

## THE ARGYLL AND BUTE COUNCIL

### BYELAWS PROHIBITING THE CONSUMPTION OF ALCOHOLIC DRINK IN DESIGNATED PLACES

THE ARGYLL AND BUTE COUNCIL (hereinafter referred to as "the Council") in exercise of the powers conferred upon it by Sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it in that behalf, hereby makes the following byelaws: -

#### Interpretation and Application

- 1 (1) In these byelaws, unless the context otherwise requires -
- "alcoholic liquor", "licensed canteen", "licensed premises" and "registered club" have the same meaning as in the Licensing (Scotland) Act 1976;
- "designated place" means any place to which the public have access within the areas specified in the Schedule to these byelaws;
- "heel line" means that part of the footpath furthest away from the roadway.
- (2) These byelaws shall not apply -
- (a) on 31 December, from 6pm until the end of that day; and
- (b) on 1 January, until 6am.

#### Offence

- 2 (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcoholic liquor in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) It shall not be an offence against these byelaws to do anything in any designated place which is a licensed canteen, licensed premises or a registered club.
- (3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which there is in operation
- (a) an occasional licence in terms of Section 33(1) or (2) of the Licensing (Scotland) Act 1976; or
- (b) an occasional permission in terms of Section 34(1) of that Act
- during any period when alcoholic liquor may be sold there by virtue of that licence or, as the case may be, permission and for 15 minutes after the expiry of such period.

#### Presumptions

3. (1) This byelaw applies for the purposes of any trial for an offence against these byelaws.
- (2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.

(3) A container which is found to contain -

- (a) no liquid; or
- (b) insufficient liquid to permit analysis

shall, subject to the provisions of this byelaw, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

(4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than 7 days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

Public Notices of Effect

- 4
- (1) The Council shall erect one or more signs at, or reasonably adjacent to, each designated place for the purpose of giving notice of the effect of the byelaws.
  - (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

*Susan Main*  
*17th December 1998*

## SCHEDULE

### BUTE AND COWAL

#### DUNOON

All of the public area within that part of the town of Dunoon, including the pier coloured in red, shown within the line delineated in red on the plan marked "Plan A" annexed to and forming part of these Byelaws and bounded as follows: -Commencing at a point on the mean low water springs line (hereinafter referred to as the "MLWS line") directly in line with the heel line of the northeast pavement at Queens Street, there turn southwestwards then southwards then westwards and then south southwestwards and continue along the MLWS line relative to the East Bay and West Bay to a point on the MLWS line directly opposite a point on the heel line of the west footpath at Bullwood Road, there turn westwards and continue in a straight line to a point on the heel line of the west footpath at said road, there turn northwards then northeastwards and continue along the heel line of the west footpath at said road and the heel line of the northwest footpath at Wellington Street, respectively, to the southwest corner of the junction with Auchamore Road, there turn northwards and continue in a straight line across Auchamore Road and along the heel line of the west footpath at Victoria Road, and in doing so crossing in a straight line Mary Street, Hill Street, and Hanover Street, respectively, to the north corner of the junction with Hanover Street, there turn north northwestwards and continue along the heel line of the southwest footpath at Victoria Road, and in doing so crossing in a straight line John Street, Alfred Street, McArthur Street and Jessie Place, respectively, to the west corner of the junction with Hamilton Street, there turn westwards then northwards and continue along the south and west edges of Hamilton Street, respectively, to a point on the heel line of the north footpath at Hamilton Street, there turn eastwards and continue along the heel line of the north footpath at said street to a point directly in line with the medium filium of an unnamed burn, there turn northwards then northwestwards then generally northeastwards and then eastwards and continue along the medium filium of the said unnamed burn which, through its course runs under Argyll Street, to the point where it meets an outlet pipe, there continue eastwards in a straight line across open ground to the heeline of the north edge of an access road into Dunoon Sports Stadium, there turn northeastwards and continue along the northwest edge of said access road and the northwest edge of a footpath leading to Elizabeth Avenue to a point directly in line with the north edge of a track running along the north side of Dunoon Sports Stadium, there turn eastwards then southwards and then westwards and continue along the north, east and south edges of said track to a point directly in line with the heel line of the west footpath at Miller Terrace, there turn southwards and continue in a straight line across open ground and along the heel line of the west footpath at Miller Terrace to the northwest corner of the junction with Argyll Road, there turn eastwards and continue in a straight line across Miller Terrace to the northeast corner of the junction with Argyll Road, there turn southwards and continue in a straight line across Argyll Road and then along the heel line of the east footpath at Union Lane to the east corner of the junction with Queens Street, there turn southeastwards and continue along the heel line of the northeast footpath at Queens Street, and in doing so crossing in a straight line Dhailing Road and George Street, respectively, and at the end thereof continue in a straight line across Alexandra Parade and the foreshore returning to a point on the MLWS Line directly in line with the heel line of the northeast footpath at Queens Street.

#### ROTHESAY

All of the public area within that part of the town of Rothesay, including the piers and pontoons coloured in red, shown within the line delineated in red on the plan marked "Plan B" annexed to and forming part of these Byelaws and bounded as follows:- Commencing at the south

edges of said track, respectively, to a point directly in line with the north west edge of the Clachan Burn, there turn generally northeastwards and continue along the general northwest edge of said burn to the point where it meets the west perimeter of the curtilage of the property known as Kildarden, there turn north northwestwards and continue in a straight line to a point on the north west edge of the Stroul Burn, there turn generally east northeastwards and continue along the general northwest edge of said burn and then in a straight line to a point on the MLWS line, there turn generally southeastwards and then south southwestwards and continue along the MLWS line returning to a point on the MLWS line directly opposite a point on the heel line of the southwest footpath at Rosneath Road.

**MID ARGYLL, KINTYRE AND ISLAY**  
**CAMPBELTOWN**

All of the public area within that part of the town of Campbeltown shown within the line delineated in red on the plan marked "Plan J" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at a point on the medium filium of the Kilkerran Burn directly in line with the mean low water springs line (hereinafter referred to as the "MLWS line") and opposite Kilkerran Cemetery, there turn generally south southwestwards and then generally westwards and continue along the medium filium of said burn and then along the north side of Crosshill Loch, respectively, and then continue westwards in a straight line to a point on the southwest edge of a track, there turn north northwestwards and then northwards and continue along the southwest and west edges of said track, respectively, to a point on the southwest edge of a path, there turn generally northwestwards and continue along the southwest edge of said path and then along the north northeast edge of an access road to a point on the east edge of said road, there turn northwards and continue along the east edge of said road and then in a straight line to a point on the heel line of the north northwest footpath at Whitchburn Road, there turn east northeastwards and continue along the heel line of the north northwest footpath at Whitchburn Road to a point on the west southwest edge of Doctor's Road, there turn north northwestwards, then northeastwards, then northwards and then east northeastwards and continue along the west southwest, north northwest, west and north northwest edges of said road, respectively, to a point on the west northwest edge of a path leading to Hillside Road, there turn north northeastwards and then northeastwards and continue along the west northwest and north northwest edges of said path, respectively, and then continue northeastwards in a straight line to a point on the southwest perimeter of the curtilage of Snipefield Industrial Estate, there turn northwestwards and then north northeastwards and continue along the southwest and northwest perimeters of the curtilage of said estate, respectively, and then continue north northeastwards in a straight line to a point on the heel line of the northeast footpath at Tarbert Road, there turn south southeastwards and continue along the heel line of the northeast footpath at said road to a point on the north edge of Balegreggan Road, there turn generally eastwards and continue along the north edge of said road to the end thereof and continue in a straight line to a point on the medium filium of the Askomill Burn, there turn southeastwards and then generally southwards and continue along the medium filium of said burn and then in a straight line to a point on the MLWS line, there turn generally southwestwards, then generally west northwestwards, then generally southwestwards and then generally south southeastwards and continue along the MLWS line (and where there is a break therein continue along the mean high water springs line to the next point on the MLWS line), returning to a point on the medium filium of the Kilkerran Burn directly in line with MLWS line and opposite Kilkerran Cemetery.

## LOCHGILPHEAD

All of the public area within that part of the town of Lochgilphead shown within the line delineated in red on the plan marked "Plan K" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at the southeast corner of the junction of Manse Brae and Lochnell Street and at the heel line of the northeast footpath at Lochnell Street, there turn south eastwards then south southeastwards and continue along the heel line of the northeast and east southeast pavements at Lochnell Street and Cossack Street, respectively, to a point on the northwest face of an archway, there turn west southwestwards then southwestwards then north westwards then westwards and then southwards and continue along the northwest face of said archway, and in doing so crossing in a straight line Cossack Street, the northwest face of a wall, a boundary fence and the west face of a wall, to a point directly opposite a point on the medium filium of the Cuilarstich Burn, there turn westwards and continue in a straight line to a point on the medium filium of said burn, there turn northwards then northwestwards and then northwards and continue along the medium filium of said burn to a point directly in line with the south perimeter of the curtilage of Lochgilphead Caravan Park, there turn east southeastwards and continue in a straight line to a point on the heel line of the northwest footpath at Lorne Street, there turn north northeastwards and continue along the heel line of the northwest footpath at said street and at the end thereof turn north northwestwards and continue in a straight line to a point on the medium filium of said burn, there turn northeastwards then eastwards and continue along the medium filium of said burn to a point directly in line with the east face of a wall bounding Argyll and Bute Council Offices, there turn southwards then northwestwards and then southwards and continue along the east, northeast and east faces of said wall, respectively, to a point on the heel line of the north footpath at Oban Road, there turn east northeastwards and continue along the heel line of the north footpath at said road to a point directly in line with the heel line of the east northeast footpath at Brodie Crescent, there turn south southeastwards and continue in a straight line across Oban Road and along the heel line of the east northeast footpath at Brodie Crescent to the northeast corner of the junction with Sinclair Drive, there turn east southeastwards then eastwards and continue along the heel line of the north northeast and north footpaths at Sinclair Drive, respectively, to the north northwest corner of the junction with Dewar Avenue, there turn southeastwards then southwards and then southwestwards and continue in a straight line across Dewar Avenue and then along the heel line of the east and southeast footpaths at Dewar Avenue, and in doing so crossing in a straight line the access road to Rowan Park, respectively, to the southeast corner of the junction with Union Street, there turn southeastwards and continue along the heel line of the northeast footpath at Union Street and then in a straight line across Manse Brae to a point on the heel line of the southeast footpath at Manse Brae, there turn southwestwards and continue along the heel line of the southeast footpath at said brae returning to the southeast corner of the junction of said brae and Lochnell Street.

## PORT ELLEN

All of the public area within that part of the settlement of Port Ellen shown within the line delineated in red on the plan marked "Plan L" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at a point on the mean low water springs line (hereinafter referred to as the "MLWS line") directly opposite a point on the heel line of the north northwest footpath at Frederick Crescent, there turn north northwestwards and continue in a straight line to a point on the heel line of the north northwest footpath at Frederick Crescent, there turn east northeastwards then east southeastwards and continue along the heel line of the north northwest and northeast footpaths at said crescent, respectively, to the northwest corner of the junction with Mansefield

Road, there turn northeastwards and continue generally along the northwest edge of Mansefield Road to the southwest corner of the junction with the Back Street, there turn southeastwards and continue in a straight line across Mansefield Road to the southeast corner of the junction with Back Street, there turn southwestwards and continue along the southeast edge of Mansefield Road to the southeast corner of the junction with Frederick Crescent, there turn southeastwards, south southeastwards and then generally south southwestwards and continue along the heel line of the northeast and east footpaths at said crescent, and in doing so crossing in a straight line Lennox Street, and the southeast edge of Frederick Crescent, respectively, to a point directly opposite a point on the MLWS line, there turn northwestwards and continue in a straight line to a point on the MLWS line, there turn generally northwards and continue along the MLWS line returning to a point on the MLWS line directly opposite a point on the heel line of the north northwest footpath at Frederick Crescent.

### OBAN, LORN AND THE ISLES

#### OBAN

All of the public area within that part of the town of Oban shown within the line delineated in red on the plan marked "Plan M" annexed to and forming part of these Byelaws and bounded as follows: - Commencing at the south corner of the junction of Lochavullin Road and Glenshellach Road turn westwards and continue in a straight line to a point on the west edge of Glenshellach Road, there turn north northwestwards and continue along the west edge of said road and then in a straight line to a point on the northwest edge of Glenshellach Terrace, there turn east northeastwards and continue along the northwest edge of said terrace to the west corner of the junction with Dunuraun Road, there turn northwest and continue along the southwest edge of said road to a point directly in line with the west edge of a footpath leading to Alma Crescent, there turn northwards and continue in a straight line across Crannaig-a-Mhinster road and then along the west edge of said footpath to a point on the southwest edge of Alma Crescent, there turn generally northwestwards and then west southwestwards and continue along the southwest edge of Alma Crescent and the south southwest edge of Gallanach Road and then along the southeast edge of said road to a point directly in line with an extension of the line of the southwest face of a seawall which lies to the northeast of land now or formerly owned by the Trustees of Oban Sailing Club and runs southwestwards towards Gallanach Road and then turn northwestwards and continue in a straight line across Gallanach Road and Dungallan Parks and then along the line of the southwest face of the said seawall to a point on the mean low water springs line (hereinafter referred to as the "MLWS line"), there turn generally north eastwards and then generally southeastwards and continue along the MLWS line and then the mean high water springs line (hereinafter referred to as the "MHWS line") to a point on the seaward edge of the Railway Quay, there turn generally north northeastwards and then generally northeastwards and continue along the seaward edges of said quay and the MHWS line to a point on the north face of the sea wall at Station Square, there turn east northeastwards and then generally northwards and continue along the north face of said wall and then the MLWS line, respectively, to a point on the southeast edge of the North Pier, there turn southwestwards then north northwestwards and then north eastwards and continue along the seaward edges of the said pier to a point directly in line with the MLWS line, there turn generally north northwestwards and continue along the MLWS line to a point directly in line with the north edge of the Dog Stone, there turn eastwards and continue in a straight line to a point on the east edge of a track leading to Dunollie House, there turn south southwestwards then southeastwards then eastwards and then south southwestwards and continue along the east, northeast, north, and southeast edges of said track, respectively, to a point directly in line with the northwest edge of Bayview road, there turn generally east southeastwards and continue in a straight line, then along the northwest and southeast edges at Bayview Road then along the