

ACS Submission: Increasing the duration of closure orders under the Anti-social Behaviour, Crime and Policing Act 2014

- 1. Do you agree or disagree in principle with the proposal to increase the maximum duration of a closure order to 12 months? Please explain your answer.**

Yes.

ACS strongly supports the Government's proposal to increase the maximum duration of Closure Orders to 12 months. This has been a long standing recommendation from ACS and is a key ask within our recently launched Stop Rogue Traders campaign.

The visibility of rogue businesses selling illicit products remains one of the biggest concerns raised by our members. ACS' 2026 Crime Report found that 85% of retailers believe the sale of illicit products has increased around their business, creating an uneven playing field for responsible retailers and undermining confidence in local high streets and communities.¹

Closure Orders are an important tool for disrupting persistent criminal activity. Extending their duration will provide enforcement agencies with greater opportunity to investigate organised criminality, prevent rogue operators from quickly reopening and protect communities from continued harm.

ACS has also been engaging closely with officials leading the High Streets Organised Crime Unit and welcomes the Government's wider commitment to strengthening enforcement against rogue traders. Increasing the duration of Closure Orders complements this work and should form part of a coordinated approach to tackling illicit trade.

- 2. Do you agree that the maximum duration of an initial closure order should be for a period of 12 months? If so, please explain your answer. If not, please specify a proposed duration and your reasoning for this.**

Yes.

Businesses engaged in persistent criminal activity should face robust enforcement action. Allowing an initial Closure Order to remain in place for up to 12 months sends a clear message that rogue traders cannot simply resume trading after a short period and provides enforcement agencies with sufficient time to investigate wider criminality linked to the premises.

- 3. Do you agree or disagree in principle with the proposal to also increase the maximum period for which an initial closure order can be extended to 12 months (where the initial closure order was for a shorter period)?**

Yes.

ACS supports this proposal for the reasons outlined above. Providing flexibility to extend Closure Orders where criminal activity persists will improve their effectiveness and reduce opportunities for rogue operators to resume unlawful trading.

- 4. Are there potential risks, adverse impacts or unintended consequences that should be considered if the maximum overall duration of closure orders were to be extended to 12 months? If yes, please provide detail.**

The effectiveness of Closure Orders depends on them being applied proportionately and supported by robust evidence.

¹ [ACS Crime Report 2026.](#)

Our members occasionally report instances where enforcement action has initially been taken based on inaccurate intelligence before it became clear that the business was operating lawfully. Given the significant commercial impact of a Closure Order, decisions should continue to be supported by clear evidential thresholds and oversight.

Government should ensure that extending the duration of Closure Orders does not reduce the importance of evidential standards or procedural safeguards. This is built on further detail in question 9.

5. Are there particular groups, businesses, communities or individuals who might be adversely affected by an amendment to this effect? Please provide details.

No.

ACS does not believe responsible businesses would be adversely affected provided appropriate safeguards remain in place.

Strengthening Closure Orders will benefit legitimate retailers by removing businesses that gain an unfair commercial advantage through tax evasion, the sale of illicit products and wider criminal activity. This will help create a more level playing field and improve confidence in local high streets and communities.

6. Do you think extending the maximum overall duration of a closure order to 12 months should be limited to tackling criminal behaviour alone, and exclude nuisance behaviour and disorder?

ACS does not believe Closure Orders should be limited to tackling one form of offending. Rogue businesses linked to organised criminality rarely engage in a single illegal activity. Our members report that premises selling illicit tobacco, non compliant vapes and counterfeit goods like toys and electricals are often also associated with anti social behaviour, the handling of stolen goods, tax evasion and other criminal offences. These activities are frequently interconnected.

Under current legislation, Closure Notices can be issued by the police or local authorities where the use of premises has resulted in, or is likely to result in, nuisance or disorder, while Closure Orders can be granted by a court on the grounds of nuisance, disorder or the use of premises in *connection with criminal activity*. ACS believes enforcement agencies should be able to use Closure Orders where there is clear evidence of persistent unlawful activity, regardless of whether the primary impact is categorised as crime, nuisance or disorder.

As a wider point, we also hold the view that the government should consider whether enforcement agencies have the right tools to intervene quickly where premises are being used to facilitate organised criminality. Other regulatory bodies, such as fire and rescue authorities, have established powers to prohibit the use of unsafe premises where there is an immediate risk to public safety. While the circumstances are different, Government should consider whether similar principles could apply where businesses are being used as a vehicle for persistent criminal activity and causing harm to communities.

7. The powers enable different provision to be made for different kinds of businesses. Do you think that would be helpful? For example, do you think any extension should only be in relation to high street businesses and exclude private residential properties? Are there any limitations which should be applied?

ACS does not believe the use of Closure Orders should be limited to specific types of businesses or premises. The purpose of these powers is to prevent premises being used to facilitate criminal activity, and therefore their application should be based on the evidence of unlawful activity taking place rather than the type of premises involved.

Our members increasingly report that illicit trade and organised criminality operate through a range of different channels, including mobile phone shops, pubs, market stalls, private addresses and online marketplaces. Restricting the use of Closure Orders to specific sectors or locations could create opportunities for criminal activity to simply move elsewhere.

Any use of Closure Orders should continue to be based on clear evidential thresholds and appropriate safeguards, ensuring action is targeted at premises being used to facilitate criminal activity while protecting legitimate businesses and property owners who are not involved in offending.

8. Are there additional considerations, or issues with the use of closure orders, that the government should be taking into account?

Closure Notices: Usage and timeframes

Government should review the timeframe between serving a Closure Notice and applying for a Closure Order. While the Crime and Policing Act 2026 extends this period from 48 to 72 hours, our engagement with policing partners and Trading Standards suggests this is not always sufficient time to prepare robust evidence in more complex cases involving organised criminality. ACS recommends extending this period to at least seven days.

In practice, enforcement agencies often need to have the majority of the evidential case assembled before serving a Closure Notice, limiting their ability to act quickly on developing intelligence. A minimum seven-day period would provide greater flexibility for police, Trading Standards and other agencies to gather evidence and prepare a robust application to be reviewed by the courts.

While Closure Orders provide an important enforcement tool, the requirement to apply through the courts can create delays in circumstances where swift action may be needed to prevent continued criminal activity.

During the passage of the Crime and Policing Bill, Liberal Democrat MP Gideon Amos proposed an amendment to allow Closure Notices to be issued on the authority of a superintendent or local authority chief executive for up to 14 days, without the immediate requirement for court approval. Any approach of this nature would need to be accompanied by appropriate safeguards, including a clear evidential threshold and the requirement that the power is used only where there is evidence of unlawful activity, such as the sale of illicit or stolen goods.

Government should consider whether court approval is preventing police and Trading Standards from taking timely action against rogue operators, and what can be done in cases where evidence is clear and persistent.

Supporting the long term recovery of high streets and communities

ACS supports extending the duration of Closure Orders where they are needed to disrupt persistent criminal activity. However, Government should also consider what happens after a Closure Order has been imposed. A premises that has been closed for up to 12 months is likely to become commercially unviable, increasing the risk of a long term vacant unit on the high street. This is particularly important given we recently published our Community Barometer: Putting Place First report, which examines the health of the high street, finding that empty shops are ranked by the public as the single biggest factor contributing to the decline of local high streets.²

Where a rogue business permanently ceases trading, Government should consider how these premises can be returned to productive use as quickly as possible through measures such as business rate incentives, regeneration funding or support for landlords seeking legitimate tenants. The objective should be not only to remove rogue traders, but to replace them with responsible businesses that contribute positively to local communities.

Supporting business rehabilitation where appropriate

While Closure Orders should remain a robust enforcement tool, Government should also consider how the framework applies where there is clear evidence that the circumstances which led to the Closure Order have fundamentally changed. For example, a premises may come under new ownership or management, or a business may be able to demonstrate significant compliance improvements, such as implementing Challenge 25, strengthening product sourcing, introducing staff training and working proactively with Trading Standards.

² [Community Barometer 2026: Putting Place First.](#)

Where there is compelling evidence that the risk of further offending has been addressed, there should be an appropriate mechanism for courts to take these changes into account. This would encourage genuine compliance while ensuring persistent rogue operators continue to face the full consequences of their actions.

Preventing the displacement of criminal activity

A further consideration is the potential displacement of criminal activity. While extending the duration of Closure Orders will prevent rogue operators from continuing to trade from a particular premises, there is a risk that organised criminals simply relocate to another nearby property, another high street or another type of business while the original premises remains closed.

Government should therefore consider how longer Closure Orders fit within a broader enforcement strategy to tackle organised criminality, rather than simply individual premises. This could include monitoring whether linked businesses emerge elsewhere in the local area, coordinating follow up enforcement activity and ensuring agencies have the resources to disrupt criminal networks rather than displacing them. The objective should be to remove organised criminality from communities, not move it to another location.

The biggest barrier we see to effective enforcement remains the chronic underfunding of Trading Standards, leaving many services without the capacity to investigate and take action against rogue operators. Greater investment is therefore essential. ACS estimates that £140 million is needed over the next five years to effectively enforce the illicit vape market and ensure Trading Standards have the resources to make these strengthened powers effective.³

Evidential thresholds incorporated into reporting

ACS has been engaging with the High Streets Organised Crime Unit to explore how the evidence and intelligence gathered through Trading Standards activity can better support the use of Closure Orders against rogue operators. Retailers are often the first to identify suspected illicit activity, but there is an opportunity to ensure that the information collected through reporting routes and enforcement visits captures the relevant evidence needed to demonstrate persistent criminality and support applications for Closure Orders.

There are lessons to learn from improvements made in retail crime reporting to the police. Historically, retailers faced challenges reporting incidents due to inconsistent processes and concerns about the information being sufficient to support further action. Initiatives such as Northumbria Police's retail crime reporting pack have helped provide businesses with a clearer structure for submitting relevant information, supporting better quality intelligence and improved enforcement outcomes. Similar principles could be applied to illicit trade reporting to ensure Trading Standards and other enforcement agencies receive the evidence they need to take action.

9. Are there specific safeguards that should be factored into any increase in the closure orders?

Clear evidential thresholds and proportionate use

Closure Orders should only be used where there is robust evidence that premises are being used to facilitate persistent criminality, nuisance or disorder. This is particularly important for legitimate businesses operating in areas where criminal activity may be occurring nearby but is not connected to the business itself.

For example, a shop located in an area with high levels of ASB or crime should not face closure simply because incidents occur nearby unless there is evidence linking the premises to the offending.

Effective opportunities for challenge and review

Businesses affected by Closure Orders should continue to have access to appropriate legal processes to challenge decisions where they believe action has been taken incorrectly or where they can demonstrate

³ [Resource Analysis for Vape Enforcement.](#)

that circumstances have changed. The extension of duration should not remove the ability for legitimate businesses to seek review where enforcement action is no longer justified.

Enforcement officer understanding of powers

ACS would also encourage Government to ensure enforcement agencies have clear guidance on the use of these powers. Feedback from retailers indicates that intelligence quality and consistency of enforcement approaches can vary significantly, and stronger reporting routes and evidence gathering processes will be important to ensure Closure Orders are targeted effectively.