

WEST DUNBARTONSHIRE COUNCIL

BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACES (2007)

West Dunbartonshire Council (hereinafter referred to as "the Council") in exercise of the powers conferred on it by Sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it in that behalf, hereby makes the following byelaws:-

INTERPRETATION AND CITATION

1. (1) In these byelaws, unless the context otherwise requires:-

"alcoholic liquor", "licensed canteen", "licensed premises" and "registered club" have the same meaning as in the Licensing (Scotland) Act 1976;

"designated place" means any place to which the public have access within the areas shown outlined in Black on the plan annexed and signed as relative hereto.

(2) These byelaws may be cited as "The West Dunbartonshire Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 2007".

APPLICATION

2. These byelaws shall not apply:-
- (a) on 31 December, from 6 p.m. until the end of that day; and
 - (b) on 1 January, until 6 a.m.

OFFENCE

3. (1) Subject to paragraphs (2) and (3) of this byelaw, 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 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) It shall not be an offence against these byelaws to do anything in any designated place which is a licensed canteen, licensed premises or a registered club.
- (3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which there is in operation:
- (a) an occasional licence in terms of Section 33(1) or (2) of the Licensing (Scotland) Act 1976; or
 - (b) an occasional permission in terms of Section 34(1) of that Act,

during any period when alcoholic liquor may be sold there by virtue of that licence or, as the case may be, permission and for 15 minutes after the expiry of such period.

PRESUMPTIONS

4. (1) This byelaw applies for the purposes of any trial for any offence against these byelaws.

(2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.

(3) A container which is found to contain:-
(a) no liquid; or
(b) insufficient liquid to permit analysis

shall, subject to the provisions of this byelaw, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

(4) A person or the prosecutor shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than 7 days before the date of the trial, he has given notice to the prosecutor or the accused person of his intention to do so.

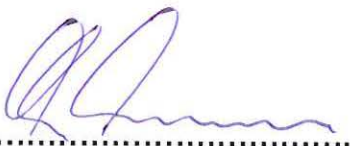
PUBLIC NOTICE OF EFFECT

5. (1) The Council shall erect one or more signs at or reasonably adjacent to each designated place for the purpose of giving notice of the effect of these byelaws.
- (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

6. **REVOCATION**

The previous Byelaw "The West Dunbartonshire Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 1998", shall from the date of commencement of this Byelaw hereby be revoked except insofar as relating to an offence committed before that date.

Sealed with the Common Seal of West Dunbartonshire Council and signed by Stephen Boyd Brown on 23 May 2007.



.....
Stephen Boyd Brown

Date: 23 May 2007

WEST DUNBARTONSHIRE COUNCIL
BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN
DESIGNATED PUBLIC PLACES (AMENDMENT) (NO.1) BYELAWS 2007

West Dunbartonshire Council, constituted under the Local Government Etc (Scotland) Act 1994 and having its principal offices at Council Offices, Garshake Road, Dumbarton, G82 3PU ("the Council"), in exercise of the powers conferred upon it by Sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it on that behalf, hereby makes the following byelaws:-

1. CITATION AND INTERPRETATION

- 1.1 These byelaws may be cited as West Dunbartonshire Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Public Places (Amendment) (No.1) Byelaws 2007.
- 1.2 In these byelaws "the principal byelaws" means the byelaws made by the Council on 23 May 2007 and confirmed by Scottish Ministers on 3 September 2007 prohibiting the consumption of alcohol in public places revoking the previous byelaw made by West Dunbartonshire Council known as the West Dunbartonshire Council Prohibition of the Consumption of Alcohol in Designed Public Places Byelaws 1997, made by the Council on 16 October 1997 and confirmed by the Secretary of State for Scotland on 19 February 1998. The current "principal byelaws" being the West Dunbartonshire Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Public Places (2007) and are now amended as follows at point 2.

2. AMENDMENT OF PRINCIPAL BYELAWS

- 2.1 The principal byelaws are amended as follows:-
- 2.2 At point (1)(1) under the heading "designated place" at line two after the word "area" add the following:-

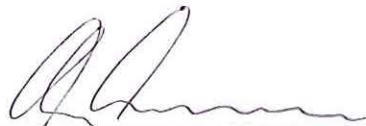
"described in the schedule hereto"

The word "black" at line three shall be delete and replaced by the word "red".

- 2.3 In the Schedule at line six after the words "Upper Stoneyhaven Road" to the words "North Lodge" shall be delete and the following words shall be inserted:- "generally northwards along the west side of the carriageway of the A82 to north side of vehicle entrances to Auchendennan Youth Hostel: then generally north eastwards to the western shore line of Loch Lomond at the south end of Duckbay and the River Leven to Balloch Bridge (the north most), eastwards and then generally northwards along the eastern shore line of the River Leven to the northmost boundary of Balloch Country Park (northmost)

eastwards and then eastwards along the northmost boundary of Balloch Park in range thereof: then southwards following the eastmost boundary of Balloch Country Park to the North Lodge of Balloch Country Park" and all conform to the plan and Schedule as annexed and executed as relative hereto to this amending byelaw.

Signed: _____



Stephen B Brown
Proper Officer
West Dunbartonshire Council

4 September 2007

**WEST DUNBARTONSHIRE COUNCIL'S 2007 BYELAW (AS AMENDED)
PROHIBITING THE CONSUMPTION OF ALCOHOL IN DESIGNATED
PUBLIC PLACES**

**SCHEDULE
OF DESIGNATED PLACES**

The following area is hereby specified for the purposes of these byelaws:-

Commencing in the middle of the River Clyde on the south eastern corner of the administrative boundary of West Dunbartonshire Council at grid reference NS5042 6880: then proceeding generally westward along the southern administrative boundary to Grid Reference NS3736 7449: then generally northward and westwards along the western administrative boundary to Kipperoch Road then generally northwards west of the A82 to Upper Stoneymollen Road; then generally northwards along the west side of the carriageway of the A82 to the north side of the vehicle entrances to Auchendennan Youth Hostel; then generally north eastwards to the western shoreline of Loch Lomond at the south end of Duck Bay and the River Leven to Balloch Bridge (the northmost), eastwards and then generally northwards along the eastern shoreline of the River Leven to the northmost boundary of Balloch Country Park (the northmost) eastwards and then eastwards along the northmost boundary of Balloch Park and range thereof; then southwards following the eastmost boundary of Balloch Country Park to the North Lodge of Balloch Country Park; then generally southward and eastward along Mollanbowie Road and the rear gardens of Mossburn Avenue to the A811 then generally southward to Dumbain Road and Dumbain Crescent; then east of Cranloch Court to a point North of Ring Farm; then generally eastwards northeast of Eastern Auchincarroch Farm; then southwards generally following the outer greenbelt and boundary of the Kilpatrick Hills Regional Scenic Area as defined by the finalised draft of the West Dunbartonshire Local Plan (April 2007) to the junction with the eastern administrative boundary of West Dunbartonshire Council; then generally southwards along the set boundary of the point of commencement.

This is the Schedule referred to in the foregoing Byelaws made by West Dunbartonshire Council on 4 September 2007 and subscribed by the Proper Officer.

Signed:

