

Community Safety Partnership (CSP) Executive

18 October 2010

Policing and Crime Act 2009 – Closure Order Provisions

1.0 New Prostitution Provisions

1.1 These provisions came into force on 1st April 2010 and amend existing statutes relating to the law on prostitution.

2.0 Premises Closure Notice and Order: Sexual offences

2.1 Section 21 and Schedule 2 of the Policing and Crime Act 2009 insert a new Part into the Sexual Offences Act 2003 granting the courts the power to close, on a temporary basis, premises being used for activities related to certain sexual offences.

2.2 Service of a Closure Notice by the police will prevent anyone from entering or remaining on the premises, unless they regularly reside in or own the premises, until a magistrates' court decides whether to make a Closure Order. If the court is satisfied that the relevant conditions are met, the court can make a Closure Order for a period of up to three months.

2.3 A Police Officer not below the rank of police superintendent can authorise the issue of a Closure Notice if three conditions are met:

(i) The first condition is that there must be reasonable grounds to believe that during the relevant period the premises were used for activities relating to one or more of the specified prostitution offences and/or specified pornography offences.

The relevant period is three months ending with the day on which the officer is considering whether to authorise the issue of the notice. This condition will not be met if only one person obtains all of the sexual services in question.

(ii) The second condition is that the officer has reasonable grounds for believing that the making of a Closure Order is necessary to prevent the premises being used for activities related to one or more specified prostitution or pornography offences.

(iii) The third condition is that the local authority has been consulted and that reasonable steps have been taken to establish the identity of any person who resides on the premises or who has control of, responsibility for or an interest in the premises.

2.4 An application can be made for the Closure Order to be extended but the total period for which a Closure Order has effect may not exceed six

months. For the purposes of the new Part, it does not matter if the offence or offences were committed before, on or after the date that this section comes into force.

- 2.5 The provisions are very similar to those in Part 1 of the Anti-Social Behaviour Act 2003, which relate to Closure Orders in respect of premises where Class A drugs are used unlawfully and Part 1A of that Act inserted by section 118 of, and Schedule 20 to, the Criminal Justice and Immigration Act 2008, which relate to Closure Orders in respect of premises associated with persistent disorder or nuisance.

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