

**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 as set out in schedule 1 of this Order.
2. The order may be cited as the Darlington Borough Council Public Spaces Protection Order – Boroughwide and shall come into force on 1 July 2025 for the duration of three 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.
11. 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.
12. 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.
13. 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

14. 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.
15. 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.
16. 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
- (b) A dog which has been trained to assist a deaf person; or
- (c) 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

- 17. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order.
- 18. 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).
- 19. The full text of sections 63 and 67 of the Act is set out in Schedule 2 to this Order.

Fixed Penalty Notices

- 20. 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

- 21. 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

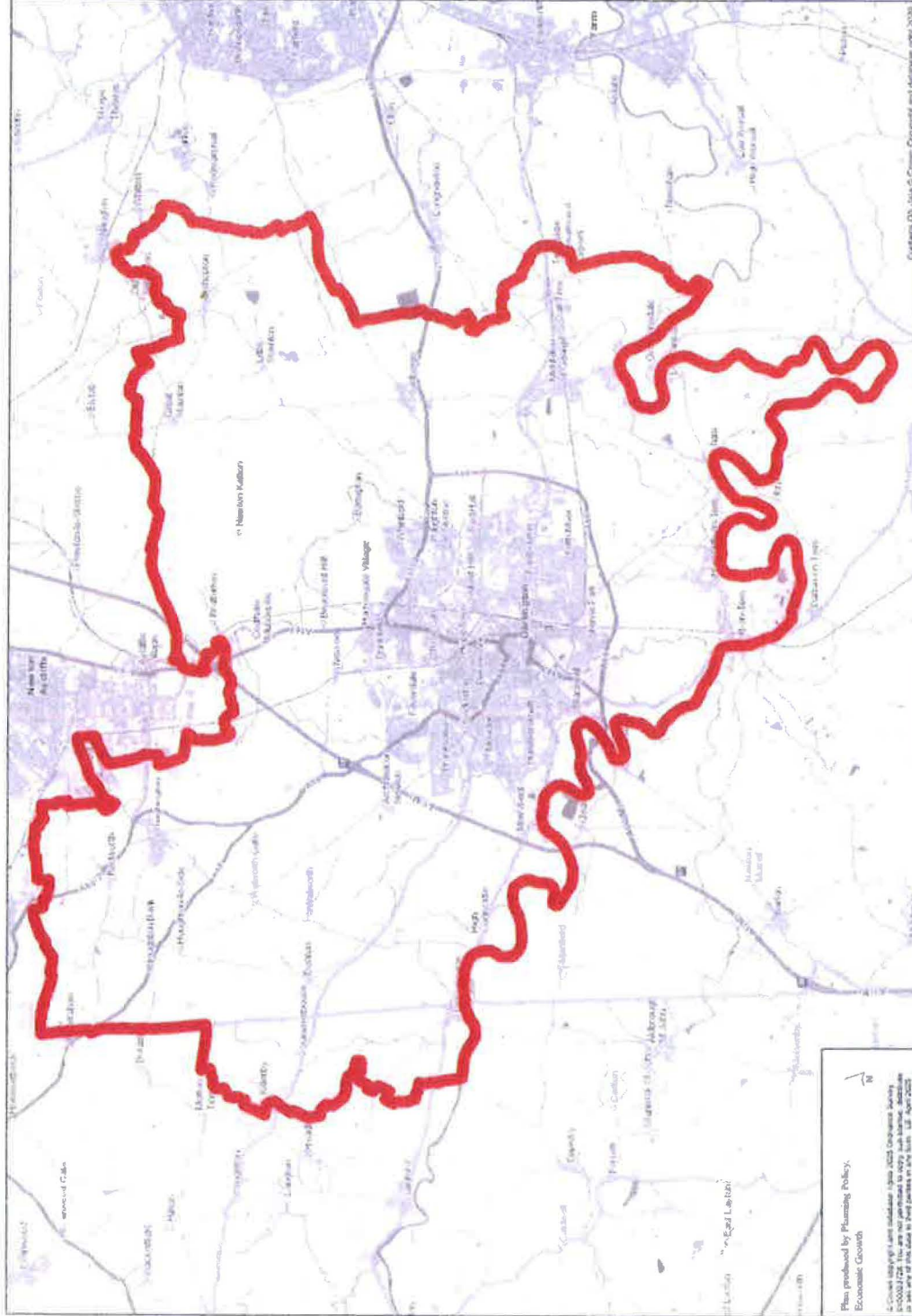
23rd day of June 2025

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

A. Chennington



Schedule 1



Schedule 2**Text of section 63 of the Act**

1. This section applies where a constable or an authorised person reasonably believes that a person (P) –

- (a) Is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- (b) Intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

2. The constable or authorised person may require P –

- (a) Not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) To surrender anything in P’s possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

3. A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

4. A requirement imposed by an authorised person under subsection (2) is not valid if the person

- (a) Is asked by P to show evidence of his or her authorisation, and
- (b) Fails to do so.

5. A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

6. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Text of section 67 of the Act

1. It is an offence for a person without reasonable excuse –
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) Fails to comply with a requirement to which the person is subject under a public spaces protection order.
2. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
3. A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have the power to include in the public spaces protection order.
4. Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

Schedule 3

Challenging this Order (Section 66 of the Act)

1. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. The right to challenge also applies where this Order is varied by the Council.
2. Interested persons can challenge the validity of this Order on two grounds
 - (a) That the Council did not have the power to make the Order, or to include particular prohibitions or requirements; or
 - (b) That one of the requirements of the legislation has not been complied with.
3. When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or totally. The High Court has the ability to uphold the Order, quash or vary it.

