

CABINET
10 JUNE 2025

**RENEWAL OF THE TOWN CENTRE PUBLIC SPACE PROTECTION ORDER AND
INTRODUCTION OF A BOROUGH WIDE PUBLIC SPACE PROTECTION ORDER**

**Responsible Cabinet Member –
Councillor Jim Garner, Stronger Communities Portfolio**

**Responsible Director – Dave Winstanley,
Executive Director - Environment Highways & Community Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to seek approval to renew a revised Town Centre Public Space Protection Order (PSPO) and implement a Boroughwide PSPO following a public consultation exercise.

Summary

Public Space Protection Orders

2. Local partners have a range of tools and powers at their disposal to respond and manage concerns about anti-social behaviour (ASB), from measures aimed at tackling the causes of ASB, awareness-raising, signposting for support, through to enforcement. PSPOs when used proportionately and only in the right circumstances allow local areas to try and counter unreasonable and persistent behaviour that affects the quality of life of its residents and business. A PSPO allows Fixed Penalty Notices (FPN) to be issued, these will only generally be considered when other means of addressing behaviour have not been successful and only after an instruction to cease carrying out an activity has been ignored by the individual.
3. The town centre PSPO has been in place since 2019, and it was last renewed in 2022. The order lasts for three years, and a review must be undertaken if it is to be renewed. The order has been reviewed and Cabinet previously approved a period of statutory consultation on the renewal of the town centre PSPO and implementation of a new boroughwide PSPO.
4. As part of the renewal process the defined area that the town centre PSPO covers and some of the wording of the existing powers are proposed to be amended to improve the effectiveness of the order and these changes are explained in more detail in the main report, but in summary the new powers that could be included in the order relate

to feeding of wild birds in the town centre that has created multiple issues for users of the town centre and businesses; and the anti-social use of bicycles, scooters, skates and skateboards that can cause issues for the public and businesses.

5. The proposed new Boroughwide PSPO, which is evidence based, has also been consulted upon. The additional powers proposed relate to begging, the management of side waste and the increasing issues associated with stray dogs as this is where evidence identifies additional powers may assist manage the issues. The proposed orders are included as **Appendix 1 & 2**.
6. The evidence and the legal tests that are required to make the Orders have been considered and there is sufficient evidence to support the orders. More detail is included in the main report and **Appendix 3 & 4**
7. Consultation was undertaken from 6 March 2025 to 16 April 2025. Further details of the responses to the consultations are included in the main report and **Appendix 5 & 6**. In summary, the responses demonstrate broad support for both orders.
8. Equality Impact Assessments have been carried out on both PSPOs, and members are asked to consider these as part of the decision making process. More detail is included in the main report with the assessments at **Appendix 7 and 8**.
9. Comprehensive training will be provided to Council staff and partners who will use the powers, and an application and guidance note has been developed to assist with the proportionate and consistent use of the powers. This is included at **Appendix 9**.

Recommendations

10. It is recommended that Members:
 - (a) Approve the renewal of a revised Town Centre PSPO as outlined in this report.
 - (b) Approve the introduction of a Boroughwide PSPO as outline in this report.

Reasons

11. The recommendations are supported by the following reasons:
 - (a) To provide powers to officers, including Police, PCSOs and Civic Enforcement Officers, to manage various types of anti-social behaviour.
 - (b) To improve the quality of life of persons visiting and working in the area covered by the PSPO.

Dave Winstanley
Executive Director – Environment, Highways & Community Services

Background Papers

The Town Centre PSPO was last considered by Cabinet on 22 June 2022.

Scott Richardson: Extension 6753

Council Plan	The additional powers that a PSPO provides can have a positive influence on multiple priorities in the Council Plan and help deliver the ambition and vision.
Addressing inequalities	There are potential negative impacts as a result of this report. These are referenced in the equality impact assessments which have been undertaken and steps to mitigate any negative impacts have been taken.
Tackling Climate Change	The additional powers associated with dealing with side waste across the Borough could have a positive impact on the amount of waste collected and encourage more recycling.
Efficient and effective use of resources	The additional powers could have a positive impact on the demand for Council resources if behaviour is changed in a positive way.
Health and Wellbeing	Anti-social behaviour within the town centre and other locations around the Borough can impact negatively on the health and wellbeing of individuals.
S17 Crime and Disorder	There will be a positive impact on crime and disorder in the town centre and the borough if the PSPOs are approved following consultation.
Wards Affected	All
Groups Affected	No particular group will be impacted differently as a result of this report.
Budget and Policy Framework	No impact on the Budget or Policy Framework.
Key Decision	Yes
Urgent Decision	No
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

12. PSPO's were introduced in the Anti-social Behaviour, Crime and Policing Act 2014 which was enacted in October 2014.
13. They are intended to allow Council's to limit and restrict defined activities which have or have the potential to have a negative effect on the quality of life of the community. They are designed to allow the public to enjoy open spaces free from nuisance and anti-social behaviour.

14. Prior to making the Order, the Council must be satisfied, on reasonable grounds, that activities carried out in the specified public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities
 - (a) Is or is likely to be persistent and continuing,
 - (b) Is or is likely to be such as to make the activities unreasonable; and,
 - (c) Justified the restrictions imposed.
15. The draft order for the renewal of the Town Centre PSPO is attached at Appendix 1 and the draft order for the implementation of a Boroughwide PSPO is attached at Appendix 2.
16. Before making an Order, the Council must carry out consultation including consultation with Durham Constabulary and the Durham Police and Crime Commissioner. The Council must also publish the draft PSPO in accordance with Statutory Regulations.
17. Where a PSPO is in place, a Police Officer, Police Community Support Officer or an authorised Council Officer who witnesses the behaviour which breaches the prohibitions within a PSPO can challenge the individual(s) and require them to comply. An offence is committed only if the individual(s) do not comply with the instruction to stop.
18. The offence is punishable by a fine of up to £1000 (£500 in the case of consumption of alcohol) at Court or by a fixed penalty notice (FPN) of up to £100. Any failure to comply with the instruction to stop the prohibited activity would generally, in the first instance, lead to a FPN being issued rather than a summons to Court.

Town Centre PSPO

19. The draft order for the renewal of the Town Centre PSPO is attached at Appendix 1. In summary the following prohibitions are included:
 - (a) Persons who continue to drink alcohol in public places, which are not licensed premises, after they have been asked to stop.
 - (b) Persons who fail to surrender any alcohol in their possession in public places, which are not licensed premises, when asked to do so.
 - (c) Continuing to feed birds/pigeons after they have been asked to stop.
 - (d) Anti-social use of a skateboard, scooter, skates, bicycle, e-bike or e-scooter causing damage to property and/or nuisance or annoyance to other persons.
 - (e) Threatening behaviour.
 - (f) Begging.

Boroughwide PSPO

20. The draft order the new Boroughwide PSPO is attached at Appendix 2. The following prohibitions are included:
- (a) Begging
 - (b) Household Waste Presentation
 - (c) Allowing a dog to stray

Evidence in relation to Town Centre PSPO

21. Figures relating to anti-social behaviour for the last three financial years are shown in Appendix 3. Table 1 within the document shows that while the PSPO is in place anti-social behaviour is still prevalent in the Town Centre, with a significant increase of youth related incidents reported to the Police of 125% occurred when comparing the financial years 2023/24 to 2024/25. Reports made to the Council's Civic Enforcement Team also show an increase when comparing the same period but to a lesser extent of 76%.

Begging

22. Begging within the Town Centre occurs daily, with the PSPO being seen as a critical tool to be able to deal with the issue. As partners continue to work collaboratively to effectively deal with those begging in the Town Centre, a displacement of the issue into areas of Darlington which are not covered by the PSPO has occurred. While the empathy, engagement and education sections of the four-tiered approach to dealing with begging continues in these areas, the fourth element, enforcement is reliant on the limited powers available in the Vagrancy Act of 1824. Figures for the number of fixed penalty notices (FPN) issued to beggars is available in Appendix 3 which show an increase in the amount of FPN's issued year on year. Fines are only issued to those beggars who habitually ignore requests from officers to cease and move away from the location.
23. There is a significant amount of support is in place for those individuals who find themselves homeless and in need of support. Officers will routinely make referrals or signpost these individuals into these services. The powers within the PSPO will allow the Police and authorised officers from the Council to deal with those individuals who beg for financial gain.

Feeding of wild birds/pigeons

24. A substantial wild bird population exists within the Town Centre and various approaches have been taken over time to manage the situation. However, the ongoing feeding of these birds by a section of the community contributes to multiple issues that the Council, residents and businesses are required to manage.

Anti-social use of a skateboard, scooter, skates, bicycle, e-bike or e-scooter

25. The anti-social use of bicycles, e-bikes, scooters, e-scooters and skateboards are witnessed by officers daily. Individuals, predominantly young persons, are seen to deliberately ride towards members of the public before veering off at the last moment, causing fear of injury and distress to the members of the public. Persons are also witnessed performing stunts and riding in a reckless manner on roads and in pedestrian areas within the Town Centre. Feedback during the consultation period was received from Durham Constabulary, who requested that the text of the Order be amended to include e-bikes and e-scooters specifically.
26. Different arrangements will apply to those under the age of 18 who commit offences. These arrangements will be:
- (a) 10 – 13 year olds
 - (i) FPN's will not be issued to persons under the age of 14 where an offence is witnessed but they should still be instructed to stop the activity. Both the juvenile and their parent/guardian will be sent a formal warning so that the parent/guardian is aware of the situation.
 - (b) 14 and 15 year olds
 - (i) If an offence is committed by a person who is 14 or 15, in the first instance they would be instructed to stop the activity. If the request is complied with, a formal warning would be given, verbally at the time and followed up in writing to both the juvenile and their parent/guardian.
 - (ii) If the activity is not stopped then consultation will take place with the Youth Justice and Engagement Service prior to a FPN being issued to ascertain if this an appropriate course of action. FPN's will only be issued if absolutely necessary, with other actions to prevent the behaviour being the preferred course of action.
 - (c) 16 and 17 year olds
 - (i) If an offence is committed by a person who is 16 or 17, the individual will be issued with a FP and the parent/guardian informed. Consultation will take place with the Youth Justice and Engagement Service prior to a FPN being issued to ascertain if this an appropriate course of action.
 - (ii) On every occasion where a FPN is issued to a person under the age of 18, consideration will be given to reparation, such as a supervised litter pick as an alternative to payment of the FPN. This option will be communicated to the young person who received the FPN and their parent/guardian when the FPN is issued to them.

Threatening behaviour

27. Table 3 within Appendix 3 details data obtained from Durham Constabulary for Violence Against the Person crimes and Public Order offences. While figures for Violence Against the Person show a reduction from 489 crimes in financial year 2021/22, they remain at a high level and support the inclusion of the prohibition against Threatening and Intimidating Behaviour. Public Order offences are showing a year-on-year reduction, with the most prevalent areas for both offences being around Tubwell Row, High Row and Skinnergate.

Alcohol related incidents

28. While the number of alcohol related incidents outside of licenced premises reduced in the last financial year, as set out in table 4 of Appendix 4, they still account for 60% of all reported incidents. The amended wording within the PSPO will allow officers to deal proactively with the individuals involved before it becomes a problem for the wider community.

Extension of the PSPO area

29. A mapping exercise of incidents in the Victoria Road corridor between Feethams and Darlington Railway Station has been carried out and is detailed in Appendix 3. The area has been identified as a key gateway into the Town Centre and suffers from incidents of anti-social behaviour which is detailed in this report, it is anticipated that the extension of the PSPO will allow officers to take effective action.

Evidence in relation to Boroughwide PSPO

Household waste presentation

30. Household waste should always be presented for collection in the appropriate receptacle. Unfortunately, during the financial year 2023/24 125 reports of waste being incorrectly presented were received by the civic enforcement, as detailed in Appendix 4. These reports ranged from one or two additional bags of refuse being placed next to a bin for collection to more than 30 bags of waste left on the highway.
31. The inclusion of a prohibition boroughwide within the PSPO would give officers an additional tool to effectively deal with those individuals who continue to present waste incorrectly. The potential benefits of the inclusion of the prohibition would not be limited to improving the aesthetics of our communities but also a reduction in the number of secondary fires, reduce the potential for vermin to feed on the refuse and encourage recycling.

Straying dogs

32. Table 1 within Appendix 4 details the number of straying dogs which the Council have been required to deal with over the last three financial years. Unfortunately, charities and centres who rehome these dogs are facing increasing business costs and as a result

have changed their business models to reflect this. The result of these changes has resulted in additional costs being passed onto local authorities.

33. The inclusion of the prohibition on straying dogs within the PSPO will give officers an additional option to manage the service and encourage responsible dog ownership. The Council would only consider the use of a FPN if engagement and warnings to the dog owner did not work.

Financial Implications

34. There are no direct financial implications as a result of making the Orders. The additional powers will mean existing resources are utilised to monitoring and enforcing the Orders. There could be financial and resource savings if the PSPO secures reduced demand on Council and partner resources required to deal with the matters covered by the orders.

Legal Implications

35. All of the required statutory processes, including a thorough consultation exercise, have been followed to allow Members to consider approving these Orders. If the Orders are made, relevant Council Officers and Police Community Support Officers will be appropriately authorised to enable them to enforce them alongside Police Constables.

Consultation

36. Darlington is a family friendly market town and both the Town Centre and Boroughwide PSPO will help to preserve this and encourage development. The Town Centre PSPO has been in place for six years and has contributed to making Darlington a safer and more attractive place to live, work and visit. Responses received in the recent consultation on the Council Plan 2024-2027 showed that 69% of respondents agreed with the statement that “supporting communities to remain safe and resilient by working with key agencies to address anti-social behaviour and crime issues in the community”. Responses received as part of the consultation on the making of the Orders were strongly supportive, the details of which are shown in Appendix 5 and 6.
37. A six-week consultation exercise took place from 6 March 2025 to 16 April 2025. Consultation was undertaken as follows:
- (a) Council web pages
 - (b) Town Centre business consultation
 - (c) Social media
 - (d) Durham Constabulary
 - (e) Durham Police and Crime Commissioner
 - (f) 700 club
 - (g) Begging group

38. Durham Constabulary are in full support of the Orders but made a request that the wording of the anti-social use of bicycles be amended to include the use of e-bike and e-scooters. The wording of this prohibition has been amended to include this request. The 700 club and the Begging Group are also in full support of the orders.
39. Communities and Local Services Scrutiny considered the report on the making of the PSPO's on 10 April 2025. Members of the committee resolved that:
 - (a) Cabinet to be advised that the Communities and Local Services Scrutiny Committee support the renewal of the Town Centre PSPO and the making of a Boroughwide PSPO.
40. Consultation on the Town Centre PSPO received 90 responses from members of the community and businesses. The responses received show that the majority supported all of the prohibitions within the PSPO and the extension of the order to include Victoria Road. Details of the responses received are shown in Appendix 5.
41. Consultation on the Boroughwide PSPO received eight responses from members of the public. The responses received supported all of the prohibitions within the PSPO. Details of the responses received are shown in Appendix 6.

Equalities

42. The making of the PSPO's could potentially have negative impacts on certain groups with protected characteristics. Consideration has been given to understand the potential impacts and the appropriate steps needed to mitigate these to ensure that the PSPO's will be used proportionately, reasonably and fairly. Members are asked to read the Equality Impact Assessments undertaken at Appendix 7 and 8 before making a decision.

Guidance & Application of the PSPO powers

43. The use of a PSPO and FPNS is an additional tool of the Civic Enforcement Officers who will try and secure compliance by encouragement before enforcement. A guidance and application document is included at Appendix 9 to ensure a consistent and transparent approach to the use of the PSPO.

**DARLINGTON BOROUGH COUNCIL
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER – DARLINGTON TOWN CENTRE
Number 1 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 described by the map attached at Schedule 1 and shown edged red, 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 – Darlington Town Centre 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) Persons who continue to drink alcohol in public places, which are not licensed premises, after they have been asked to stop.
 - (b) Persons who fail to surrender any alcohol in their possession in public places, which are not licenced premises, when asked to do so.
 - (c) Continuing to feed birds or pigeons after they have been asked to stop.
 - (d) Anti-social use of a skateboard, scooter, skates, bicycle, e-bike or e-scooter causing damage to property and/or nuisance or annoyance to other persons.
 - (e) Threatening behaviour.
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

Alcohol

- 9. Any person who continues drinking alcohol in a public place, which is not a licenced premises, when asked to stop by a constable or a person authorised by the Council for this purpose commits an offence.
- 10. Any person who fails to surrender any alcohol in his possession in a public place, which is not a licenced premises, when asked to do so by a constable or a person authorised by the Council for this commits an offence.

Birds/pigeons

- 11. No person at any time shall provide, or deposit food for the purpose of feeding or attracting birds/pigeons, within the Restricted Area save where the owner, occupier or other person, or authority having control of the land has consented (generally or specifically) to them doing so.

Anti-social use of skateboards, scooters, skates, bicycles, e-bikes or e-scooter

- 12. No person shall ride upon a skateboard, scooter, skates, bicycle, e-bike or e-scooter in a manner which could cause damage to property or nuisance or annoyance to one or more persons.

Threatening and intimidating behaviour

- 13. No person shall use threatening or intimidating behaviour towards any other person.

Effect Of Failing To Comply With This Order

- 14. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order.
- 15. A person guilty of an offence under paragraph 9(a) or 9(b) above, in accordance with section 63 of the Act, is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500).
- 16. A person guilty of an offence under paragraphs 10, 11 or 12 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).
- 17. The full text of sections 63 and 67 of the Act is set out in Schedule 2 to this Order.

Fixed Penalty Notices

- 18. 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

- 19. 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.

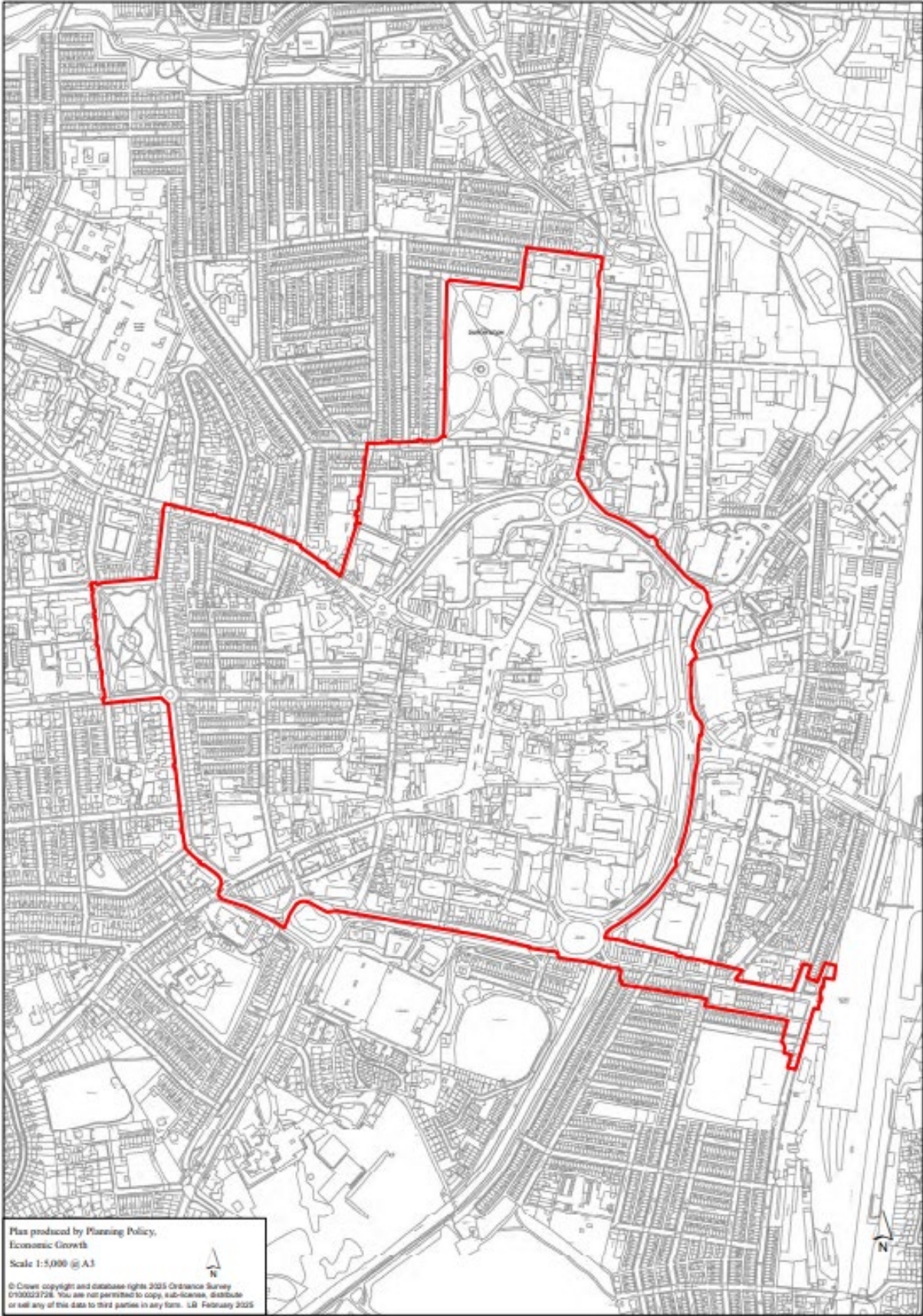
GIVEN under the common seal of The Council of the Borough of Darlington

On the

..... day of 2025

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

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.

Appendix 2

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 Register 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.

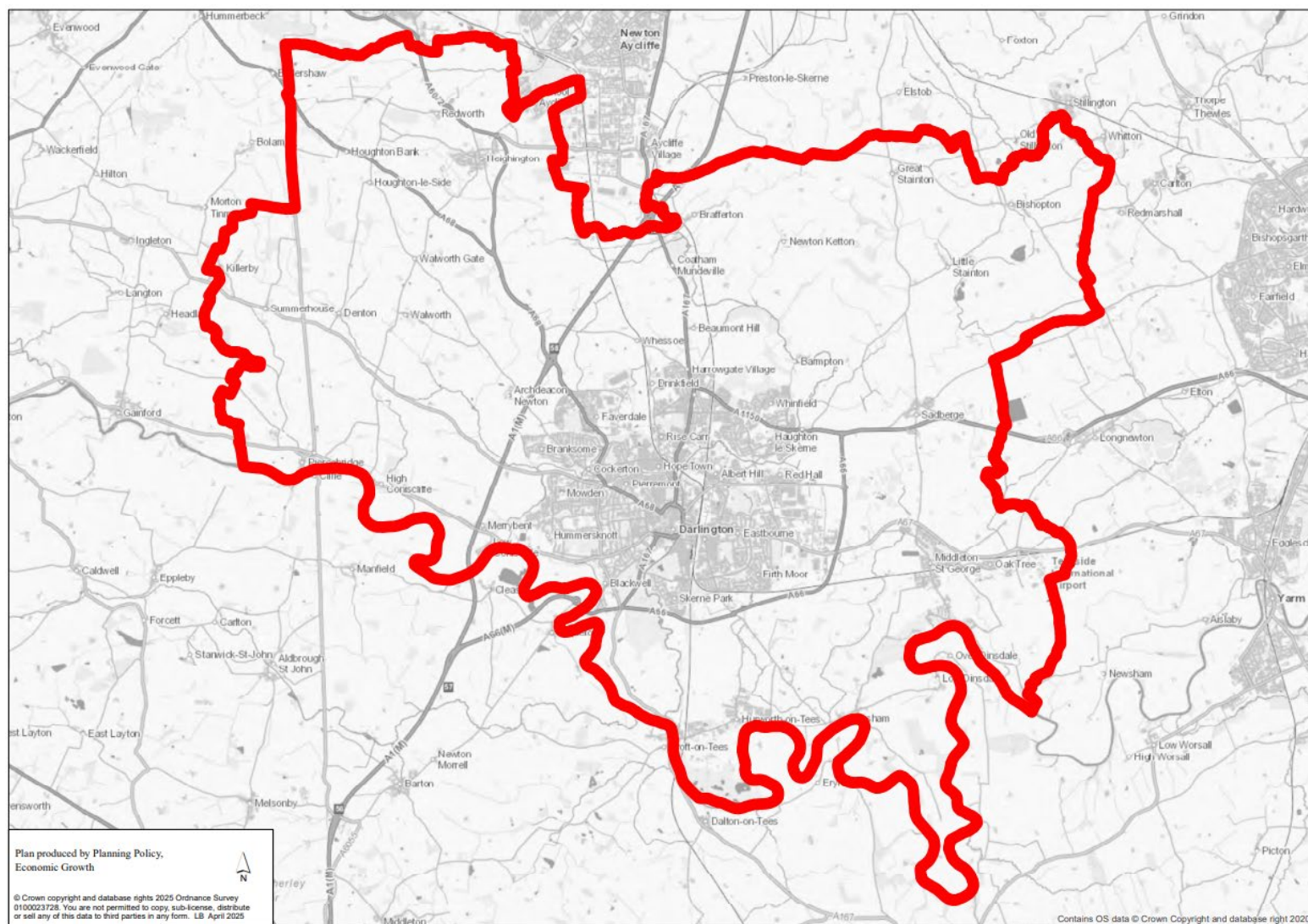
GIVEN under the common seal of The Council of the Borough of Darlington

On the

..... day of 2025

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

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.

Appendix 3

PSPO DATA April 2025

1. This report provides an update to all data requirements for the PSOP within the period of 1 April 2022 to 31 March 2025 for the Town Centre Beat area (JA1).
2. **Table 1** shows the number of ASB reports as recorded on the Police Systems:

Date	01/04/2022 – 31/03/2023	01/04/2023 – 31/03/2024	01/04/2024 – 31/03/2025
Youth Related ASB	72	55	124
Alcohol Related ASB	66	63	81
Total ASB	216	188	304

Colour Code: Red - above average, Amber – close to average, Green – less than average.

3. **Table 2** shows the number of reports made to the Civic Enforcement of ASB and Begging:

Date	01/04/2022 – 31/03/2023	01/04/2023 – 31/03/2024	01/04/2024 – 31/03/2025
Youth Related ASB	56	38	67
Total ASB	No data	356	280
Begging	190	389	346

Threatening and intimidating behaviour

4. **Table 3** shows the number of reports to the police for Violent related incidents and Public Order offences:

Date	01/04/2022 – 31/03/2023	01/04/2023 – 31/03/2024	01/04/2024 – 31/03/2025
Violence Against the Person	497	424	421
Public Order	244	163	143

5. Public order offences were largely due to suspects shouting, swearing and causing the victims to feel unsafe, distressed and alarmed in public areas in the Town Centre. Tubwell Row, High Row, Skinnergate, and Cornmill centre are hotspot for both offences. This is as a result of high number of licensed premises.

Alcohol related incidents

6. **Table 4** shows the number of reports to the police for alcohol related incidents:

Date	01/04/2022 – 31/03/2023	01/04/2023 – 31/03/2024	01/04/2024 – 31/03/2025
Alcohol related incidents	705	708	667
Alcohol related incidents linked to licensed premises	305	309	270

7. The table above shows that 42% of alcohol related incidents occurred on licensed premises, with Tubwell Row, Church Row, Skinnergate, and Bond Gate as hotspot areas.

FPN's Issued

8. Table 5 shows the number of fixed penalty notices issued over the period of January 2024 – 31 March 2025

	01/07/2022 to 31/03/2023	01/04/2023 to 31/03/2024	01/04/2024 to 31/03/2025
Fly Tipping/ Depositing of Waste	10	10	11
PSPO Breach – Littering	1	0	0
Littering / Littering from a vehicle	3	2	3
PSPO – Dog Foul	1	3	2
PSPO – Dog Off Lead	1	1	1
CPN Breach ASB	1	2	1
PSPO Breach Begging	8	38	44
ASB Foul and Abusive Language	3	0	2

9. Available powers for enforcing PSPO:

- (a) For Begging the Police would be required to deal with the issue by using the Vagrancy Act of 1824.
- (b) For Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act) will be used to tackle ASB.

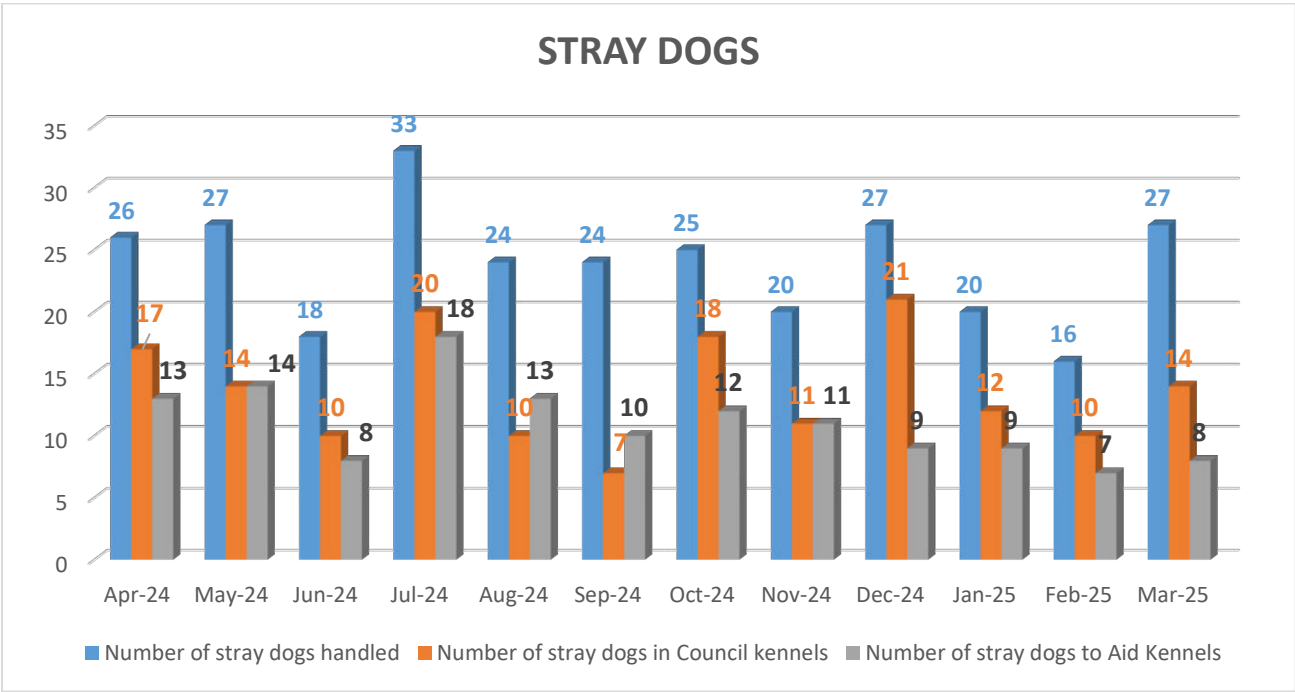
PSPO Extension (Victoria Road – from station down to ring road)

10. Below is a mapping of incidents around the Victoria Road axis, which has numerous reports ranging from ASB, Begging at Sainsbury, Criminal damages, theft etc.



Stray Dogs

1. This captures stray dogs handled between 01/04/2024 – 31/03/2025.

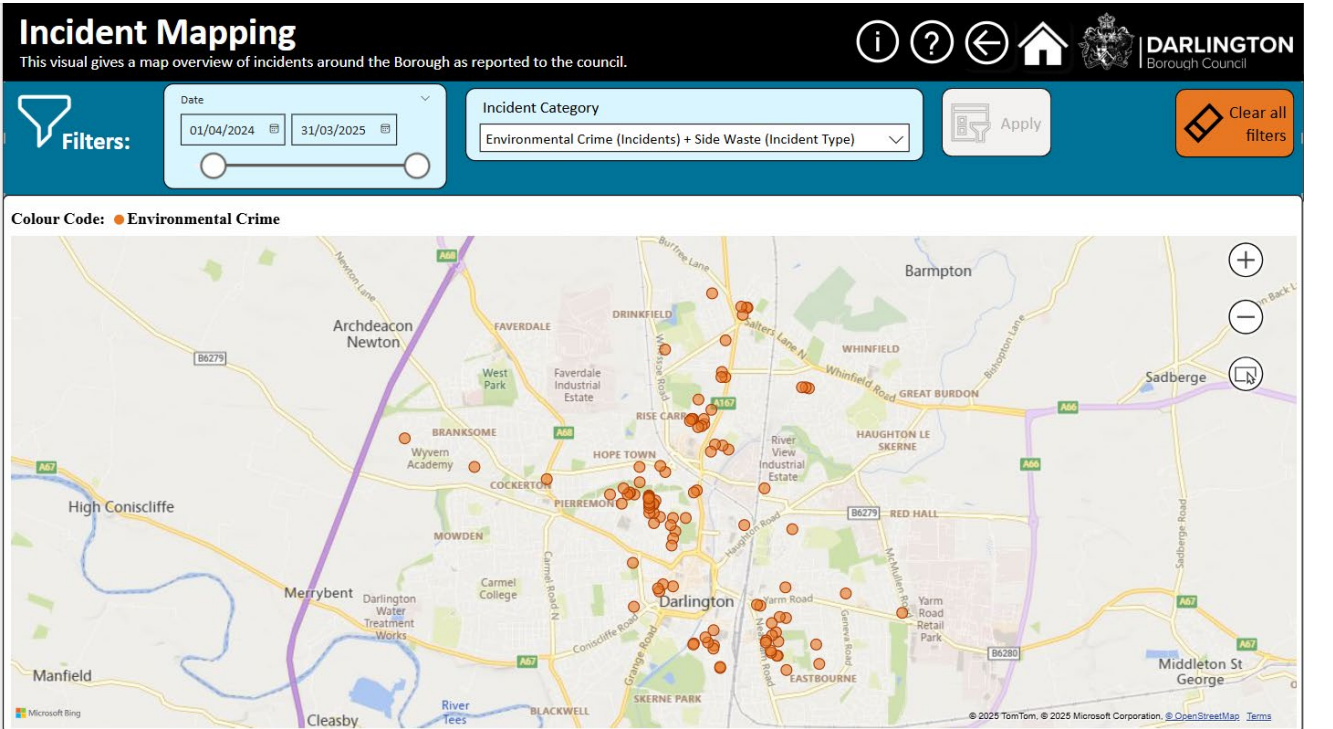


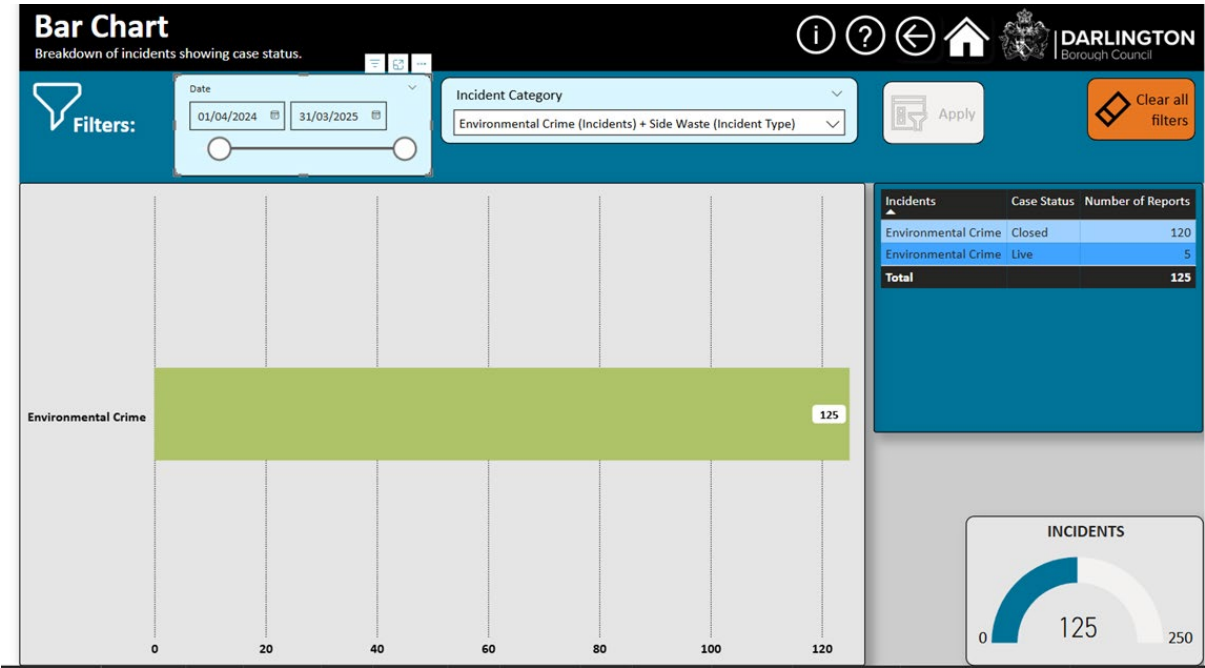
Begging Boroughwide

2. Reports of begging in certain retail centres include Sainsbury on Victoria Road/Duke Street, ASDA on Nesham Road, Cockerton, North Road Retail Park and ASDA Whinfield.

Side Waste Dashboard

3. This following screen shots show side waste incidents between 01/04/2024 – 31/03/2025.





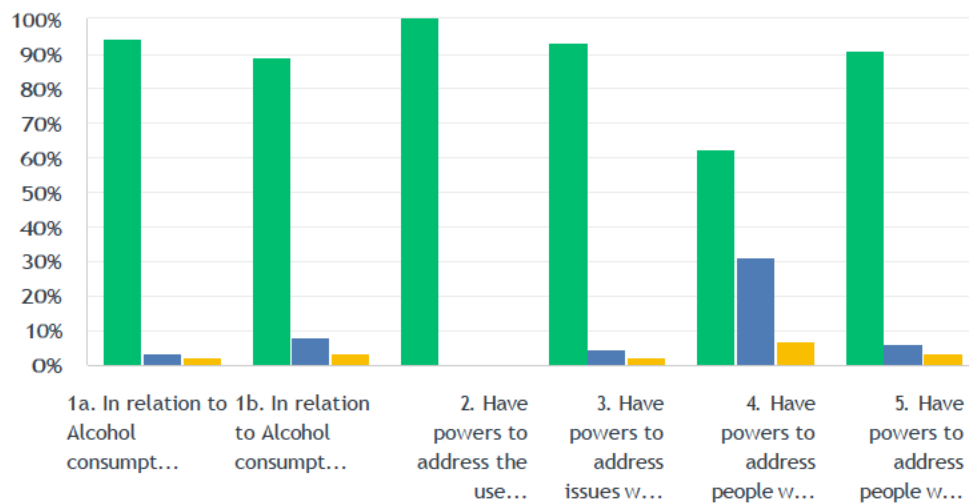
Appendix 5

PSPO Public Consultation- Town Centre

Q1 We are consulting on the renewal and modifications to the town centre PSPO and we would like to understand your view on whether the Council and other relevant organisations should have powers to deal with the following matters within the PSPO area:

Answered: 90

Skipped: 0



Yes



No



Don't know



	YES	NO	DON'T KNOW	TOTAL	WEIGHTED AVERAGE
1a. In relation to Alcohol consumption in the town centre area to have powers to address the issues this causes if people continue to drink alcohol in public places, which are not licensed premises, after they have been asked to stop?	94.44% 85	3.33% 3	2.22% 2	90	1.08
1b. In relation to Alcohol consumption in the town centre area to have powers to address the issues if people fail to surrender any alcohol in their possession in public places, which are not licenced premises, when asked to do so?	88.89% 80	7.78% 7	3.33% 3	90	1.14
2. Have powers to address the use threatening or intimidating behaviour towards any other person?	100.00% 90	0.00% 0	0.00% 0	90	1.00
3. Have powers to address issues with people sitting and/or loitering in any place for the purpose of begging?	93.33% 84	4.44% 4	2.22% 2	90	1.09
4. Have powers to address people who continue to feed Birds/pigeons after they have been asked to stop?	62.22% 56	31.11% 28	6.67% 6	90	1.44

5. Have powers to address people who use of a skateboards, scooters,

skates or
bicyclescausing
damageto property and/or nuisance or
annoyance to other persons?

91.11%	5.56%	3.33%
82	5	3
	90	
	1.12	

Q2 Do you support the extension of the area covered by the PSPO?

Answered: 90 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		92.22%	83
No		3.33%	3
Don't know		4.44%	4
TOTAL			90

Q3 Please add any comments that you would like to make about these proposals.

Answered: 33

Skipped: 57

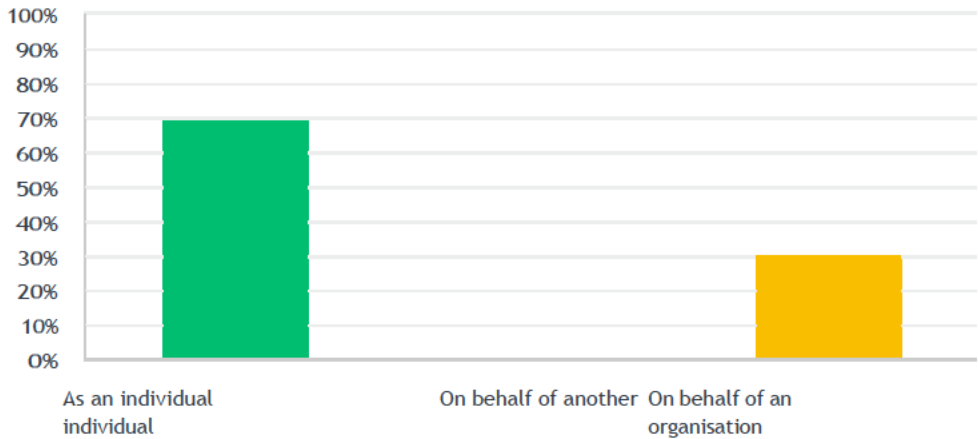
#	RESPONSES	DATE
1	Extend area to cover all of Gladstone Street	4/15/2025 9:05 PM
2	The sooner the better These measures are unfortunately greatly needed	4/15/2025 8:54 AM
3	I would also prefer other items to be added such as : Littering, youths misbehaving,deliberately damage of flowers in planters etc. I would also add that it is fine putting all these measures and restrictions in, but how will they be policed and implemented?	4/12/2025 9:01 AM
4	The only problem that I have when you report things nothing happens or it's the parking problems in vine street darlington or not another wardens	4/11/2025 3:01 PM
5	These are good proposals but you need to be careful that the problems don't just go to outside the zone.	4/7/2025 6:20 PM
6	Need to make it safer for females to walk and run alone without intimidation or getting shouted at	4/7/2025 4:22 PM
7	Pigeon feeding could easily have designated zones so that the birds are all over town. Stopping people feeding will mean more begging behaviour and birds will go into shops to look for food. Prosecution doesn't work.	4/7/2025 4:06 PM
8	Don't get all the hate to the pigeons , they are a part of the town centre and are just doing their best to survive	4/7/2025 2:58 PM
9	People feeding the pigeons isn't an issue. It's not exactly a crime	4/7/2025 2:16 PM
10	Birds have never been an issue and should not be included in this. Pigeons are the descendants of birds we bred and used. They were vital during the world wars. We domesticated them and we have a responsibility to continue to care for them. They are not the "pest" people believe them to be and they bring a sense of life to the town center. Without them, the streets will start to feel lifeless and cold. Please remove the signs and consider embracing our pigeon populationthey're ours and we should find ways to live in harmony with them. Please consider the following: https://www.audubon.org/news/the-origins-our-misguided-hatred-pigeons	4/7/2025 12:48 PM
11	You have enough 'Powers already	3/31/2025 7:07 PM
12	Area outside of Tesco's by the cash machine of particular concern with people loitering asking for change, this will eventually lead to cash point robberies in my opinion as people get more desperate. Face coverings should not be allowed in shops. The town centre generally has seen a huge increase in teenagers causing issues on weekends which needs addressing (proportionally) and more concerning the town centre at night appears to be becoming a more intimidating place to be which will effect footfall for businesses. A bigger police presence would help people feel safer. Thanks	3/29/2025 8:10 AM
13	Antisocial behaviour from youths is one of the biggest issues in our Town and needs addressing not just in the town centre , I am totaly apposed to the stopping of people feeding the pigeons these birds served us in the war and are descendent from domesticated bird it also gives people pleasure and helps mental health why can't there be designated areas to feed them where they could also roost lots of other towns do this Chester has a fantastic set up but flying hawks and trying to stop people feeding them won't work	3/27/2025 4:45 PM
14	Definitely need powers and more robust approach dealing with alcohol consuming people in not licensed areas, especially town center areas where vulnerable people around. Loitering, being loud and swearing is as bad as ASB.I, and also should be dealt robustly	3/24/2025 9:21 PM
15	I agree with all the proposals and we should address littering and kids causing mayhem in town	3/24/2025 9:18 PM

centre

16	Anti social behavior is on the rise in the town along with shoplifting this needs to be addressed	3/24/2025 3:32 PM
17	no	3/24/2025 2:32 PM
18	Asbo behaviour, [REDACTED] lack of respect for law, homeless, and underage drinking	3/24/2025 2:13 PM
19	It's imperative to the success of our high street in these difficult times that any barrier to people coming into the town is removed. Vagrants, alcoholics, and overly confident children are a huge problem, and seem to take over the streets in the absence of consumers	3/24/2025 12:17 PM
20	Didn't understand retention of alcoholic question. If its taking it off inebriated people then yes not a problem but otherwise no.	3/24/2025 12:02 PM
21	It would also help if Central Park was added to the area covered as we have lots of those anti social issues there	3/24/2025 11:29 AM
22	the PSPO is already in place and i feel after been in security for the past 10 years in the town it doesn't work the the enforcement and police have no control over the anti social behaviour begging and bird feeding is just as bad as before the last PSPO if not worse enforcement are nowhere to be seen when traveling community are parking all over Feethams to attend Nando's after church.	3/24/2025 10:31 AM
23	There should also be extended powers/action against those who urinate or defecate in public spaces, I feel this is a common issue that has very little reprisal.	3/24/2025 10:24 AM
24	We are a member of Darlington Shop Watch, we appreciate all the help and support this provides us along with the local PCSO's. As a local business will fully endorse all initiatives that keep our customers and shop team safe. Thanks	3/24/2025 10:23 AM
25	I preface this by saying I found the map difficult to see. However, it should be extended to embrace the vicinity of the new station on the St Johns side.	3/24/2025 10:21 AM
26	People need to see action and clamp down hard on antisocial behaviour. Suitors need to feel safe and a visible presence is vital. That's why our BID Rangers were so effective.	3/24/2025 10:20 AM
27	these small issues like feeding birds, and begging etc might seem small problems to you but are huge concerns to traders in the town so need to get these problems sorted	3/24/2025 10:12 AM
28	It would be good to have a few known points of reference on the map so people can establish the area in question and this boundary	3/24/2025 10:10 AM
29	I support all the proposals! The amount of gobby kids that linger on High Row on a Sunday Evening around 4pm is getting worse.	3/24/2025 10:07 AM
30	cover as much as you need - your doing a good job and this town is going downhill fast	3/24/2025 10:03 AM
31	Also stop religious speech via a mic and amplifier. Some of the speech I've heard is nasty and antagonising	3/19/2025 10:51 AM
32	This is needed across the town	3/7/2025 3:34 PM
33	I believe in years that unruly, abusive and threatening behaviour has increased in the town centre and generally in the borough. The lack of respect has increased. Younger children are causing mayhem in some areas without the fear of any consequences.	3/7/2025 3:23 PM

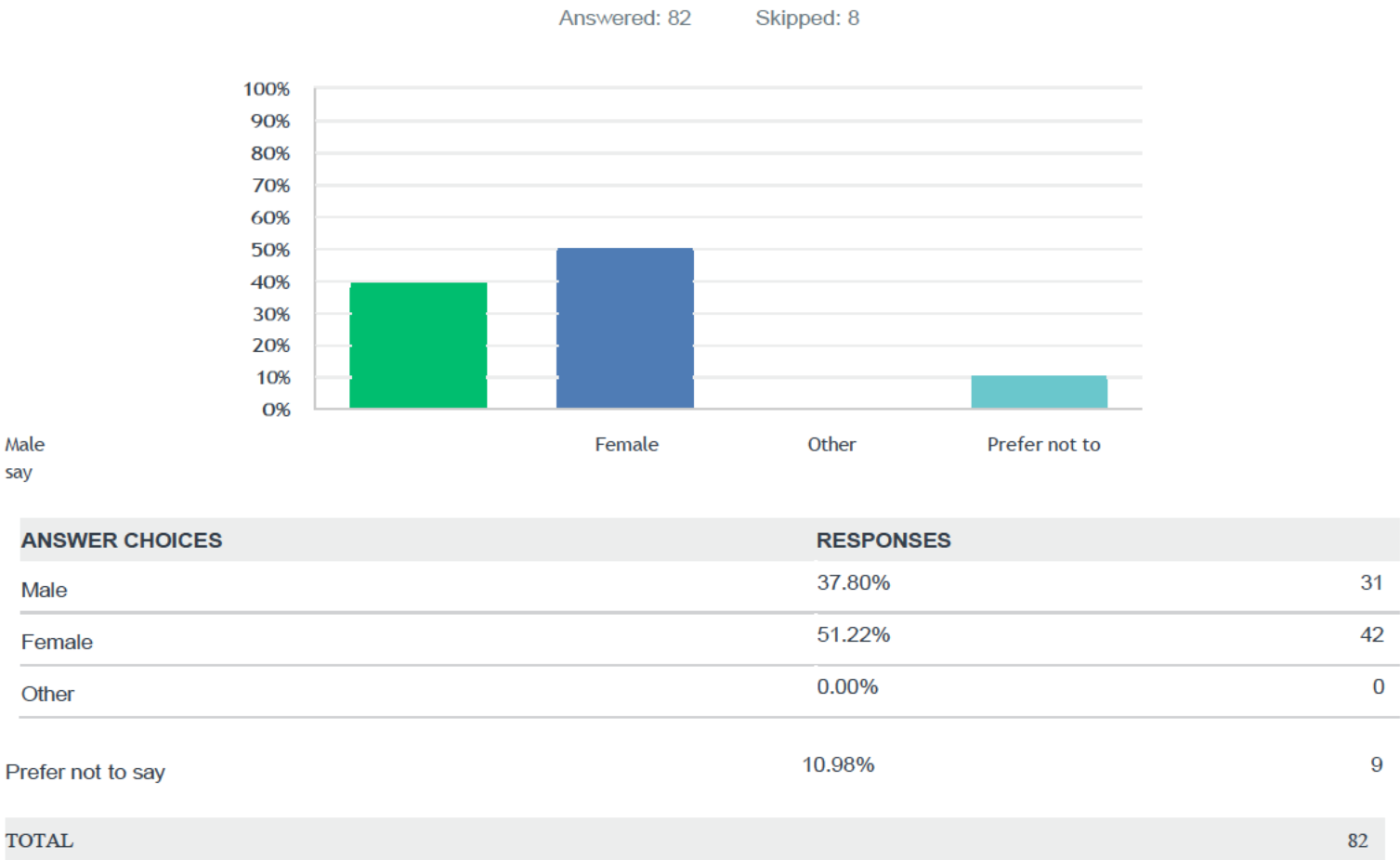
Q4 Are you responding to this consultation

Answered: 82 Skipped: 8

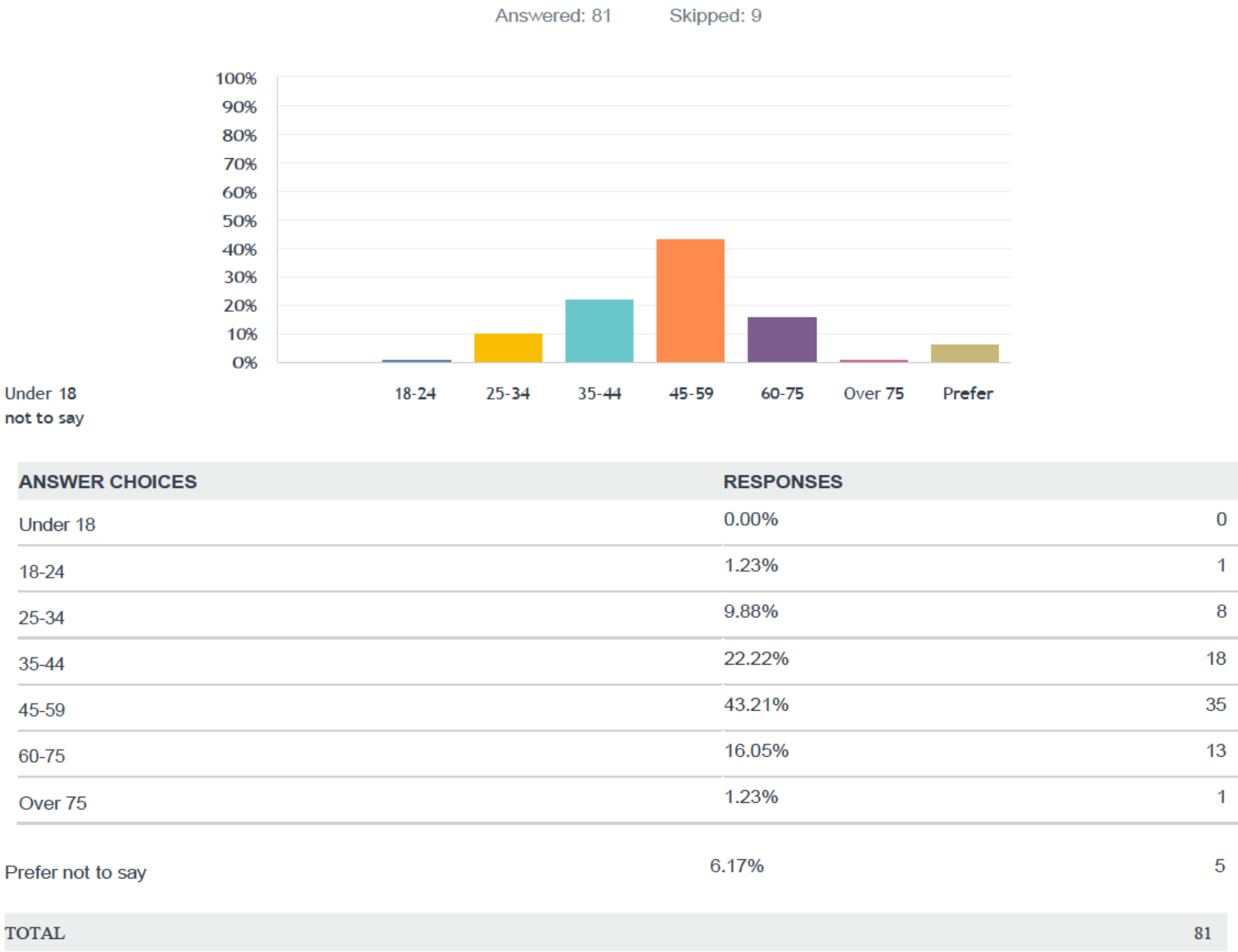


ANSWER CHOICES		RESPONSES	
As an individual		68.29%	56
On behalf of another individual		1.22%	1
On behalf of an organisation		30.49%	25
TOTAL			82

Q7 What is your, or the person on whose behalf you are responding, sex?

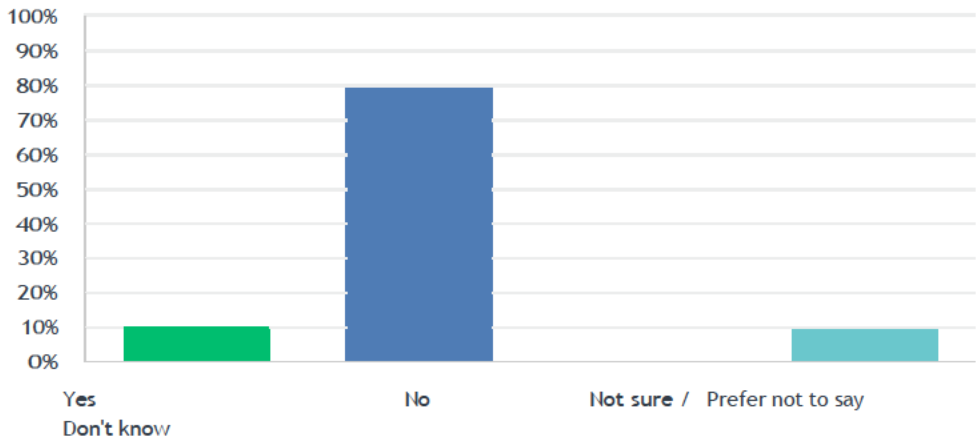


Q8 What age group do you, or the person on whose behalf you are responding, fall into?



Q9 Do you, or the person on whose behalf you are responding, consider yourself / themselves to have a disability?

Answered: 81 Skipped: 9



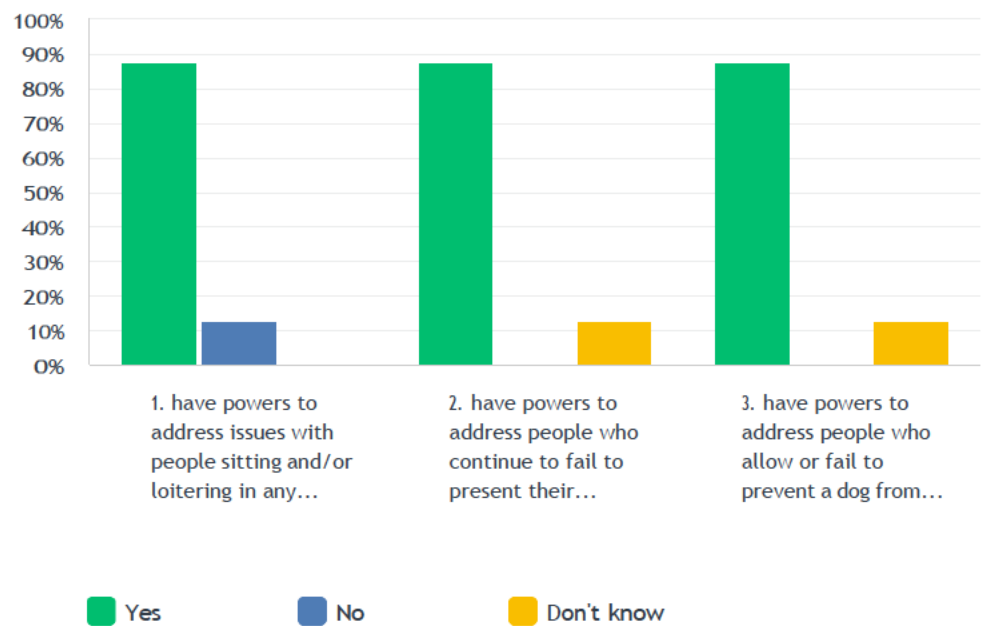
ANSWER CHOICES		RESPONSES	
Yes		11.11%	9
No		80.25%	65
Not sure / Don't know		0.00%	0
Prefer not to say		8.64%	7
TOTAL			81

PSPO Public Consultation – Borough Wide

Appendix 6

Q1 We are consulting on the introduction of a borough wide PSPO and we would like to understand your view on whether the Council and other relevant organisations should have powers to deal with the following matters across the borough.

Answered: 8 Skipped: 0



	YES	NO	DON'T KNOW	TOTAL	WEIGHTED AVERAGE
1. have powers to address issues with people sitting and/or loitering in any place for the purpose of begging?	87.50% 7	12.50% 1	0.00% 0	8	1.13
2. have powers to address people who continue to fail to present their household waste in the correct way?	87.50% 7	0.00% 0	12.50% 1	8	1.25
3. have powers to address people who allow or fail to prevent a dog from being unaccompanied in the PSPO area i.e. allowing a dog to stray?	87.50% 7	0.00% 0	12.50% 1	8	1.25

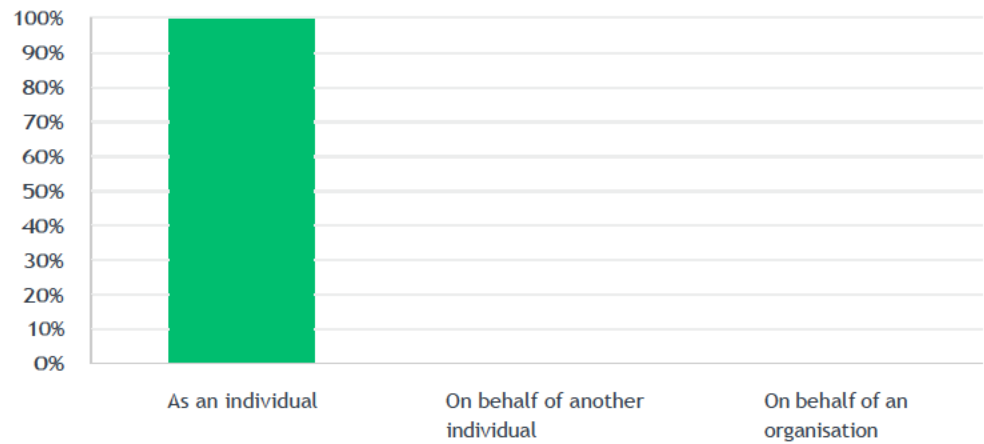
Q2 Please add any comments that you would like to make about these proposals.

Answered: 4 Skipped: 4

#	RESPONSES	DATE
1	If a PSPO is introduced, it would be essential to pair it with strategies focused on providing support and assistance to those who beg, rather than solely relying on enforcement. A compassionate approach, with clear outreach services, would likely be the most effective way of addressing this complex issue while ensuring the well-being of all borough residents.	3/13/2025 12:51 PM
2	Can you ensure that Parkside, from South Park entrance near to Grange Road up to Geneva and Nesham Road as the number of times I have been nearly knocked over on the pavement by people on motorised bike (electric and combustion engined) wearing balaclavas. They threaten you too	3/7/2025 5:00 PM
3	When problems are going on in the town and being dealt with, the problems then get dispersed to outer areas so a borough wide PSPO is needed.	3/7/2025 3:32 PM
4	I agree with all of the above proposals. Some areas are in a mess with discarded waste, run down buildings and unkept gardens.	3/7/2025 3:14 PM

Q3 Are you responding to this consultation

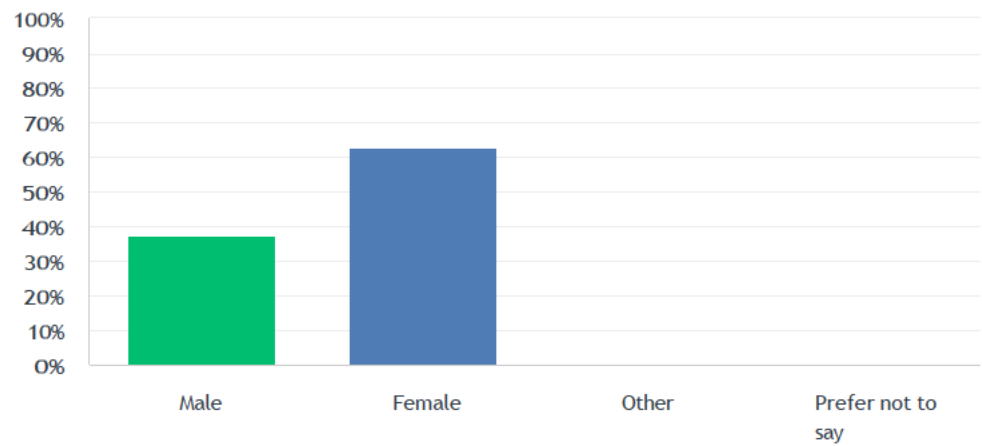
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
As an individual	100.00%	8
On behalf of another individual	0.00%	0
On behalf of an organisation	0.00%	0
TOTAL		8

Q6 What is your, or the person on whose behalf you are responding, sex?

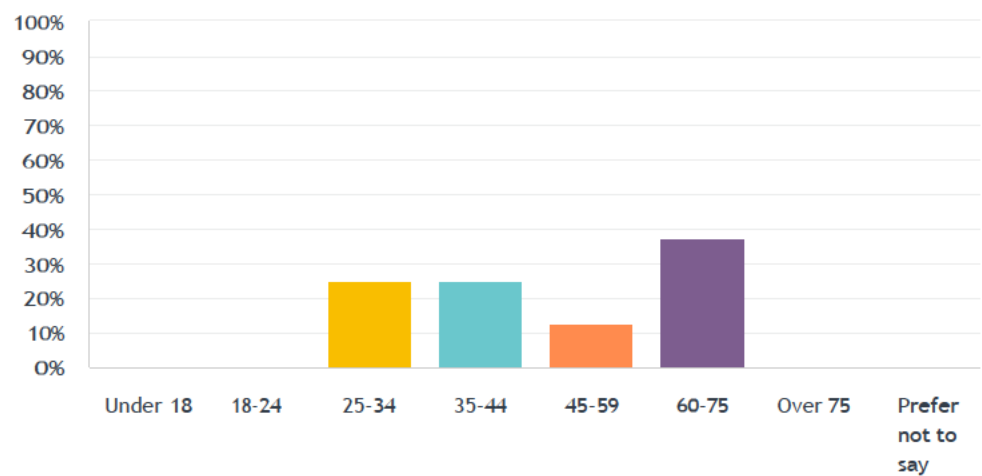
Answered: 8 Skipped: 0



ANSWER CHOICES		RESPONSES	
Male		37.50%	3
Female		62.50%	5
Other		0.00%	0
Prefer not to say		0.00%	0
TOTAL			8

Q7 What age group do you, or the person on whose behalf you are responding, fall into?

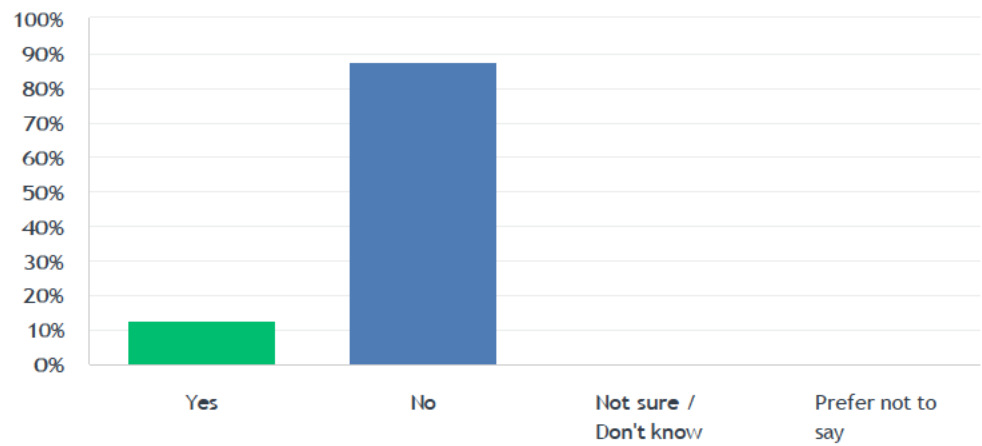
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	0.00%	0
25-34	25.00%	2
35-44	25.00%	2
45-59	12.50%	1
60-75	37.50%	3
Over 75	0.00%	0
Prefer not to say	0.00%	0
TOTAL		8

Q8 Do you, or the person on whose behalf you are responding, consider yourself / themselves to have a disability?

Answered: 8 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		12.50%	1
No		87.50%	7
Not sure / Don't know		0.00%	0
Prefer not to say		0.00%	0
TOTAL			8
0.00%	0		



EIA Screening Form and Record Form

Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate:	Environment, Highways & Community Services Group.
Service Area:	Community Safety.
Activity being screened:	Implementation of Town Centre Public Space Protection Order (PSPO).
Officer(s) carrying out the screening:	Scott Richardson
What are you proposing to do?	Amend and renew the existing Town Centre PSPO. The PSPO will equip officers including Police Officers, Police Community Support Officers, Civic Enforcement Officers and any other authorised Council officers, with powers to effectively deal with the prohibitions contained within the PSPO.
Why are you proposing this? What are the desired outcomes?	PSPO's are intended to limit and restrict specified activities which cause nuisance to our community. Legislation allows Councils to make an Order to restrict specified activities which have been judged to have a detrimental effect on the quality of life in a specified area.
Does the activity involve a significant commitment or removal of resources? Please give details	No

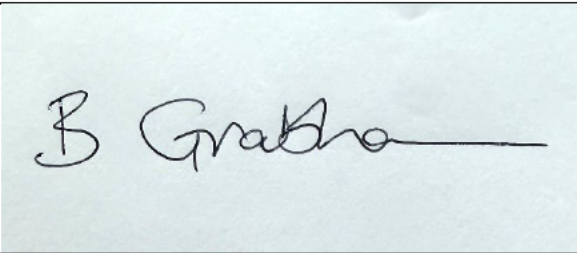
Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?
As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?

- Does the activity relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the activity relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age	✓		
Disability	✓		
Sex (gender)	✓		
Race		✓	
Sexual Orientation		✓	
Religion or belief		✓	
Gender reassignment		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
Other			
Carer (unpaid family or friend)		✓	
Low Income	✓		
Rural Location		✓	
Care Leaver		✓	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No – ensuring compliance with the PSPO is part of the current day to day business of officers patrolling the Town Centre.		
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA: ✓
Reason for Decision	Sections of the community with a protected characteristic have been identified as potentially being more affected than others as a result of the implementation of the PSPO.		

Signed (Assistant Director)	
Date	20.03.2025



Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 3** of the Equality Policy. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

Title of activity:	Renewal of the Town Centre Public Space Protection Order (PSPO)	
Name of Directorate and Service Area:	Environment, Highways and Community Services Group	
Lead Officer and contact details	Scott Richardson Ext 6753	
Assistant Director accountable for this EIA	Ben Grabham	
Who else will be involved in carrying out the EIA:		
When did the EIA process start?	March 2025	

Section 2 – The Activity and Supporting Information

Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)

It is proposed that the Town Centre PSPO is amended and renewed. If implemented, prohibitions within the PSPO would include:

- a) Persons drinking alcohol in public places which are not licenced premises.
- b) Feeding of birds/pigeons after they have been asked to stop.
- c) Threatening Behaviour.
- d) Anti-social use of a skateboard, scooter, skates or bicycle.
- e) Begging.
- f) A proposed change to the boundary of the area covered by the PSPO.

While the PSPO is designed to prohibit certain activities, it is also designed to enable the public to feel that Darlington is a safe and welcoming place for all.

The responsibility for making an Order lies with the Council. The Council must, prior to making an Order, be satisfied on reasonable grounds, that the activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the community and, that the effect or likely effect of the activities:

- a) Is or is likely to be persistent or continuing.
- b) Is or is likely to be such as to make the activities unreasonable; and
- c) Justifies the restrictions imposed.

Where a PSPO is in force, a Police Officer, Police Community Support Officer (PCSO) or an authorised Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and request them to comply. If the individual does not comply with the request an offence is committed.

An offence of failing to comply with the prohibitions contained within the PSPO is punishable by a fine of up-to £1000 (£500 if the prohibition relates to the consumption of alcohol) or by a fixed penalty of up-to £100.

An offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by a Police Officer, PCSO or an authorised Council Officer. If the person follows the instruction, no further action is required. Any failure to comply with an instruction to desist from carrying out the prohibited activity would generally on the first instance lead to a Fixed Penalty Notice being issued, rather than a prosecution at Court.

Why is this being proposed? What are the aims? What does the Council hope to achieve by it? (e.g. to save money, meet increased demand, do things more efficiently)

The PSPO aims to address certain types of behaviour which has a detrimental effect on our communities. Following a review of the alcohol control prohibitions within the existing PSPO, it is proposed to remove the wording “acting in an anti-social manner” in both prohibitions as this effectively allows drinking to

continue until an issue occurs. The removal of the wording will enable proactive approaches to be taken to address the issue before it becomes problematic for the community.

The introduction of the prohibition around feeding of birds and pigeons will provide additional powers to officers to deter the feeding of them. A number of initiatives have been implemented including physical deterrents and birds of prey being flown to try and manage the situation, however, the ongoing feeding of these is an issue which contributes to numerous issues for the Council, residents and businesses to manage.

The continuation of the Threatening Behaviour prohibition will allow officers to continue to support the community to remain safe and resilient, supporting the Council Plan.

It is proposed to add a prohibition within the Town Centre PSPO to prevent the anti-social use of bicycles, scooters, skateboards and skates. This is to enable action to be taken against those persons who act in such a manner putting members of the public and themselves at risk of injury and causing damage to street furniture.

Should the begging prohibition within the Boroughwide PSPO be enacted, it is proposed to include the prohibition within the Town Centre also.

It is further proposed to extend the area covered by the PSPO to include Victoria Road from the Railway Station entrance to Feethams. This is an important gateway to the Town Centre that has experienced issues of anti-social behaviour covered by the existing PSPO, and the proposed new prohibitions.

What will change? What will be different for service users/ customers and/ or staff?

The wording within the current PSPO has posed operational challenges with officers only being able to deal with groups of adults who congregate in various locations within the Town Centre from 8am after their behaviour becomes disruptive. The proposed rewording of the PSPO will allow officers to deal with these adults before any disruptive behaviour occurs.

The current process to deal with the feeding of birds and pigeons within the Town Centre relies on the use of section 87 of the Environment Act 1990 (littering offences). For a fixed penalty notice to be issued for littering, a person must be seen by an officer depositing waste onto the ground and leaving the area. No offence is committed if a person feeds birds and remains in the area until it is consumed. The Town Centre continues to have issues with the number of pigeons, which are attracted by persons feeding them daily. The new prohibition within the PSPO will allow officers to request the persons feeding the pigeons to stop the behaviour, with an offence occurring if the feeding continues after this.

The results of the Durham Police Call It Out Survey in 2021, which was carried out in relation to Violence against Women and Girls, suggest 61% of respondents did not feel safe outdoors after dark. It is hoped that the continuation of the prohibition relating to Threatening Behaviour will encourage females to feel safer in the Town Centre.

The introduction of a prohibition to prevent the anti-social use of bicycles, scooters, skateboards and skates is proposed to allow officers to take action against persons who carry these acts out. Currently persons are riding bicycles into shops, cycling in an aggressive manner towards pedestrians before veering away at the last moment and performing wheelies/stunts in pedestrian areas. The prohibitions if enacted would allow officers to take effective action against those who continue to behave in such a manner after being instructed to stop using referrals into the youth justice engagement service or by issuing fixed penalty notices where appropriate.

Should the begging prohibition be enacted in the Boroughwide PSPO, there will be no changes to the current process in dealing with beggars within the Town Centre.

Issues which the PSPO seek to address are also prevalent in other areas of Darlington. The proposed extension of the area covered by the PSPO will allow officers to deal with these issues in what is a key gateway into the Town Centre.

What data, research and other evidence or information is available which is relevant to the EIA?

Consultation findings from the 2024/27 Council Plan. The findings show that 69% of respondents agreed with the statement that “supporting communities to remain safe and resilient by working with key agencies to address anti-social behaviour and crime issues in the community”.

<https://democracy.darlington.gov.uk/documents/s22280/Appendix%20A.pdf>

2023 Crisis survey <https://www.crisis.org.uk/about-us/crisis-media-centre/it-would-take-your-soul-away-major-new-research-from-crisis-reveals-the-inhumanity-faced-by-people-sleeping-rough-in-england/>

Police data (refer to appendix ?? in the main report).

Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

There is a requirement for a period of statutory consultation to be undertaken before a decision can be made to make an Order. It is imperative for the consultation to be accessible and engaging with those likely to be affected by the Order, both positively and negatively. The consultation in relation to this Order was open from 6 March 2025 to 16 April 2025.

Consultation was undertaken as follows:

- a) Social media.
- b) Council’s web pages – information and draft order.
- c) Durham Constabulary.
- d) Durham Police & Crime Commissioner.
- e) The 700 Club.
- f) Town Centre business consultation – link to consultation sent to all businesses via WhatsApp

There was a positive response to the consultation with a range of responses from local business and members of the community. Durham Police & Crime Commissioner, Durham Constabulary and the 700 Club are fully supportive of the PSPO.

Darlington’s operational response to begging is overseen by the multi-agency “begging group” whose membership includes:

- Durham Constabulary.
- 700 Club.
- Housing Services.
- DWP.
- Drug & Alcohol Services.
- Civic Enforcement.

- Regional Rough Sleeper Coordinator.

The group members are in support of the PSPO being extended to cover the whole of Darlington including the Town Centre PSPO area.

What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

The implementation of the PSPO will be cost neutral to the Council.

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc.)
Age		✓	✓	<p>Statistics show that youth nuisance is prevalent in the Town Centre, therefore there is the likelihood that young people are more likely to be impacted by the implementation of the PSPO than older age groups.</p> <p>Conversely, older people have reported as more likely to feel unsafe in the Town Centre and therefore are likely to be positively impacted by the implementation of a PSPO.</p>
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)		✓	✓	<p>There is a correlation between individuals engaging in anti-social behaviour and individuals with substance misuse problems. These individuals are more likely to suffer from mental health issues and/or learning impairments. Individuals with one or more of these disabilities have therefore been identified as more likely to be negatively affected by the introduction of a PSPO.</p> <p>Conversely, individuals with disabilities have reported as most likely to feel unsafe in the Town Centre and therefore are likely to be positively impacted by the introduction of a PSPO.</p>
Sex (Gender)		✓	✓	<p>There is a higher number of male beggars in the Town Centre, and it is therefore likely that these males are more likely to be negatively impacted by the PSPO than females.</p> <p>Conversely, 61% of females who responded to Durham Police Call It Out survey in 2021 did not feel safe outdoors</p>

				after dark. The implementation of the PSPO may have a positive impact on these females.
Race	✓			The is no anticipated impact on race as a protected characteristic group regarding this proposed activity.
Gender Reassignment	✓			The is no anticipated impact on gender reassignment as a protected characteristic group regarding this proposed activity.
Sexual Orientation	✓			The is no anticipated impact on sexual orientation as a protected characteristic group regarding this proposed activity.
Religion or belief	✓			The is no anticipated impact on religion or belief as a protected characteristic group regarding this proposed activity.
Pregnancy or maternity	✓			The is no anticipated impact on pregnancy or maternity as a protected characteristic group regarding this proposed activity.
Marriage or civil partnership	✓			The is no anticipated impact on marriage or civil partnership as a protected characteristic group regarding this proposed activity.
How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc.)
Live in a rural location?	✓			The is no anticipated impact on rural locations regarding this proposed activity.
Are carers?	✓			The is no anticipated impact on carers regarding this proposed activity.

Are on a low income?		✓	Committing offences prohibited by the PSPO could result in a fine which some individuals on a low income may struggle to pay. It is recognised that begging can have ties with poverty and social exclusion, with individuals engaging in begging due to insufficient access to financial services. Officers routinely direct individuals to local support services in their interactions with beggars.
Are a Care Leaver?	✓		There is no anticipated impact on care leavers regarding this proposed activity.

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (E.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc.)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

Individuals affected by the PSPO are not anticipated to be more affected if they have more than one of the protected characteristics as:

- It would be their behaviour, rather than any one or a combination of protected characteristic(s) which would cause them to be adversely affected by the PSPO.
- Officers enforcing a PSPO are trained to identify any vulnerable circumstances while discharging their duties ensuring that these are considered and, where applicable, mitigated against e.g. by referring individuals with mental health issues to relevant local support services.

Officers are not aware of any other activities currently underway which are likely to impact on the same protected characteristic groups identified during this exercise.

Section 5: Analysis

A. How will the activity help to eliminate discrimination, harassment and victimisation?

Should the PSPO be implemented, authorised officers will be required to consider the needs of the individual and their personal circumstances to make an informed decision as to the appropriate action to take (support, words of advice, formal warning, fixed penalty or criminal justice approach). Any action taken will be required to be both proportionate and balanced against any risks posed either to the individual or the wider community. This will include but not be limited to, the seriousness of the offence, any history, the consequences of non-compliance and the likely effectiveness of the enforcement options.

A survey of homeless people by the charity Crisis in 2023 found that 9 out of 10 people sleeping rough have experienced violence or abuse. While the majority of beggars within Darlington are not “street homeless”, they are likely to be more vulnerable to both physical and verbal attacks. It is hoped that the introduction of the PSPO will assist in protecting them in relation to this.

B. How will the activity help to advance equality of opportunity?

A number of community services aiming to advance equality of opportunity are located within Darlington, including Libraries, the Dolphin Centre and Hopetown. By seeking to make Darlington safer for residents and visitors, the PSPO will encourage more families to visit these venues and others more regularly.


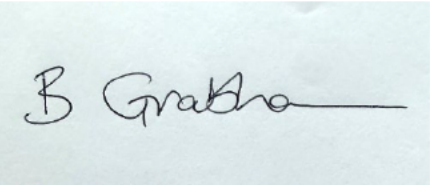
C. How will the activity help to foster good relations?

Consultation findings from the 2024/27 Council Plan show that 69% of respondents agreed with the statement that “supporting communities to remain safe and resilient by working with key agencies to address anti-social behaviour and crime issues in the community”. The PSPO used in conjunction with a wide range of other community safety actions will help foster good relations with the community and increase feelings of safety.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

There were a number of suggestions made by respondents to the consultation which have been considered by officers.

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed 	Name:	Scott Richardson
	Date:	28.04.2025
	Job Title:	ASB & Civic Enforcement Operational Manager
Assistant Director:		
Signed 	Name:	Ben Grabham
	Date:	28.04.2025
	Service:	Assistant Director – Environmental Services and Community Safety

Section 7 – Reporting of Findings and Recommendations to Decision Makers

Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)
<p>A. Negative impact identified – recommend continuing with the activity (Clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue. The EIA identifies potential problems or missed opportunities. Officers will advise to change the proposal to reduce or remove these adverse impacts, or the Council will achieve its aim in another way which will not make things worse for people. There must be compelling reasons for continuing with the proposal which will have the most adverse impacts.)</p>
Explanation of why the option above has been chosen (Including any advice given by legal services)
<p>The recommendation to continue with the activity has been chosen because:</p> <ul style="list-style-type: none"> Those protected characteristic groups identified as being more likely to be affected by the PSPO will only be affected because of their actions rather than because of a particular characteristic. Individuals affected will be dealt with effectively and fairly, before any enforcement of the prohibitions within the PSPO a warning must be given. In enforcing the prohibitions within the PSPO officers will use their discretion when dealing with the issues and take enforcement action only when necessary and proportionate. The multi-tiered approach taken to deal with begging is embedded within the Council and partner agencies, ensuring individuals are offered all necessary support and assistance. Authorised officers are trained in identifying and sensitively dealing with any vulnerabilities relating to protected characteristics to mitigate against any negative impacts.

**If the activity is to be implemented how will you find out how it is affecting people once it is in place?
(How will you monitor and review the changes?)**

If the Town Centre PSPO was renewed, a monitoring period would take place throughout the time the order was in force. Case management and reporting software is in place to enable the ease of monitoring.

Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Younger people more likely to be affected.	<p>Officers authorised are fully trained to ensure that where powers are used it is because of an individual's behaviour rather than a protected characteristic.</p> <p>Should an individual be affected by a PSPO who feels unfairly targeted or particularly negatively affected due to a protected characteristic, they will be able to appeal by following a formal appeals process.</p> <p>Where a vulnerability is identified relating to a protected characteristic during enforcement of the PSPO, officers are trained to respond in a sensitive and proportionate way.</p>	Scott Richardson, ASB & Civic Enforcement Operational Manager.	For the length of the Order.
People with mental health issues potentially more likely to be affected.			
People with learning impairments potentially more likely to be affected.		Scott Richardson, ASB & Civic Enforcement Operational Manager.	For the length of the Order.
Males more likely to be affected.		Scott Richardson, ASB & Civic Enforcement Operational Manager.	For the length of the Order.

Performance Management	
Date of the next review of the EIA	12 months.
How often will the EIA action plan be reviewed?	Until officers are fully confident that all required mitigations and actions required have been identified and completed.
Who will carry out this review?	ASB & Civic Enforcement Operational Manager.



EIA Screening Form and Record Form

Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

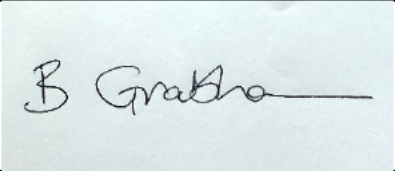
Directorate:	Environment, Highways & Community Services Group.
Service Area:	Community Safety.
Activity being screened:	Implementation of a Boroughwide Public Space Protection Order (PSPO).
Officer(s) carrying out the screening:	Scott Richardson
What are you proposing to do?	Implement a Boroughwide PSPO to equip officers (Police, Police Community Support Officers, Civic Enforcement Officers and any other authorised Council Officer) with powers to effectively deal with the prohibitions contained within the PSPO.
Why are you proposing this? What are the desired outcomes?	PSPO's are intended to limit and restrict specified activities which cause nuisance to our community. Legislation allows Councils to make an Order to restrict specified activities which have been judged to have a detrimental effect on the quality of life in a specified area.
Does the activity involve a significant commitment or removal of resources? Please give details	No.

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the activity relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the activity relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age	✓		
Disability	✓		
Sex (gender)		✓	
Race		✓	
Sexual Orientation		✓	
Religion or belief		✓	
Gender reassignment		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
Other			
Carer (unpaid family or friend)		✓	
Low Income	✓		
Rural Location		✓	
Care Leaver		✓	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No - officers deal with the issues on a day-to-day basis currently when patrolling the Borough		
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA: ✓
Reason for Decision	Sections of the community with a protected characteristic have been identified as potentially being more affected than others as a result of the implementation of the PSPO.		
Signed (Assistant Director)			
Date	20.03.2025		



Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 3** of the Equality Policy. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

Title of activity:	Implementation of a Boroughwide Public Space Protection Order (PSPO)	
Name of Directorate and Service Area:	Environment, Highways & Community Services Group	
Lead Officer and contact details	Scott Richardson Ext 6753	
Assistant Director accountable for this EIA	Ben Grabham	
Who else will be involved in carrying out the EIA:		

When did the EIA process start?	March 2025	
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Section 2 – The Activity and Supporting Information

Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)

It is proposed that a Boroughwide PSPO is implemented. If implemented, prohibitions within the PSPO would include:

- a) Begging
- b) Household Waste Presentation
- c) Allowing a dog to stray

While the PSPO is designed to prohibit certain activities, it is also designed to enable the public to feel that Darlington is a safe and welcoming place for all.

The responsibility for making an Order lies with the Council. The Council must, prior to making an Order, be satisfied on reasonable grounds, that the activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the community and, that the effect or likely effect of the activities:

- a) Is or is likely to be persistent or continuing.
- b) Is or is likely to be such as to make the activities unreasonable; and
- c) Justifies the restrictions imposed.

Where a PSPO is in force, a Police Officer, Police Community Support Officer (PCSO) or an authorised Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and request them to comply. If the individual does not comply with the request an offence is committed.

An offence of failing to comply with the prohibitions contained within the PSPO is punishable by a fine of up-to £1000 (£500 if the prohibition relates to the consumption of alcohol) or by a fixed penalty of up-to £100.

An offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by a Police Officer, PCSO or an authorised Council Officer. If the person follows the instruction, no further action is required. Any failure to comply with an instruction to desist from carrying out the prohibited activity would generally on the first instance lead to a Fixed Penalty Notice being issued, rather than a prosecution at Court.

Why is this being proposed? What are the aims? What does the Council hope to achieve by it? (e.g. to save money, meet increased demand, do things more efficiently)

The PSPO aims to address certain types of behaviour which has a detrimental effect on our communities. The effective action which has been taken to address begging in Darlington Town Centre has led to displacement of the issue to other parts of the Borough. The prohibition relating to begging within the PSPO will allow the same 4-tiered approach to dealing with the issue which exists within the Town Centre to expand to cover the whole of the Borough.

The introduction of the prohibition around household waste presentation will provide officers with a more effective and efficient way to deter the issue from occurring. The existing process requires repeated warnings to be given before enforcement action can be taken. The prohibition within the PSPO will streamline the process while retaining the requirement for effective communication with customers to safeguard those with additional needs by ensuring a warning is given prior to any enforcement action being taken.

The number of straying dogs is increasing, which is placing financial pressures on the rehoming charities, which they in turn have passed onto the Council. In placing a prohibition on allowing a dog to stray, the Council is seeking to encourage more responsible dog ownership. As mentioned previously, the Council would only consider the use of enforcement by way of a fixed penalty notice or prosecution if initial engagement and warnings did not work. There are exemptions within the PSPO for registered assistance dogs which may be found to be straying.

What will change? What will be different for service users/ customers and/ or staff?

As a result of the action taken in the Town Centre to deal with the issue of begging, the issue is being displaced to other areas with Darlington. Reports from members of the public show that beggars now are active in areas such as Cockerton, Neasham Road retail park, North Road retail park and Whinfield. The extension of the prohibition would allow the enforcement element of our four-tier approach to deal with the issue into any area of Darlington where begging occurs.

The introduction of a prohibition relating to household waste being misrepresented would allow for a fixed penalty notice to be issued should a resident continue to mispresent waste after a notice under s46 of the Environment Act 1990 being served. This is potentially more effective and efficient than the current process which requires a Community Protection Warning and Notice to be issued after the service of a s46 notice, before any enforcement action can commence.

There is increasing demand on the service in both volume and costs in addition to the need to kennel dogs found straying. The introduction of the allowing a dog to stray prohibition would allow officers to encourage more responsible dog ownership and to issue fixed penalty notices to those persons who repeatedly allow their dog to stray. Exemptions are in place within the prohibition for assistance dogs.

What data, research and other evidence or information is available which is relevant to the EIA?

Consultation findings from the 2024/27 Council Plan. The findings show that 69% of respondents agreed with the statement that “supporting communities to remain safe and resilient by working with key agencies to address anti-social behaviour and crime issues in the community”.

<https://democracy.darlington.gov.uk/documents/s22280/Appendix%20A.pdf>

2023 Crisis survey <https://www.crisis.org.uk/about-us/crisis-media-centre/it-would-take-your-soul-away-major-new-research-from-crisis-reveals-the-inhumanity-faced-by-people-sleeping-rough-in-england/>

Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

There is a requirement for a period of statutory consultation to be undertaken before a decision can be made to make an Order. It is imperative for the consultation to be accessible and engaging with those likely to be affected by the Order, both positively and negatively. The consultation in relation to this Order was open from 6 March 2025 to 16 April 2025.

Consultation was undertaken as follows:

- a) Social media.
- b) Council's web pages – information and draft order.
- c) Durham Constabulary.
- d) Durham Police & Crime Commissioner.
- e) The 700 Club.

There was a limited response to the consultation however, Durham Police & Crime Commissioner, Durham Constabulary and the 700 Club are fully supportive of the PSPO.

Darlington's operational response to begging is overseen by the multi-agency "begging group" whose membership includes:

- Durham Constabulary.
- 700 Club.
- Housing Services.
- DWP.
- Drug & Alcohol Services.
- Civic Enforcement.
- Regional Rough Sleeper Coordinator.

The group members are in support of the PSPO being extended to cover the whole of Darlington following the displacement of begging outside of the Town Centre PSPO area.

What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

The implementation of the PSPO will be cost neutral to the Council.

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc.)
Age		✓	✓	<p>Older residents may have difficulties manoeuvring full waste bins from within the boundary of their properties into the specified location for collection. Where residents are identified, contact will be made with StreetScene to place the property onto the assisted bin collection register.</p> <p>Older residents have reported feeling unsafe when passing beggars and therefore are likely to be positively impacted by the introduction of the PSPO.</p>
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)		✓	✓	<p>Persons with disabilities may have difficulties manoeuvring waste bins from within the boundary of their properties into the specified location for collection. Where residents are identified, contact will be made with StreetScene to place the property onto the assisted bin collection register.</p> <p>Persons with registered assistance dogs have exemptions within the PSPO should the dog be found straying.</p> <p>Persons with disabilities have reported feeling unsafe in locations where begging is prevalent and therefore are likely to be positively impacted by the introduction of the PSPO.</p>
Sex (Gender)	✓			<p>There is no anticipated impact on sex as a protected characteristic group regarding this proposed activity.</p>

Race	✓			The is no anticipated impact on race as a protected characteristic group regarding this proposed activity.
Gender Reassignment	✓			The is no anticipated impact on gender reassignment as a protected characteristic group regarding this proposed activity.
Sexual Orientation	✓			The is no anticipated impact on sexual orientation as a protected characteristic group regarding this proposed activity.
Religion or belief	✓			The is no anticipated impact on religion or belief as a protected characteristic group regarding this proposed activity.
Pregnancy or maternity	✓			The is no anticipated impact on pregnancy or maternity as a protected characteristic group regarding this proposed activity.
Marriage or civil partnership	✓			The is no anticipated impact on marriage or civil partnership as a protected characteristic group regarding this proposed activity.
How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc.)
Live in a rural location?	✓			The is no anticipated impact on rural locations regarding this proposed activity.
Are carers?	✓			The is no anticipated impact on carers regarding this proposed activity.

Are on a low income?			✓	Committing offences prohibited by the PSPO could result in a fine which some individuals on a low income may struggle to pay. It is recognised that begging can have ties with poverty and social exclusion, with individuals engaging in begging due to insufficient access to financial services. Officers routinely direct individuals to local support services in their interactions with beggars.
Are a Care Leaver?	✓			The is no anticipated impact on care leavers regarding this proposed activity.

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (E.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc.)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

Individuals affected by the PSPO are not anticipated to be more affected if they have more than one of the protected characteristics as:

- It would be their behaviour, rather than any one or a combination of protected characteristic(s) which would cause them to be adversely affected by the PSPO.
- Officers enforcing a PSPO are trained to identify any vulnerable circumstances while discharging their duties ensuring that these are considered and, where applicable, mitigated against e.g. by referring individuals with mental health issues to relevant local support services.

Officers are not aware of any other activities currently underway which are likely to impact on the same protected characteristic groups identified during this exercise.

Section 5: Analysis

D. How will the activity help to eliminate discrimination, harassment and victimisation?

Should the PSPO be implemented, authorised officers will be required to consider the needs of the individual and their personal circumstances to make an informed decision as to the appropriate action to take (support, words of advice, formal warning, fixed penalty or criminal justice approach). Any action taken will be required to be both proportionate and balanced against any risks posed either to the individual or the wider community. This will include but not be limited to, the seriousness of the offence, any history, the consequences of non-compliance and the likely effectiveness of the enforcement options.

A survey of homeless people by the charity Crisis in 2023 found that 9 out of 10 people sleeping rough have experienced violence or abuse. While the majority of beggars within Darlington are not “street homeless”, they are likely to be more vulnerable to both physical and verbal attacks. It is hoped that the introduction of the PSPO will assist in protecting them in relation to this.

E. How will the activity help to advance equality of opportunity?

A number of community services aiming to advance equality of opportunity are located within Darlington, including Libraries, the Dolphin Centre and Hopetown. By seeking to make Darlington safer for residents and visitors, the PSPO will encourage more families to visit these venues and others more regularly.


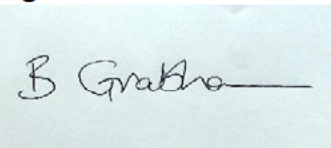
F. How will the activity help to foster good relations?

Consultation findings from the 2024/27 Council Plan show that 69% of respondents agreed with the statement that “supporting communities to remain safe and resilient by working with key agencies to address anti-social behaviour and crime issues in the community”. The PSPO used in conjunction with a wide range of other community safety actions will help foster good relations with the community and increase feelings of safety.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

There were a number of suggestions made by respondents to the consultation which have been considered by officers.

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed 	Name:	Scott Richardson
	Date:	28.04.2025
	Job Title:	ASB & Civic Enforcement Operational Manager
Assistant Director:		
Signed 	Name:	Ben Grabham
	Date:	28.04.2025
	Service:	Environmental Services & Community Safety

Section 7 – Reporting of Findings and Recommendations to Decision Makers

Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)
<p>B. Negative impact identified – recommend continuing with the activity (Clearly specify the people affected, the impacts and providing reasons and supporting evidence for the decision to continue. The EIA identifies potential problems or missed opportunities. Officers will advise to change the proposal to reduce or remove these adverse impacts, or the Council will achieve its aim in another way which will not make things worse for people. There must be compelling reasons for continuing with the proposal which will have the most adverse impacts.)</p>
Explanation of why the option above has been chosen (Including any advice given by legal services)
<p>The recommendation to continue with the activity has been chosen because:</p> <ul style="list-style-type: none"> Those protected characteristic groups identified as being more likely to be affected by the PSPO will only be affected because of their actions rather than because of a particular characteristic. Individuals affected will be dealt with effectively and fairly, before any enforcement of the prohibitions within the PSPO a warning must be given. In enforcing the prohibitions within the PSPO officers will use their discretion when dealing with the issues and take enforcement action only when necessary and proportionate. The multi-tiered approach taken to deal with begging is embedded within the Council and partner agencies, ensuring individuals are offered all necessary support and assistance. Authorised officers are trained in identifying and sensitively dealing with any vulnerabilities relating to protected characteristics to mitigate against any negative impacts.

If the activity is to be implemented how will you find out how it is affecting people once it is in place?
(How will you monitor and review the changes?)

If the Boroughwide PSPO was made a monitoring period would take place throughout the time the order was in force. Case management and reporting software is in place to enable the ease of monitoring.

Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Older people more likely to be affected.	Officers authorised are fully trained to ensure that where powers are used it is because of an individual's behaviour rather than a protected characteristic.	Scott Richardson, ASB & Civic Enforcement Operational Manager.	For the length of the Order.
People with mental health issues potentially more likely to be affected.			
People with mobility issues potentially more likely to be affected.	Should an individual be affected by a PSPO who feels unfairly targeted or particularly negatively affected due to a protected characteristic, they will be able to appeal by following a formal appeals process.	Scott Richardson, ASB & Civic Enforcement Operational Manager.	For the length of the Order.
People with learning impairments potentially more likely to be affected.			
	Where a vulnerability is identified relating to a protected characteristic during enforcement of the PSPO, officers are trained to respond in a sensitive and proportionate way.	Scott Richardson, ASB & Civic Enforcement Operational Manager.	For the length of the Order.

Performance Management	
Date of the next review of the EIA	12 months.
How often will the EIA action plan be reviewed?	Until officers are fully confident that all required mitigations and actions required have been identified and completed.
Who will carry out this review?	ASB & Civic Enforcement Operational Manager.

Guidance and Application of PSPO powers

Town Centre PSPO

Prohibition	Use
Alcohol prohibitions	<p>In areas frequented by known “street drinkers” (e.g. St Peters Churchyard & Tubwell Row) officers will approach the individuals and advise them of the terms of the order and request that they either stop drinking and surrender any alcohol or move outside of the PSPO area. If persons do not comply with the instructions, their details will be obtained, and a fixed penalty notice (FPN) will be issued.</p> <p>The prohibition may also be used where events are taking place within the PSPO area and persons are becoming problematic but not committing public order offences.</p> <p>This will not be applied to responsible legal alcohol consumption. For example, a picnic or other event.</p>
Feeding wild birds	<p>Persons who are witnessed feeding wild birds in the PSPO area, where it is generating issues to others, to businesses and placing increased demand on Council and partner resources, will be approached and advised of the terms within the PSPO and requested to stop.</p> <p>Where these persons continue to feed the wild birds, their details will be taken, and a FPN will be issued.</p>
Anti-social use of cycles etc.	<p>Where persons are witnessed riding/skating in an anti-social manner, where it is generating issues to others, to businesses and placing increased demand on Council and partner resources or causing damage; and as outlined in the order they will be approached by officers and instructed to stop.</p> <p>If the person is identified as aged between 10 and 18 and carries out the instruction to stop, a verbal warning will be given, this being followed up in writing to both the young person and their parent/guardian. Where the behaviour continues despite this instruction the details will be taken and action taken as detailed below.</p> <p>Aged 18+ – A FPN will be issued</p>

	<p>Persons aged 16 & 17 – details will be taken, and consultation will take place with the Youth Justice & Engagement Service as to whether a FPN should be issued. If a FPN is issued, the parent/guardian will be informed. Where a FPN is not considered to be the appropriate action, a referral into the youth justice & engagement service will be made to work with the young person to prevent further offending.</p> <p>Persons aged 14 & 15 - details will be taken, and consultation will take place with the Youth Justice & Engagement Service as to whether a FPN should be issued. If a FPN is issued, the parent/guardian will be informed. Where a FPN is not considered to be the appropriate action, a referral into the youth justice & engagement service will be made to work with the young person to prevent further offending.</p> <p>Persons aged between 10 & 13 – a FPN will not be issued, a referral to the youth justice and engagement service will be made to work with the young person to prevent further offending.</p>
Threatening behaviour	<p>Persons engaging in threatening behaviour will initially be instructed to stop. If the behaviour continues, details will be obtained, and the appropriate action would be taken as detailed below;</p> <p>Aged 18+ – A FPN will be issued</p> <p>Persons aged 16 & 17 – details will be taken, and consultation will take place with the Youth Justice & Engagement Service as to whether a FPN should be issued. If a FPN is issued, the parent/guardian will be informed. Where a FPN is not considered to be the appropriate action, a referral into the youth justice & engagement service will be made to work with the young person to prevent further offending.</p> <p>Persons aged 14 & 15 - details will be taken, and consultation will take place with the Youth Justice & Engagement Service as to whether a FPN should be issued. If a FPN is issued, the parent/guardian will be informed. Where a FPN is not considered to be the appropriate action, a referral into the youth justice & engagement service will be made to work with the young person to prevent further offending.</p>

	Persons aged between 10 & 13 – a FPN will not be issued, a referral to the youth justice and engagement service will be made to work with the young person to prevent further offending.
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Boroughwide PSPO

Prohibition	Use
Begging	<p>The approach to dealing with those begging within the Town Centre will be continued boroughwide. Those persons who are found to be begging are offered support with finding accommodation, support to overcome any addictions they may have and encouraged to stop begging and move away from the location before any enforcement action is considered. Those persons found to be habitually begging are discussed at the bi-monthly multi-agency “Begging Group” with agreed targeted actions to support the individual to stop begging.</p> <p>Those individuals who continue to beg despite being offered all available support will be issued FPN’s. Further enforcement action to prevent the individual from carrying out the behaviour in the area will also be considered where the begging group consider it proportionate (e.g. injunctions or criminal behaviour orders).</p>
Household Waste Presentation	<p>Those individuals who are found to be presenting household waste incorrectly on the first instance will be issued with a warning letter and a notice under s46 of the Environment Act 1990 which specifies how waste must be presented in the future. Should any support needs be identified at this time, e.g. assisted bin collection, these will be actioned by the officer.</p> <p>Should an individual continue to present household waste incorrectly a FPN will be issued. Those individuals who habitually present waste incorrectly may be summonsed to Court for the offence.</p>
Allowing a dog to stray	<p>Where a dog is found straying for the first time a warning letter for breaching the PSPO will be issued to the owner stating that if the dog is found to be straying again then a FPN may be issued.</p> <p>A FPN could be issued for allowing dogs to stray and are non-microchipped or those with incorrect chip details. Where a dog is found straying on more than one occasion a FPN will be issued to the owner.</p>

	Should an owner habitually allow their dog to stray, consideration will be given for a file to be presented to Court of prosecution. Assistance dogs are exempt from the PSPO.
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