

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Chief Executive**

**Council - 30 May 2007**

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**Subject: Proposed Revision of West Dunbartonshire Council's Byelaw for the Prohibition of the Consumption of Alcohol in Designated Public Places**

#### **1. Purpose**

- 1.1** To provide information to Council on the proposal to amend the current Byelaw prohibiting the consumption of alcohol in designated public places within West Dunbartonshire to cover Balloch Castle Country Park and the immediate surrounding area.

#### **2. Background**

- 2.1** The current Byelaw prohibiting drinking alcohol in designated public places is contained in West Dunbartonshire Council's Prohibition of the Consumption of Alcohol in Designated Public Places Byelaw 1997. This Byelaw is currently under review with regard to making it an offence to have alcoholic liquor in an open container in designated public places. Previously, it was only an offence to consume alcohol in designated public places. The amended Byelaw is in the process of being publicly advertised. However, Balloch Castle Country Park and its immediate surrounds are not included in the area covered by the 1997 Byelaw or the proposed amendment.
- 2.2** On 28 June 2006 a Report was submitted by the Chief Executive to obtain the Council's approval to take steps to amend the current Byelaw prohibiting the consumption of alcohol in designated public places within West Dunbartonshire to cover Balloch Castle Country Park and the immediate surrounding area. The proposal was at that time rejected by Council. Since then there have been representations in support of a proposed amendment to the Byelaw to include Balloch Castle County Park and the immediate surrounds from the Police, Licensing Forum, Balloch Forum and the Community Council. It is understood that members of the community and Police would wish to make an appropriate presentation to Members of the Council when this matter is considered at Council.

### **3. Main Issues**

- 3.1** When the Byelaw was first introduced, it did not include Balloch Castle because of concerns then expressed by Ministers about Byelaws not encroaching into specified tourist areas. However, Ministers have indicated that the extent of the Byelaw is now a matter for the local authority to determine. It appears clear that there is a particular problem regarding the consumption of alcohol in the Balloch Park area and it is believed that an amended Byelaw will help to address this problem.

### **4. Personnel Issues**

- 4.1** There are no personnel issues.

### **5. Financial Issues**

- 5.1** Apart from the costs of issuing Notices complying with the relevant consultation process, there are limited financial issues.

### **6. Risk Analysis**

- 6.1** A detailed risk assessment was not required for this Report. A risk analysis will be required depending on the decision taken by the Council. If recommendations 7.1 (i) and (ii) are followed a risk analysis will be sought.

### **7. Recommendation**

- 7.1** The Council is asked:-

- (i) to approve, in principle, the proposed amendment of the Prohibition of Alcohol in Designated Public Places Byelaw to include Balloch Castle Country Park and the immediate surround, and
- (ii) to agree to the relevant statutory consultation taking place with a further Report to be submitted to Council in due course.



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**David McMillan**  
**Chief Executive**  
**Date: 23 May 2007**

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e-mail: Stephen.brown@west-dunbarton.gov.uk
- Appendix 1:** Map showing the proposed extension to the existing Byelaw for the Prohibition of the Consumption of Alcohol in Designated Public Places
- Background Papers:**
1. Petition by Better Balloch Campaign received 22 November 2006.
  2. Letter from West Dunbartonshire Licensing Forum to Clerk to the Licensing Board dated 30 January 2007.
  3. Letter from Balloch and Haldane Community Council to the Clerk to the Licensing Board re Byelaw for the Prohibition of Alcohol in Designated Public Places dated 21 February 2007.
  4. West Dunbartonshire Council's Byelaw for the Prohibition for the Consumption of Alcohol in Designated Public Places 1997.
- Wards Affected:** Ward 1 Lomond