

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^(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.

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^(c);

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

“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.

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(a).

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;

(a) 2003 c.20.

- (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.

PART 3

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 include provision for a scheme of 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 or 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.

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 shall set out—

- (a) any specific steps that are to be taken by licence holders in the locality to which the action plan relates;
- (b) any payments that are to be made to the local authority by those persons;
- (c) any non-baseline services to be provided by the local authority, the chief officer of police and the British Transport Police in return for those payments;
- (d) any steps to be taken by the local authority and the chief officer of police otherwise than in return for those payments; and
- (e) the means by which the action plan will be reviewed.

(2) Where a local authority decides, following publication of an action plan, that it is unnecessary to designate a locality as an alcohol disorder zone it shall—

- (a) give notice to each licence holder in the locality it was proposed would be designated—
 - (i) of its decision;
 - (ii) of any remaining steps to be taken by those persons under the action plan;and
 - (iii) of the outcome where those steps are not taken or are not taken by a particular date; and
- (b) give notice of that decision (setting out its reasons) to the Secretary of State.

PART 4

Alcohol Disorder Zone: Designation and Charges

Designation of an alcohol disorder zone

9.—(1) Before designating an alcohol disorder zone where the locality includes or is adjacent to an area where the British Transport Police have jurisdiction under section 31(1) of the Railways and Transport Safety Act 2003, a local authority shall consult the Chief Constable of the British Transport Police and shall obtain his consent in respect of any non-baseline services which it is proposed are to be provided by the British Transport Police.

(2) Where a local authority designates a locality as an alcohol disorder zone by order in accordance with section 16(1) of the 2006 Act it shall—

- (a) publish that order, and set out in general terms the effect of that order, in a local newspaper circulating in the area in which the locality designated is situated or in such public places within the locality designated as the local authority considers appropriate; and
- (b) give notice to each licence holder in the alcohol disorder zone of that decision.

Imposition of charges on licence holders etc. in alcohol disorder zones

10. Subject to regulation 12, a local authority may impose charges to be paid to it for each month by all persons who, for all or part of the month in question, are licence holders in an alcohol disorder zone in that authority's area.

Purposes for which charges to be used

11.—(1) Any charges paid to a local authority under this Part shall, after the costs of the scheme have been met, be used for the provision of non-baseline services by the local authority, the chief

officer of police or the British Transport Police in or in connection with the alcohol disorder zone in question and to cover the costs of reviewing the zone under Part 5 of these Regulations.

(2) In paragraph (1) the reference to the costs of the scheme is a reference to the costs of the arrangements made for, or in connection with, the imposition, collection and recovery of charges to be paid under this Part.

Exemption from charge

12.—(1) A licence holder to whom paragraph (2) applies is exempt from any charge to be paid to a local authority under this Part.

(2) This paragraph applies to any licence holder in an alcohol disorder zone where—

- (a) the principal use to which the premises in respect of which the licence holder is licensed or authorised is put does not consist in or include the sale or supply of alcohol; and
- (b) the availability of alcohol on those premises is not the main reason, or one of the main reasons, why individuals enter or remain on those premises (whether generally or at particular times of the day or on particular days of the week, or both).

(3) For the purposes of paragraph (2)(a), a local authority shall take into account any classification given to particular premises under the Town and Country Planning (Use Classes) Order 1987(a).

Discount from charge

13.—(1) A local authority may grant a licence holder a discount of up to ninety per cent. on any charge to be paid to it under this Part where the licence holder has implemented, in whole or in part, the steps set out in the action plan relating to the designation of the alcohol disorder zone in question which are applicable to him.

(2) Subject to paragraph (3), a local authority may grant a licence holder a discount of up to ninety per cent. on any charge to be paid to it this Part where the licence holder is a member of an accreditation or award scheme which—

- (a) seeks to reduce alcohol related offending; and
- (b) is recognised by the local authority for the purposes of this regulation.

(3) In granting any discount under paragraph (2), the local authority shall have regard to the extent to which the licence holder has implemented the steps set out in the action plan which are applicable to him.

Rates of charges: method of computing

14.—(1) A local authority shall calculate the rates of charges applicable to each alcohol disorder zone which it designates under section 16 of the 2006 Act in accordance with these Regulations.

(2) The rates of charges to be imposed on licence holders within an alcohol disorder zone shall be calculated by—

- (a) calculating the total cost of that zone in accordance with regulation 15; and
- (b) allocating, in accordance with regulation 16, that total cost between all licence holders within that zone, except those who are granted an exemption under regulation 12.

Rates of charges: calculation of total cost of alcohol disorder zone

15.—(1) The total cost of the alcohol disorder zone shall be calculated by adding together the cost of—

(a) S.I. 1987/764; this instrument has been amended by S.I. 1991/1567; S.I.1992/610; S.I. 1992/657; S.I. 1994/724; S.I. 1995/297; S.I. 1999/293; S.I. 2002/1875; S.I. 2005/84; S.I. 2006/220; S.I. 2006/1282; and S.I. 2006/1386.

- (a) any chargeable non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone;
- (b) periodic review of the alcohol disorder zone undertaken in accordance with section 17(4) of the 2006 Act (procedure for designation of zones: periodic review); and
- (c) arrangements made for, or in connection with, the imposition, collection and recovery of charges under this Part.

(2) For the purposes of paragraph (1)(a) the following non-baseline services provided by the local authority are chargeable—

- (a) activities undertaken by an inspector appointed under section 72 of the Weights and Measures Act 1985(a) (appointment of inspectors by local weights and measures authority) where undertaken for the purposes of section 154 of the 2003 Act (enforcement role for weights and measures authorities regarding the sale of alcohol to children);
- (b) activities undertaken by the chief executive officer or an environmental health officer of a local authority under section 40 or 41 of the Anti-social Behaviour Act 2003(b) (closure of noisy premises) or under the Noise Act 1996(c) but only in so far as those activities relate to premises in respect of which a premises licence has effect; and
- (c) activities undertaken by an officer of a licensing authority under section 57 (duty to keep and produce premises licence), 59 (inspection of premises before grant of premises licence), 94 (duty to keep and produce club premises certificate) or 96 (inspection of premises before grant of club premises certificate) of the 2003 Act, where that officer is authorised by that authority for those purposes.

(3) For the purposes of paragraph (1)(a) non-baseline services provided by the chief officer of police are chargeable only if they are services provided by a constable or by an employee of a police authority who is designated as a community support officer under section 38(1) of the Police Reform Act 2002(d) (police powers for police authority employees).

(4) For the purposes of paragraph (1)(a) the cost of the services provided by the chief officer of police shall be determined by the police authority for the police area in which the alcohol disorder zone is located.

(5) For the purposes of paragraph (1)(a) non-baseline services provided by the British Transport Police are chargeable only if they are services provided by a constable of the British Transport Police or by an employee of the British Transport Police Authority who is designated as a community support officer under section 38(1) of the Police Reform Act 2002 (police powers for police authority employees) as that provision is applied to the British Transport Police by section 28(1)(a) of the Railways and Transport Safety Act 2003(e) (exercise of powers by civilians).

(6) The cost of the services provided by the British Transport Police shall be determined by the British Transport Police Authority.

(7) For the purposes of paragraph (2)(b)—

- (a) the chief executive officer of a local authority means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989(f); and
- (b) an environmental health officer of a local authority means an officer authorised by that authority for the purpose of exercising a statutory function in relation to pollution of the environment or harm to human health.

(a) 1985 c.72. Section 72 of the 1985 Act has been amended by S.I. 2006/659.

(b) 2003 c.38. Section 41 of the 2003 Act has been amended by section 106 of, and paragraphs 12 and 13 of Schedule 4 to, the Clean Neighbourhoods and Environment Act 2005 (c.16). Section 40 of the 2003 Act has been amended by section 280 of, and paragraph 59 of Schedule 26 to, the Criminal Justice Act 2003 (c.44) but that amendment is not yet in force.

(c) 1996 c.37.

(d) 2002 c.30.

(e) 2003 c.20.

(f) 1989 c.42. Section 4 of the 1989 Act has been amended but none of the amendments is relevant to this instrument.

Rates of charges: allocation of total cost of alcohol disorder zone

16.—(1) A local authority shall, in accordance with this regulation, score each set of premises in an alcohol disorder zone in respect of which a licence holder is licensed or authorised, except premises in respect of which the licence holder is entitled to an exemption under regulation 12.

(2) A score shall be given for each of the following two criteria—

- (a) Premises' rateable value; and
- (b) hours of opening during the service period.

(3) In scoring premises against each criterion, the local authority shall have regard to the non-baseline services that will need to be provided in or in connection with the alcohol disorder zone in immediate response to activities in those premises.

(4) The total score for each set of premises will determine the charge for those premises, whereby, subject to paragraph (6) and to any discounts granted in accordance with regulation 13, a higher charge shall be imposed on premises requiring a higher level of non-baseline services to be provided in or in connection with the alcohol disorder zone.

(5) For the purposes of calculating the total score, a local authority may, in respect of all premises in an alcohol disorder zone in respect of which a licence holder is licensed or authorised, give more or less weight to either of the two scores calculated under paragraph (2) and may add or multiply together those scores, as weighted.

(6) A local authority may use different weighting or add or multiply scores differently for different descriptions of premises, provided that all premises of the same description have their scores calculated in the same way.

(7) A local authority may create bands of total scores, whereby each premises within a band will be subject to the same charge.

Statement of charge

17.—(1) Where a local authority designates a locality as an alcohol disorder zone in accordance with section 16(1) of the 2006 Act it shall, within five days of that designation, issue to each licence holder in that zone a statement containing the information specified in paragraph (2).

(2) That information is—

- (a) any non-baseline services to be provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone and in return for a charge;
- (b) the total amount of charges to be paid to the local authority under this Part for each month;
- (c) the scores given under regulation 16(2) and the total score given under regulation 16(4) in respect of the premises for which the licence holder is licensed or authorised;
- (d) whether any discount or exemption applies to the licence holder;
- (e) if a discount applies, how that discount was calculated;
- (f) any band in which the premises in respect of which the licence holder is licensed or authorised are placed in accordance with regulation 16(7);
- (g) an estimate of the charge to be paid to the local authority by the licence holder for each month;
- (h) the service period or service periods applicable;
- (i) an approximation of the level of non-baseline services the licence holder can expect to receive from the local authority, the chief officer of police and the British Transport Police in return for the charge to be paid;
- (j) the means by which the licence holder can appeal the level of charge imposed; and
- (k) the regularity with which the licence holder will be invoiced.

Collection of charge

18.—(1) The local authority shall, on a regular basis, issue an invoice to each licence holder in an alcohol disorder zone except those who are granted an exemption under regulation 12

(2) An invoice shall be served by post.

(3) An invoice shall include the following information—

- (a) the name and address of the local authority;
- (b) the total amount payable for which the invoice is issued;
- (c) the period of time for which that amount is payable;
- (d) the amount payable for each month which falls within the period of time specified under sub-paragraph (c);
- (e) the date by which the payment must be made, which shall be twenty-eight days after service;
- (f) the method of payment to be used;
- (g) any reduction in the non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone in return for a charge during that period ; and
- (h) the consequences of late or non-payment of the charge.

(4) For the purposes of paragraph (3)(e) the invoice is deemed to be served five days after the day on which it is posted.

(5) For the purposes of paragraph (3)(g) there is a reduction in non-baseline services if the level of non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone as a whole is lower than the level of non-baseline services set out in the statement of charge in accordance with regulation 17(2)(a).

Late payment of charge

19.—(1) Where a charge, or part of a charge, has not been paid to a local authority within twenty-eight days of service of the invoice the local authority shall issue a final demand notice to the licence holder.

(2) The final demand notice shall include the same information as that contained in the original invoice, except that the date by which payment must be made shall be seven days after service of that notice.

(3) Any charge which is not paid to the local authority within fourteen days of service of the final demand notice shall carry interest at the rate of three per cent. per annum from the tenth day to the date on which it is paid.

(4) A final demand notice shall be served by post and is deemed to be served five days after the day on which it is posted.

Suspension of premises licences and club premises certificates for non payment of charge

20.—(1) Where a charge has not been paid to a local authority within seven days of service of a final demand notice, the local authority may issue a certificate to the relevant licensing authority which—

- (a) notifies the licensing authority that a charge has not been paid within seven days of service of a final demand notice; and
- (b) identifies the premises in respect of which the charge is payable.

(2) The licensing authority shall give notice in writing to the person holding the licence or club premises certificate in respect of the premises identified in the certificate that—

- (a) a certificate has been received in respect of premises for which they hold a premises licence or a club premises certificate;
- (b) representations can be made by, or on behalf of, that person to the licensing authority within seven days of service of this written notice;
- (c) failure to make representations shall give rise to suspension of the premises licence or club premises certificate held by the person unless the licensing authority has reason to believe that the licence holder had good reason for withholding payment;
- (d) any representations shall be considered by the licensing authority at a hearing which the licensing authority will hold to determine whether to suspend the premises licence or club premises certificate held by the person; and
- (e) the person is entitled to attend and make oral representations at that hearing.

(3) The written notice issued under paragraph (2) shall be served by post and shall be deemed to be served five days after the day on which it is posted.

(4) The licensing authority shall, within forty days of receipt of a certificate, determine whether to suspend a premises licence or club premises certificate in respect of premises identified in the certificate it received and, where representations have been received from the person holding that licence or club premises certificate, it shall make that determination at a hearing.

(5) Notice of that hearing must be served on all interested parties at least ten days before the hearing.

(6) The written notice issued under paragraph (5) shall be served by post and shall be deemed to be served five days after the day on which it is posted.

(7) The licensing authority shall suspend a premises licence or club premises certificate in respect of premises identified in a certificate where it is satisfied that a charge imposed by a local authority under regulation 10 has, without good reason, not been paid within seven days of service of a final demand notice.

(8) The licensing authority shall give notice in writing of its decision to the holder of the premises licence or club premises certificate as soon as reasonably practicable.

(9) The notice of its decision under paragraph (8) shall be served by post and is deemed to be served five days after the day on which it is posted.

(10) Where the licensing authority suspends a premises licence or club premises certificate the suspension—

- (a) shall commence on the day after the day on which the notice is deemed to be served;
- (b) shall have effect until payment of the charge and any interest carried on that charge by virtue of regulation 19(3) is received by the local authority.

(11) For the purposes of this regulation “licensing authority” has the same meaning as in section 3 of the Licensing Act 2003 (licensing authorities) and the relevant licensing authority is the authority which issued the premises licence or club premises certificate in respect of the premises identified in the certificate.

Allocation of charges received

21.—(1) A local authority shall pay to the police authority for the police area in which the alcohol disorder zone is situated the costs incurred by that authority in the provision of chargeable non-baseline services by the chief officer of police calculated in accordance with regulation 15.

(2) A local authority shall pay to the British Transport Police Authority the costs incurred by that Authority in the provision of chargeable non-baseline services by the British Transport Police calculated in accordance with regulation 15.

PART 5

Review of alcohol disorder zone

Review of alcohol disorder zone

22.—(1) When carrying out a review of an alcohol disorder zone in accordance with section 17(4) of the 2006 Act (review of existing alcohol disorder zone) the local authority and chief officer of police shall, where the locality of the 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, consult the Chief Constable of the British Transport Police.

(2) Where on review of an alcohol disorder zone a local authority and chief officer of police consider it appropriate to maintain or to reduce the size of that zone they shall—

- (a) consider whether the level of any non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with that zone and in return for a charge should be varied; and
- (b) 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, obtain the consent of the Chief Constable of the British Transport Police in respect of any non-baseline services it is proposed are to be provided by the British Transport Police in or in connection with that zone.

(3) After each review of an alcohol disorder zone—

- (a) a local authority and chief officer of police shall give notice to each licence holder in the alcohol disorder zone of—
 - (i) their proposals for the alcohol disorder zone;
 - (ii) except in cases where revocation is proposed, the basis on which they are satisfied that the conditions in section 16(1) of the 2006 Act continue to be met in relation to that locality;
 - (iii) any change to the level of non-baseline services to be provided by them and the British Transport Police in or in connection with the alcohol disorder zone and in return for a charge; and
 - (iv) any changes to the charge to be paid to the local authority by the licence holder; and shall invite representations to be made by those persons within seven days;
- (b) a local authority shall publish in a local newspaper circulating in the area in which the designated locality under review is situated or in such public places within the designated locality as the local authority considers appropriate a notice setting out their proposals for the alcohol disorder zone and inviting representations within seven days.

Outcome of review

23.—(1) A local authority may, following consideration of any representations made pursuant to regulation 23, vary, revoke or maintain a designation.

(2) In the case of revocation a local authority shall make an order under section 17(2) of the 2006 Act.

(3) In the case of variation, revocation or maintenance of a designation—

- (a) a local authority and chief officer of police shall give notice to each licence holder in the alcohol disorder zone under review of the review decision and of any changes to the charge to be imposed on the licence holder; and
- (b) a local authority shall publish the relevant order, or in a case in which the designation is maintained a notice setting out that decision, in such public places within the locality designated, or to be designated, as the local authority considers appropriate or in a local

newspaper circulating in the locality that is designated, or to be designated, or, in the case of a revocation, was designated.

PART 6

Miscellaneous

Notification to Secretary of State

24.—(1) A local authority shall send to the Secretary of State a copy of each of the documents specified in paragraph (2) as soon as reasonably practicable after it has been published or made as the case may be.

(2) Those documents are—

- (a) a notice under section 16(2) of the 2006 Act setting out a proposal to designate a locality as an alcohol disorder zone;
- (b) an order under section 16(1) of the 2006 Act designating such a zone; and
- (c) a notice of, or order made pursuant to, a final review decision, under regulation 24(1).

Amendment of Local Authorities (Functions and Responsibilities) (England) Regulations 2000

25. In Part I (miscellaneous functions) of Schedule 1 (functions not to be the responsibility of an authority's executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a)—

(a) in column 1, at the end insert—

“**50.** Power to make or revoke an order designating a locality as an alcohol disorder zone.”; and

(b) in column 2, at the end insert—

“Section 16 of the Violent Crime Reduction Act 2006 (c. 38).”.

Amendment of Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007

26.—(1) In Part I (miscellaneous functions) of Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007(b)—

(a) in column 1, at the end insert—

“**17.** 17. Power to make or revoke an order designating a locality as an alcohol disorder zone.”; and

(b) in column 2, at the end insert—

“Section 16 of the Violent Crime Reduction Act 2006 (c. 38).”.

Home Office

2008

Parliamentary Under Secretary of State

(a) S.I. 2000/2853. Part I (miscellaneous functions) of Schedule 1 to this instrument has been amended by S.I. 2001/2212, S.I. 2006/1177, S.I. 2004/2748, S.I. 2005/714 and S.I. 2007/806.
(b) S.I. 2007/399.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Chapter 2 of Part 1 of the Violent Crime Reduction Act 2006. They allow local authorities to designate localities as alcohol disorder zones where there has been a nuisance or annoyance to members of the public, or disorder, and where the nuisance, annoyance or disorder is associated with the consumption of alcohol supplied at premises in that locality and where there is likely be a repetition of that nuisance, annoyance or disorder.

Part 1, regulations 1 to 3, sets out citation and commencement and contains definitions used in the Regulations.

Part 2, regulations 4 to 6, sets out provisions on proposal and consultation where a local authority is considering the designation of an alcohol disorder zone.

Part 3, regulations 7 and 8, sets out provisions on the action plan that must be made before a locality is designated as an alcohol disorder zone.

Part 4, regulations 9 to 21, sets out the procedure for the designation of an alcohol disorder zone and for the imposition of charges. Regulation 11 prescribes the use to which charges paid to a local authority can be put. Regulations 12 and 13 set out exemptions and discounts to the charges. Regulations 14, 15 and 16 describe the method of computing the charges to be levied and how those charges should be allocated. Regulation 17 requires the local authority to issue each licence holder in an alcohol disorder zone with a statement of charge. Regulation 18 provides for collection of charges and Regulation 19 sets out what is to happen if charges are not paid on time. Regulation 20 provides that premises licences may be suspended for non payment of an alcohol disorder zone charge. Regulation 21 provides for payment to the chief officer of police and to the British Transport Police Authority.

Part 5, regulations 22 and 23, provides for review of alcohol disorder zones.

Part 6, regulations 24 to 26, contains miscellaneous provisions regarding notification to the Secretary of State and amendments to Local Authorities regulations which mean that the power to designate or revoke an alcohol disorder zone is not a function that can be delegated to a local authority's executive.

A full regulatory impact assessment of the effect that alcohol disorder zones will have on the costs of business is available on the Home Office Website at: <http://www.homeoffice.gov.uk/documents/ria-violent-crime-bill-cov-0605/ria-violent-crime-bill-12-0605?view=Binary>

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.

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POLICE, ENGLAND AND WALES

FEES AND CHARGES

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Regulations 2008

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