

North Lanarkshire Council

Report

Finance and Resources Committee



approval



noting

Ref: PG/DR

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Review of North Lanarkshire Council's Byelaw for the Prohibition of the Consumption of Alcohol in Designated Public Places

From: Archie Aitken, Head of Legal and Democratic Solutions

Email: AitkenA@northlan.gov.uk

Telephone: 01698 302295

Executive Summary

The purpose of this report is to update the Committee on the review carried out on the current North Lanarkshire Council Byelaw prohibiting the consumption of alcohol in designated places.

The Byelaw states that:-

“Any person who consumes alcoholic liquor in a designated place or is found to be in possession of an open container containing alcoholic liquor in a designated place in circumstances whereby it is reasonable to infer that that person intended to drink from it whilst 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”.

Recommendations

It is recommended that the current Byelaw remains unchanged and to note that no further consultation on the terms of the existing byelaw is required at this time.

1. Background

The current byelaw prohibiting drinking alcohol in designated public places is contained within the North Lanarkshire Council Prohibition of Consumption of Alcohol in Designated Places Byelaws 2002 as amended. This byelaw prevents alcohol being consumed in designated public places. Currently it is an offence to consume alcohol in a public place and also to be in possession of an open container containing alcohol in a public place.

2. Report

Local Authorities are required to review their byelaws and in this connection I would advise you that the relevant agencies, Police Scotland and the Crown Office and Procurator Fiscal's Service (COPFS), were each written to in October 2018.

COPFS was requested to advise whether the byelaws were operating satisfactorily and whether there were any difficulties in taking forward prosecutions in respect of any contraventions under the byelaws.

Police Scotland were written to requesting that they provide any comments as to whether, from a policing perspective, the byelaws were operating satisfactorily and whether they could identify any difficulties with the current process.

Both consultees were requested to respond by 20 November 2018.

No responses have been forthcoming.

In consequence of this no changes are proposed to the terms of the byelaw which would continue in force.

3. **Equality and Diversity**

3.1. **Fairer Scotland**

Not applicable.

3.2. **Equality Impact Assessment**

Not applicable.

4. **Implications**

4.1. **Financial Impact**

There is no financial impact.

4.2. **HR/Policy/Legislative Impact**

There is no specific HR/Policy or legislative impact.

4.3. **Environmental Impact**

There is no environmental impact.

4.4. **Risk Impact**

There is no risk impact.

5. **Measures of Success**

5.1. Improving relationships with communities and the third sector.

5.2. Improving the health and care of communities.



Head of Legal and Democratic Solutions