

# **VIOLENT CRIME REDUCTION ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: Alcohol-related violence and disorder**

#### *Chapter 2: Alcohol disorder zones*

#### *Section 15: Power to impose charges on licence holders etc. in zones*

131. This section gives local authorities a new power to impose charges on the holders of premises licences which authorise the use of premises for the sale by way of retail of alcohol and the holders of club premises certificates which permit the club to supply alcohol to members or guests. *Subsection (1)* enables the Secretary of State to make regulations setting out the detail of these charges which will be payable monthly.
132. *Subsection (2)* provides that the regulations may require the local authority to use the revenue from these charges for the purposes specified in the regulations. The charges are likely to cover the costs of initiatives to tackle the problem of alcohol-related crime and disorder over and above the normal level of public services. The costs will cover additional enforcement activity by the police and local authority affecting all premises liable to pay the charge within the zone.
133. *Subsection (3)* requires the Secretary of State to set the charging rate at a level which he considers appropriate to cover the purposes specified in the regulations under *subsection (2)*, and the administration costs of running the scheme.
134. *Subsection (4)* enables the Secretary of State to set different charging rates in the regulations. There may be different rates for different types of local authority area (e.g. a large urban centre as compared to a rural area with one small market town), different types of alcohol disorder zones (e.g. the number of premises within the boundaries of the zone) and different premise types (e.g. those which close before a certain time at night). The rates may be set out in the regulations, or the regulations may simply prescribe the mechanisms for working out the different rates.
135. *Subsection (5)* enables the regulations to authorise or require a local authority to grant discounts from the charges. This provision will provide for the granting of discounts once the industry code of practice is launched, is well established and premises have signed up to implement it. Regulations must provide for certain premises to be exempt from the charges. These exemptions are specified in *subsection (6)*, and are limited to premises where the following two conditions are both satisfied:
  - a. the premises are not principally used for the sale or supply of alcohol; and
  - b. the availability of alcohol is not the main reason or one of the main reasons why people visit the premises (either generally or at particular times of the day or week).

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136. The purpose of *subsection (6)* is to ensure that licensed premises such as restaurants, hotels, cinemas and gyms, whose primary purpose and/or basis of patronage is not the sale or supply of alcohol do not have to pay the charge.
137. *Subsection (7)* ensures that discounts or exemptions can be limited to premises complying with conditions which are set out in the regulations or specified by the local authority in accordance with the regulations.
138. *Subsection (8)* enables the regulations to make provision about payment, collection and enforcement of the charges, determination of liability to pay the charges and appeals.
139. *Subsection (9)* enables the regulations to include a provision for interest to be charged on charges where payment is overdue, and for the suspension of the premises licence or club premises certificate if the charge is not paid.
140. *Subsection (10)* explains that the reference to the administration costs in *subsection (3)* is a reference to the cost of arrangements for imposing, collecting and recovering the charges.

***Section 16: Designation of alcohol disorder zones***

141. *Subsection (1)* gives local authorities the power to designate a locality within their area as an alcohol disorder zone if the conditions specified in paragraphs (a) to (d) are satisfied.
142. *Subsections (2) and (3)* state that a local authority intending to designate an area as an alcohol disorder zone must publish a notice setting out their proposals and invite representations within 28 days about the proposal and about what might be included in an action plan to tackle the problem.
143. Following receipt of representations, *subsection (4)* requires the local authority and the local chief officer of police to publish an action plan which sets out the steps that would make the designation unnecessary. The action plan must also be sent to those who would be liable to pay the charge if the area was to be designated. The content of the plan will vary between different areas but must include details of proposed action by the local authority and the police. As an example, the proposed alcohol disorder zone may be in an area where there is a need to raise operating standards in pubs and clubs within the zone. In this case, the action plan might contain, for example, a requirement for pubs and clubs to display information about their proof of age policy. In a different scenario, the proposed alcohol disorder zone might be in an area where the pubs and clubs are quite well run, but there is a public space problem – for example, there is a lack of late-night transport, and the taxi rank is poorly lit and the scene of a lot of trouble. Here the action plan might require premises to fund extra transport provision, and provide door staff for an extra hour after closing time to monitor the taxi rank.
144. *Subsection (5)* envisages that the action plan may include setting up a scheme for payments to be made by premises in the area to the local authority. *Subsection (6)* states that the action plan must also include proposals by the local authority and the local chief officer of police for what actions they will take if the plan is implemented. *Subsection (7)* provides that the authority to make regulations under section 15(2) setting out the purposes for which the compulsory charge may be used also applies to sums received under the action plan.
145. *Subsection (8)* allows the local authority to designate the alcohol disorder zone if, and only if:
  - a. 8 weeks have passed, beginning with the day after the action plan has been published, and the local authority does not consider that the trade have made substantial progress towards implementing the plan; or

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- b. the local authority is satisfied that the plan will not be implemented, that the actions are no longer being taken or that the arrangements made under the plan are no longer in place. This may be before or after the end of the 8 week period.

### ***Section 17: Procedure for designation of zones***

- 146. **Section 17** provides further details of the procedure for the designation of zones. The procedure may be supplemented by regulations made by statutory instrument. *Subsections (4) and (5)* provide for the review of zones every three months. A designation of a locality as an alcohol disorder zone can be revoked by the local authority at any time.

### ***Section 18: Functions of local chief officer of police***

- 147. *Subsection (1)* imposes a duty on the local authority to consider proposing the designation of an alcohol disorder zone if the local chief officer of police suggests that they do so.
- 148. If in such a case the local authority decides against proposing the designation of a zone, *subsection (2)* requires them to give notice of their decision, setting out the reasons, to the local chief officer of police, to the Secretary of State and to the local police authority.
- 149. *Subsection (3)* requires a local authority proposing to designate a locality as an alcohol disorder zone without an application from the chief officer of police to consult the chief officer before publishing notice of their proposal.
- 150. *Subsection (4)* requires local authorities to obtain the consent of the chief officer of police before designating an alcohol disorder zone or revoking it.
- 151. If the chief officer of police does not give this consent, then *subsection (5)* requires him to give notice of his decision and the reasons for it to the Secretary of State and to the local police authority.

### ***Section 19: Guidance about the designation of zones***

- 152. **Section 19** requires the Secretary of State to issue guidance about the exercise of powers in relation to alcohol disorder zones. The guidance must set out alternative steps which should be considered before an area is designated as an alcohol disorder zone. Before issuing or revising guidance the Secretary of State must consult those persons set out in *subsection (3)*.

### ***Section 20: Supplemental provisions for Chapter 2***

- 153. **Section 20** sets out definitions for the terms used in sections 12 to 16 and makes provisions about the powers to make orders and regulations under these sections.