

**Middlesbrough Council**  
**Middlesbrough Area Cemeteries and Crematorium Public Spaces Protection**  
**Order 2016 (“the Order”)**  
**Anti-Social Behaviour, Crime and Policing Act 2014**

Middlesbrough Council (“the Council”) in exercise of its powers under Sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following Order:

1. This Order shall be cited as the Middlesbrough Area Cemeteries and Crematorium Public Spaces Protection Order 2016 (“the Order”).
2. The Order shall come into operation on the *[31 March 2017]* and shall remain in force for a period of three years, unless extended by further orders under the Council’s statutory powers.
3. The Order relates to the land in Middlesbrough set out in Schedule 1 to the Order and is shown edged in red on the plan attached to the Order, (the “Restricted Area”) being a public place in the Council’s area to which the Act applies.
4. The Council is satisfied on reasonable grounds that the condition in Section 59(2) of the Act has been met in that the activities carried on in the Restricted Area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the Restricted Area and that they will have such an effect. The activities are as follows:
  - Dogs being off lead causing or likely to cause intimidation
  - Dog faeces not being removed
  - Fires being lit
  - Theft of items from graves and damage to graves
  - Drunkenness
  - Drug misuse
  - Graffiti and vandalism
  - Alcohol and drug related group anti-social behaviour
  - Individuals and groups using threatening, intimidating or abusive words or behaviour to others
5. The Council is satisfied on reasonable grounds that the condition in Section 59(3) of the Act has been met in that the effect or likely effect of the activities described in Article 4 above is, or is likely to be, of a persistent and continuing nature as to make the said activities unreasonable and justifies the restrictions imposed by the Order.
6. The effect of the Order is to impose the prohibitions and requirements set out in Schedule 2 to the Order in the Restricted Area to all persons at all times. The Council is satisfied the prohibitions or requirements will prevent or reduce



A person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

Placing the faeces in a receptacle on the Restricted Area which is provided for the purpose for the disposal of waste, shall be sufficient removal from the Restricted Area.

Being unaware of the defecation or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

3. No person shall have in his or her possession an unsealed container containing alcohol.
4. No person shall consume alcohol or shall be drunk.
5. No person shall light, or attempt to light fires or encourage or incite another person to light or attempt to light fires.
6. No person shall use violence against another person or threaten or intimidate any other person with violence
7. No person shall use, or shall encourage another person to use, threatening, insulting or abusive words or behaviour to another person.
8. No person shall congregate in a group of more than three people where the behaviour of the group as a whole has caused or is likely to cause harassment, alarm or distress.

### **SCHEDULE 3**

#### **Exemptions to the Order referred to in Article 7:**

1. Paragraphs 1 and 2 of Schedule 2 to the Order shall not apply to:
  - a. a person who is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948,
  - b. a person who has a disability which affects his or her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise remove every day object in relation to a dog trained by a registered charity and upon which he or she relies on for assistance.
2. For the purposes of Paragraphs 3 and 4 of Schedule 2 to the Order "alcohol" means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but does not include the following as described in Section 191 of the Licensing Act 2003:
  - a. alcohol which is of a strength not exceeding 0.5%.
  - b. perfume,

- c. flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
  - d. the aromatic flavouring essence commonly known as Angostura bitters,
  - e. alcohol which is, or is included in, a medicinal product or a veterinary medicinal product.
  - f. denatured alcohol,
  - g. methyl alcohol,
  - h. naphtha, or
  - i. alcohol contained in liqueur confectionery.
3. Paragraph 5 of Schedule 2 to the Order shall not apply to any person who burns incense or other materials for the purposes of a religious practice recognised by the Council.

#### **SCHEDULE 4**

##### **The effect of failing to comply with the Order referred to in Article 8:**

1. If a person fails, without reasonable excuse, to comply with paragraphs 3 and 4 of Schedule 2 to the Order and that person fails to stop consuming alcohol or fails to surrender any alcohol in his or her possession when asked to do so a police officer or officer authorised by the Council, he or she commits an offence under Section 63 of the Act and is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.00.
2. If a person fails, without reasonable excuse, to comply with Paragraphs 1 and 2 and Paragraphs 5 to 8 inclusive of Schedule 2 to the Order he or she commits an offence under Section 67 of the Act is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.