

Durham County Council

Begging, Public Urinating and Defecating and the Use of Intoxicating Substances in Durham City Public Spaces Protection Order 2024

Durham County Council by virtue of Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) is satisfied that the conditions set out in Sections 59, and 72 of the Act have been met and hereby makes the following Public Spaces Protection Order:

- 1) The Order may be cited as the Durham County Council Public Spaces Protection Order to control begging, public urinating and defecating and the use of intoxicating substances in Durham City and will come into force on 16th October 2024 and will remain in force for three years unless extended under Section 60 of the Act.
- 2) The Order applies to the red area outlined on the plan shown at Schedule 1 known as the "Restricted Area".
- 3) The effect of the Order is to prohibit begging, urinating and defecating in public and to prohibit the use of psychoactive substances in public.
- 4) An "Authorised Officer" for the purpose of this Order is defined as a Constable or a Police Community Support Officer authorised by Durham Constabulary, or a person authorised by Durham County Council.

Prohibitions

5) **Begging:**

Any person is prohibited from begging. The act of begging is deemed as either approaching people for money, or being stationary and directly asking people for money, or positioned on the floor to invite the offer of money or goods. In particular:

- a) No person shall beg by a cash point, in a shop doorway or on public transport.
- b) No person shall approach persons in the street in order to beg for money.
- c) No person shall engage in any activity in the street that is linked to begging that is causing a public nuisance such as obstruction of doorways or pavements, or unreasonable behaviour whilst intoxicated, or acting in a threatening, abusive or insulting manner.
- d) No person shall be sitting or loitering whilst in possession of signage or other items for the purposes of begging or soliciting money.

6) Urinating or defecating in a public place:

- a) No person shall urinate or defecate in any public place other than by use of a lavatory.

7) Using intoxicating substances/ drugs in a public place:

Psychoactive Substances are those which are defined by section 2 of the Psychoactive Substances Act 2016, such as those which can produce a psychoactive effect in a person who consumes them.

- a) No person shall ingest, inhale, inject, smoke or otherwise use psychoactive substances without a reasonable excuse.
- b) A reasonable excuse can include:
 - Substances which are used for a medicinal or a therapeutic purpose.
 - A food product that is regulated and not prohibited by food, health and safety legislation.
- c) Exemptions to paragraph 7(a) apply to substances included in Schedule 1 of the Psychoactive Substances Act (except controlled drugs within the meaning of the Misuse of Drugs Act 1971) and include but are not limited to:
 - A standard cigarette, pipe or vape containing tobacco or nicotine products only.
 - The consumption of alcohol; this activity is subject to a separate Public Space Protection Order made by the Council.

Requirements

- 8) A person in breach of paragraph 7(a) (except where an exemption applies under paragraph 7(a), (b) or (c)) shall surrender such psychoactive substance in their possession to an Authorised Officer upon request, and that Authorised Officer may dispose of such substance as appropriate.

Penalty

- 9) A person who fails without reasonable excuse to comply with a prohibition or requirement imposed by this Order commits a criminal offence and is liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- 10) A fixed penalty notice may be issued by an Authorised Officer in accordance with Section 68 of the Act as an alternative method of disposal of an offence under Section 67 of the Act.

Schedule 1

EXECUTED as a **DEED** (but not delivered until the date of it) by the affixing of **THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM** By Order:

Authorised Sealing Officer
(A permanent Officer of the County Council)



