

NOTICE PURSUANT TO REGULATION 7 THE LOCAL AUTHORITIES
(ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES)
REGULATIONS 2007

Burnley Borough Council

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

NOTICE IS HEREBY GIVEN THAT Burnley Borough Council in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 has made an order which will come into effect on **Friday 31st July 2009** identifying places detailed in the schedule below as designated public places pursuant to the Criminal Justice and Police Act 2001 (as amended by the Violent Crime Reduction Act 2006)

When the Order takes effect a police constable, police community support officer (where accredited under section 41, section 42 and schedule 5 to the Police Reform Act) and people accredited through a community safety accreditation scheme to control the consumption of alcohol within designated public places may require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the persons possession.

Any person who fails without reasonable excuse to comply with an officer's request under this provision may commit an offence and thus be liable to prosecution or may be issued with a penalty notice for disorder.

The Order will cover the whole of the Borough of Burnley. The Order will only apply to public places as defined in the Criminal Justice and Police Act 2001. This means any place to which the public or any section of the public have access, on payment or otherwise, as of right or by virtue of express or implied permission.

There are a number of public places which will not be subject to the Order at all or will only be subject to the Order at certain times. These are listed below:

1. The Order will not apply to premises in respect of which a Premises Licence has effect which authorises the premises to be used for the sale or supply of alcohol.
2. Where Burnley Borough Council holds the Premises Licence which authorises the sale of alcohol, or occupies or has managed on its behalf a premises subject to a Premises Licence authorising the sale of alcohol the Order will not apply to those premises at times when they are being used for the sale or supply of alcohol and at times falling within 30 minutes after the end of the period during which it had been so used. In effect there is a temporary suspension of the area of the Designated Public Place that is covered by the Local Authority's Premises Licence.

3. The Order will not apply to premises in respect of which a Club Premises Certificate has effect which certifies that the premises may be used by the Club for the sale and supply of alcohol.
4. The Order will not apply to premises which by virtue of a Temporary Event Notice may for the time being be used for the supply of alcohol or could have been used with the last 30 minutes
5. The Order will not apply to premises permitted for the sale or consumption of alcohol under Section 115E of the Highways Act 1980.

The regulations require the identification of premises where the Premises Licence authorising the sale of supply of alcohol is held by a Local Authority in whose area the premises or part of the premises is situated or the 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 premises are:

Townley Hall, Todmodern Road, Burnley.
Mechanics Theatre, Manchester Road, Burnley.
Padiham Town Hall, Burnley Road, Padiham.

SCHEDULE

Land designated by description

All places within the Borough of Burnley to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission unless it is a place that is exempted from being a designated public place or part of such a place by virtue of Section 14 of the Act.