

APPENDIX 2 TO REPORT LB70/20

17/9

ANGUS COUNCIL

THE ANGUS COUNCIL PROHIBITION OF
CONSUMPTION OF ALCOHOL IN
DESIGNATED PUBLIC PLACES BYELAWS
2021

2021

Subjects: Arbroath, Brechin, Carnoustie,
Forfar, Kirriemuir, Monifieth, Montrose

Director of Legal and Democratic Services
Angus House
Orchardbank Business Park
FORFAR

THE ANGUS COUNCIL

Prohibiting Consumption of Alcohol in Designated Places (Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose) Byelaws 2021

Angus Council (hereinafter referred to as “the Council”) in exercise of the powers conferred upon it by sections 201, 202, and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it in that behalf, hereby makes the following byelaws:-

Interpretation, Citation and Application

1. (1) In these byelaws, unless the context otherwise requires -

“alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005;

“licensed premises” has the same meaning as in section 147(1) of the Licensing (Scotland) Act 2005 but does not include premises in respect of which there is a provisional premises license (within the meaning of section 45(5) of that Act);

“occasional licence” has the same meaning as in section 56(1) of the Licensing (Scotland) Act 2005;

“designated place” means any place to which the public have access within the areas specified in the Schedule to these byelaws and shown outlined in red on the plans marked A to G annexed and signed as relative hereto.

(2) These byelaws may be cited as “The Angus Council Prohibition of Consumption of Alcohol in Designated Public Places (Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose) Byelaws 2021”.

(3) These byelaws shall not apply -

(a) on 31 December, from 6 pm until the end of that day; and

(b) on 1 January, until 6 am.

Offence

2. (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcohol in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) It shall not be an offence against these byelaws to do anything in any designated place which comes within the meaning of licensed premises.
- (3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which an occasional licence is in operation during any period when alcohol may be sold there by virtue of that licence and for 15 minute after the expiry of such period.

Presumptions

3. (1) This byelaw applies for the purposes of any trial for an offence against these byelaws.
- (2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.
- (3) A container which is found to contain -
 - (a) no liquid; or
 - (b) insufficient liquid to permit analysisshall, subject to the provisions of this byelaw, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.
- (4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than 7 days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

Public Notices of Effect

4. (1) The Council shall erect one or more signs at or reasonably adjacent to each designated place for the purpose of giving notice of the effect of these byelaws.
- (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

Revocations

5. The Angus Council Prohibition of Consumption of Alcohol in Designated Public Places (Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose) Byelaws 2011 are hereby revoked.

IN WITNESS WHEREOF these presents consisting of this and the preceding pages together with Schedule and Plans A, B, C, D, E, F and G all annexed and signed as relative hereto are sealed with the Common Seal of Angus Council and subscribed for and on behalf of Angus Council by Jackie Buchanan, Director of Legal and Democratic Services on DATE

**THIS IS THE SCHEDULE REFERRED TO IN THE FOREGOING BYELAWS BY ANGUS
COUNCIL DATED XXXX**

DESIGNATED AREA -ARBROATH

ALL and WHOLE the area known as Arbroath Town Centre delineated in red on **Plan A** annexed relative hereto and being the area bounded as follows:-

- (a) Commencing at the north corner of the junction of the A92 (Grant Road) and Barngreen at a point marked "A" on the said plan and then proceeding generally in a southerly direction along the eastmost edge of the eastmost pavement of Barngreen to its junction with Leonard Street; then
- (b) in a south-easterly direction along the northmost then eastmost edges of the northmost and eastmost pavements of Leonard Street, Stanley Street and Barbers Croft respectively to the junction with Ponderlaw; then
- (c) in a south-westerly direction along the south edge of the southmost pavement of Ponderlaw to its junction with the entrance to Springfield Park; then
- (d) in a south-easterly, then southerly, then south-easterly direction following the eastern edge of the path from the entrance to Springfield Park to its junction with the main path leading up from Hill Terrace; then
- (e) in a south-westerly direction along the southern edge of the path to Hill Terrace and then to the junction of Hill Terrace and Hill Place; then
- (f) in a south-easterly direction along the northmost edge of the northmost pavement along Hill Place to its junction with Hill Road; then
- (g) in a south-easterly direction along the northmost edge of the northmost pavement and road edge along Hill Road to its junction with South Street; then
- (h) in a south-westerly direction from South Street along an undefined line to a point on the foreshore where it meets the mean high water mark; then
- (i) in a south-westerly direction along the foreshore mean high water mark, following the line of South Street and Seagate, to Danger Point, then in a south-easterly, then westerly direction around Danger Point to where it joins the outer harbour protection wall; then
- (j) in a south-westerly direction along the southmost edge of the outer harbour protection wall to its south-west corner and then in a north-west direction along the southmost edge of the harbour wall to its end point, then following a line northwards to meet the southmost corner of the inner harbour wall to the east of the lifeboat slipway; then
- (k) in a north-westerly direction in a line to the east of the lifeboat slipway and lifeboat station to the south easterly most corner of the Harbour Visitor Centre and then following the frontage of the Visitor Centre around to Fishmarket Quay and its junction with Burnside Drive; then
- (l) generally in a north-westerly direction following the south edge of the southmost pavement of East Mary Street to its junction with Millgate Loan; then
- (m) in a north easterly direction following the west edge of the westmost pavement of Millgate Loan to its junction with West Port; then
- (n) in a north westerly direction along the south edge of the southmost pavement of West Port to its junction with Bank Street; then

- (o) in a south westerly direction following the east edge of the eastmost pavement of Bank Street to the south westerly most point of the property at 10 Bank Street then in a north westerly direction following an undefined line leading from said property to where it meets the pavement adjacent to 9 Bank Street as shown on the said plan; then in a north easterly direction following the west edge of the westmost footpath of Bank Street to its junction with West Port; then
- (p) in a north westerly direction along the south edge of the southmost pavements of West Port and Keptie Street respectively to the junction with Lochlands Street; then
- (q) in a northerly direction long the west edge of the westmost pavement of Lochlands Street to its junction with Carnie Street; then
- (r) in an easterly direction along the north edge of the northmost pavement of Carnie Street and Guthrie Port respectively to the junction with the A92 Grant Road; then
- (s) in a north-easterly direction along the northmost edge of the A92 to its junction with Barngreen at the said point marked "A" on the said plan.

DESIGNATED AREA- BRECHIN

ALL and WHOLE that area known as Brechin Town Centre delineated in red on **Plan B** annexed hereto and being the area bounded as follows:-

- (a) Commencing at the north east corner of the junction of Pearse Street and Latch Road, at a point marked "A" on the said plan, and proceeding in a north-easterly direction along the north west edge of the north westerlymost pavement of Latch Road; then
- (b) in a south-easterly direction along the north east edge of the north easterlymost pavement of Distillery Road to its junction with Trinity Road; then
- (c) in a north easterly direction along the west edge of the westmost pavement and then road edge of Trinity Road to a point opposite the sign-posted nature trail/footpath leading east; then
- (d) in an easterly direction along the nature trail, using the fence adjacent to the north edge of the nature trail as the boundary line, to a point where the nature trail arrives at the north-eastmost corner of Brechin Cemetery; then
- (e) in a southerly direction along the eastern boundary of the cemetery to its junction with Smithbank Road: then
- (f) in an easterly, then south-easterly direction along the north and eastern edges of Smithbank Road to a point opposite the south-west corner of the cemetery; then
- (g) in a south-westerly direction following the southern edge of the cemetery wall to a point where there is a gate in the wall at a footpath junction; then
- (h) in a southerly direction following the eastern edge of the footpath to its junction with Infirmary Street and Infirmary Road; then
- (i) in a southerly direction following the east edge of the eastmost pavement of Infirmary Road to its junction with Park Road; then
- U) in a south-westerly direction along the south edge of the southmost pavement of Park Road to its junction with Southesk Street; then
- (k) in a southerly direction along the east edge of the eastmost pavement of Southesk Street to the junction with Commerce Street; then
- (l) in an easterly direction along the north edge of the northmost pavement of Commerce Street; then
- (m) in a southerly direction along the east edge of the eastmost pavement of Scott Street; then
- (n) in an easterly, then northerly, then easterly, then southerly, then easterly direction, following the northmost, westmost, northmost, eastmost then northmost edges of the pavement of Guthrie Park until its junction with Dall's Lane; then
- (o) in a southerly direction along the east edge of the eastmost pavement of Dall's Lane until its junction with Montrose Street; then
- (p) generally in an easterly, then southerly then easterly direction following the north, east and north edges of the northmost, eastmost and northmost pavements of Montrose Street to its junction with East Mill Road, then proceeding in a westerly direction along the south edge of the southmost pavement of the said Montrose Street; then

- (q) continuing in a westerly, then north westerly, then westerly direction along the south edge of the southmost pavements of Union Street, then High Street, then Church Street to the junction with Convener's Wynd; then
- (r) generally in a northerly direction along the west edge of the westmost pavement of Convener's Wynd until the junction with Airlie Street and proceeding then in an easterly direction along the north edge of the northmost pavement of Airlie Street to the junction with Pearse Street, then
- (s) in a northerly direction along the west edge of the westmost pavement of Pearse Street until it reaches the said point marked "A" on the said Plan.

DESIGNATED AREA- CARNOUSTIE

ALL and WHOLE that area known as Carnoustie Town Centre being delineated in red on **Plan C** annexed as relative hereto and being the area bounded as follows:

- (a) Commencing at the north west junction of Newton Road with Queen Street at a point marked "A" on the said plan and proceeding in a north easterly direction along the north west edge of the north westerlymost pavement of the said Newton Road; then
- (b) in a south easterly direction along the north east edge of the north easterlymost pavements of Holyrood Street then Lochty Street until the junction with High Street; then in an easterly, then northerly, then easterly, then southerly, then easterly direction following the north edge of the northmost pavement of High Street, then proceeding along the west, then north, then east boundaries of the Rose Garden at the Clydesdale Bank building, 4 High Street, and again along the north edge of the northmost pavement of the said High Street to its junction with Station Road; then
- (c) in a south easterly direction along the north east edge of the north eastlymost pavement of Station Road to the junction with Links Parade; then
- (d) in an easterly direction following the north edge of the northmost pavement of the said Links Parade to its junction with Tayside Street and the path, to the west of the buildings in Tayside Street, leading south to the beach; then
- (e) in a south easterly direction along the path to the southmost edge of the eastern boundary of the designated public car park at Carnoustie Station; then
- (f) in a south westerly direction following the high water mark of the shoreline to a point marked "B" on the said plan; then
- (g) following an undefined line in a north westerly direction shown on the said plan along the boundary of the car park situated to the north east of the said line and thereafter following the boundary of the Carnoustie Links in a north easterly, then northerly direction until it meets the junction at Links Parade; then
- (h) in a westerly direction along the south edge of the Links Parade, thereafter in a south westerly, north westerly and easterly direction following an undefined line forming the boundary between the car park situated to the north east of the said Carnoustie Links and the said Links course; then
- (i) in a northerly direction crossing South Taymouth Street and Taymouth Street until the junction at Golf Street; then
- U) continuing in a northerly direction along the west edge of the westmost pavements of Golf Street, then Camus Street, then West Path, then Balmachie Road to a point marked "C" on the said plan; then
- (k) generally in an easterly direction along an undefined line from the said point marked "C" on the said plan until it meets the junction at Queen Street at a point marked "D" on the said plan which line forms the boundary between the public park on the south of the said line and the Woodside Caravan Park on the north of the said line; then
- (l) in a northerly direction along the west edge of the westmost pavement of Queen Street until it reaches the said point marked "A" on the said Plan.

DESIGNATED AREA - FORFAR

ALL and WHOLE that area known as Forfar Town Centre being the area delineated in red on **Plan D** annexed as relative hereto and being the area bounded as follows:

- (a) Commencing at the north corner of the junction of Market Street and North Street at a point marked "A" on the said plan and proceeding in a south-easterly direction along the east edge of the eastmost pavement of North Street to the junction with Academy Street; then
- (b) in a south-westerly direction along the south edge of the southmost pavement of Academy Street and St James Road, respectively to its junction with Dundee Loan; then
- (c) in a northerly direction along the west edge of the western most pavement of Dundee Loan and Craig O'Loch Road, respectively to the junction with Queenswell Road; then
- (d) in an easterly direction along the north edge of the northmost pavement of Queenswell Road to its junction with Castle Street; then
- (e) in a northerly direction along the west edge of the westmost pavement of Castle Street and Brechin Road, respectively to the junction with Market Street; then
- (f) in an easterly direction along the north edge of the northmost pavement of Market Street to its junction with North Street to the said point marked "A" on the said plan.

DESIGNATED AREA - KIRRIEMUIR

ALL and WHOLE that area known as Kirriemuir Town Centre delineated in red on **Plan E** annexed as relative hereto and being the area bounded as follows:-

- (a) Commencing at a point marked "A" on the said plan, being the westmost point of the junction of Glengate and St Malcolm's Wynd (the B957 road); then
- (b) Proceeding in a north easterly direction along the north edge of the northmost pavement of St Malcolm's Wynd to its junction with the Roods; then
- (c) Generally in a northerly direction along the west edge of the westmost pavement of the Roods to a point marked "B" on the said plan, then in an easterly direction from the said point marked "B" on the said plan to a point marked "C" on the said plan, then in a southerly direction from the said point marked "C" on the said plan along the east edge of the eastmost pavement of the Roods to its junction with Reform Street; then
- (d) In an easterly direction along the north edge of the northmost pavement of Reform Street to its junction with Rosefield Gardens; then
- (e) In a northerly direction along the west edge of the westmost pavement of Rosefield Gardens to a point marked "D" on the said plan; then
- (l) Generally in an easterly then northerly direction from the said point marked "D" on the said plan to the north of the Public Library and Town Hall Building; then
- (g) In an easterly and then southerly direction along the north and east edges of the northmost and eastmost pavements of Glebe Road to the north eastmost corner of the junction of Glebe Road, Brechin Road and School Wynd to include the garden seated area at the said junction and proceeding in a southerly and then westerly direction along the east edge of the eastmost pavement of School Wynd and Kirk Wynd and then the south edge of the southmost pavement of Kirk Wynd to its junction with Bellies Brae; then
- (h) In a southerly direction along the east edge of the eastmost pavement of Bellies Brae to a point marked "E" on the said plan; then
- (i) From the said point marked "E" on the said plan from Bellies Brae in a north westerly direction following the south edge of a footpath along the Gairie Burn to its junction with Tannage Brae; then
- U) In a north easterly direction along the north edge of the northmost pavement of Tannage Brae to its junction with Glengate, then in a north westerly direction along the west edge of the westmost pavement of Glengate to its junction with St Malcolm's Wynd until it reaches the said point marked "A" on the said plan.

DESIGNATED AREA- MONIFIETH

ALL and WHOLE that area known as Monifieth Town Centre being the area delineated in red on **Plan F** annexed as relative hereto and being the area bounded as follows:

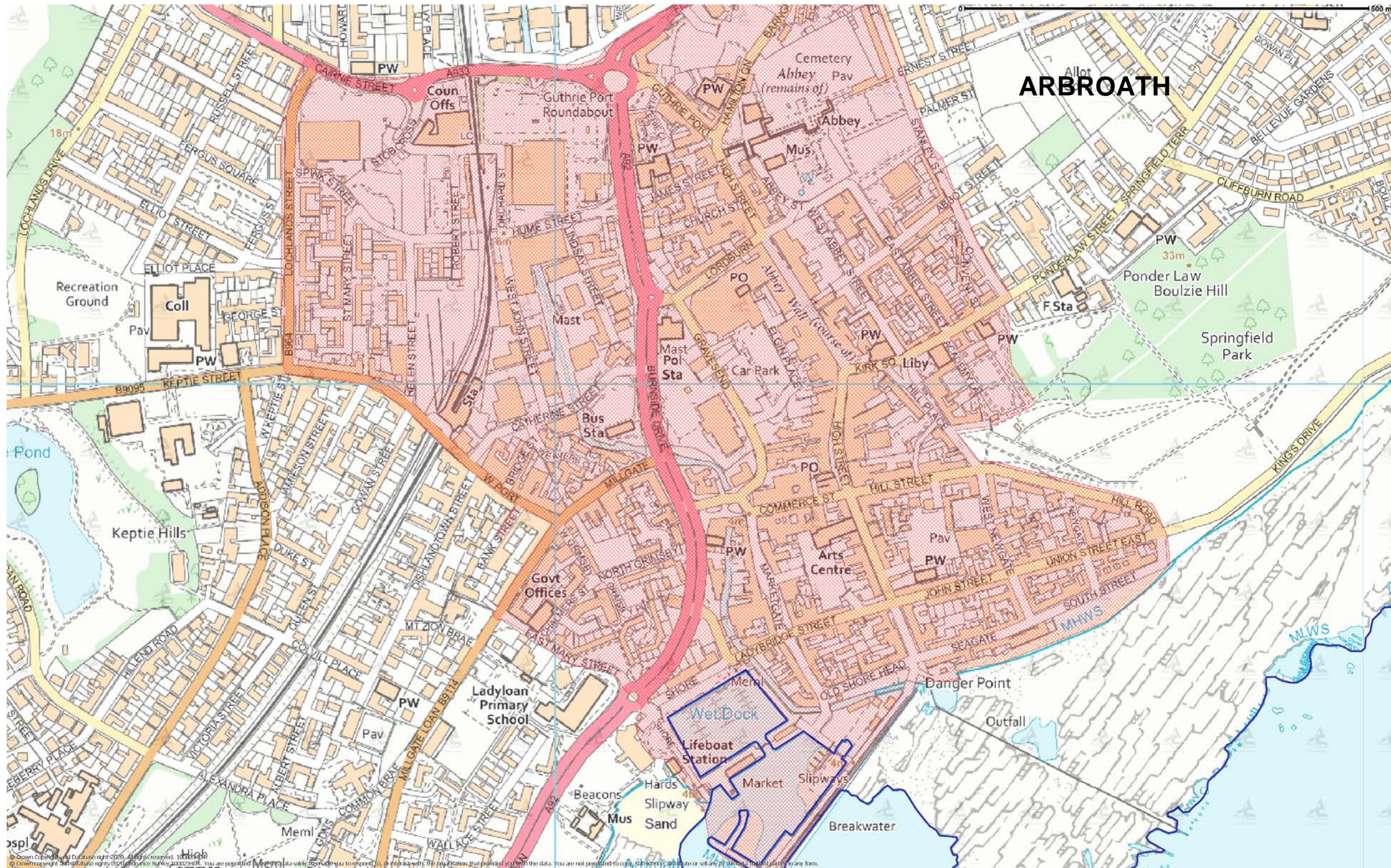
- (a) Commencing at the north corner of the junction of Lorne Street and Broomhill Drive at a point marked "A" on said plan and proceeding in a south-easterly direction along the east edge of the eastmost pavement of Lorne Street and Well Street respectively to the junction with Princes Street; then
- (b) in a south-westerly direction along the south edge of the southmost pavement of Princes Street to its junction with Tay Street; then
- (c) in a south-easterly direction along the east edge of the eastmost pavement of Tay Street to its junction with South Street; then
- (d) in a generally south-westerly direction along the south edge of the southmost pavement of South Street to the junction of South Street and Marine Drive, via and including the railway underpass; then
- (e) in a north-easterly direction following the southmost boundary fence of the main east coast railway line to a point where this fence meets the Ministry of Defence (MoD) boundary fence at the entrance to Barry Buddon training area; then
- (f) in a southerly direction initially following the western edge of the MoD boundary fence, then along the line of MoD warning signs on the beach foreshore to a point where this line meets the mean high water mark; then
- (g) in a south-westerly direction along the foreshore mean high water mark to where it meets the out flow of the Dighty Burn; then
- (h) in a north easterly direction following the southmost boundary fence of the main east coast railway line to a point where it meets the caravan park boundary fence; then
- (i) in a northerly direction over the footbridge, then along the westmost wall of the tarmac area to the point where it meets Maule Street opposite Albert Street; then
- U) in a northerly direction along the west edge of the westmost pavement of Albert Street to its junction with Hill Street; then
- (k) in a north-easterly direction along the north edge of the northmost pavement of Hill Street to its junction with Queen Street; then
- (l) in a north-westerly direction along the west edge of the westmost pavement of Queen Street to the most north-westerly point of Queen Street and then returning along the east edge of the pavement on the eastmost side of its junction with Hay Avenue; then
- (m) in a north-easterly direction along the north edge of the northmost pavement of Hay Avenue to the most north-easterly point of Hay Avenue and then following the boundary fence of Seaview Primary School to its end point on Victoria Street; then
- (n) in a north-westerly, then north-easterly direction along the west edge of the westmost pavement of Victoria Street to its junction with the western entrance to Ashludie Park; then
- (o) in an easterly direction following the boundary fence adjacent to the north edge of the path at the entrance to Ashludie Park; then
- (p) continuing to follow the boundary fence between Ashludie Hospital and Ashludie Park initially in northerly, then easterly, then northerly, then easterly direction before turning in a southerly and then easterly direction to where the fence meets Lorne Street and then to the said point marked "A" on the said plan.

DESIGNATED AREA- MONTROSE

ALL and WHOLE that area known as Montrose Town Centre delineated in red on **Plan G** annexed as relative hereto and being the area bounded as follows:-

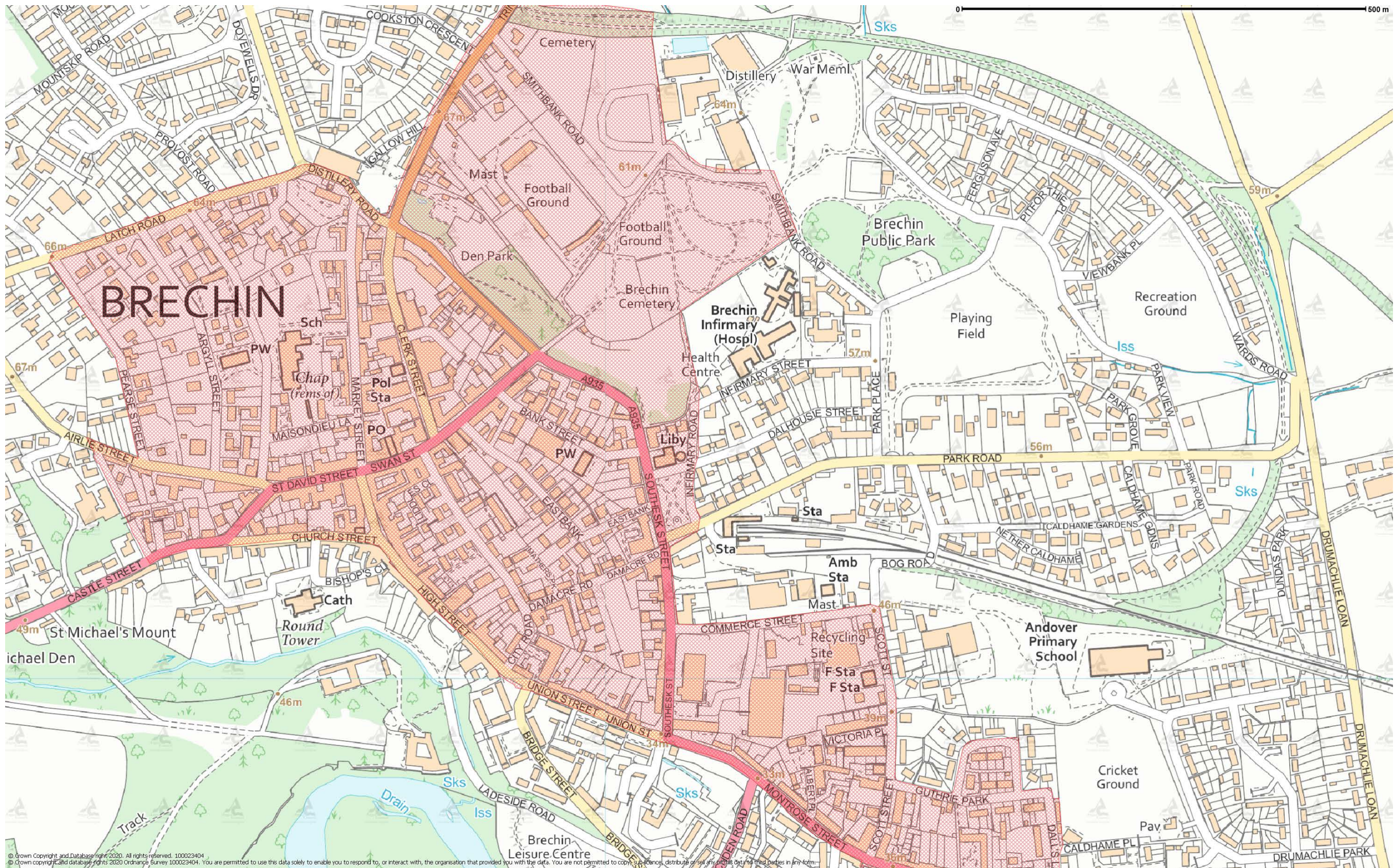
- (a) Commencing at the north west corner of the junction of Northesk Road and Rosehill Road at a point marked "A" on the said plan and proceeding in an easterly direction along the north edge of the northmost pavement of Rosehill Road to its junction with Warrack Terrace; then
- (b) in a southerly direction along the east edge of the eastmost pavements of Warrack Terrace, then Eastern Road, then Wellington Gardens, then Wellington Place respectively to the junction with Wellington Street; then
- (c) in an easterly, then southerly, then westerly direction following the north, east and south edges of the northmost, eastmost and southmost pavements of the said Wellington Street to its junction with Union Place; then
- (d) in a southerly direction along the east edge of the eastmost pavement of Union Place, then St Peter's Place, then Eastern Road to its junction with Marine Avenue; then
- (e) in an easterly direction along the north edge of the northmost pavement of Marine Avenue, then in a southerly direction following an undefined line forming the eastern boundary of the Montrose Sports Centre leading from a point marked "B" on the said plan to a point marked "C" on the said plan; then
- (f) generally in a westerly direction initially along an undefined line from the point marked "C" on the said plan to the south eastmost point of the junction of Railway Place and Alfred Street, then continuing along the south edge of the southmost pavements of Railway Place, then Erskine Place, then Commerce Street; then
- (g) in a north westerly direction along the south west edge of River Street, then generally in a westerly direction along the south edge of Wharf Street to WestQuay; then
- (h) in a southerly direction along an undefined line until it meets the high water mark of the River South Esk at Montrose Pier, then continuing in a westerly direction following the high water mark of the River South Esk leading to the Montrose Basin; then
- (i) in a northerly direction initially generally following the high water mark of the said Montrose Basin, then continuing along the westmost edge of the railway line to a point marked "D" on the said plan and thereafter following an undefined line from the said point marked "D" on the said plan to a point marked "E" on the said plan at the south west corner of the property at 34 Blackfriars Street and thereafter following the north edge of Blackfriars Street in an easterly direction to its junction with North Esk Road; then
- (j) in a northerly direction following the western edge of the said Northesk Road until it reaches the said point marked "A" on the said Plan.

**THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES
{ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021**



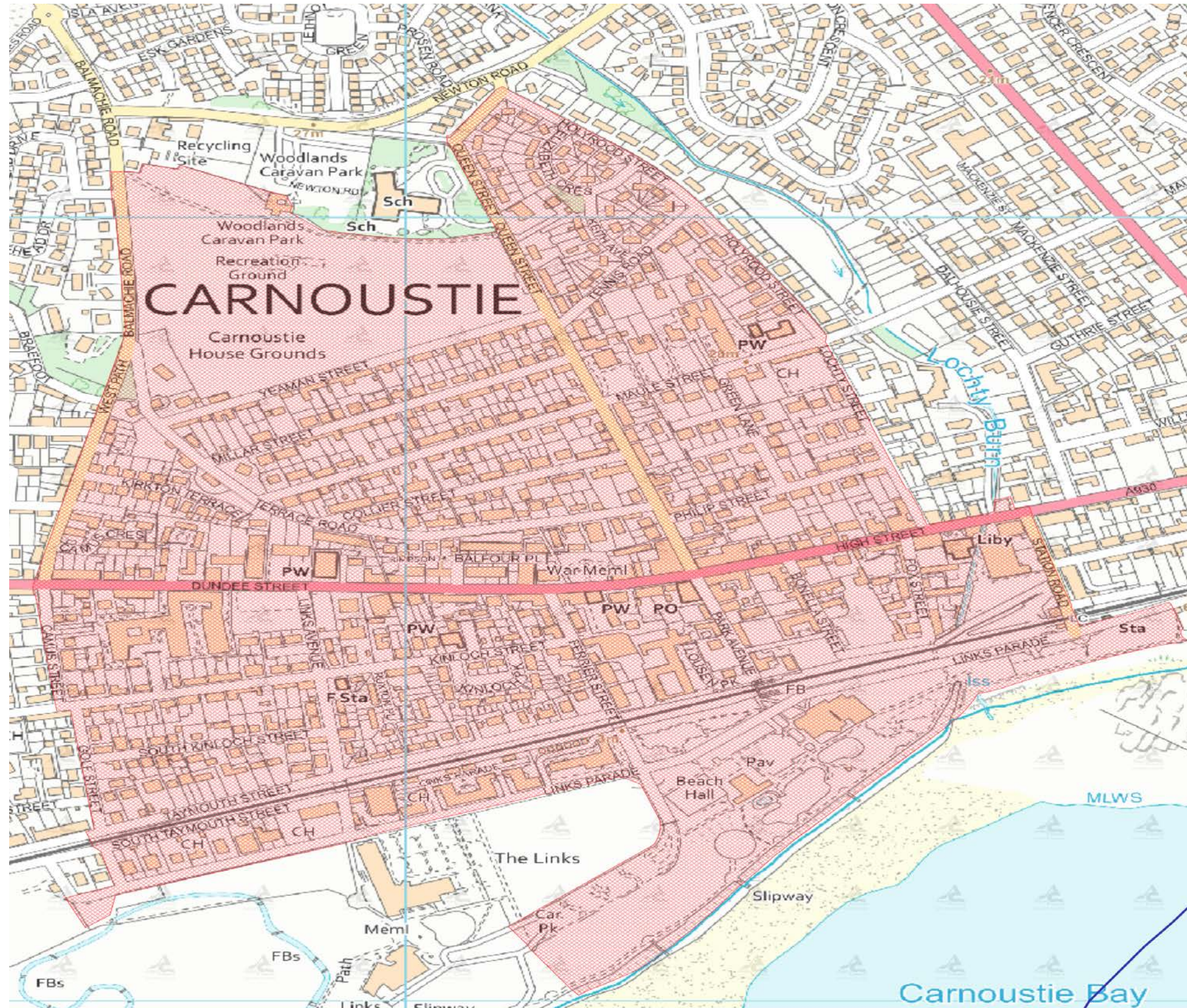
This is the plan A referred to in the foregoing byelaws and Subscribed by the Proper Officer

THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES {ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021



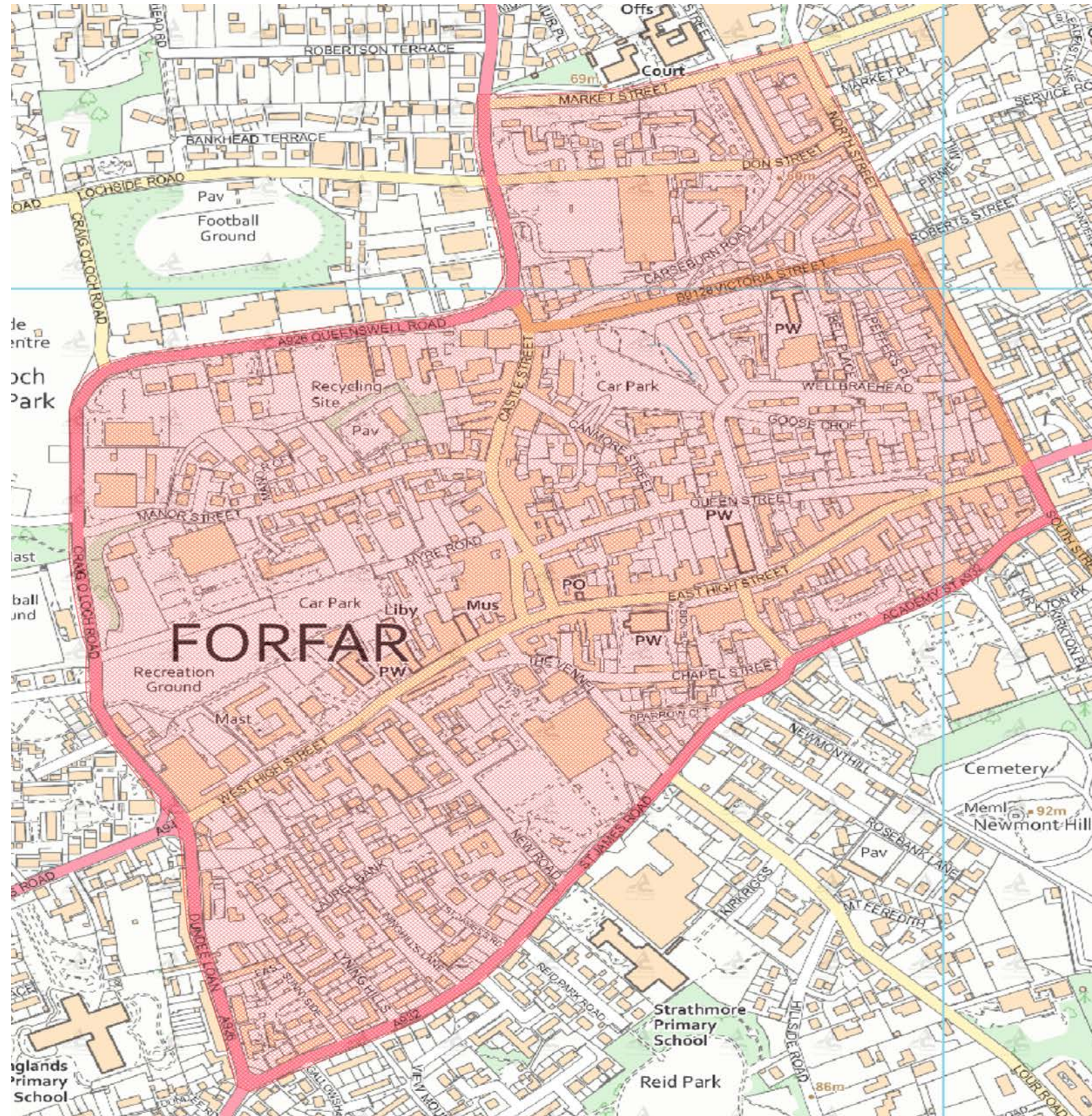
This is the plan B referred to in the foregoing byelaws and Subscribed by the Proper Officer

THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021



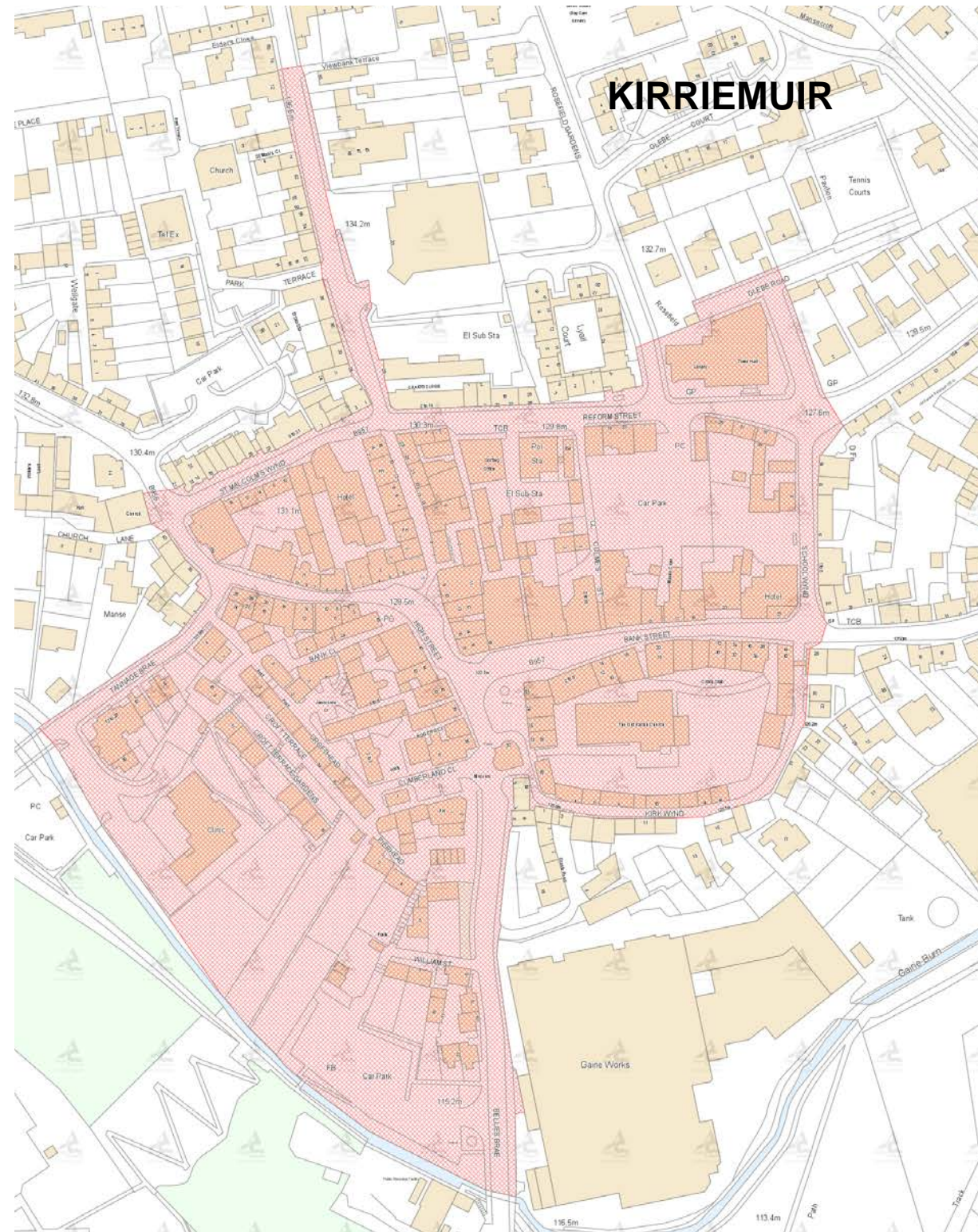
This is the plan C referred to in the foregoing byelaws and Subscribed by the Proper Officer

THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021



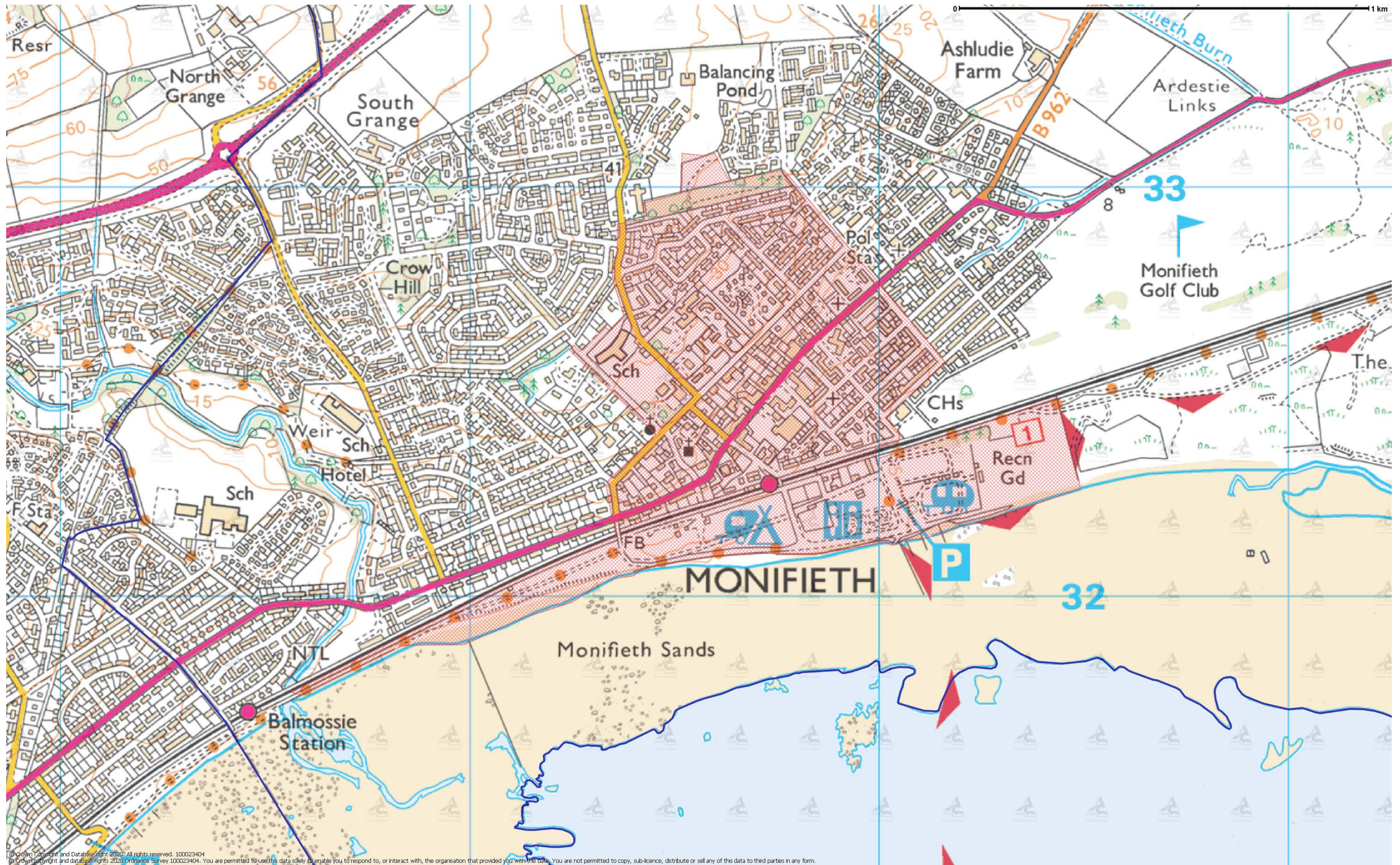
This is the plan D referred to in the foregoing byelaws and Subscribed by the Proper Officer

THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES
(ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021



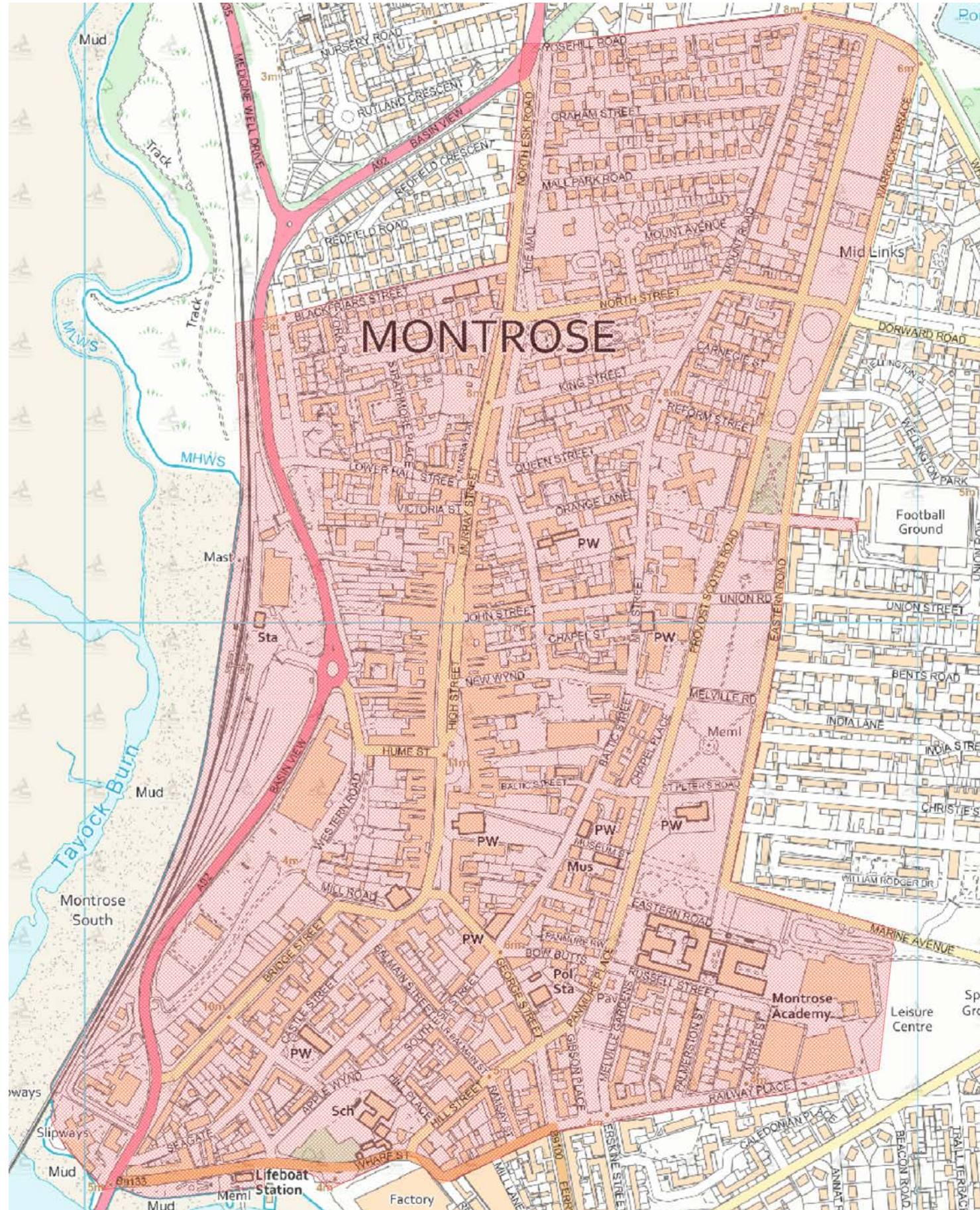
This is the plan E referred to in the foregoing byelaws and Subscribed by the Proper Officer

THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES
(ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021



This is the plan F referred to in the foregoing byelaws and Subscribed by the Proper Officer

THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (ARBROATH, BRECHIN, CARNOUSTIE, FORFAR, KIRRIEMUIR, MONIFIETH AND MONTROSE) BYELAWS 2021



This is the plan G referred to in the foregoing byelaws and Subscribed by the Proper Officer