff may be temporarily reassigned to educate the public during renewal, this is not expected to be ongoing. Limited capital costs for signage will be covered by existing Community Safety resources.

### **Legal Implications**

38. Section 5 of the Crime and Disorder Act 1988 sets out that the Council and local police, and its partners, have a joint responsibility for preventing and reducing crime and disorder in their area, as responsible authorities. As a Council, we can therefore be required to utilise all tools conferred to us, as a local authority, through legislation, to meet this responsibility. Making an effective PSPO and accompanying implementation strategy, is one such way we can do this.
39. The Anti-social Behaviour, Crime and Policing Act 2014, provides the Council with powers to combat anti-social behaviour. The Council needs to ensure that the powers are used in a reasonable, consistent, appropriate and proportionate manner and must comply with the consultation requirements set out.
40. Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) provides the authority with the power to make a PSPO, if satisfied on reasonable grounds that two conditions are met (the ‘legal tests’). Section 60 of the Act provides that a PSPO shall not have effect for longer than 3 years, unless extended under this section. Section 61 provides a power to vary a PSPO by increasing or reducing the restricted area; or by altering or removing a prohibition or requirement included in the Order or adding a new one.

41. Section 72 details the requirements for convention rights, consultation, publicity, and notification. The authority must also consider articles 10 and 11 of the ECHR (HRA), carried out the necessary consultation, publicity and notification before making, extending, varying or discharging a PSPO.
42. Under Section 66 of the Anti-social Behaviour, Crime and Policing Act 2014, an individual who lives in the restricted area or who regularly works in or visits that area, may apply to the High Court to question the validity of a PSPO. The grounds on which an application under this section may be made are either that the local authority did not have the power to make the order, or to include prohibitions or requirements imposed by the order; or that a requirement under the 2014 Act was not complied with.
43. If an application under this section the High Court is satisfied that (a) the local authority did not have power to make the PSPO, or to include particular prohibitions or requirements imposed by it, or (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the 2014 Act, the Court may quash the PSPO or any of the prohibitions or requirements imposed by it.
44. The 2014 Act provides the powers to make PSPOs. The Council must use these powers reasonably, consistently, appropriately and proportionately and must comply with consultation requirements.
45. Section 59 (legal tests), section 60 (duration), section 61 (variation), section 72 (ECHR and procedural duties), section 66 (High Court challenge) are engaged. The Order must specify the detrimental activities addressed, the prohibitions and requirements imposed, the effect of sections 63 and 67 of the 2014 Act, and the period for which the Order will have effect, in line with section 59(7)
46. In making a new PSPO, Cabinet must be satisfied on reasonable grounds that: (i) activities have been carried on in a public place within the area; (ii) they have had, or are likely to have, a detrimental effect on the quality of life of those in the locality; (iii) the effect is persistent or continuing; (iv) the effect is such as to make the activities unreasonable; and (v) the restrictions proposed are justified and proportionate. This assessment is for Cabinet as decision-maker by reference to the evidence provided.
47. In determining whether to make the proposed Orders, Cabinet must apply the statutory tests in section 59 to the current evidence base. The assessment of whether the conditions are met, and whether the proposed prohibitions and requirements are justified and proportionate, is a matter for Cabinet as decision-maker. This report summarises the evidence relied upon, but the statutory judgment rests with Cabinet. Cabinet should in particular satisfy itself that each

proposed prohibition is supported by sufficient current evidence and is necessary and proportionate at this point in time

48. An interested person may challenge the validity of a PSPO in the High Court under section 66 within six weeks of the Order being made; others may challenge by judicial review.

### **Legal Implications (Exempt Advice)**

49. Detailed legal advice is provided in the confidential appendix. It is legally privileged and, in the Proper Officer's view, meets the exemption criteria under Schedule 12A of the Local Government Act 1972. Cabinet is asked to consider the appendix alongside this report.
50. However, Cabinet must determine at the meeting whether the information is in fact exempt when resolving to exclude the press and public

### **Risk Assessment**

51. While officers consider the proposed Orders capable of being justified in law, the making of new PSPOs carries litigation risk, including possible challenge in the High Court under section 66 of the 2014 Act. Principal risks relate to: (i) whether the statutory test is demonstrably satisfied on the evidence; (ii) proportionality and Articles 10/11 ECHR; (iii) Equality Act considerations; (iv) the scope and justification for restricted areas; and (v) enforceability of specific conditions. Cabinet must be satisfied that these risks are justified in light of the objectives sought.

### **Wards Affected And Consultation With Ward/Councillors**

52. The proposed decision to make new PSPOs impacts directly on two specific wards. Consultation has been undertaken with relevant Councillors and Members of Parliament.

### **Background Papers**

- Stockton-on-Tees Borough Council – Community Safety Select Committee Scrutiny Review of Welcoming and Safe Town Centres – Final Report (March 2025).
- Local Government Association  
Public Spaces Protection Orders: Guidance for Councils (2018)

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