

DARLINGTON BOROUGH COUNCIL
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER – BOROUGHWIDE

Number 2 of 2025

Notice is hereby given that Darlington Borough Council (“the Council”) in exercise of its powers under sections 59, 63, & 72 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, make the following order:-

PRELIMINARY

1. The Order applies to the land being within the boundary of Darlington Borough Council, being land in the area of the Council, to which the Anti-Social Behaviour, Crime & Policing Act 2014 applies.
2. The order may be cited as the Darlington Borough Council Public Spaces Protection Order – Boroughwide and shall come into force on..... for the duration of 3 years. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.
3. The activities identified in paragraph 7 below have been carried out in public places within the Council’s area and have had a detrimental effect to the quality of life of those living in the locality.
4. The Council is satisfied that the conditions set out in sections 59, 63 & 72 of the Act have been met and that it is, in all the circumstances, expedient to make this Order in order to seek to reduce the detrimental effect on the quality of life of those in the locality caused by the activities listed in paragraph 7 below.
5. The effect or likely effect of these activities is, or is likely to be, of a persistent or continuing nature, such as to make these activities unreasonable, and therefore justifies the restrictions imposed by this Order.
6. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

7. The Activities covered by this Order are:-

- a) Begging.
- b) Household waste presentation.
- c) Allowing a dog to stray

8. The effect of this order is to impose the prohibitions on the use of the land as detailed below at all times.

THE PROHIBITIONS

Begging

9. No person shall sit or loiter in any place for the purpose of begging. No person shall ask members of the public for money whether by placing an item before them for the receipt of money or otherwise.

Household waste presentation

10. In relation to household waste presentation, each Relevant Person is required to ensure that all household waste presented, or to be presented for collection from Relevant Premises shall be contained in receptacles of such kind and number as may be specified in any notice served by the Council under Section 46 of the Environmental Protection Act 1990 and in accordance with any further requirements of such notice.

Each Relevant Person shall have an equal and separate responsibility in relation to the requirement above, whether physically present at the Relevant Property or not.

No person shall be in breach of these requirements if that person demonstrates that they have taken all reasonable steps available to that person to secure compliance, provided that proof of the same will lie with that person.

This applies to all persons ("the Relevant Person") in a position to control residential premises located within the Restricted Area ("the Relevant Property").

For the purposes of this Order, Relevant Person means any person residing in, whether permanently, or temporarily, by legal right or simple occupation, any premises situated in the specified area and any owner or managing agent of any premises let on a periodic tenancy and situated within the Restricted Area.

Allowing a dog to stray

11. A person who is responsible for a dog must not permit, allow or fail to prevent the dog from being unaccompanied in the Restricted Area.

Where a person who is responsible for a dog wishes to rely upon an exemption set out in this Order, they must demonstrate that they satisfy the requirements of the exemption.

Shall not apply to a person who is on the Registered as blind or partially sighted and is responsible for an assistance dog. For the purposes of this Order an "Assistance Dog" is defined as:

- a) A dog which has been trained to guide a blind or partially sighted person; or
A dog which has been trained to assist a deaf person; or
A dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.

EFFECT OF FAILING TO COMPLY WITH THIS ORDER

12. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order.

13. A person guilty of an offence under paragraphs 9, 10 or 11 above, in accordance with section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).

14. The full text of sections 63 and 67 of the Act is set out in Schedule 2 to this Order.

FIXED PENALTY NOTICES

15. A constable, or a person authorised by the Council for this purpose, may issue a fixed penalty notice to any person he or she believes has committed an offence under section 63 or 67 of the Act. The person will then have 14 days to pay a fixed penalty of £100. If payment is received within 14 days they will not be prosecuted.

CHALLENGING THIS ORDER

16. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. There is further detail regarding this in Schedule 3 attached.

GIVEN under the common seal of The Council of the Borough of Darlington

On the

..... day of 2025

THE COMMON SEAL of the
Council of the Borough of Darlington
was hereunder affixed in the presence of :-