

ANGUS COUNCIL

ANGUS COUNCIL – 11 FEBRUARY 2021

RECOMMENDATION TO PASS BYELAWS: THE ANGUS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES BYELAWS 2021

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The Angus Licensing Board has carried out a review of the Angus Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 2011. Following the review exercise, the Board met on 26 November 2020 and determined to recommend to Angus Council that the draft byelaws for 2021 be approved.

1. RECOMMENDATION

It is recommended that the Council:

- (i) note Item 6 of the minute of the Angus Licensing Board meeting which took place on 26 November 2020, contained within Appendix 1;
- (ii) approve the draft byelaws contained within Appendix 2 and determine that these should be sent to the Scottish Government for final approval prior to being signed and coming into effect.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Local Outcomes Improvement Plan 2017-2030:

- An enhanced, protected and enjoyed natural and built environment
- Safe, secure, vibrant and sustainable communities.

3. 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.

Historically, in respect of previous reviews of these particular byelaws, the substantial part of the review has been carried out by the Licensing Board who have then made a recommendation to the Council based on their findings.

The current byelaws require to be reviewed by 1 July 2021. As part of the review of the byelaws prohibiting the consumption of alcohol in public places, the Board consulted with Community Councils, the Angus Licensing Forum and Police Scotland.

Members may be aware that there are national, temporary restrictions currently in place in relation to drinking alcohol in public. This is a result of the COVID – 19 pandemic and does not impact on local byelaws due to their temporary status.

4. REVIEW EXERCISE AND CONSULTATION

An initial consultation took place between May 2020 and August 2020. This involved contacting Community Councils, the Angus Licensing Forum and Police Scotland and the focus was to ascertain from these groups whether the 2011 byelaws were fit for purpose and whether any changes were necessary.

The Angus Licensing Board met on 17 September 2020 and considered the responses received during the initial consultation. At this meeting, the Board determined that a Working Group should be created to examine the results in greater detail with a view to mapping proposals for the Board to approve. The Working Group consisted of four members of the Angus Licensing Board, representatives from Police Scotland, the Licensing Standards Officer and a 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 noted to be required was to ensure that the Ordnance Survey maps were updated with the boundary lines drawn on the maps previously remaining the same.

During November 2020, the Licensing Standards Officer circulated the proposals of the Working Group to Elected Members by email. No adverse comments were received.

The Board met on 26 November 2020 and determined that a recommendation should be made to Angus Council to approve the draft byelaws. If the Council is minded to approve the draft byelaws, the final proposal will be sent to the Scottish Government for their approval before these byelaws are signed and 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.

7. EQUALITIES

There are no equalities implications arising from the content of this report.

NOTE: The background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to a material extent in preparing the above report are:-

- Report LB57/20 – Review of Byelaws Report – Angus Licensing Board, 17 September 2020
- Report LB70/20 – Review of Byelaws Report – Angus Licensing Board, 26 November 2020

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List of Appendices:

Appendix 1 – Extract of Angus Licensing Board Minute of Meeting held on 26 November 2020
Appendix 2 – Draft Byelaws 2021

EXTRACT OF MINUTE OF MEETING OF THE ANGUS LICENSING BOARD HOSTED AT ANGUS HOUSE, ORCHARDBANK BUSINESS PARK, FORFAR AND HELD REMOTELY ON THURSDAY 26 NOVEMBER 2020 AT 10.30AM.

6. REVIEW OF BYELAWS

With reference to Article 9 of the minute of meeting of this Board of 17 September 2020, there was submitted Report No LB 70/20 by the Clerk updating 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.

The Board agreed to: -

- (i) note the minute of the Working Group meeting on 30 October 2020 contained within Appendix 1 of the Report 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 had been circulated to all Elected Members and that no adverse comments had been received;
- (iii) approve the draft byelaws contained within Appendix 2 of the Report; and
- (iv) recommend that Angus Council approve the draft byelaws and thereafter, send the draft byelaws to the Scottish Government for final approval.