**Closure Powers**

**What are Closure Powers**

Closure Powers were extended in Part 1 of the Anti-Social Behaviour, Crime & Policing Act 2014.

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. The power comes in 2 stages –

* Closure Notice – the police and/or Council can issue a closure notice on a property for up to 48 hours requiring part or all of the people at the premises to move out immediately
* Closure Order – an application is made to the magistrates’ court for an order and can close a property for up to 6 months

**What is the legal test for closure?**

A Closure Notice can be issued for 24 or 48 hours if the council or police officer is satisfied on reasonable grounds –

* That the use of a particular premises has resulted in or is likely to result in, nuisance to members of the public, or
* That there has been, or is likely to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The Closure Notice should:

* identify the premises;
* explain the effect of the notice;
* state that failure to comply with the notice is an offence;
* state that an application will be made for a closure order;
* specify when and where the application will be heard;
* explain the effect of the closure order; and
* give contact details of persons and organisations in the area that provide advice about housing and legal matters.

A Closure Order can subsequently be issued if the court is satisfied:

* That a person has engaged, or is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
* That the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public; or
* That there has been, or is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

**What happens next?**

With every issue of a Closure Notice, an application must be made to the magistrates’ court for a Closure Order. The courts are required to hear the application within 48 hours of the service of the Closure Notice.

If the Court awards a Closure Order, only authorised persons will be able to access the premises. It is an offence for any other individual to enter the premises.

There is no requirement for agencies or the Landlord to provide alternative accommodation during the period of closure.

Breaching a Closure Notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

Breaching a Closure Order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

If you are a Council tenant and have a Closure Order, your Landlord has the right to request possession of the property through the Absolute (mandatory) Grounds for Possession.

**Who can appeal**

A Closure Notice cannot be appealed. A Closure Order can be appealed through the Crown Court and must be made within 21 days beginning with the date of the decision to which the appeal relates.