

**PROPOSED EXTENSION OF BYE-LAW - CONSUMPTION OF ALCOHOLIC
DRINK IN DESIGNATED PLACES**

1. SUMMARY

- 1.1 The purpose of this report is to advise the LACPG that evidence has been provided by Strathclyde Police to support their request that consideration be given to extending the existing byelaw in Oban prohibiting consumption of alcohol in public.

2. RECOMMENDATION

- 2.1 The LACPG is asked to note that at a recent meeting of the Council's local Area Committee it was agreed to initiate the process for revision of the existing byelaw to extend the scope thereof to include the Soroba, Glengallan and Pulpit Hill areas of Oban.

3. BACKGROUND

- 3.1 The Argyll and Bute Council Prohibition of Alcoholic Drink in Designated Places (Amendment) (No.1) Byelaws 2009 came into force on 29th June 2009 following a review of the, then, existing byelaws.
- 3.2 Strathclyde Police have gathered evidence in support of their submission that there would be benefit in extending the existing byelaw to encompass the Soroba area of Oban. This evidence is attached.
- 3.3 The process for amending the current byelaw is the same as that for applying for a new byelaw prohibiting the consumption of alcohol in designated places.

An area has to be designated to which the amended byelaw would apply. It is based on information and evidence gathered and in particular information received from the Police. The area should be clearly definable both in the byelaw and on the ground to avoid confusion and doubt.

Exceptions may be considered in the application of the byelaw to cover celebrations and local festivals etc.

The effect would be that any person consuming alcohol in any place to which the public have access within the area designated would be committing a criminal offence. This would apply to all persons; not simply to tourists or visitors but to the inhabitants as well.

Enforcement of any byelaw created will be the responsibility of the Police. It will be their role, as is normal in regard to criminal matters, to investigate alleged breaches of the byelaw and arrest those involved.

- 3.4 Advice from the Scottish Government contained in Circular JD/6/2007 details the procedure required in order to obtain approval for a byelaw.

Consider justification for the boundaries of proposed areas. Police and interested parties should provide information to help determine the extent of the boundaries.

Consult with the Police and, thereafter, the Procurator Fiscal to ensure they are content with the proposal and that it is sufficiently precise for the purpose of prosecution

Advise the Scottish Government of the intention to make a byelaw and submit a draft copy.

Consult with relevant and interested parties. It is considered that the relevant parties for such a consultation the Community Council, the licensing trade organisations, the local crime prevention groups and other identified within the locality. This consultation is not a legal requirement but is recommended as good practice. A four week period should be given for responses.

Draft bylaw and have it put before the full Council for approval.

Advertise the intention to apply for confirmation of the byelaw as required by the 1973 Act (advertise in press (allow 28 days for objection).

Submit the byelaw to the Scottish Government for confirmation and to fix the date on which the byelaw comes into operation. (S202(4) Local Government (Scotland) Act 1973)

Place notices in the local press advising that the bylaw has been made.

Arrange for notices to be put up around the designated area advising the byelaw applies and the penalty, on summary conviction, for an offence.

For Further Information contact Kenneth Macdonald. Area Manager -
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