
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Local Authorities (Alcohol Disorder Zones) Regulations 2008

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—

“2003 Act” means the Licensing Act 2003(1);

“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

“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.