

## **Premises Closure Orders**

1. Premises Closure Orders (PCOs) were introduced in the Criminal Justice and Immigration Act 2008, which amended the ASB Act 2003 and they commenced on 1<sup>st</sup> December 2008. The order is designed to tackle serious and persistent forms of anti social behaviour when other remedies have failed to resolve the problem.
2. The powers in the Act are tenure neutral and can be utilised in relation to any type of premises. The PCO process can be instigated by either the Police or the Council following consultation a closure notice can be served on the owner and those using the premises by an officer of the council or a police constable, a power of entry is attached to the notice. Once a notice is served an order must be sought within 48 hours whether the behaviour improves or not. This allows the residents' time to remove their belongings from property.
3. Residents served with a notice will need to take steps to find alternative accommodation however if they approach the council it is likely that they will be found intentionally homeless. It may also prove problematic in the private rented sector as many landlords are members of the Landlord Liaison Scheme and they reference prospective tenants before offering a tenancy. A draft protocol with Housing Options is under consideration that includes a referral process making them part of the consultation at an early stage.
4. There will need to be consultation with CESC when there are children in the property however as this is a measure of last resort it is likely that social workers will have been involved in discussions at a much earlier stage.
5. An offence is created if someone remains in the property or enters the property that is subject to the PCO without reasonable excuse or obstructs an officer or PC during the process. The maximum penalty is £5,000, imprisonment of 51 weeks, or both. The PCO comes into force immediately after the Court makes the order.
6. The maximum length of the PCO is three months however it is possible to seek an extension to six months. The authorising officer can apply to have the order discharged early rather than leave the property empty, this could be done if the tenant gave up the tenancy.

7. The instigating party are responsible for the costs of boarding up the property but they can apply to the Magistrates Court for the recovery of costs against the owner, to do this an application must be made within three months of expiry of the order. We have made a number of enquiries about costs for boarding up. To fit full shutters to a property the current costs the council pays is £350 - £400 with ongoing weekly maintenance costs of around £30 per week. So the total cost will be around £800.
8. The type of property dictates the level of security needed for the duration of the order. If the premises are a House in Multiple Occupation and only some of the accommodation will be closed then it would be inappropriate to board up the property and additional locks and padlocks would be used as an alternative. The Safe at Home scheme use locksmiths and current costs including call out charges are around £100 per lock.
9. If the order is used against a private landlord they are still entitled to their rent from the tenant. If the tenant is receiving housing benefit and it is being paid direct to the landlord they will continue to receive this until the tenant makes a claim at another property when this will cease. If they have been overpaid rent then housing benefit will seek to recover this from the landlord.
10. It is clear from the guidance that these orders are a tool of last resort so it is unlikely that they will be used frequently. The costs of boarding up will need to be found by either the council or the police and in the case of the council the community safety team do not have a budget for this so funding would need to be found within the current budgets, this is possible provided that PCOs are not used frequently. Tristar Homes have agreed that they will cover boarding up costs for the properties they manage and a similar agreement is being sought with other RSLs. For owner occupied and privately rented properties it is proposed that the instigating party (Police or Council) should cover the boarding up costs and that in every case recovery of these costs will be sought.
11. Members are asked to consider this report and to agree the recommendations on boarding up costs and the subsequent recovery of them.

Community Safety Manager  
1<sup>st</sup> May 2009