

NEIGHBOURS, EVERYBODY NEEDS GOOD
NEIGHBOURS: CLOSURE ORDERS UNDER THE
ANTI-SOCIAL BEHAVIOUR, CRIME AND
POLICING ACT 2014

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Disclaimer

This seminar is aimed at providing an oversight and should not be considered as an alternative to fully informed legal advice.

About the Speaker

Gillian Crew (Call: 1998)

Gillian has a busy employment law practice in both advice and litigation and has been practising in employment law for 18 years. Her practice includes the whole range of employment issues, with particular expertise in complex discrimination claims.

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NEIGHBOURS EVERYBODY NEEDS GOOD NEIGHBOURS



CONTEXT

- Nuisance/ASB possession claims time consuming
- ASB = political issue impacting property rights
- Previous draconian powers – EG ASBO and closure orders under Anti-Social Behaviour Act 2003.
- Closure orders – s 76 – 80 of the Anti-Social Behaviour, Crime and Policing Act 2014.

ANTI-SOCIAL BEHAVIOUR



"I want to take out an anti-social behaviour order."

ANTI-SOCIAL BEHAVIOUR

- If you need to ask... causes or likely to cause harassment, alarm and distress
- repeated and persistent
- Playing music, banging doors, barking dogs, blocking corridors, feeding pigeons, revving engines, defacing property, tampering with meters, shouting, swearing, parking illegally, threatening, harassing, loitering, possessing/taking/supplying drugs

CLOSURE NOTICE

- Anti-social Behaviour case review – persistent = 3 complaints.
- **S 76** - *A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—*
- *(a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or*
- *(b) that there has been, or (if the notice is not issued) is likely soon 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.*

CLOSURE NOTICE

- Reasonable steps to inform not to consult
- Must contain prescribed information
- Served on premises
- Exclude all but named persons
- Application for closure order must be made in 48 hours

CLOSURE ORDER



Section 80

- 5) *The court may make a closure order if it is satisfied—*
- *(a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or*
- *(b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or*
- *(c) that there has been, or (if the order is not made) 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.*

PRACTICAL TIPS

- Power to adjourn – only up to 14 days
- Use of hearsay evidence – hard for Rs to challenge
- S 80(7) – more flexible power than 2003 Act – doesn't have to exclude tenant
- Max 3 months – with power to extend for further 3
- Criminal offence to remain on premises without reasonable excuse.
- Can lead to possession order