Draft Regulations laid before Parliament under section 20(6) of the Violent Crime Reduction Act 2006, for approval by resolution of each House of Parliament. This draft has been printed in substitution of the draft laid on 21st November 2007 and is being issued free of charge to all known recipients of that draft.

DRAFT STATUTORY INSTRUMENTS

2008 No.

LOCAL GOVERNMENT, ENGLAND AND WALES
POLICE, ENGLAND AND WALES
FEES AND CHARGES

The Local Authorities (Alcohol Disorder Zones) Regulations 2008

Made - - - -	*2008*
Coming into force - -	*2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15, 16(7), 17(6) and 20(5) of the Violent Crime Reduction Act 2006(**1**) and sections 13 and 105(2) of the Local Government Act 2000(**2**).

In accordance with section 20(6) of the Violent Crime Reduction Act 2006, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory and interpretation

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Alcohol Disorder Zones) Regulations 2008 and shall come into force the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

(**1**) 2006 c.38.
(**2**) 2000 c.22.

"2003 Act" means the Licensing Act 2003(**3**);

"2006 Act" means the Violent Crime Reduction Act 2006;

"action plan" means a plan prepared and published by a local authority and chief officer of police in accordance with section 16(4) of the 2006 Act (publication of action plan in relation to proposal to designate a locality as an alcohol disorder zone) with a view to making the designation of an alcohol disorder zone unnecessary;

"alcohol disorder zone" means a locality designated as such a zone by a local authority under section 16 of the 2006 Act (designation of alcohol disorder zones);

"club premises certificate" has the same meaning as in section 60 of the 2003 Act (club premises certificate);

"licence holder" means, in relation to a locality (however described)—

(a) a person holding a premises licence authorising the use of premises within that locality for the sale of alcohol by retail; or

(b) a club authorised by virtue of a club premises certificate to use premises within that locality for the supply of alcohol to members or guests.

"local authority" means—

(a) a district council;

(b) a county council for an area for which there are no district councils;

(c) a London borough council;

(d) the Common Council of the City of London in its capacity as a local authority;

(e) the Council of the Isles of Scilly; or

(f) a county council or a county borough council in Wales.

"chief officer of police" means, in relation to the designation of a locality as an alcohol disorder zone or the publication of an action plan in relation to a locality, the chief of police of the police force for the police area in which that locality is situated; and

"premises licence" means a licence granted under Part 3 of the 2003 Act (premises licences) in respect of any premises, which authorises the premises to be used for one or more licensable activities within the meaning of section 1(1) of that Act (licensable activities).

(2) References in these Regulations to premises' being in a locality (however described) include references to their being partly in that locality.

Interpretation of expressions relating to services

3.—(1) In these Regulations—

"non-baseline services" means, in relation to services provided in respect of a locality by a local authority, a chief officer of police or the British Transport Police, services provided over and above the level of services provided for any month by that person independently of any action plan relating to that locality or of any designation of that locality as an alcohol disorder zone, which is calculated as being the average level of services provided per month by that person in respect of that locality during the reference period;

"reference period" means, in relation to a particular locality, the period of time spanning the three consecutive months which are respectively four, five and six months prior to the publishing of a notice of proposal to designate a locality as an alcohol disorder zone in accordance with regulation 4; and

(**3**) 2003 c.17.

"service period" means, in relation to a particular locality, the period of time during which a local authority, chief officer of police or the British Transport Police provides non-baseline services in return for payment or charge.

(2) For the purposes of these Regulations services are provided "in return for a payment" or in return for a charge" where they are provided in return for a payment made under an action plan or a charge imposed under Part 4 of these Regulations.

(3) For the purposes of these Regulations, services are provided "in or in connection with" an alcohol disorder zone if they are provided—

(a) in that zone or for the purpose of removing a person from that zone;

(b) in immediate response to activities undertaken in licensed premises in that zone in respect of which there is in force a premises licence or a club premises certificate which is held by a licence holder who is not entitled to an exemption under regulation 12;

(c) for the purpose of reducing nuisance or annoyance to members of the public or disorder in or near the alcohol disorder zone, which is associated with the consumption of alcohol in that zone or the consumption of alcohol that is supplied at premises in that zone; and

(d) within the service period.

PART 2

Proposal to designate a locality as an alcohol disorder zone

Notice of proposal to designate a locality as an alcohol disorder zone

4.—(1) A notice published by a local authority in accordance with section 16(2) of the 2006 Act (notice of proposal to designate a locality as an alcohol disorder zone) shall—

(a) identify the geographical area to be designated either by name or, if appropriate, by describing its boundaries; and

(b) set out in general terms the implications of the proposal and the effect of the designation; and

(c) where applicable, state the fact that the proposal results from a review of an existing alcohol disorder zone, which remains in force pending the making of any new designation; and

(d) invite representations from interested persons within twenty-eight days about the proposal and about what might be included in an action plan with a view to making designation unnecessary .

(2) A notice published in accordance with section 16(2) of the 2006 Act shall be published—

(a) in a local newspaper circulating in the area in which the locality to be designated is situated; or

(b) in such public places within the locality to be designated as the local authority considers appropriate.

(3) Before a local authority publishes a notice in accordance with section 16(2) of the 2006 Act it shall consult the Chief Constable of the British Transport Police where the locality of the proposed zone includes or is within five hundred metres of an area where the British Transport Police have jurisdiction under section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003(**4**).

(**4**) 2003 c.20.

Consultation over proposal to designate a locality as an alcohol disorder zone

5.—(1) A local authority that publishes a notice in accordance with section 16(2) of the 2006 Act shall—

(a) give notice in writing of the proposal to designate a locality as an alcohol disorder zone to each licence holder in that locality and the persons specified in paragraph (2);

(b) invite representations within twenty-eight days from those persons regarding the proposal to designate a locality as an alcohol disorder zone;

(c) provide each licence holder in that locality with the information set out in paragraphs (3) and (4); and

(d) provide the persons specified in paragraph (2) with either the information specified in paragraph (3) or details of where that information can be obtained.

(2) The persons are—

(a) a parish, town or community council in whose area the locality to be designated falls;

(b) a responsible authority that has responsibility in relation to the locality to be designated or in relation to premises within that locality;

(c) where the locality of the proposed zone includes or is within five hundred metres of an area where the British Transport Police have jurisdiction under section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, the Chief Constable of the British Transport Police; and

(d) such other persons as the local authority considers appropriate.

(3) The information is—

(a) the geographical area to be designated identified either by name or, if appropriate, by describing its boundaries;

(b) the basis on which the local authority is satisfied that the conditions in section 16(1) of the 2006 Act (designation of alcohol disorder zone) are met in relation to that locality;

(c) in general terms, the implications of the proposal and the effect of the designation;

(d) the disorder or the nuisance or annoyance in or near the locality that has been identified;

(e) any actions taken to date to address that problem;

(f) how the designation of that locality would address the problem and in particular—

(i) the steps it is proposed will be taken by the local authority, chief officer of police, licence holders and, where the locality of the proposed zone includes or is within five hundred metres of an area where the British Transport Police have jurisdiction under section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, the British Transport Police under an action plan with a view to making the designation of that locality unnecessary;

(ii) the non-baseline services it is proposed will be provided by the local authority, the chief officer of police and the British Transport Police in or in connection with an alcohol disorder zone and in return for a charge; and

(iii) the total amount of charges it is proposed would be payable under Part 4 of the Regulations (calculated by adding together the charge proposed for each licence holder);

(g) the arrangements that will be put in place for reviewing the action plan and designation;

(h) the basis on which the local authority will decide whether to designate a locality as an alcohol disorder zone following the publication of an action plan; and

(i) where applicable, the fact that the proposal results from a review of an existing alcohol disorder zone, which remains in force pending the making of any new designation.

(4) The information is—

(a) any payment it is proposed will be paid to the local authority by the licence holder under the action plan;

(b) any charge it is proposed will be paid to the local authority by the licence holder under Part 4 of the Regulations; and

(c) the method by which that payment and charge would be calculated.

(5) In paragraph (2)(b) a responsible authority means a responsible authority within the meaning of section 13(4) of the 2003 Act (responsible authorities).

Response to consultation

6.—(1) Where, pursuant to a notice published in accordance with section 16(2) of the 2006 Act or an invitation made in accordance with regulation 5(1)(b), representations are received by a local authority in response to a proposal to designate a locality as an alcohol disorder zone, the local authority shall, before publishing an action plan in relation to that proposal—

(a) consider those representations; and

(b) publish, in such manner as it considers appropriate, a general response to those representations that sets out any changes to the proposal.

(2) Following consultation under regulations 4 and 5 and consideration of any representations received, the local authority shall consult the chief officer of police and, where the locality of the proposed zone includes or is within five hundred metres of an area where the British Transport Police have jurisdiction under section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, the Chief Constable of the British Transport Police before making any decision regarding the proposal.

(3) Paragraph (4) applies where, following the publication of a notice in accordance with section 16(2) of the 2006 Act and prior to the publication of an action plan relating to the proposal set out in that notice, a local authority decides to alter the geographical area it proposes will be designated as an alcohol disorder zone from the area set out in the notice.

(4) Where this paragraph applies, a local authority shall before publishing an action plan ensure that a new notice is published, in accordance with regulation 5(1) in relation to the new locality to be designated.

(5) Before publishing an action plan in accordance with section 16(4) of the 2006 Act a local authority and chief officer of police shall obtain the consent of the Chief Constable of the British Transport Police in respect of any non-baseline services which it is proposed are to be provided by the British Transport Police under the action plan.

(6) Where, following the publication of a notice in accordance with section 16(2) of the 2006 Act and prior to the publication of an action plan relating to the proposal set out in that notice, a local authority decides not to designate a locality as an alcohol disorder zone the local authority shall—

(a) publish that decision in a local newspaper circulating in the area in which the locality to be designated is situated or in such public places within the locality to be designated as the local authority considers appropriate; and

(b) give notice of that decision (setting out its reasons) to the Secretary of State.