

**CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES BYELAWS**

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**1.0 INTRODUCTION**

The purpose of this report is to report to members on a review on the Consumption of Alcohol in designated places Byelaws which is due for review in 2024.

Argyll and Bute Council made byelaws in relation to the consumption of alcohol in designated places which came into force in 1999. They were amended in 2009.

The byelaws were most recently reviewed in 2014 when, following information provided by the police, areas in Oban were added namely Soroba, Glengallan and Pulpit Hill.

- 1.1 In terms of Section 201 of the Local Government (Scotland) Act 1973, byelaws require to be reviewed not later than ten years from the coming into force of the byelaw and every 10 years thereafter

**2.0 RECOMMENDATIONS**

- 2.1 Members are requested to

- a) Note the position with regards to the review of the Byelaw prohibiting consumption of alcohol in designated areas in Argyll and Bute which is due for review in 2024.
- b) Agree to recommend to the Council that no change to the byelaw is required at this time, in the knowledge that should there be any changes in circumstances that a formal review could take place at any point before the next period of review subject to adherence to Scottish Government Guidelines and their consequent approval and confirmation.

**3.0 DETAIL**

- 3.1 This report advises the Council on the Byelaws prohibiting consumption of alcohol in designated areas which is due for review in February 2024
- 3.2 Under section 201(1) of the Local Government (Scotland) Act 1973 ("the 1973 Act"), a local authority may make byelaws for the good rule and government of the whole or part of their area, and for the prevention and suppression of nuisances therein. Almost all local authorities in Scotland have an alcohol byelaw that covers a population or geographical area.
- 3.3 The Council resolved to make bye-laws to prohibit the consumption of alcohol within designated public places in Argyll and Bute in 1999. The consumption of Alcohol Byelaws were reviewed most recently in 2014 when, following information from the police, areas in Oban were added namely Soroba, Glengallan and Pulpit Hill.

The designated areas covered by the Consumption of Alcohol Byelaw are on the website. There is a separate byelaw for Luss [Public drinking byelaws | Argyll and Bute Council \(argyll-bute.gov.uk\)](https://www.argyll-bute.gov.uk/public-drinking-byelaws)

- 3.4 Byelaws, once reviewed and established, are in situ for a period of 10 years. If a change of circumstances emerge within the designated areas, byelaws can be reviewed within the 10 year period in line with Scottish Government Guidelines. Changes to the byelaws would be subject to public consultation and require approval and confirmation by the Scottish Government.
- 3.5 Enforcement of the byelaw is provided for in sections 128 and 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 which gives police powers to issue a fixed penalty notice for drinking alcohol in contravention of byelaws made under sections 201-203 of the 1973 Act. If an offender refuses to pay the fixed penalty notice or wishes to challenge the allegation in court and is found guilty, the offender is liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale.
- 3.6 Police Scotland have been consulted on a review of the Consumption of Alcohol Byelaw given their knowledge of crime figures and powers of arrest to tackle alcohol related anti- social behavior. They have not provided any comment.

#### **4.0 CONCLUSION**

- 4.1 The Byelaws in respect of consumption of alcohol designated places in Argyll and Bute is due for review in February 2024. In light of the fact that no comments have been received from Police Scotland, it is recommended that no change to the Byelaws is made at this time. Having completed the regulatory element of the review process we will update the local community councils on the outcome and confirm that should there be any changes in circumstances within the area in the future, it is possible that a formal review could take place before the next period of review. This would be subject to adherence to Scottish Government Guidelines and their consequent approval and confirmation.

#### **5.0 IMPLICATIONS**

- 5.1 Policy: The application of the Byelaw process is consistent across all areas of Argyll and Bute.
- 5.2 Financial : None
- 5.3 Legal; Byelaws are a legal process subject to section 201(1) of the Local Government (Scotland) Act 1973 and Scottish Government guidance, approval and confirmation.
- 5.4 HR: None
- 5.5 Fairer Scotland Duty: None
- 5.5.1 Equalities - protected characteristics: None
- 5.5.2 Socio-economic Duty: None
- 5.5.3 Islands: None
- 5.6 Risk: Process ensures byelaw continues to be fit for purpose
- 5.7 Customer Service: None.

**Douglas Hendry**

**Executive Director with responsibility for Legal and Regulatory Support**

**Councillor Kieron Green Policy Lead**

**18th October 2023**

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