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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2007 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

POLICE, ENGLAND AND WALES

FEES AND CHARGES

The Local Authorities (Alcohol Disorder Zones) Regulations 2007

Made - - - -	*2007*
Coming into force - -	*9th January 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(**a**) and sections 13 and 105(2) of the Local Government Act 2000(**b**).

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.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Authorities (Alcohol Disorder Zones) Regulations 2007 and shall come into force on 9 January 2008.

(2) These Regulations extend to England and Wales except that regulation 26 extends to England only and regulation 27 extends to Wales only.

Interpretation

2.—(1) In these Regulations—

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

"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 alcohol disorder zone) with a view to making the designation of an alcohol disorder zone unnecessary;

(**a**) 2006 c. 38.
(**b**) 2000 c. 22.
(**c**) 2003 c. 17.

"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 a 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 a premises within that locality for the supply of alcohol to members or guests;

"local authority" means—

(c) a district council;

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

(e) a London borough council;

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

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

(h) 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—

"baseline services" means, in relation to services provided in respect of a locality by a local authority or a chief officer of police, 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 making of a proposal to designate that locality as an alcohol disorder zone; and

"service period" means, in relation to a particular locality, the period of time during which a local authority, chief officer of police or the Chief Constable of 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 an alcohol disorder zone.

(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 a 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 or a one hundred per cent. discount under regulation 13;

(c) for the purpose of reducing nuisance, 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 1

Proposal to designate alcohol disorder zone

Notice of proposal to designate 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 alcohol disorder zone) shall—

(a) set out the proposal to designate a locality as an alcohol disorder zone and in particular—

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

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

(iii) 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; and

(b) invite representations within twenty-eight days about the proposal and about what might be included in an action plan with a view to making designation unnecessary from such persons as the local authority considers to have an interest.

(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.

Consultation over proposal to designate 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 that 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 that proposal;

(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 a premises within that locality;

(c) 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) any actions taken to date to address the problem identified;

(e) 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 and licence holders 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 Chief Constable of 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 the alcohol disorder zone (calculated by adding together the charge proposed for each licence holder);

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

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

(h) 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 the alcohol disorder zone; and

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

(5) In sub-paragraph (2)(d) 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 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 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 regulation 5(1) is satisfied 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 and chief officer of police decide not to designate 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.

PART 2

Action Plan

Payments under an action plan and purposes for which they may be used

7.—(1) Subject to paragraph (3), an action plan published by a local authority and chief officer of police in accordance with section 16(4) of the 2006 Act with a view to making the designation of an alcohol disorder zone unnecessary may impose payments to be made to the local authority by persons who at the time the action plan is published are, whether for all or part of the duration of the action plan, licence holders in the locality it is proposed will be so designated.

(2) Any such payments shall be used for the provision by the local authority, the chief officer of police or the British Transport Police of non-baseline services in respect of the locality to which the action plan relates for the purpose of reducing nuisance, annoyance to members of the public or disorder in or near that locality which is associated with the consumption of alcohol in that locality or the consumption of alcohol that is supplied at premises in that locality.

(3) A local authority shall not require a licence holder to make any payment under an action plan where the premises in the locality to which the action plan relates in respect of which the licence holder is licensed or authorised is not open at any point during the service period.

Action plan

8.—(1) An action plan published by a local authority and chief officer of police in accordance with section 16(4) of the 2006 Act—

(a) may relate to a locality which is larger than, but which includes, the locality which it is proposed will be designated as an alcohol disorder zone;

(b) shall set out—

(i) any specific steps that are to be taken by licence holders in the locality to which the action plan relates;

(ii) any payments that are to be made to the local authority by those persons;