

## **Stockton-on-Tees Borough Council**

### **Public Spaces Protection Order (No.3) 2026 – Norton 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 we 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.3) 2026 – Norton Town Centre. The Order is a revised version of the Stockton-on-Tees Borough Council Public Spaces Protection Order (No.1) 2023, but covers the Norton Town Centre area only. The 2023 order covered both Stockton Town Centre and Norton High Street/Town Centre and village green. The Stockton Town Centre element is now part of a separate order, known 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 April 3<sup>rd</sup> 2026 for the duration of three years, expiring at midnight on April 2<sup>nd</sup> 2029, unless varied, revoked, or extended pursuant to Section 60 of the Act.

1.6. In the Order, an Authorised Person is someone authorised in writing by the Council to enforce this Order. An Authorised Person may, if they have delegated authority to do so, issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.

1.7. Police Constables and Police Community Support Officers can also enforce the Order.

1.8. In this Order hereinafter, "an Authorised Person" refers to a Police Officer, Police Community Support Officer, or an officer of Stockton-on-Tees Borough Council, who has been duly authorised to enforce Public Spaces Protection Orders.

1.9. In this Order, anti-social behaviour may be shortened to “ASB.”

**Part 2: Prohibition in relation to alcohol consumption**

2.0. The consumption of alcohol is prohibited within the Restricted Area. This includes any place to which the public have access, on payment or otherwise, as of right or by virtue of express or implied permission.

2.1. An Authorised Person may require any person who they reasonably believe to be consuming alcohol in breach of the prohibition in paragraph 2.0., to cease consuming alcohol and to surrender any alcohol or anything which is reasonably believed to be alcohol in his or her possession in any open or closed container.

2.2. A requirement imposed by an Authorised Person under paragraph 2.1. is not valid if the Authorised Person is asked by the person to show evidence of their authorisation and fails to do so.

2.3. An Authorised Person may dispose of anything surrendered under paragraph 2.1..

**Exemptions**

2.4. Nothing in Part 2 of this Order, regarding prohibitions on alcohol consumption in public places, 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 fails to comply without reasonable excuse with any requirements of an Authorised Person:

(a) to cease consumption of alcohol or anything which the Authorised Person reasonably believes to be alcohol or

(b) to surrender anything in their possession which is, or which the Authorised Person reasonably believes to be alcohol or a container for alcohol

on land to which this Order applies, commits an offence.

2.6. Any person who fails without reasonable excuse to comply with any requirement under paragraph 2.5. above, commits an offence under Section 63 Anti-Social Behaviour, Crime and Policing Act 2014 and is liable to receive a £100 fixed penalty notice or be prosecuted and fined up to £500 upon conviction by a magistrates court.

### **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.

### **Part 4: Prohibition in relation to ASB related loitering**

4.0. A person commits an offence if at any time they loiter, sit or lay, without reasonable excuse in a manner causing or likely to cause harassment, alarm, or distress to any person within the Restricted Area.

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

5.0. A person commits an offence if they ride/drive, any bicycle or mechanically propelled vehicle, moped, quad bike, off-road bike, e-scooter, 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.

### **Part 6: Requirement to provide identity in cases of ASB**

6.0. Any person is to provide their name, address, and date of birth, to an Authorised Person if directed to do so, where the 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.

6.1. A person commits an offence if, when subject to a requirement under paragraph 6.0., they fail to provide their details immediately. It is also an offence under this paragraph if the details supplied are proved to be false.

6.2. All requirements under Part 6 of this Order are not valid, if an Authorised Person is asked by the person subject to the requirement, to show evidence of their authorisation and they fail to do so.

### **Part 7: Directions to leave the restricted area**

7.0. Any person is to leave the Restricted Area immediately, if directed to do so by an Authorised Person, and not return for a period not exceeding 24 hours, unless for a lawful reason or with reasonable excuse, where the 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.

#### **Part 8: Failure to comply with this Order**

8.0. In relation to Part 2 of this Order, any person who fails without reasonable excuse to comply with any requirement under paragraph 2.5. commits an offence under Section 63 Anti-Social Behaviour, Crime and Policing Act 2014 and is liable to receive a £100 fixed penalty notice or be prosecuted and fined up to £500 upon conviction by a magistrates court.

8.1. Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse – (i) to do anything that the person is prohibited from doing by a public spaces protection order, or (ii) 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 a Magistrates' Court to a fine not exceeding level 3 on the standard scale (£1000). This therefore applies to Parts 3 to 7 of this Order.

8.2. 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.

8.3. 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.

8.4. There may be cases where a breach of this Order warrants an immediate arrest by a Police Constable enforcing the Order. In cases which merit immediate arrest, the arrest should comply fully with Code G of the Police and Criminal Evidence Act 1984, and be in line with best practice, local guidance and policy procedures.

#### **Part 9: Byelaws**

9.0. 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 10: Appeals**

10.0. 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.



