

ANIT-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 PART 4 SECTIONS  
59, 60 AND 61

MIDDLESBROUGH BOROUGH COUNCIL

TS1 AREA OF THE BOROUGH

EXTENSION AND VARIATION - PUBLIC SPACES PROTECTION ORDER 2022

1. This Order is made by Middlesbrough Borough Council ("the Council") on the 23 November 2022 under Section 60 and Section 61 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 and Variation Public Spaces Protection Order 2022 ("the Extension and Variation 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 came into effect on the 26 November 2019 and was to continue in force for a period of three years.
4. The Extension and Variation Order shall come into effect on the 25 November 2022 and will continue in force for a period of three years.
5. The Extension and Variation Order shall be read with and form part of the TS1 PSPO and will extend and vary the provisions and requirements of the TS1 PSPO for a period of three years commencing on the 25 November 2022.

EXTENSION

6. The Council in making the Extension and Variation Order under Section 59 of the Act is satisfied on reasonable grounds that extension of the TS1 PSPO for a period of three years is necessary to prevent
  - a) occurrence or recurrence after its expiration of the activities identified in the TS1 PSPO as the prohibitions and restrictions set out in Article 1 of the TS1 PSPO, or
  - b) an increase in the frequency or seriousness of those activities identified in the TS1 PSPO as the prohibitions and restrictions set out in Article 1 of the TS1 PSPO after its expiration.
7. The activities identified in the TS1 PSPO as the prohibitions and restrictions set out in Article 1 of the TS1 PSPO summarised in Article 8 below had a detrimental effect on 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 were justified.

8. The activities identified in the TS1 PSPO as the prohibitions and restrictions set out in Article 1 of the TS1 PSPO are summarised as follows:

- 8.1 people urinating or defecating in public places
- 8.2 people spitting saliva or products
- 8.3 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
- 8.4 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
- 8.5 people dropping litter
- 8.6 people being verbally abusive and causing harassment alarm or distress to others
- 8.7 people using skateboards, scooters, skates, bikes in a manner that causes damage to property of nuisance and annoyance to others
- 8.8 people ingesting smoking inhaling injecting intoxicating substances
- 8.9 Groups of people congregating in a manner likely to cause harassment alarm or distress to others
- 8.10 people persistently begging.

## VARIATION

9. In accordance with Sections 61 and 59 of the Act, the Council is satisfied the activities listed below are being carried on in the TS1 area of Middlesbrough. It is satisfied that those activities are having a detrimental effect on the quality of life of those in the locality of the TS1 area of the Borough, are likely to be of a persistent and continuing nature and as such are likely to make those activities unreasonable.

- 9.1 Rummaging in bins.
- 9.2 Appropriating monies for charitable or other purposes without a licence including asking members of the public to sign up to schemes.

10. The Council is satisfied that the TS1 PSPO is varied to include the following prohibitions in relation to the TS1 area and is satisfied they are reasonable to impose to prevent the detrimental effect of those activities from continuing, occurring or recurring or to reduce that detrimental effect or to reduce the risk of such continuance, occurrence or recurrence.

- 10.1 No person shall rummage or search through any bin or similar receptacle in a public place.
- 10.2 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.

## FAILURE TO COMPLY WITH THE PROHIBITIONS AND RESTRICTIONS IN THE TS1 PSPO

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.
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 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.

#### Challenging the Validity of the Order

14. An interested person (being a person who lives in the restricted TS1 area set out in in the TS1 PSPO or who regularly works or visits that area) may apply to the High Court to question the validity this variation to the Order on the following grounds: that the local authority did not have power to make the variation, or to include particular prohibitions or requirements imposed by the variation or that the requirements of the legislation has not been complied with.
15. The application must be made within six weeks form the date the Order was made.

GIVEN UNDER the Common Seal of the Council this 23 day of November 2022

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

Authorised Officer

  
CHRISTOPHER CUNNINGHAM

