



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 1

ALCOHOL-RELATED VIOLENCE AND DISORDER

VALID FROM 05/06/2008

CHAPTER 2

ALCOHOL DISORDER ZONES

15 Power to impose charges on licence holders etc. in zones

- (1) The Secretary of State may, by regulations, make provision for the imposition by a local authority of charges to be paid to the authority for each month by—
 - (a) persons who for the whole or a part of that month held premises licences authorising the use of premises in alcohol disorder zones in the authority's area for the sale of alcohol by retail; and
 - (b) clubs which for the whole or a part of that month were authorised by virtue of club premises certificates to use premises in such zones for the supply of alcohol to members or guests.
- (2) The Secretary of State may by regulations make provision requiring a local authority that impose charges by reference to an alcohol disorder zone to use sums received by them in respect of those charges for the purposes specified in or determined under the regulations.
- (3) The rates of charges fixed under this section must be such as the Secretary of State considers appropriate for securing that the funds that he considers appropriate are available (after the costs of the scheme have been met from the charges) to be used for any purposes specified or determined under subsection (2).

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- (4) Regulations under this section fixing the rates of charges may fix different rates for different descriptions of local authority, different descriptions of alcohol disorder zones and different descriptions of premises and may do so either—
 - (a) by setting out the different rates in the regulations; or
 - (b) by specifying the methods of computing the different rates in the regulations.
- (5) Regulations under this section fixing such rates—
 - (a) may authorise or require a local authority to grant discounts from the charges; and
 - (b) must provide for exemptions from the charges for the purpose mentioned subsection (6).
- (6) The only exemptions from charges for which regulations under this section may provide are exemptions for the purpose of securing that charges are not imposed in relation to premises where—
 - (a) the principal use to which the premises are 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).
- (7) Regulations providing for a discount or exemption from charges may make a discount or exemption subject to compliance with conditions which—
 - (a) are set out in the regulations; or
 - (b) are specified by the local authority in accordance with provision made under the regulations;and those conditions may include conditions requiring approvals to be given in respect of premises by such persons, and in accordance with such scheme, as may be provided for in the regulations.
- (8) The Secretary of State may by regulations make provision about—
 - (a) the payment, collection and enforcement of charges imposed in accordance with regulations under this section;
 - (b) the determination of questions about liability for such charges, about the rate of charge applicable in relation to a particular set of premises or about compliance with the conditions of any exemption or discount; and
 - (c) appeals against decisions determining such questions.
- (9) Such regulations may include provision—
 - (a) for interest to be charged at such rate and in such manner as may be specified in or determined under the regulations on charges that are overdue; and
 - (b) for the suspension of premises licences and club premises certificates for non payment of a charge.
- (10) In subsection (3) the reference, in relation to any charges, 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 those charges.

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16 Designation of alcohol disorder zones

- (1) A local authority may by order designate a locality in their area as an alcohol disorder zone if they are satisfied—
 - (a) that there has been nuisance or annoyance to members of the public, or a section of the public, or disorder, in or near that locality;
 - (b) that the nuisance, annoyance or disorder is associated with the consumption of alcohol in that locality or with the consumption of alcohol supplied at premises in that locality;
 - (c) that there is likely to be a repetition of nuisance, annoyance or disorder that is so associated; and
 - (d) that subsection (8) allows the making of the order.
- (2) Before designating a locality as an alcohol disorder zone, a local authority must publish a notice—
 - (a) setting out their proposal to designate the locality; and
 - (b) inviting persons interested to make representations about the proposal, and about what might be included in the action plan under subsection (4).
- (3) That notice must require the representations to be made before the end of the period of 28 days beginning with the day after publication of the notice.
- (4) As soon as reasonably practicable after the end of the period for making representations about a proposal by a local authority to designate a locality, the local authority and the local chief officer of police must—
 - (a) prepare a document (“the action plan”) setting out the steps the taking of which would, in their opinion, make the designation of the locality unnecessary;
 - (b) publish the action plan in such manner as they consider appropriate for bringing it to the attention of persons likely to be interested in it; and
 - (c) send a copy of the plan to every person who holds—
 - (i) a premises licence authorising the use of premises in the locality for the sale of alcohol by retail; or
 - (ii) a club premises certificate by virtue of which authorisation is given to the use of premises in the locality for the supply of alcohol to members or guests.
- (5) The steps set out in the action plan may include the establishment and maintenance of a scheme for the making of payments to the local authority.
- (6) The action plan must also contain proposals by—
 - (a) the local authority in whose area the locality to which the proposed designation relates is situated, and
 - (b) the local chief officer of police,about what action they will take in relation to that locality if the plan is implemented.
- (7) The power of the Secretary of State to make regulations under subsection (2) of section 15 shall be exercisable in relation to sums received by a local authority in accordance with a scheme established under an action plan as it is exercisable in relation to sums received by a local authority in respect of charges imposed by virtue of regulations under that section.

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- (8) A local authority may only make an order designating a locality as an alcohol disorder zone if—
- (a) the period of 8 weeks beginning with the day after the publication of the action plan has expired without such steps for implementing the action plan having been taken as, in that authority's opinion, make the designation of the locality unnecessary; or
 - (b) the local authority are satisfied (whether before or after the end of that period) that the plan will not be implemented, that the steps required by the plan are no longer being taken or that effect is no longer being given to arrangements made in accordance with the plan.

17 Procedure for designation of zones

- (1) An order designating an alcohol disorder zone must identify the locality being designated either by name or, if appropriate, by describing its boundaries.
- (2) A local authority who have designated a locality as an alcohol disorder zone may by order revoke the designation.
- (3) If a local authority consider that the locality designated by an alcohol disorder zone should be varied, they may—
 - (a) make a proposal for the purposes of section 16 for a replacement order designating a locality that includes the whole or part of the locality already designated; and
 - (b) in any designation order made to give effect to that proposal, revoke the previous designation with effect from the coming into force of the replacement order.
- (4) The local authority who have designated a locality as an alcohol disorder zone and the local chief officer of police must—
 - (a) as soon as reasonably practicable after the end of three months from the coming into force of the designation, and
 - (b) as soon as reasonably practicable after the end of each subsequent period of three months,
 together carry out a review of the need for the designation.
- (5) On each such review the local authority and local chief officer of police must consider whether it would be appropriate for any of the powers in subsections (2) and (3) to be exercised.
- (6) The Secretary of State may make regulations which, for the purpose of supplementing the provisions of section 16 and this section, prescribe additional procedures to be followed in relation to the making or revocation of orders for the designation of a locality as an alcohol disorder zone.
- (7) Those regulations must include, in particular, provision requiring local authorities to publicise the making and effect of orders designating localities as alcohol disorder zones.

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18 Functions of local chief officer of police

- (1) It is the duty of a local authority to consider whether to make a proposal for the designation of a locality as an alcohol disorder zone if the local chief officer of police applies to them to do so.
- (2) If on such an application the local authority decide not to make a proposal, they must—
 - (a) give notice of their decision (setting out their reasons) to the local chief officer of police; and
 - (b) send a copy of that notice to the Secretary of State and to the police authority for the police area in which the locality to which the proposal relates is situated.
- (3) A local authority which—
 - (a) are proposing to designate a locality as an alcohol disorder zone, and
 - (b) are not doing so on an application from the local chief officer of police,must consult that chief officer before publishing notice of their proposal.
- (4) The consent of the local chief officer of police is required for the making of—
 - (a) an order designating a locality as an alcohol disorder zone; or
 - (b) the making of an order under section 17(2).
- (5) Where the local chief officer of police does not give a consent required by subsection (4)(a), he must give notice of his decision (setting out his reasons) to the Secretary of State and to the police authority for his police area.

19 Guidance about the designation of zones

- (1) The Secretary of State—
 - (a) must issue such guidance as he considers appropriate about the manner in which local authorities, police authorities and chief officers of police are to exercise and perform their powers and duties by virtue of this Chapter; and
 - (b) may from time to time revise that guidance.
- (2) The guidance must include guidance about what alternative steps should be considered before a proposal is made for the designation of a locality as an alcohol disorder zone.
- (3) Before issuing or revising any guidance under this section, the Secretary of State must consult—
 - (a) persons he considers represent the interests of local authorities;
 - (b) persons he considers represent the interests of chief officers of police;
 - (c) persons he considers represent the interests of police authorities;
 - (d) persons he considers represent the interests of holders of premises licences;
 - (e) persons he considers represent the interests of holders of club premises certificates; and
 - (f) such other persons as he thinks fit.
- (4) It shall be the duty of every local authority, police authority and chief officer of police, in exercising their powers and duties by virtue of this Chapter, to have regard to the guidance for the time being in force under this section.

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20 Supplemental provisions for Chapter 2

(1) In this Chapter—

“alcohol disorder zone” means a locality designated as such a zone under section 16;

“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;
- (f) a county council or a county borough council in Wales;

“local chief officer of police”, in relation to the designation of a locality as an alcohol disorder zone, means the chief of police of the police force for the police area in which that locality is situated;

“locality” includes a part of a locality.

(2) Expressions used in this Chapter and in the Licensing Act 2003 (c. 17) or in a Part of that Act have the same meanings in this Chapter as in that Act or Part.

(3) References in this Chapter to premises' being in a locality (however described) include references to their being partly in that locality.

(4) The powers of the Secretary of State to make regulations under this Chapter shall be exercisable by statutory instrument.

(5) Those powers all include power—

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(6) The Secretary of State must not make regulations containing (with or without other provision) any provision that he is authorised to make by this Chapter unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(7) Subsection (5)(b) is subject to the restriction on exemptions contained in section 15(6).

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