

2007 No. 806

POLICE, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities (Alcohol Consumption in Designated
Public Places) Regulations 2007**

<i>Made</i> - - - -	<i>12th March 2007</i>
<i>Laid before Parliament</i>	<i>16th March 2007</i>
<i>Coming into force</i> - -	<i>6th April 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 13(4) of the Criminal Justice and Police Act 2001(a) and sections 13 and 105(2) of the Local Government Act 2000(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations extend to England and Wales, except that regulation 10 extends to England only.

Interpretation

2. In these Regulations—

“2001 Act” means the Criminal Justice and Police Act 2001;

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

“2001 Regulations” means the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001(d);

“local authority” and “public place” have the same meaning as in section 16 of the 2001 Act (interpretation of provisions relating to designation of public places); and

“order” means an order under section 13(2) of the 2001 Act (designated public places) identifying specifically or by description a public place in the area of a local authority.

Consultation

3.—(1) Before making an order, a local authority shall consult—

(a) 2001 c. 16. The duty in section 13(4) of the 2001 Act is supplemented by section 13(5) of that Act.
(b) 2000 c. 22.
(c) 2003 c. 17.
(d) S.I. 2001/2831; which has been amended by paragraph 2 of Part 2 of the Schedule to S.I. 2005/3048.

- (a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;
- (b) the parish or community council if any in whose area the public place is situated;
- (c) the chief officer of police, the local authority and any parish or community council for any area near to the public place which it considers may be affected by the designation; and
- (d) the premises licence holder, the club premises certificate holder or the premises user, as appropriate, in relation to each premises in that place which it considers may be affected by the designation and which are premises in respect of which—
 - (i) a premises licence granted under Part 3 of the 2003 Act (premises licences) has effect;
 - (ii) a club premises certificate granted under Part 4 of the 2003 Act (clubs) has effect; or
 - (iii) a temporary event notice has been given so that the premises may be used for a permitted temporary activity by virtue of Part 5 of the 2003 Act (permitted temporary activities).

(2) Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.

(3) When a local authority consults any of the parties in paragraph (1) it shall—

- (a) describe in writing the effect that the order will have at particular times in relation to each category of premises specified in paragraph (b);
- (b) the categories of premises are—
 - (i) premises falling under section 14(1)(a)(a) of the 2001 Act (places which are not designated public places) to which section 14(1B)(b) of that Act does not apply;
 - (ii) premises falling under section 14(1)(a) of the 2001 Act to which section 14(1B) of that Act does apply;
 - (iii) premises falling under section 14(1)(aa)(c) of the 2001 Act;
 - (iv) premises falling under section 14(1)(b)(d) of the 2001 Act;
 - (v) premises falling under section 14(1)(c)(e) of the 2001 Act; and
 - (vi) premises falling under section 14(1)(e)(f) of the 2001 Act; and
- (c) identify in writing by postal address or, if there is none, Ordnance Survey map reference or description any premises within that public place to which section 14(1B) of the 2001 Act applies at the time of consultation.

4. A local authority shall consider any representations as to whether or not a particular public place should be identified in an order whether made as a result of consultation under regulation 3, in response to a notice under regulation 5, or otherwise.

Publicity

5. Before making an order, a local authority shall cause to be published in a newspaper circulating in its area a notice—

- (a) identifying specifically or by description the place proposed to be identified;

(a) Section 14(1)(a) of the 2001 Act was substituted by paragraphs 119 and 123(1) and (2)(a) of Schedule 6 to the 2003 Act and further substituted by section 26(1) and (2)(a) of the Violent Crime Reduction Act 2006 (c. 38).

(b) Section 14(1B) of the 2001 Act was inserted by section 26(1) and (3) of the Violent Crime Reduction Act 2006.

(c) Section 14(1)(aa) of the 2001 Act was inserted by section 26(1) and (2)(a) of the Violent Crime Reduction Act 2006.

(d) Section 14(1)(b) of the 2001 Act was substituted by paragraphs 119 and 123(1) and (2)(a) of Schedule 6 to the 2003 Act and further amended by section 26(1) and (2)(b) of the Violent Crime Reduction Act 2006.

(e) Section 14(1)(c) of the 2001 Act was substituted by paragraphs 119 and 123(1) and (2)(a) of Schedule 6 to the 2003 Act and further amended by section 26(1) and (2)(c) of the Violent Crime Reduction Act 2006.

(f) Section 14(1)(e) of the 2001 Act was amended by paragraphs 119 and 123(1) and (2)(b) of Schedule 6 to the 2003 Act.

- (b) setting out the effect of an order being made in relation to that place, including the effect that order will have at particular times in relation to each category of premises specified in regulation 3(3)(b);
- (c) identifying any premises within that place to which section 14(1B) of the 2001 Act applies at the time the notice is published; and
- (d) inviting representations as to whether or not an order should be made.

6. No order shall be made until at least 28 days after the publication of the notice referred to in regulation 5.

7. After making an order and before it takes effect, a local authority shall cause to be published in a newspaper circulating in its area a notice—

- (a) identifying the place which has been identified in the order;
- (b) setting out the effect of the order in relation to that place, including the effect that order will have at particular times in relation to each category of premises specified in regulation 3(3)(b);
- (c) identifying any premises within that place to which section 14(1B) of the 2001 Act will apply at the time the order takes effect; and
- (d) indicating the date on which the order will take effect.

Signage

8.—(1) Before an order takes effect, a local authority shall cause to be erected in the place identified such signs as it considers sufficient to draw the attention of members of the public in that place to the effect of the order.

(2) Each sign erected pursuant to paragraph (1) shall in particular indicate the effect the order will have at particular times in relation to each category of premises specified in regulation 3(3)(b).

Notification to Secretary of State

9. A copy of any order shall be sent to the Secretary of State as soon as reasonably practicable after it has been made.

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

10.—(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a) shall be amended as follows.

(2) In Schedule 1 (Functions not to be the responsibility of an authority’s executive) in Part I (Miscellaneous Functions)—

- (a) for the final entry in Column (1) substitute—
 - “49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption”; and
- (b) for the final entry in Column (2) substitute—
 - “Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).”.

Revocation and saving

11.—(1) Subject to paragraph (2), the following instrument and provision are revoked—

- (a) the 2001 Regulations; and

(a) S.I. 2000/2853. This instrument has been amended but none of the amendments are relevant to these Regulations.

(b) paragraph 2 of Part 2 of the Schedule to the Licensing Act 2003 (Consequential Amendments) Order 2005^(a).

(2) The 2001 Regulations shall continue to have effect in relation to any order for which consultation began, in accordance with regulation 3 of those Regulations, prior to 6th April 2007 and nothing in these Regulations shall apply in respect of such an order.

Home Office
12th March 2007

Vernon Coaker
Parliamentary Under-Secretary of State

^(a) S.I. 2005/3048.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 (“the 2001 Regulations”) which are revoked by regulation 11(1)(a) of these Regulations. These Regulations set out the procedure to be followed by local authorities in connection with orders designating a public place under section 13 of the Criminal Justice and Police Act 2001 (“the 2001 Act”). Once an order is made under that section in relation to a public place in their area, the police powers under section 12 of the Act (to require a person not to consume intoxicating liquor and to surrender opened containers of such liquor) will be available.

Regulations 3 and 4 set out the consultation requirements before making an order. Regulations 5 to 7 set out the publicity requirements before and after making an order, regulation 8 sets out the signage requirements and regulation 9 requires a copy of any order to be sent to the Secretary of State as soon as reasonably practicable after it has been made. Regulation 10 repeats an amendment made to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 by the 2001 Regulations to ensure that the making of an order under section 13 of the 2001 Act is not to be responsibility of the executive of a local authority in England. Regulation 11 revokes the 2001 Regulations with the saving that they will continue to apply in respect of orders which have been consulted on prior to 6th April 2007.

Section 14 of the 2001 Act was amended by the Violent Crime Reduction Act 2006 to provide that certain licensed premises within a designated public place which were previously excluded from that place for the purposes of the 2001 Act are only excluded when alcohol is being sold or supplied on those premises and for 30 minutes following any such period. Those premises are ones in respect of which a premises licence is held by a local authority and those in respect of which a premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority. The amendments made by these Regulations ensure that the consultation and publicity requirements include requirements to indicate the extent and effect of those temporary exclusions. They also require the consultation and publicity requirements to specify the extent to which any other type of premises falling within section 14(1) of the 2001 Act will not form part of the designated public place.

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