

## **Closure Powers**

A Closure Power allows us to restrict access to properties or open land, whether enclosed or not, that have been identified as a source of ASB and crime. Closure powers can ban specified people entering a premises, and in some cases, even the owner, or main resident.

There are two types of closure powers, Notices and Orders, which this guide will explain. It will go through the process of obtaining them in a straightforward manner and guide officers in their use with best practice examples.

## **Points to Prove**

You must show the use of a premises either:

Has already resulted in; or

If the notice is not issued – is likely soon to result in nuisance to members of the public.

Or

There has already been; or

If the notice is not issued – is likely soon to be disorder near those premises associated with the use of those premises.

The notice is necessary to prevent either the nuisance or disorder from continuing, recurring, or occurring.

## **Closure Notice**

A closure notice can last for up to 48 hours and be issued by the council or the police without the requirement to attend court. Nuisance behaviour or disorder must be suspected before a notice can be issued.

An inspector can authorise a closure notice for 24 hours. For a further 24 hours, a Superintendents authority is required.

Note: under a notice, you cannot prohibit access to the owner of the premises or any persons habitually resident at the premises.

## Closure Order

A closure order can last for 3 months, though they must be obtained from a court. An extension can be granted for up to 6 months by applying to the magistrates with authorisation from an inspector on the extension order form.

An order is a very useful tool for long term problem solving, rather than a short period.

**An order must be obtained before the notice period runs out.**

## Consultation

Before you issue either a Notice or an Order, you must show you have consulted with those with an interest in the property, business, or land. This consultation will be evidenced in **Form 121**, found on the intranet. For example, you'd consult with a tenant, or landlord where possible of a house, a landlord of a pub, or the manager of a shop.

The written authorisation for a notice is on **Form 121a** for both 24 hour inspector authorisation and 48 hour superintendent authorisation.

Consultation to be shown on **Form 121**

Authorisation shown on **Form 121a**

Note: under an order, you can prohibit access to the owner or persons habitually resident at the premises.

## Obtaining a Closure Notice

Where you have identified a source of disorder requiring a restriction to the premises or land, then ensure you have gathered evidence in the form of