

## MINUTE

## ‘A’ & ‘B’

**Special Infrastructure Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Friday 18 June 2004 at 11.05 a.m.**

**Present:**

J C Irvine	L Angus
B J Cheyne	R G Feather
F B Grains	L G Groat
J H Henry	J A Inkster
E J Knight	Capt G G Mitchell
J P Nicolson	F A Robertson
J G Simpson	T W Stove
W Tait	

**Apologies:**

A J Cluness    I J Hawkins  
W H Manson

**In Attendance (Officers):**

M H Goodlad, Chief Executive  
J Watt, Executive Director, Community Services  
B C Hill, Acting Divisional Manager, Legal Services  
A Hamilton, Head of Planning  
M Dunne, Service Manager, Environmental Health  
J Wylie, Community Safety  
D Haswell, Committee Officer

**Also**

Chief Inspector A Cowie  
Sergeant F Macbeath

**Chairperson:**

Mr J C Irvine Chairperson of the Committee, presided.

**Circular:**

The circular calling the meeting was held as read.

45/04

**Alcohol Bye-Law**

The Committee considered a report by the Executive Director, Community Services (Appendix 1). Tabled at the meeting was a copy of the decision of the Resources Committee when this issue was discussed at its meeting on 10 October 2001 (Appendix 1a).

The Chairperson said that Chief Inspector Cowie had previously provided the Services Committee, Lerwick Community Council and a recent Licensing Board Forum which included a number of licensees, with a

presentation on The Case for an Alcohol Bye-Law in Lerwick. He said that, in his view, it was now time for a political decision on this issue.

Against the bye-law, Mr L Angus said that it was clear that there was a problem with Anti Social Behaviour (ABS) in Shetland, particularly Lerwick, and which occasionally resulted in violence. A lot of the ABS was alcohol related but, in his view, tackling this issue with the introduction of a bye-law was the wrong focus. Over the years, Lerwick Community Council had requested that CCTV should be installed on Commercial Street which, he said, would have had the effect of gathering hard evidence. However, the Police had advised that they did not have the staff to police CCTV. Whilst he recognised that ABS in Lerwick reaches an alarming proportion, there was no evidence to suggest that ABS was caused by people drinking in the town centre. Although he agreed that the Police should be supported as much as possible, he felt that the introduction of a bye-law would not have a serious impact on ABS problems in Lerwick or Shetland. The bye-law would be unenforceable unless there were much more Police Officers on the beat.

Mr Angus said he was also concerned about the consultation process. When this issue had been considered previously, all Community Councils had been consulted but, in this instance, only Lerwick Community Council were consulted. He had not been consulted either. Further, the Community Safety Partnership meeting that had discussed this issue had been held in private.

Accordingly, Mr L Angus moved that the Committee recommend to the Council that consideration of this issue should be deferred to allow for full and proper consultation, similar to that undertaken when this issue was previously considered and that Chief Inspector Cowie should deploy his new Special Constables in order to see what effect a higher profile Police presence had on ABS. Mr J A Inkster seconded.

In support of the bye-law, Mr B P Gregson said that it would ensure that drinking took place in properly licensed premises and would help to tackle the problem with under-age drinking. In his view, underage drinkers drank in public so that they could be seen by their peers. He said that a lack of Police Officers would always be a problem but the Police should be provided with the tools required to do their work. There was no evidence whatsoever that a bye-law increased public disorder and it was clear that all the national evidence suggests that a bye-law decreases public disorder.

Mr B P Gregson moved as an amendment that the Committee approve the recommendations in the report. Mr E J Knight seconded.

In response to a question from a Member, Mr T W Stove, current Chairman of the Licensing Board, advised that at the recent Licensing Forum, licensees had unanimously been in support of a bye-law.

Mr L G Groat said that he had been very surprised that the Council had not previously agreed to the proposal to introduce a bye-law. He said that if people wanted to drink, they should drink in pubs. Often, on a Saturday afternoon in the town centre, there were people drinking and some of them used foul, filthy language and acted in a disgusting behaviour. This gave off a bad image for tourists to Shetland.

Mr E J Knight said that it was his ward that suffered the most ABS at the moment. The majority of his constituents were in favour of a bye-law. With regard to the installation of CCTV, he said that this was a bigger intrusion than a bye-law. It was a minority of people creating ABS but it was those people who should be legislated against. The introduction of a bye-law would mean that elderly people would feel safe going to the town centre, rather than feeling scared and intimidated.

Mr J P Nicolson said that ASB in town and city centres seemed to be a phenomenon at the moment. There was more finance around and alcohol was a very cheap product. Action was being taken with regard to Police manpower but the Police had to be provided with the tools they were requesting. He reminded Members that if a bye-law was implemented and it was evident that it was not having any benefit, it could be withdrawn. During one of his presentations, Chief Inspector Cowie had said that one of the forces for change was that revellers wanted to enjoy themselves without fear of becoming a victim.

Mr J H Henry said he felt uneasy about the proposal for a bye-law and questioned what it was exactly that was that was being tackled. If it was teenage drinking, he said that this was a national problem and questioned if a bye-law would tackle teenage drinking in the long-term. Mr Henry said that a lot of barbeques were held at the Sands of Sound beach and asked if the implementation of a bye-law would prevent people drinking at such barbeques. Chief Inspector Cowie confirmed that the bye-law would encompass the whole Lerwick Community Council area and, therefore, the Sands of Sound would be included.

Mr J A Inkster acknowledged that there was a problem with ABS in Shetland but ABS problems on mainland Scotland were far more acute. He felt that people were trying to apply mainland criteria to a small place. In his view, the introduction of a bye-law was not the best way to deal with ABS and it should be considered in perspective and dealt with on a community friendly basis. A bye-law would infringe civil liberties and ordinary people would be criminalised. The whole Shetland community should be fully and properly consulted.

Mr J G Simpson sought a guarantee that the introduction of a bye-law would not require Lerwick to be policed by Police Officers from other areas of Shetland. In response, Chief Inspector Cowie advised that there was a problem with ABS and public disorder in the town centre of Lerwick

and the Community Safety Partnership felt that this should be addressed. It would be an integrated package and his commitment would be to provide more police resources. The increase in the number of Special Constables to 16 would result in double the Police presence than at present. The benefit of this would allow police resources to be spread throughout Shetland and there would be sufficient resources were a bye-law to be introduced. He concluded by saying that when people recognised that a bye-law was in place, they would learn to enjoy themselves.

Mr F A Robertson said that if a bye-law could help clear the image of the town centre and stop people drinking in public, this would be beneficial.

The Executive Director said that if Members approved the introduction of a proposed bye-law, Members should advise Officers as to how consultation should proceed. In response to a question, she confirmed that consultation should take place with all Community Councils. Members agreed that consultation should proceed on the basis of the proposals in Appendix 5.

After summing-up, voting took place by a show of hands and the result was as follows:

Amendment (Mr B P Gregson)	11
Motion (Mr L Angus)	5

CHAIRPERSON