

# Report

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Report to:	<b>Corporate Resources Committee</b>
Date of Meeting:	<b>28 October 2009</b>
Report by:	<b>Executive Director (Corporate Resources)</b>

Subject:	<b>Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request the approval of the Committee for the draft byelaws containing:-
  - ◆ the proposed extension of the byelaws prohibiting the consumption of alcohol in designated public areas within South Lanarkshire to areas not previously covered by byelaws
  - ◆ the introduction of a new byelaw prohibiting the possession of an open container of alcohol in a designated public place
- ◆ request authorisation from the Committee for officers to consult with the Scottish Ministers on the draft byelaws

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the draft byelaws be approved which:-
  - ◆ propose extension of the byelaws prohibiting the consumption of alcohol in designated public areas within South Lanarkshire, and
  - ◆ introduce a new byelaw prohibiting the possession of an open container of alcohol in a designated public place;
- (2) that officers be authorised to consult with the Scottish Ministers on the draft byelaws; and
- (3) that, following the outcome of consultation with Scottish Ministers, the matter be referred to the Executive Committee for final decision.

## 3. Background

3.1. At its meeting on 1 October 2008, the Committee agreed on a consultation process to commence the process of:-

- ◆ extending the existing byelaws prohibiting the consumption of alcohol within designated public places in South Lanarkshire
- ◆ creating a new byelaw prohibiting the possession of an open container of alcohol within those public areas
- ◆ the removal of the waiver of the byelaws for the Town of Lanark on Lanimer Day

3.2. Following consultation, the Committee decided at its meeting held on 4 March 2009 that the Council should not seek to remove the waiver for the Town of Lanark but continued consideration of the other proposals until such time as plans could be prepared showing the proposed extension of the existing byelaws.

- 3.3. Those plans have now been prepared and, if approved by Committee, the Council would be required to seek comments from the Scottish Ministers on the proposed draft byelaws.

#### **4. Preparation of the Plans**

- 4.1. Strathclyde Police and Community Wardens were asked to provide information showing incidents that involved alcohol related disorder and violence in South Lanarkshire. This information has led to the preparation of plans extending the effect of the byelaws to areas of new or proposed development and to communities not presently covered by the byelaws.

- 4.2 When preparing the plans for the proposed new extended byelaws, officers took account of the following:-

- ◆ all areas with a history of disorder
- ◆ actual or potential displacement from areas covered by the existing or new byelaws to adjoining areas
- ◆ all boundaries of designated areas wherever possible to follow a geographical marker rather than the line of manmade structures, such as rear fences, in order to provide clarity of the extent and perimeter of such designated places
- ◆ consolidation of some areas which are currently treated separately in the existing byelaws (and where there is a risk of displacement) into 1 new area

- 4.3 This has led to the preparation of plans covering:-

1	Abington	17	Hamilton
2	Ashgill and Shawsburn	18	Hazelbank
3	Biggar	19	Kirkfieldbank
4	Blackwood and Kirkmuirhill	20	Lanark
5	Carluke and Braidwood	21	Larkhall
6	Carnwath	22	Law
7	Carstairs, Carstairs Junction and Westend	23	Leadhills
8	Chapelton	24	Lesmahagow
9	Coalburn	25	Netherburn
10	Crawford	26	Rigside
11	Crossford	27	Rutherglen and Cambuslang
12	Douglas	28	Sandford
13	East Kilbride	29	Stonehouse
14	Ferniegair	30	Strathaven
15	Forth	31	Symington
16	Glassford	32	Thankerton

#### **5. Consultation with Scottish Ministers**

- 5.1 Before any byelaws take effect, they must be approved by the Scottish Ministers. To avoid any issues when Councils seek approval, the Scottish Ministers recommend prior consultation with them on any draft byelaws before the formal making of and advertisement of any byelaws for public comment. Consequently, if the Committee approves the draft byelaws, it should authorise officers to carry out this consultation with the Scottish Ministers.

- 5.2 Once the new byelaws have been agreed in principle with the Scottish Ministers, officers will seek the approval of the Executive Committee in relation to the Council formally making the byelaws.

## **6 Employee Implications**

6.1 None

## **7 Financial Implications**

7.1 None

## **8 Other Implications**

8.1 None

## **9 Equality Impact Assessment and Consultation Arrangements**

9.1 There are no equality impact assessment issues.

9.2 As detailed in the report, consultation will be undertaken with the Scottish Ministers.

**Robert McIlwain**

**Executive Director (Corporate Resources)**

22 September 2009

### **Link(s) to Council Objectives**

Improve community safety

Safe and healthy communities

### **Previous References**

Corporate Resources Committee - 4 March 2009

### **List of Background Papers**

Draft South Lanarkshire Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 2010 and relative plans

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Bill Dunn, Information Compliance Manager

Ext: 4564 (Tel: 01698 454564)

E-mail: [bill.dunn@southlanarkshire.gov.uk](mailto:bill.dunn@southlanarkshire.gov.uk)