

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Executive

Community Safety and Environmental Services Committee – 7 February 2007

Subject: Proposed Revision to West Dunbartonshire Council's Bye-law Prohibiting the Consumption of Alcoholic Liquor in Designated Public Places

1. Purpose

- 1.1** To obtain the Committee's approval to take steps to amend the current bye-law prohibiting the consumption of alcohol in designated public places within West Dunbartonshire to make it an offence to be in possession of an open container which has alcohol therein in a designated public place.

2. Background

- 2.1** The current law which prohibits the 'consumption' of alcohol in designated public places in West Dunbartonshire is the *West Dunbartonshire Council Bye-laws Prohibiting the Consumption of Alcoholic Liquor in Designated Public Places (1997)*. Unfortunately, since the Bye-law refers to consumption of alcohol, the Bye-law will not necessarily be breached if an individual is seen to be carrying an open container which has alcohol therein. This creates problems of enforceability for the Police as it requires the individual to be identified as 'consuming' alcohol before the Bye-law is breached.
- 2.2** Other neighbouring Authorities have recently sought to amend their Bye-laws to cover the situation where a person is carrying an open container with alcoholic liquor therein. The Scottish Executive has been contacted with regard to the following proposals but no response has been received as yet.

3. Main Issues

- 3.1** The amendment to the Bye-law is sought to improve the current Bye-law to reflect the situations that police officers will face in enforcement of the Bye-law. Strathclyde Police have been consulted and are supportive of our proposals.
- 3.2** Any proposed changes to the existing Bye-law will require to be put out to public consultation. The amendment to the Bye-law will require approval from the Scottish Ministers.

4. Personnel Issues

4.1 There are no personnel issues.

5. Financial Issues

5.1 Apart from the costs of issuing statutory notices in complying with the relevant consultation process, there are only limited financial issues.

6. Risk Analysis

6.1 A detailed risk assessment was not required for this report. Some risk analysis may be required depending on decisions taken by the Committee.

7. Recommendation

7.1 The Committee is asked:-

- (i) To approve, in principle, the proposed amendment of the Alcohol Prohibition in Designated Public Places Bye-law to make it an offence to be in possession of an open container which has alcohol therein in a designated public place.
- (ii) To agree to the relevant statutory consultation taking place with a further report being submitted to Committee in due course.

David McMillan
Chief Executive
Date: 23 January 2007

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Background papers: West Dunbartonshire Council Bye-laws Prohibition Consumption of Alcoholic Liquor in Designated Public Places (1997).

Wards Covered: All