

Report To: The Inverclyde Council **Date:** 2 December 2010

Report By: Head of Legal & Democratic Services **Report No:** LA/629/10

Contact Officer: Howard McNeilly **Contact No:** 01475 712117

Subject: Byelaws for Prohibiting the Consumption of Alcoholic Liquor in Public Places

1.0 INTRODUCTION

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

- The Scottish Ministers have confirmed the Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 2010;
- The Byelaws will come into force on 20 December 2010.

2.0 SUMMARY

2.1 At its meeting on 7 October 2010 the Council:

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

2.2 Scottish Ministers have confirmed the Byelaws and have fixed 20 December 2010 as the date on which the Byelaws shall come into operation.

3.0 RECOMMENDATION

3.1 It is recommended that the Council notes that:

- the Scottish Ministers have confirmed the Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 2010;
- the Byelaws shall come into operation on 20 December 2010.

Howard McNeilly
Legal & Democratic Services

4.0 BACKGROUND

4.1 At its meeting on 7 October 2010 the Council:

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

4.2 The Head of Legal & Democratic Services arranged for notice of the making of the Byelaws to be published in the Greenock Telegraph, allowing a one month period for submission of objections to the Scottish Ministers. The period for objections expired on 11 November 2010 and no objections were submitted. Thereafter the Head of Legal & Democratic Services submitted the Byelaws to the Scottish Ministers for confirmation.

4.3 On 29 November 2010 the Head of Legal & Democratic Services received from the Scottish Ministers the confirmed Byelaws. The Scottish Ministers have fixed 20 December 2010 as the date on which the Byelaws shall come into operation.

4.4 The 2010 Byelaws shall 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.

4.5 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.

4.6 The Head of Legal & Democratic Services has arranged for there to be published in the Greenock Telegraph notice of the coming into operation of the new Byelaws.

5.0 IMPLICATIONS

5.1 Financial Implications - One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

Financial Implications - Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

5.2 Personnel: None

5.3 Legal: None