

Stockton-on-Tees Borough Council

Public Spaces Protection Order (No.2) 2026 – Stockton Town Centre

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:-

Part 1: General

- 1.0 The land identified by the map at Appendix 1 (“the Restricted Area”), being land in the area of the Council, is land to which the Act applies and will be protected by this Public Spaces Protection Order (“the Order”).
- 1.1 The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met, and the activities covered by this Order have been carried out in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality and that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable and justifies the restrictions imposed.
- 1.2 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.
- 1.3. In making this Order, the Council have had particular regard to the rights and freedoms of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.
- 1.4 The Order may be cited as the Stockton-on-Tees Borough Council Public Spaces Protection Order (No.2) 2026 – Stockton Town Centre.
- 1.5 The Order shall come into force on 3rd April 2026 for the duration of three years, expiring at midnight on 2nd April 2029, unless varied, revoked, or extended pursuant to Section 60 of the Act.
- 1.6 Police Constables and Police Community Support Officers can also enforce the Order.
- 1.7 In this Order hereinafter, an “Authorised Person” means an 'authorised person' as defined under section 68(11) of the Anti-social Behaviour, Crime and Policing Act 2014 namely ‘a *person authorised for the purposes of this section by the local authority that made the order*’.
- 1.8 In this Order hereinafter, a “Constable” means constable as referred to under the Anti-social Behaviour, Crime and Policing Act 2014 and includes a Police Community Support Officer.

Part 2: Prohibition in relation to alcohol consumption

- 2.0 Any exercise of the powers in this Part must be necessary and proportionate to address anti-social behaviour within the Restricted Area. Where a Constable or an Authorised

Person reasonably believes that a person is consuming alcohol, has consumed alcohol, or intends to consume alcohol in circumstances that are giving rise to, or are likely to give rise to, anti-social behaviour within the Restricted Area, the Constable or an Authorised Person may exercise the powers in paragraphs 2.1 to 2.3.

- 2.1 A Constable or an Authorised Person may require any such person:-
- (a) not to consume alcohol (or anything the Constable or an Authorised Person reasonably believes to be alcohol); and
 - (b) to surrender anything in that person's possession which is, or which the Constable or an Authorised Person reasonably believes to be, alcohol or a container for alcohol.
- 2.2 A requirement imposed by a Constable or an Authorised Person under paragraph 2.1. is not valid if the Constable or an Authorised Person is asked by the person to show evidence of their authorisation and fails to do so.
- 2.3 A Constable or an Authorised Person may dispose of anything surrendered under paragraph 2.1(b).

Exemptions

- 2.4 Nothing in Part 2 of this Order, shall apply to licensed premises as defined in Section 62 of the Licensing Act 2003. Exemptions include, but are not limited to:-
- (a) premises (other than council operated licensed premises) authorised by any type of 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.
 - (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 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).
 - (f) council operated licensed premises, when (i) the premises are being used for the supply of alcohol, or (ii) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

Offence and penalty

- 2.5 A person who, without reasonable excuse, fails to comply with a requirement properly imposed under paragraph 2.1 commits an offence.
- 2.6 A person guilty of an offence under paragraph 2.5 is liable under section 63(6) of the Act to a fine not exceeding level 2 on the standard scale. A Constable or an Authorised Person may, where appropriate, issue a fixed penalty notice in accordance with section 68 of the Act.

Part 3: Prohibition in relation to begging

- 3.0 A person commits an offence if at any time in the Restricted Area, they make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers, so as to cause or is likely to cause harassment, alarm, or distress to any person.
- 3.1 In relation to paragraph 3.0. 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.
- 3.2 In exercising any enforcement powers under this Part, a Constable or an Authorised Person must act in a manner that is necessary and proportionate to prevent or reduce anti-social behaviour, having regard to any vulnerability apparent on the facts.

Part 4: Prohibition in relation to anti-social behaviour related loitering

- 4.0 A person commits an offence if, without reasonable excuse, they loiter within the Restricted Area in a manner which:-
- (a) causes, or
- (b) is likely to cause,
- harassment, alarm or distress to any other person.
- 4.1 For the purposes of this Part, “loiter” means remaining in one location, or moving between locations within a confined area, for a prolonged or repeated period.
- 4.2 For the avoidance of doubt, a person does not commit an offence under this Part solely by reason of being present in the Restricted Area, sitting, standing, sleeping, or resting, where their conduct does not fall within paragraph 4.0.
- 4.3 A Constable or an Authorised Person may only take enforcement action under this Part where they reasonably believe such action is necessary and proportionate to prevent or reduce the harassment, alarm or distress identified.

Part 5: Prohibition in relation to anti-social use of vehicles

- 5.0 A person commits an offence if, within the Restricted Area, they ride or drive any mechanically propelled vehicle, including but not limited to a moped, quad bike, off-road bike, e-scooter or e-bike, in a manner which:-
- (a) has caused, or
- (b) is likely to cause,
- harassment, alarm or distress to any other person.
- 5.1 For the avoidance of doubt, nothing in this Part shall apply to the legitimate use of a mobility aid by a person who reasonably requires such aid for mobility purposes.
- 5.2 Paragraph 5.1 does not apply where a mobility aid is being used in a manner which falls within paragraph 5.0.

Part 6: Prohibition in relation to urinating and defecating in the street

6.0 A person commits an offence if at any time they, within the Restricted Area, urinate and/or defecate without reasonable excuse for doing so in a public place.

6.1 The prohibition in this part of the Order does not refer to public toilets or facilities.

Part 7: Requirement to remove temporary structures or vehicles when requested

7.0 Any person within the Restricted Area will not position any vehicle, campervan, motorhome, caravan, or erect a tent or any other temporary structure, intended by the person to provide shelter or accommodation for the purpose of an overnight stay(s), without the permission of the Council or otherwise authorised.

7.1 The person with responsibility for, or utilising, any vehicle or temporary structure, contrary to paragraph 7.0, is to immediately remove the same and any associated equipment or other material, upon request from a Constable or an Authorised Person. A person commits an offence if they fail to comply with the Constable or an Authorised Person's request under this paragraph.

7.2 Where an offence is committed as per paragraph 7.1, any removal by the Council shall be carried out only in accordance with the Council's statutory powers and any applicable legal requirements, and only where such removal is necessary and proportionate.

7.3 Where a responsible person cannot be identified, the Council may remove a temporary structure in a public place only in accordance with the Council's statutory powers and any applicable legal requirements, and only where such removal is necessary and proportionate.

Part 8: Requirement to have dogs on leads

8.0 Any person in charge of a dog, at any time, must put and keep the dog on a lead in the Restricted Area, unless that person has reasonable excuse for failing to do so.

8.1 Nothing in Part 8 of this Order shall apply when a person is within Trinity Gardens or the Parliament Street Car Park, as defined and outlined in the map, entitled Appendix 2.

Part 9: Requirement to pick up dog foul

9.0 If a dog defecates at any time on land in the Restricted Area, the person who is in charge of the dog at the time must remove the faeces from the land forthwith, unless that person has a reasonable excuse for failing to do so.

Part 10: Requirement to provide identity in cases of anti-social behaviour

10.0 Where a Constable or an Authorised Person reasonably believes that a person has failed, without reasonable excuse, to comply with a prohibition or requirement imposed by this Order that Constable or Authorised Person may require the person to provide their name and address for the purpose of enabling enforcement of this Order, including the issue of a Fixed Penalty Notice or consideration of prosecution.

10.1 A person who, without reasonable excuse, fails to provide their name and address when required under paragraph 10.0 commits an offence under section 67 of the Anti-social

Behaviour, Crime and Policing Act 2014 as a failure to comply with a requirement imposed by this Order.

- 10.2 A requirement under paragraph 10.0 shall not be valid unless the Constable or Authorised Person:
- (a) reasonably considers the requirement necessary for the purposes of enforcing this Order; and
 - (b) produces evidence of their authorisation if requested to do so.
- 10.3 An Authorised Person may request a person's date of birth for administrative purposes connected with enforcement. Failure to provide a date of birth shall not of itself constitute an offence.
- 10.4 Nothing in this Part authorises the retention, use or disclosure of personal data otherwise than in accordance with applicable data-protection legislation.

Part 11: Directions to leave the restricted area

- 11.0 Any person is to leave the Restricted Area immediately, if directed to do so by a Constable or an Authorised Person, and not return for a period not exceeding 24 hours, unless for a lawful reason or with reasonable excuse, where the Constable or an Authorised Person is of the opinion that the individual:-
- (a) is in breach of any of the prohibitions or requirements contained within this Order, or
 - (b) is behaving in a manner causing or likely to cause harassment, alarm, or distress to any person within the Restricted Area.
- 11.1 A Constable or an Authorised Person may give a direction under this Part only where they reasonably believe it is necessary and proportionate to prevent or reduce anti-social behaviour within the Restricted Area.
- 11.2 Where a person identifies to the Constable or an Authorised Person a specific, time-critical and lawful need to enter the Restricted Area during the direction period (for example, to attend a scheduled medical appointment, to obtain legal advice or representation, or pre-booked employment duty), the Constable or an Authorised Person must consider whether it is reasonably practicable to tailor the direction (including by limited exceptions) while still achieving the purpose of preventing or reducing anti-social behaviour.

Part 12: Failure to comply with this Order

- 12.0. In relation to Part 2 of this Order, any person who fails without reasonable excuse to comply with a requirement properly imposed under paragraph 2.1 commits an offence under section 63 of the Act. A person guilty of such an offence is liable to a fine not exceeding level 2 on the standard scale. A fixed penalty notice may be issued in accordance with section 68.
- 12.1 Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 says that it is an offence for a person without reasonable excuse – (a) to do anything that the person is prohibited from doing by a Public Spaces Protection Order, or (b) to fail to comply with a

requirement to which the person is subject under a Public Spaces Protection Order. A person guilty of an offence under Section 67 is liable on conviction in magistrates court to a fine not exceeding level 3 on the standard scale (£1000). This therefore applies to Parts 3 to 11 of this Order. A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the Order.

12.2 It is at the Council’s discretion whether a person who commits an offence under this Order is issued with a fixed penalty notice or not. The Council may decide to seek a prosecution in the first instance, for a breach of this Order, and not issue a fixed penalty notice, if it is deemed appropriate.

12.3 Where a fixed penalty notice is issued for an offence under this order; (i) 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 (ii) the person may not be convicted of the offence if the person pays the fixed penalty notice amount before the end of that period.

Part 13: Byelaws

13.0 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.

Part 14: Appeals

14.0 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.

IN WITNESS WHEREOF)
THE COMMON SEAL OF)
THE COUNCIL OF THE BOROUGH)
OF STOCKTON-ON-TEES)
Was hereunto affixed in the)
presence of)

.....
Authorised Officer

Appendix 2

