

BYE-LAW REVIEW - PUBLIC CONSUMPTION OF ALCOHOL

1. SUMMARY

- 1.1 The existing byelaws covering Argyll and Bute were made in December 1998. Section 202A of the Civic Government (Scotland) Act 1982 requires that a local authority shall not later than 10 years from the coming into force of a byelaw undertake a review of said byelaw.

The Area Committee resolved at a meeting on 3 June 2008 to proceed with the review of the existing bye-laws in Bute and Cowal prohibiting the consumption of alcohol in public places.

This report informs the Bute and Cowal Area Committee of the information gathered by Corporate Services, as an initial step, in reviewing the bye-laws. This information has been obtained through consultation with Strathclyde Police, guidance from Argyll and Bute Council Legal Services and proposals made by elected members of the Council following the resolution to review the byelaws by the Area Committee on 3 June 2008.

2. RECOMMENDATION

- 2.1 The Bute and Cowal Area Committee, having due regard to information gathered to inform the review of the Bute and Cowal bye-laws, resolve that the current bye-law geographical boundaries are fit for purpose with amendments progressed in respect of:

Rothesay bye-law geographical area

- 2.2 Should unlawful public drinking be identified as a persistent problem in an area that is covered by existing bye-laws this matter is subject to action to be determined by the Community Safety Partnerships in Bute and in Cowal.

3. BACKGROUND

- 3.1 Following the report to the Area Committee dated 22 May 2008 the Council's Corporate Services liaised with Strathclyde Police to obtain data which helps to quantify offences in relation to public drinking in Argyll and Bute

- 3.2 An analytical report provided by Strathclyde Police examined public drinking offences over a three year period from 25 July 2005 to 24 July 2008. Within this period 593 drinking in public offences are recorded. 542 of these occurred within the six main towns of Helensburgh, Dunoon, Rothesay, Oban, Campbeltown and Lochgilphead.

Of the total of 542 recorded offences within towns, 57 occurred in Rothesay and 97 in Dunoon

Hotspot analysis was undertaken in order to identify the main concentration of drinking offences. Within Rothesay public drinking offences were concentrated in Montague Street (14 offences), High Street (13 offences) and Victoria Street (10 offences). In Dunoon the largest number of offences occurred in Argyll Street (62 offences).

The areas identified within Dunoon as hotspots from this analysis of public drinking offences are already covered by the existing bye-law. Other enforcement measures may, therefore, require to be applied to tackle behaviour in these places designated as hotspots or where unlawful public drinking is persistent. It is recommended that this be progressed by the Community Safety Partnership.

(The Rothesay and Dunoon analysis data by Strathclyde Police is presented as an appendix to this report).

- 3.3 A police view was also sought on the geographical extent of the current bye-laws.

Consultation was undertaken by Corporate Services with Strathclyde Police Inspectors and Chief Inspectors in each area of Argyll and Bute and Superintendent Raymond Park.

From a Strathclyde Police perspective the current byelaws within Dunoon are fit for purpose and no amendments to existing geographical boundaries or additional bye-laws have been proposed.

Strathclyde Police reiterated support for the proposed extension to the Rothesay bye-law. This includes the proposal by Bute Community Safety Partnership forum, as a respondent to the Rothesay byelaw consultation, to incorporate a further extension south from Wellpark Road to Millburn Bridge and following the line of Ascog Burn thus covering the area of the former Royal Burgh of Rothesay. (Argyll and Bute Council Legal Services report on the consultation with interested and relevant parties is included as a separate report).

3.4 Guidance has been provided by the Council's Legal Services in respect of the impact of bye-laws upon outside drinking areas provided by licensed premises. If there was a desire to encourage more outside drinking areas those premises that wished to do so would be required to extend their licensed area in order to be exempt from the byelaws. They may require planning permission and, if the extension included the public footpath/pavement, consent from the Council as roads authority. In addition, the Licensing Board would require to approve the extension and could attach conditions to its use e.g. restrict usage to a certain time.

4. IMPLICATIONS

Policy	None
Financial	None
Personnel	Democratic Services and Governance coordination of the process. Legal Services production of Byelaws
Equal Opportunities	None

For further information contact Robert Cowper, Corporate Services – tel. 01436 658831

H&L area comm.
(reports)

APPENDIX 1 STRATHCLYDE POLICE DATA

This document provides information in relation to drinking in public offences in Argyll and Bute.

The time period examined is a 3 year period from 25th July 2005 to 24th July 2008.

The following crimes are considered drinking in public offences:

- ABC (Prohibition of Consumption of Alcohol) Bye-Laws 1997
- Fixed Penalty Notices for consuming alcoholic liquor in a public place

These crimes were examined geographically and all crimes occurring within the Argyll and Bute area were considered for the analysis.

Over the period there were 593 drinking in public offences recorded in Argyll and Bute. 542 of these occurred within the six main towns, namely:

- Helensburgh (316)
- Dunoon (97)
- Rothesay (57)
- Oban (38)
- Campbeltown (27)
- Lochgilphead (7)

Hotspot analysis was undertaken in each of the main towns in order to identify the main concentration of drinking offences. In addition, a table was produced for each town detailing the number of offences occurring in each street.

Dunoon

Map 1: Drinking in Public Offences in Dunoon 25th July 2005 – 24th July 2008

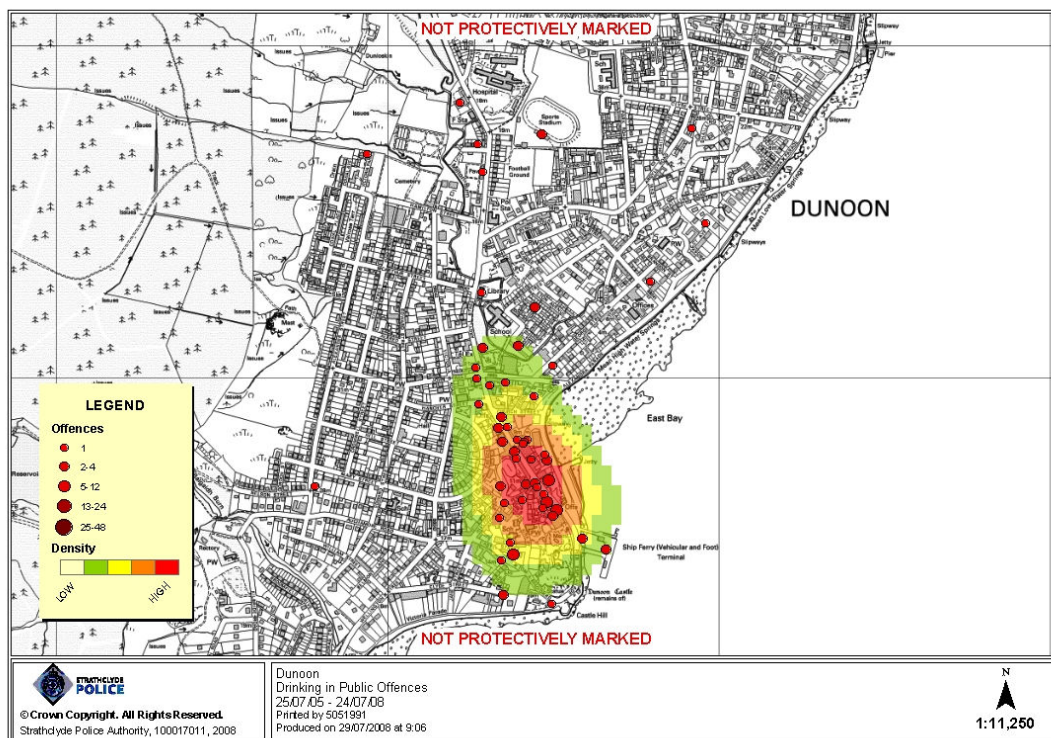


Table 1: Street Examination of Offences in Dunoon

STREET	DRINKING OFFENCES
ARGYLL STREET	62
CASTLE STREET	7
ALEXANDRA PARADE	5
FERRY BRAE	4
MOIR STREET	3
VICTORIA PARADE	3
HILLFOOT STREET	2

REGENT TERRACE	2
THE GLEBE	2
ALEXANDER STREET	1
GEORGE STREET	1
JOHN STREET	1
KIRK BRAE	1
QUEEN STREET	1
TOM-A-MHOID ROAD	1
VICTORIA PARK	1

Rothesay

Map 2: Drinking in Public Offences in Rothesay 25th July 2005 – 24th July 2008

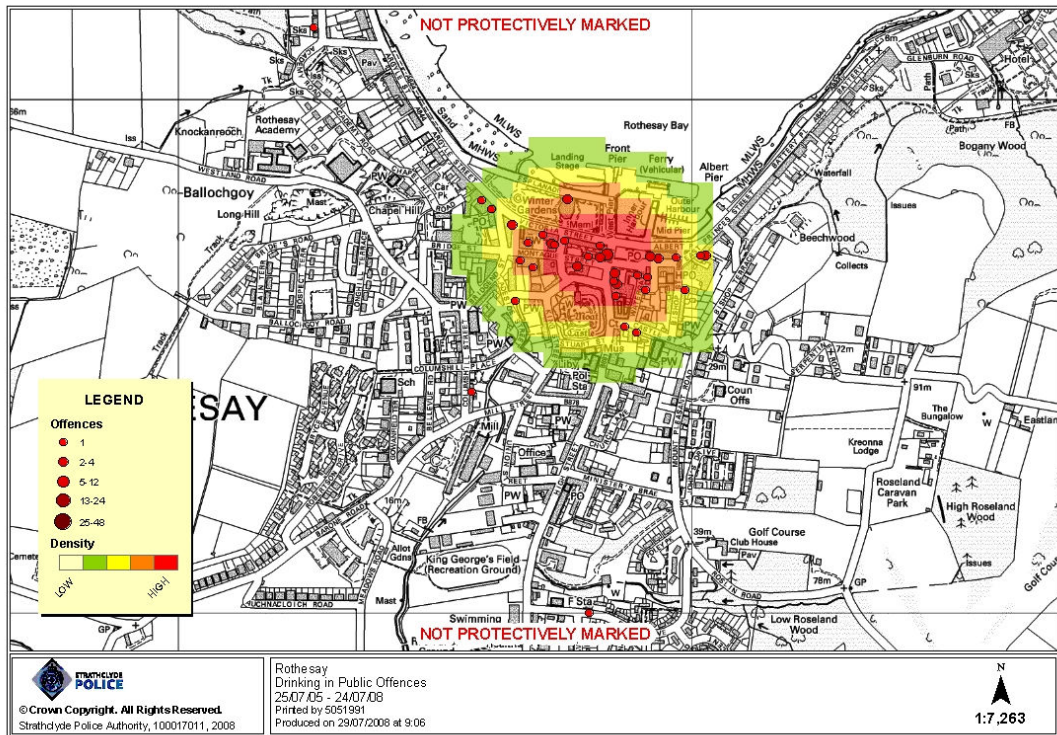


Table 2: Street Examination of Offences in Rothesay

STREET	DRINKING OFFENCES
MONTAGUE STREET	14
HIGH STREET	13
VICTORIA STREET	10
WATERGATE	4
EAST PRINCES STREET	3
ALBERT PLACE	2
TOWER STREET	2
ARGYLE TERRACE	1
ARGYLE STREET	1
BISHOP STREET	1
CASTLE STREET	1
COLUMSHILL STREET	1
GALLOWGATE	1
LADESIDE STREET	1
STORE LANE	1
WEST PRINCES STREET	1

