

Strengthening Closure Order Powers – “Closed for Good”

This Council notes that:

- i. Closure orders under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 are a vital tool for tackling rogue traders selling illegal tobacco, vapes and counterfeit goods, and for addressing serious anti-social behaviour on problem premises.
- ii. Under current law, a closure order can only be granted for a maximum of three months, extendable once for a further three months, after which the premises can simply reopen.
- iii. Newcastle-under-Lyme has used these powers twice in July 2026, working in partnership with Staffordshire County Council Trading Standards:
 - a. Simba’s – closed for three months following a test purchase operation on 13 July 2026, in which officers seized 2,980 illegal cigarettes and 0.85kg of hand-rolling tobacco, with a retail value of £1,782.25, concealed within the cellar stairs, alongside evidence that staff had sold tobacco to underage test purchasers.
 - b. Cobra Vape Shop – closed for three months, the maximum period available, after a warrant executed on 16 July 2026 recovered 71 illegal vapes with an estimated retail value of £923; the closure order was granted by North Staffordshire Justice Centre on 28 July 2026.
- iv. The current legislation, however, allows persistent offenders to wait out the closure and reopen, often trading under a new name at the same address, as recently seen in Lichfield, where a shop reopened as “Vape Zone” within days of its previous order expiring and had to be closed a second time.
- v. Government has recognised part of this wider problem and, under the Crime and Policing Act 2026, created a new power under Section 83A allowing the Home Secretary to extend the maximum duration of closure orders by regulation.
- vi. The Home Office subsequently ran a consultation between 22 June 2026 and 31 July 2026 proposing to raise the overall maximum duration of a closure order to 12 months.
- vii. Separately, the Tobacco and Vapes Act 2026 provides for a future national retailer licensing scheme for tobacco, vapes and nicotine products, with powers to revoke both premises and personal licences, although this is not expected before 2027 and its detailed design is still to be consulted upon.
- viii. Under the current legislation, the definition of a “local authority” for the purposes of closure notices and closure orders means that, in two-tier local government areas such as Staffordshire, these powers sit with the relevant district council rather than the upper-tier county council. This means that county council Trading Standards

services, despite often leading investigations into illegal tobacco, vapes and counterfeit goods, cannot independently exercise these closure powers in their own right.

- ix. There is also an inconsistency between the statutory tests for issuing a closure notice and subsequently obtaining a closure order. At the closure notice stage, the legislation allows action principally on the basis of nuisance to members of the public or disorder near the premises associated with their use. However, when an application is subsequently made to the court for a closure order, the legislation additionally allows consideration of disorderly, offensive or criminal behaviour taking place on the premises.

This Council believes that:

- i. Twelve months is still not long enough where illegal trading is serious, deliberate or repeated. Premises proven through the court process to have been persistently or seriously used for illegal activity should be capable of being closed permanently where a court considers that necessary and proportionate.
- ii. Real deterrence means action against the individuals and companies behind repeat offending, rather than simply allowing the same operators to reopen once a temporary closure expires.
- iii. Landlords who knowingly or repeatedly let commercial premises to businesses subject to closure orders bear some responsibility for enabling this activity and should face consequences of their own, in the same spirit as the banning orders and rogue landlord database already used against the worst residential landlords under the Housing and Planning Act 2016.
- iv. In two tier local government areas, upper-tier authorities exercising Trading Standards and other relevant enforcement functions should be able to use closure notice and closure order powers directly, rather than having to rely upon a district council or the police to exercise those
- v. The evidential tests for closure notices and closure orders should be better aligned so that criminal behaviour taking place on premises can be an express ground for issuing a closure notice from the outset. This would allow enforcement bodies to act more effectively where there is clear evidence of criminal activity and would enable relevant evidence obtained by partner organisations, including Trading Standards, the police and Immigration Enforcement, to be fully utilised at the earliest stage.

This Council resolves to:

- i. Write to the Home Secretary and the Minister for Policing, via the Leader of the Council, supporting an extension of closure orders to at least 12 months and urging the Government to go further by giving magistrates a discretionary power to impose a permanent closure order where premises have been persistently or seriously used for illegal activity and the court considers permanent closure necessary and proportionate.

- ii. Call on the Government to introduce a landlord accountability scheme for commercial premises, modelled on the residential rogue landlord banning order and database regime, so that landlords who let premises subject to closure orders on three or more occasions face escalating consequences, up to and including restrictions on their ability to let commercial premises.
- iii. Ask officers to begin recording locally any instances where the same landlord lets more than one premises subject to a closure order, enabling the Council to act quickly should new landlord accountability powers be introduced, and to consider what escalating engagement with such landlords could begin under existing powers ahead of any change in the law.
- iv. Call on the Government to amend the Anti-Social Behaviour, Crime and Policing Act 2014 so that, in two-tier local government areas, upper-tier county councils are able to exercise closure notice and closure order powers directly, enabling county council Trading Standards services to take enforcement action in their own right where appropriate.
- v. Call on the Government to amend the statutory test for issuing a closure notice so that criminal behaviour taking place on the premises is an express ground for action, bringing the initial closure notice test more closely into line with the test subsequently applied by magistrates when considering an application for a closure order.
- vi. Have the Leader write to all local authorities within Staffordshire to build support for the permanent closure, landlord accountability, Trading Standards enforcement and closure notice reforms contained within this motion.
- vii. Have the Leader write to the Borough's three Labour Members of Parliament – Adam Jogee MP, David Williams MP and Leigh Ingham MP – asking them to publicly back this campaign and co-sign a joint letter with the Leader of the Council to the Home Secretary and Minister for Policing calling on the Government to implement the reforms set out in this motion.