

ANIT-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 PART 4 SECTION 59
and 60

MIDDLESBROUGH BOROUGH COUNCIL

TS1 AREA OF THE BOROUGH

EXTENSION NO.2 - PUBLIC SPACES PROTECTION ORDER 2025

1. This Order is made by Middlesbrough Borough Council ("the Council") under Section 60 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") and shall be cited as Middlesbrough Borough Council TS1 Area of the Borough Extension No 2 Public Spaces Protection Order ("the Second Extension Order").
2. On the 28 October 2019 Middlesbrough Borough Council made the Middlesbrough Borough Council Public Spaces Protection Order TS1 Area of the Borough which was cited as the Middlesbrough Council TS1 PSPO (hereinafter referred to as the "TS1 PSPO").
3. The TS1 PSPO Order came into effect on the 26 November 2019 and was to continue in force for a period of three years.
4. On 23 November 2022 Middlesbrough Borough Council made the Middlesbrough Borough Council TS1 Area of the Borough Extension and Variation Public Spaces Protection Order 2022 (hereinafter referred to as "the Extension and Variation Order").
5. The Extension and Variation Order came into effect on 25 November 2022 and was to continue for a period of three years.
6. The Second Extension Order shall come into effect on the 24 November 2025 and will continue in force for a period of three years.
7. The Second Extension Order shall be read with and form part of the TS1 PSPO and the Extension and Variation Order and will extend the provisions and requirements of the TS1 PSPO and the Extension and Variation Order, for a period of three years commencing on the 24 November 2025.

EXTENSION

8. The Council in making the Second Extension Order is satisfied on reasonable grounds that extension of the TS1 PSPO and the Extension and Variation Order for a period of three years is necessary to prevent
 - (a) occurrence or recurrence after its expiration of the prohibited activities identified in Article 1 of the TS1 PSPO and Article 10 of the Extension and Variation Order which are repeated and set out in the Appendix to this Order, or

(b) an increase in the frequency or seriousness of those prohibited activities identified in the TS1 PSPO and the Extension and Variation Order.

9. The prohibited activities identified in Article 1 of the TS1 PSPO and Article 10 of the Extension and Variation Order, summarised in Article 10 below and set out in full in the Appendix to this Order, had a detrimental effect on the effect of the quality of life of those in the locality of the TS1 area of the Borough, were likely to be of a persistent and continuing nature, were likely to make those activities unreasonable and therefore prohibitions and restrictions imposed by the TS1 PSPO and the Extension and Variation Order were justified.

10. The prohibited activities identified in Article 1 the TS1 PSPO and Article 10 of the Extension and Variation Order are summarised as follows

- 10.1 *people urinating or defecating in public places*
- 10.2 *people spitting saliva or products*
- 10.3 *people refusing to stop drinking alcohol when requested by the police or authorised officers in public places otherwise than covered by an authorisation under the Licensing Act 2003*
- 10.4 *People failing to keep dogs on leads, failing to dispose of dog waste and being in charge of more than four dogs at the same time*
- 10.5 *people dropping litter*
- 10.6 *people being verbally abusive and causing harassment alarm or distress to others*
- 10.7 *people using skateboards, scooters, skates, bikes in a manner that causes damage to property of nuisance and annoyance to others*
- 10.8 *people ingesting smoking inhaling injecting intoxicating substances*
- 10.9 *Groups of people congregating in a manner likely to cause harassment alarm or distress to others*
- 10.10 *people persistently begging*
- 10.11 *rummaging in bins*
- 10.12 *appropriating monies for charitable or other purposes without a licence including asking members of the public to sign up to schemes.*

11. The prohibited activities are set out in full the in the Appendix to this Order

Failure to Comply with the Prohibitions and Restrictions in the TS1 PSPO and the Extension and Variation Order

11. If a person without reasonable excuse fails to comply with TS1 PSPO or the Extension and Variation Order he / she commits an offence under Section 67 of the Act and is liable on summary conviction to a maximum penalty of a level 3 fine. A person does not commit an offence by failing to comply with the TS1 PSPO or the Extension and Variation Order if the Council did not have the power to include the prohibition or requirement breached by that person in the TS1 PSPO.

12. Under Section 63 of the Act, if a person without reasonable consumes alcohol in breach of the prohibition in the TS1 PSPO or intends to consume alcohol in which doing so would be a breach of such a prohibition a police officer or authorised officer can require that person to not consume alcohol or surrender

the what is reasonably believed to be alcohol or container for alcohol which can be disposed of. The police officer or authorised person must explain that failing to comply without reasonable excuse is an offence. If a person does fail to comply with such a requirement he commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

13. The Council through its Authorised Officers may issue a fixed penalty notice for a breach of TS1 PSPO and / or the Extension and Variation Order for a sum of up to £100 under Section 68 of the Act and if paid within the period of time set out in the Fixed Penalty Notice the person can avoid criminal liability under Section 67 as set out above.

GIVEN UNDER the Common Seal of the Council this xxxxxxxxxx day of xxxxxxxx

THE COMMON SEAL of the
Council of the Borough of Middlesbrough
Was hereunto affixed in the presence of

Authorised Officer

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APPENDIX

PROHIBITED ACTIVITIES

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 saliva or any other product from the mouth onto the ground without making an attempt to collect or remove the saliva or product 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 licensed 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, except in an authorised dog exercise area,
 - Is found to be in charge of more than four dogs at the same time whilst in a public place, or
 - 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 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 their disability and the 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 congregate in a group of three or more persons acting in a manner that is likely to cause harassment, alarm or distress within the Restricted Area following a request from an Authorised Person that the group must disperse on those grounds.

1.10 No person shall continue to beg or persistently beg in the Restricted Area following a request by an Authorised Person to stop.

1.11 No person shall rummage or search through any bin or similar

receptable in a public place

11.12 No person shall approach a member of the public or passers-by in a public place to ask for subscriptions or donations for charitable or similar purposes or schemes without having a licence or permit from the Council to do so.

