

Anti-social Behaviour, Crime and Policing Act 2014

Dispersal Powers (Chapter 1 Part 2 of the Act - section 34 and 35)

If an officer (a constable in uniform and police community support officer) has reasonable grounds to suspect that someone is contributing, or is likely to contribute to anti-social behaviour or crime or disorder in an area, dispersal powers allow them to direct that person to leave a specified locality for a period of up to 48 hours. They can also request that certain property is surrendered for the duration of that period, such as any alcoholic drink. In exercising these powers officers must have regard to the European Convention rights of freedom of expression and assembly.

Public Spaces Protection Order (Chapter 2 of the Act – section 59)

A local authority can make a public spaces protection order to prohibit alcohol consumption subject to certain conditions being satisfied.

The first condition is that:

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—

(a) is, or is likely to be, of a persistent or continuing nature,

(b) is, or is likely to be, such as to make the activities unreasonable, and

(c) justifies the restrictions imposed by the notice.

A public spaces protection order will not be applicable to areas covered by a permission under the Licensing Act 2003 or a pavement/highways consent.

Closure Notices (Chapter 3 of the Act – section 76)

If the police or a local authority are satisfied on reasonable grounds that use of a particular premises has resulted or is likely to result in nuisance to members of the public, or that there has been or is likely to be disorder near the premises which is associated with the use of the premises then they may issue a closure notice which prohibits access to the premises for a period specified in the notice, up to a maximum of 48 hours.

There are various rules in respect of notification requirements and service of the closure notice but there is no hearing, the notice applies immediately and so the premises must close immediately.

Closure Orders

Whenever a closure notice is issued and not cancelled an application must be made to the Magistrates Court for a closure order. The application must be heard by the Magistrates within 48 hours of the original closure notice being issued.

A closure order is an order prohibiting access to the premises for a period of time not exceeding 3 months. At any time before expiry, an application for an extension to the order can be made to the Magistrates.

Instead of a closure order, the Court may order that the closure notice is extended by up to 48 hours.

An application for the closure order to be discharged may be made at any time before its expiry.

There is also a right of appeal to the Crown Court, which must be made within 21 days from date of decision to which it relates.

The Court may, on application and in specific circumstances, order reimbursement of costs incurred in dealing with closure of the premises, or compensation for losses.