

ANGUS LICENSING BOARD – 17 SEPTEMBER 2020

REVIEW OF BYELAWS

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to allow the Board to note the commencement of the process of reviewing the existing byelaws prohibiting the consumption of alcohol in public places as required by section 202(A) of the Local Government (Scotland) Act 1973 and to establish a Working Group which will take forward any proposals arising from the review.

1. RECOMMENDATION

It is recommended that the Board:-

- i) note the process of reviewing the existing byelaws prohibiting the consumption of alcohol in public places and the commencement of the review process as noted within the body of this report;
- ii) note the consultation responses received in relation to the initial stages of the review process; and
- iii) establish a Working Group comprising four members of the Board, a representative from Police Scotland, the Licensing Standards Officer and one of the Deputy Clerks to the Licensing Board; and
- iv) if such a Working Group is established, note that the group will consider the consultation responses in detail, carry out further consultation with all Elected Members and report back to the Licensing Board between November 2020 and December 2020.

2. BACKGROUND

On 1 July 2011, byelaws prohibiting consumption of alcohol in public places came into force in respect of Arbroath, Brechin Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose.

Section 202 (A) of the Local Government (Scotland) Act 1973 stipulates that a Local Authority shall, not later than 10 years from the coming into force of a byelaw which they have the power to revoke or amend, review that byelaw and do so thereafter at intervals of not more than 10 years.

The current byelaws require to be reviewed by 1 July 2021. The review of the byelaws prohibiting the consumption of alcohol in public places will require consultation. The recommended process and timetable to be followed is noted below.

3. CONSULTATION

Due to the statutory requirement to review the byelaws, the Licensing Standards Officer carried out an initial consultation between May and August 2020. This consultation was in relation to the review of the byelaws in force in Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose and took place with the Community Councils, the Angus Licensing Forum and Police Scotland to identify if the current laws are sufficient or if alterations are required. Due to the current Covid-19 pandemic, this consultation was done by way of writing out to these groups and asking for written feedback. Copies of the their responses are attached at **Appendix 1**.

4. WORKING GROUP

The next part of the review process involves establishing a Working Group to examine the results of the consultation in detail and to recommend any further action if necessary. The Board will note that there is no significant desire for any change to the byelaws so it is not anticipated that the work of the group will be onerous and should be able to take place remotely. It is recommended that the group comprise of four members of the Board, a representative from Police Scotland, the Licensing Standards Officer and a Deputy Clerk to the Licensing Board. The Working Group shall aim to complete its proposals by 31st October 2020 and undertake further action in accordance with the Timetable for Review noted below at Section 5 of the Report.

5. TIMETABLE FOR REVIEW

The proposed timetable is as follows:

- Stage 1: Between May 2020 and August 2020, an initial consultation took place with the organisations detailed above within section 3 of this report.
- Stage 2: During September 2020, a report will be placed before the Board detailing the findings of the consultation. A working group shall be created in accordance with Section 4 of this report and the group shall aim to complete its proposals by 31st October 2020.
- Stage 3: The Working Group shall aim to share its proposals with all elected members of the Council to ascertain their views during November 2020. The working group shall also share their draft proposals with the Scottish Government at this stage prior to obtaining Board and Council approval. If any issues are raised by the Scottish Government, the Working Group will seek to address these prior to submitting to the Board for approval.
- Stage 4: Between November 2020 and December 2020, the Board will aim to consider the findings of the Working Group along with any comments from Councillors gathered at stage 3. If the Board are satisfied with the Working Group's proposals as written, the Board will be invited to approve the draft byelaws and to then make a recommendation to Angus Council at its next meeting to approve the proposals.
- Stage 5: The final proposals will be sent to the Scottish Government for approval prior to coming into force.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

7. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising directly from this report.

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ANGUS LICENCING COMMITTEE – 17 SEPTEMBER 2020

 carnoustie community council
To ColemanD [redacted]
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 18/08/2020

Hi Daniel,

I'm once again emailing to firstly apologise. I have been away for a holiday and had passed this on to our committee and asked our Chair to respond, however I believe this has not happened. It may now be too late however I thought it best to email regardless.

Our community Councillors advised they felt the byelaws on a whole worked well and require little to no change. However comment was made by a community councillor who lives in close proximity to one of our local licensed businesses, The Aboukir Hotel. She noticed that it appeared the boundary lines did not include the whole town and was surprised to see that in fact she could legally drink on the street outside her home, as could customers of The Aboukir. It was therefore raised as a query as to why the boundary does not fairly incorporate the whole town/all licensed establishments.

Other than this, everyone was satisfied with current byelaws and reasons for these.

Kind regards,

 Arbroath Community Council
To ColemanD [redacted]
Retention Policy Default 1 year delete (1 year) Expires 04/08/2021

 04/08/20

Hello Daniel

Sorry to the late reply

Only comment we wanted to note was the fact during the pandemic some people may be tempted to drink in public parks. We notice not all public parks are included in the boundary and wonder if this could be taken into consideration.

 sheena cochrane [redacted]
To ColemanD [redacted]
Retention Policy Default 1 year delete (1 year) Expires 31/07/2021

 31/07/2020

Hi Daniel ,

I have forwarded the original response I sent to Fiona Anderson some time ago for further comment from the wider forum . As no further comments have been received then I am happy to submit my comments as both chair of Angus Local Licensing Forum and Monifieth Community Council .

Kind regards

Sheena Cochrane

Sent from [Mail](#) for Windows 10

Dear David,

I believe the byelaws that are in place should remain as they are. I have also put this to the other community council members and no one has suggested any changes be made at present.

Thank you for contacting us regarding this subject.

Regards

Heather KELLY CC chair

OFFICIAL: POLICE AND PARTNERS

Good Morning Daniel,

Police Scotland continues to carry out analysis, identifying hotspot areas where there is a history of alcohol-related violence, anti-social behaviour and disorder.

I have discussed the review of Byelaws with Senior Police Officers within the Local Policing Area.

It has been concluded that in order to continue to contribute in the prevention and suppression of nuisance and disorder normally associated with public drinking, it is respectfully requested that no amendment is made to the current byelaw designated areas with the Angus area.

Best regards,

James

PS James Gordon D2306