

Closure Orders under the Antisocial Behaviour Act 2004 Advice to Tenants and Occupiers

If you have received a CLOSURE NOTICE under the ANTI-SOCIAL BEHAVIOUR ACT, it means that the Police believe that your property is:

- Associated with Class A drug activity (such as heroin or crack) and
- Is associated with disorder or serious nuisance – like local crime, noise, or dealing, or drug use which is upsetting neighbours.

The Police will apply to a Magistrates court to get a Closure Order. If the court issues a Closure Order, your home will be sealed by the Police and you can be arrested if you try to re-enter your home. The court hearing will take place very quickly.

If you have been issues with a Closure Order, it might have been attached to your house, given to someone in the house or posted through your letterbox. The Police might use force to enter your property to issue this letter. You can be arrested if you obstruct them.

About a Closure Notice:

If you normally live in the house, you can stay there while the Closure Notice is in force. But other people, including visitors can be arrested if they enter the property while it is under a Closure Notice.

DO NOT IGNORE the Closure Notice. If you think that you are being treated unfairly you MUST act quickly.

The closure notice will give the Date and Time and Place of a Court Hearing. It will also give details of legal and housing agencies that should be able to help you. But you will have to act quickly.

Get in touch with the CAB, a solicitor, your local Drugs Agency for advice and help. Don't waste anytime.

How to respond to a closure notice:

- The property in question must be associated with Class A drug use AND nuisance or disorder; there must be evidence of both. If the property is not associated with nuisance or disorder it should be possible to challenge an application for a Closure order.
- The property MUST be the subject of a properly-issued Closure Notice. If a closure notice has not been served properly, a closure order cannot be issued. Increasingly the police will want to serve a closure notice on an individual; otherwise it will be posted to the house and affixed to a door.
- The Closure Notice will specify the Date, Time and Place of the Court Hearing that will determine if a Closure Notice will be issued. You will have to act very quickly.

- If the occupier or tenant wished to challenge a closure order they will need to attend court and should get legal representation as soon as possible. It is essential that this is done very rapidly as from the point of Closure Notice, a Closure Order will be sought and issued within 48 hours.
- With legal representation, the occupier or tenant should attend court and apply for an adjournment; this should allow for proper submissions to be prepared and submitted. The court can grant a period of adjournment for up to 14 days.
- The occupier and legal team should return to court and provide grounds to challenge the application for a closure order. This could include:
 - demonstration that the property is not associated with Class A drug use. This could be supported by evidence of drugs workers, housing support workers, evidence from drug treatment projects etc
 - evidence that the property is not associated with disorder or nuisance: this could come from supporting evidence from other neighbours, evidence from Housing Support workers, diary to demonstrate that nuisance is caused by others, etc
 - proposals that other approaches will resolve the nuisance or disorder: this include a willingness to attend treatment, agreement to exclude visitors who cause nuisance, or willingness to change behaviour that is causing nuisance.
 - other submissions that support the contention that the issuing of a closure order is not an appropriate response.
- If a Property is closed, the person will be homeless. It is ESSENTIAL at this point that they do NOT surrender their tenancy (if they have one) at this point as they may be considered intentionally homeless. They should continue to seek legal advice, and make a decision as to whether they wish to take further action.
- They can apply to the court for the Closure Order to be discharged, but would have to demonstrate to the court's satisfaction that the nuisance or disorder would not recur.
- Given sufficient legal back-up and a strong case, there may be scope to mount a legal challenge to a closure order, but this will require extensive legal support and resources.
- If you are squatting remember, these powers were intended to close properties associated with Class A drug use and serious nuisance. Squatters who are using drugs recreationally and are not causing disorder or serious nuisance should NOT be on the receiving end of such closure orders. It is important that efforts are made to challenge misuse of such powers in the courts.

**ACT QUICKLY: GET LEGAL ADVICE:
GET AN ADJOURNMENT: PREPARE A CASE.**

'How to respond to a Closure Notice': KFx 2005: www.ixion.demon.co.uk
@ntcopyright: copy and redistribute