
ARGYLL AND BUTE COUNCIL**CUSTOMER SERVICES**

**PROPOSED EXTENSION OF BYELAW
CONSUMPTION OF ALCOHOLIC DRINK IN
DESIGNATED PLACES IN RELATION TO OBAN****DATE
22 November 2012**

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| 1. | INTRODUCTION | |
| | 1.1 | This report advises the Council further on the proposal to amend the byelaw prohibiting consumption of alcohol in designated public places to extend the scope thereof to include Soroba, Glengallan and the Pulpit Hill areas of Oban. |
| | 1.2 | The Council had previously agreed that the Executive Director of Customer Services be instructed to initiate the process for revision of the existing byelaw to incorporate these areas. |
| | 1.3 | Consultation has taken place with the Police and interested parties. |
| | 1.4 | Members are asked to consider the information received, the recommendation and the proposed amendment to the byelaw. |
| 2. | RECOMMENDATIONS | |
| | 2.1 | <p>The Council having due regard to the consultation undertaken with relevant parties and the information gathered to inform the review agrees to amend the existing byelaws as detailed in the attached draft byelaws and</p> <p>(a) authorises the Head of Governance and Law to advertise the intention to amend as required by the Local Government (Scotland) Act 1973; and</p> <p>(b) authorises the Head of Governance and Law to authenticate the byelaws after the period of one month has expired if no objections received and submit the byelaw to the Scottish Government for confirmation and agree the commencement date with the Scottish Government if confirmed.</p> |
| 3. | DETAIL | |
| | 3.1 | The Argyll and Bute principal byelaws, prohibiting consumption of alcohol in designated public places, were established in 1998 and then amended in April 2009 following a review of the principal byelaws. |
| | 3.2 | Strathclyde Police requested that consideration be given to extending the existing byelaw in Oban prohibiting consumption of alcohol in public. This request was considered by the Oban, Lorn and the Isles Area Committee and thereafter by the Council's Executive who recommended to the Council that the Executive Director of Community Services be instructed to initiate the process |

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| | | for revision of the existing byelaw to extend the scope thereof to include Soroba, Glengallan and the Pulpit Hill areas of Oban. The Council agreed this recommendation. |
| 3.3 | | <p>Advice from the Scottish Government contained in Circular JD/6/2007 details the procedure required in order to obtain approval for a byelaw namely –</p> <ol style="list-style-type: none"> I. Consider justification for the boundaries of proposed areas. Police and interested parties should provide information to help determine the extent of the boundaries. II. Consult with the Police and, thereafter, the Procurator Fiscal to ensure they are content with the amendment proposal and that it is sufficiently precise for the purpose of prosecution. III. Consult with relevant and interested parties. It is considered that the relevant parties for such a consultation are the Community Council, the licensed trade organisations, the local crime prevention groups and others identified in the locality. This is not a legal requirement but is recommended as good practice. A four week period should be given for responses. IV. Advise the Scottish Government of the intention to amend the byelaw and submit a draft copy. V. Draft the byelaw and place it before Council for approval. VI. Advertise the intention to apply for confirmation of the byelaw amendment as required by the Local Government (Scotland) Act 1973 Act (advertise in press, allow one month for objection). VII. After a minimum of one month from the date of expiry of the advertisement the Council makes the byelaw and submit it to the Scottish Government for confirmation by Scottish Ministers. VIII. Agree the date on which the byelaw comes into operation (S202, Local Government (Scotland) Act 1973) which is normally one month after the byelaw has been confirmed. |
| 3.4 | | The Oban, Lorn and the Isles Area Committee had before it, when it made the recommendation to extend the area, from Strathclyde Police detailing crimes and incidents in Oban in relation to drinking in public places. Following the endorsement of the Area Committees recommendation Officers carried out further consultations and received updated crime statistics. |
| 3.5 | | Strathclyde Police and the Procurator Fiscal are in agreement with the proposal to amend the area to include Soroba, Glengallan and the Pulpit Hill areas of Oban. Strathclyde Police have advised that the proposed areas of Soroba, Glengallan and Pulpit Hill reflects the finding of the statistical analysis undertaken identifying issues in the proposed areas. |

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| | 3.6 | Consultation letters on the proposal were issued on 26 July 2012 with a closing date for responses of 24 August to Oban Community Council, the Licensed Trade Association, the Local Area Community Planning Partnership and the Community Safety Partnership. Oban Community Safety Forum advised they supported the proposal. No other responses were received. | |
| | 3.7 | A draft copy of the proposal was submitted to the Scottish Government to establish if the proposals were sufficiently precise and avoid any need to re- advertise the byelaw proposals, and confirmation has been received that informally they are content with the draft. | |
| | 3.8 | Members require to consider ,having considered the information received as detailed above, if they wish to proceed with the extension of the area, and if so approve the byelaw as attached to this report. | |
| | 3.9 | If Members approve the making of the byelaws the next stage of the process is to advertise the intention to amend the principal byelaws in the Oban Times as the proposal only relates to that area within Argyll and Bute and after one month from the date of the advert if no objections are received by the Scottish Government thereafter apply to them for confirmation of the byelaw. | |
| | 3.10 | If the byelaw is confirmed a notice will require to be placed in the local press advising that the byelaw has been made. Notices will also require to be put up round the additional areas advising that the byelaw applies and the penalty for an offence. | |
| 5. | IMPLICATIONS | | |
| | 5.1 | Policy | None |
| | | Finance | Cost of signage to inform public of byelaw restriction on public drinking |
| | | Personnel | Governance and Law coordination of the process and production of amended byelaw |
| | | Legal | If Council agree to proceed with amended byelaw will require to advertise to comply with the Local Government (Scotland)Act |
| | | Risk | None |
| | | Customer Services | None |

Douglas Hendry
Executive Director – Customer Services
7th November 2012