

## **Middlesbrough Borough Council**

### **PART 4, SECTION 59, ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014**

#### **PUBLIC SPACES PROTECTION ORDER**

##### **TS1 AREA OF THE BOROUGH**

Middlesbrough Borough Council ("the Council") in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following Order in relation to dealing with particular nuisances having a detrimental effect on public health and the quality of life within the community of Middlesbrough (TS1) and to make further provision about certain functions of the Council to prevent Anti-social behaviour and crime and to assist in the policing of such behaviour.

#### **1. THE ORDER:**

The order may be cited as the Middlesbrough Council TS1 PSPO. The Order applies to the public areas shown delineated by the red line on the plan/map annexed to this Order ("the Restricted Area"):

- 1.1. No person shall urinate or defecate in a public place. This includes the doorway or alcove of any premises to which the public has access.
- 1.2. No person shall spit in a public place. This includes the doorway or alcove of any premises to which the public has access.
- 1.3. No person shall refuse to stop drinking alcohol (unless they are in a licenced premises or at a venue where a temporary event licence is in place) or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so, by an authorised officer in order to prevent public nuisance or disorder.
- 1.4. Any person in charge of a dog within the Restricted Area shall be in breach of this Order if he/she:
  - fails to keep the dog on a lead and under physical control at all times.

- is found to be in charge of more than four dogs at the same time whilst in a public place.
- allows the dog to foul in a public place and then fails to remove the waste and dispose of it in an appropriate receptacle.

*The provisions of this order relating to the control of dogs shall not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.*

- 1.5. No person shall throw down, drop or otherwise deposit any litter in any place in the Restricted Area, which is open or accessible to the public or anywhere they have access unless the deposit is made in the appropriate receptacle for doing so.
- 1.6. No person shall be verbally abusive to any person or behave in a way which causes or is likely to cause harassment, alarm or distress to another person.
- 1.7. No person shall ride a skateboard, scooter, skates or bicycle or other self-propelled wheeled vehicle or mechanically propelled wheeled vehicle in such a manner as to cause damage to property or nuisance or annoyance to other persons in the area.
- 1.8. No person shall ingest, inhale, inject, smoke or otherwise use intoxicating substances.
  - Intoxicating Substances is given the following definition (which includes alcohol and what are commonly referred to as 'legal highs'): substances with the capacity to stimulate or depress the central nervous system.
  - Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use. Cigarettes,

Vaporisers or food stuffs regulated by Food, Health and Safety legislation (excluding Alcohol, this is covered by 1.3 of this Order)

- 1.9. No person shall beg in a manner reasonably perceived to be intimidating or aggressive.

## **2. PENALTY**

- 2.1. An Authorised Council Officer or persons authorised by the Council may issue a Fixed Penalty Notice of a maximum fine of £100 to any persons they have reason to believe has committed an offence of failing to comply with this Order in accordance with section 68 of the Act.

- 2.2. A person failing to pay the Fixed Penalty Notice is guilty of an offence under this Order pursuant to section 67 of the Act and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **3. COMMENCEMENT DATE**

- 3.1. This Order shall come into force on ..... and remain in place for a period of three years.

## **4. CHALLENGING THE VALIDITY OF ORDERS**

- 4.1. An interested person may apply to the High Court to question the validity of—
  - a. This Order, or
  - b. A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

- 4.2. An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:
  - a. Middlesbrough Borough Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);

b. A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.

Date:

Signature:

Position