

<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date: 7 October 2010</b>
<b>Report By:</b>	<b>Head of Legal and Democratic Services</b>	<b>Report No: HMcN/LA/576/10</b>
<b>Contact Officer:</b>	<b>Howard McNeilly</b>	<b>Contact No: 01475 712117</b>
<b>Subject:</b>	<b>Byelaws for Prohibiting the Consumption of Alcohol in Public Places</b>	

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### 1.0 INTRODUCTION

1.1 The purpose of this report is to request that the Council:

- Makes The Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 2010.
- Authorises the Head of Legal and Democratic Services to submit the Byelaws to Scottish Ministers for confirmation and to take all necessary action in connection therewith.

### 2.0 SUMMARY

2.1 At its meeting on 18 February 2010 the Council authorised the Head of Legal and Administration to submit to the Scottish Government for approval in principle amended Byelaws prohibiting the consumption of alcohol in public places.

2.2 Scottish ministers have now approved the Byelaws in principle and the Council is therefore requested formally to make the Byelaws.

2.3 The Council is also requested to authorise the Head of Legal and Democratic Services to submit the Byelaws to Scottish Ministers for confirmation and to take all necessary action in connection therewith.

2.4 Public notice of the making of the Byelaws will be published in the Greenock Telegraph and on the Council's website and any person who wishes to object to the Byelaws may submit their objection to Scottish Ministers within the period of one month beginning with the date of publication of the public notice.

### 3.0 RECOMMENDATION

3.1 It is recommended that the Council:

- Makes The Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 2010.
- Authorises the Head of Legal and Democratic Services to submit the Byelaws to Scottish Ministers for confirmation and to take all necessary action in connection therewith.

Howard McNeilly  
Legal and Democratic Services

## 4.0 BACKGROUND

- 4.1 At its meeting on 18 May 2010 the Council authorised the Head of Legal and Administration to submit to Scottish Ministers for approval in principle amended Byelaws prohibiting the consumption of alcohol in public places.
- 4.2 These Byelaws are intended to replace The Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 1997. The 1997 Byelaws made it an offence for any person to consume alcoholic liquor in any public place within the built up areas of Inverclyde.
- 4.3 The 2010 Byelaws make it an offence not only to consume alcohol in a designated place, but also to be found in possession of an open container containing alcohol in a designated place in circumstances whereby it is reasonable to infer that that person intended to drink from it whilst in a designated place.
- 4.4 Strathclyde Police are supportive of the new Byelaws as they have experienced operational difficulties in enforcing the existing Byelaws because of the requirements for police officers actually to observe alcohol being consumed.
- 4.5 Scottish Ministers have now approved in principle the 2010 Byelaws and therefore it is requested that the Council formally makes these Byelaws. It is further requested that the Council authorises the Head of Legal and Democratic Services to submit the Byelaws to Scottish Ministers for confirmation and to take all necessary action in connection therewith.
- 4.6 Public notice of the making of the Byelaws will be published in the Greenock Telegraph and on the Council's website and any person who wishes to object to the Byelaws may submit their objection to Scottish Ministers within the period of one month beginning with the date of publication of the public notice.
- 4.7 Following confirmation of the Byelaws, the formal statutory procedures for bringing these into effect may be commenced. A further report in this regard will be submitted to the Council.

## 5.0 IMPLICATIONS

### 5.1 Financial Implications - One off Costs

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>Budget Year</b>	<b>Proposed Spend this Report</b>	<b>Virement From</b>	<b>Other Comments</b>
n/a	n/a	n/a	n/a	n/a	n/a

### Financial Implications - Annually Recurring Costs / (Savings)

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>With Effect from</b>	<b>Annual Net Impact</b>	<b>Virement From (if applicable)</b>	<b>Other Comments</b>
n/a	n/a	n/a	n/a	n/a	n/a

5.2 Personnel: None

5.3 Legal: None