
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.