

ANGUS LICENSING BOARD – 26 NOVEMBER 2020

REVIEW OF BYELAWS

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to update Members in relation to 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.

1. RECOMMENDATION

It is recommended that the Board:-

- i) note the minute of the Working Group meeting on 30 October 2020 contained within **Appendix 1** and the Group's proposal to make no material changes to the existing byelaws;
- ii) note that the proposal to make no material changes to the existing byelaws was circulated around Elected Members and that no adverse comments were received;
- iii) approve the draft byelaws contained within **Appendix 2**; and
- iv) if minded to approve the draft byelaws, recommend to Angus Council to approve the draft byelaws and thereafter, send the draft byelaws to the Scottish Government for final approval.

2. BACKGROUND

The Board determined at its meeting on 17 September 2020 to establish a Working Group to examine the results of the consultation which took place in relation to the review of the existing byelaws. The Working Group consisted of four members of the Board, a representative from Police Scotland, the Licensing Standards Officer and the Deputy Clerk to the Licensing Board. The Working Group met on 30 October 2020 and determined that there was no evidence to support making material changes to the existing byelaws. The only change which was noted to be required was to ensure that the Ordnance Survey maps were updated but that the boundary lines drawn on the maps remain the same.

3. CONSULTATION WITH ELECTED MEMBERS

The Licensing Standards Officer circulated the proposals of the Working Group to Elected Members by email and asked for their comments in response by 13 November 2020. No adverse comments were received.

4. NEXT STEPS

If the Board is minded to approve the draft byelaws contained within **Appendix 2** of the report, the draft byelaws then require to be approved by Angus Council upon recommendation by the Board.

If Angus Council is minded to approve the revised byelaws, the final proposal will be sent to the Scottish Government for their approval before these byelaws come into effect.

The byelaw review requires to be completed by July 2021. The Board will be provided with an update report confirming when the byelaws will come into effect.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

6. HUMAN RIGHTS IMPLICATIONS

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

REPORT AUTHOR: Lynsey Kimmitt, Solicitor
E-MAIL: LEGDEM@angus.gov.uk

Review of Bye-Laws 2020 – Working Group Minute – Meeting via Microsoft Teams – 30/10/20 – 2pm

In attendance: Daniel J. Coleman – LSO –Chair, Lynsey Kimmitt – Solicitor and Deputy Clerk to the Board, Councillor Fotheringham – ALB Convener, Councillor Moore – ALB Vice Convener, Councillor King – ALB Member, Councillor Lumgair – ALB Member, Inspector Jamie Allen – Police Scotland

1. Welcome

Daniel welcomed everyone to the meeting. The meeting commenced at 2:02pm.

2. Scope of the Review – Scottish Government Guidance

Daniel outlined the scope of the review and went through the guidance document from the Scottish Government. He explained that the Scottish Government does not have a policy of creating bye-laws to cover the whole of the local authority, and these are designed to tackle antisocial behaviour caused by alcohol in town centres. He also explained that bye-laws are not a solution to one off events.

Inspector Jamie Allen explained that Police Scotland have no proposals to alter the bye-laws as there is no evidence to suggest there is a particular issue in any area of Angus.

3. Current Bye-Laws

Daniel explained the current bye-laws cover Arbroath, Brechin, Forfar, Kirriemuir, Monifieth, Montrose and Carnoustie. He explained more rural areas such as Forbes of Kingennie and Froickham are not covered.

4. Consultation Responses

The consultation responses were shared with the members of the working group. Only two responses asked for consideration to be given to any changes, both of which were very minor. The Arbroath Community Council asked if consideration could be given to including more public parks whilst Carnoustie Community Council asked if the boundary could be extended to include a particular premises area.

The working group discussed these proposals but concluded without any evidence that there is an issue to warrant imposing a ban on public consumption in these areas, no changes should be made. Police Scotland have sufficient authority to deal with rare disturbances without the extension of bye-laws.

5. Proposals

Councillor King proposed that they bye-laws remain as written. Inspector Allen agreed from the perspective of Police Scotland.

6. Conclusions

The meeting concluded there would be no changes proposed, however, the maps could be updated as they are from 2011.

7. Next Steps

Daniel outlined the next steps.

The meeting closed at 2:27pm.