



**DROGHEDA BOROUGH COUNCIL**

**LOCAL GOVERNMENT ACT 2001**

**LOCAL GOVERNMENT ACT 2001 (BYE-LAWS) REGULATIONS 2006**

**DROGHEDA BOROUGH COUNCIL (REGULATION AND CONTROL  
OF THE CONSUMPTION OF INTOXICATING LIQUOR IN PUBLIC PLACES)  
BYE-LAWS 2007**

**WHEREAS** the Authority is of the opinion that it is desirable in the interests of the common good of the local community within the Functional Area that certain activities and/or matters should be regulated and controlled and that nuisances should be controlled or suppressed **AND WHEREAS** the Authority is further of the opinion that it is desirable that the consumption of Intoxicating Liquor be prohibited in public places within the Functional Area and that a Bye-Law be made for this purpose **NOW** the Authority in exercise of the powers conferred on it by Section 199 of the Local Government Act 2001 and all other statutory powers on that behalf **HEREBY MAKES THE FOLLOWING BYE-LAW:-**

1. This Bye-Law shall be cited as the Drogheda Borough Council (Regulation and Control of the Consumption of Intoxicating Liquor in public places) Bye-Laws 2007.
2. In this Bye-Law, except where the context otherwise requires, the following words and phrases shall have the following meanings respectively:-
  - a) "authorised person" means a person authorised in writing by the Authority pursuant to the Local Government Act 2001.
  - b) "the Authority" means Drogheda Borough Council.
  - c) "footpath", "footway" and "road" have the meanings assigned to them respectively by the Roads Act 1993.
  - d) "Functional Area" means the area within the boundary of Drogheda Borough Council.
  - e) "Intoxicating liquor" means spirits, wine, beer, porter, stout, cider, Perry and sweets and any fermented, distilled or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence from the Revenue Commissioners or any drink or other liquid containing alcohol.

f) "public place" includes:-

- i. any footpath, footway or road in the functional area
- ii. any highway
- iii. any cemetery, church, churchyard or the curtilage of any church
- iv. any premises, out door area, park or other place to which members of the public have or are permitted to have access, whether as of right, as a trespasser, or by express or implied invitation, permission or otherwise, or whether on payment or otherwise
- v. any street, lane, quay, cul-de-sac, square, passageway, alley, bridge or tunnel together with any such areas or spaces as are contiguous with any of the foregoing places.
- vi. any train, vessel or vehicle used for the carriage of persons whether for reward or otherwise.
- vii. any part of the foreshore and any coastal waters within or adjoining the Functional Area.


But does not include:-

- (a) a private house or dwelling or the garden or curtilage of such house or dwelling only in so far as concerns any activity of the owner or occupier or of a person therein or thereon as of right or with the express or implied permission of the owner or occupier;
  - (b) any premises licensed for the consumption of intoxicating liquor during the hours authorised for sale and consumption of same pursuant to the licensing Acts 1833 to 1988 as amended; or
  - (c) any tables and chairs outside a hotel, restaurant or public house on a public road and which are designated by the Minister (as defined by the Planning and Development Act 2000 (herein called "the Act of 2000") as being suitable for licensing under Section 254 of the Act of 2000 and in respect of which a licence has been granted by the Authority and is for the time being in force and subject to compliance with any conditions contained in such licence.
3. A person shall not consume or attempt to consume intoxicating liquor or an alcoholic drink in a public place within the Functional Area and a person shall not have in his possession intoxicating liquor or an alcoholic drink in a public place within the Functional Area with the intention of consuming it in a public place within the Functional Area or of supplying it to any other person for consumption in a public place within the Functional Area.
4. An authorised person and/or a member of the Garda Síochána may request any person who appears to be contravening or to have contravened a provision of this bye-law to leave the vicinity and move off or to refrain from any such breach. Failure to comply with such a request shall be a contravention of this Article of this Bye-Law.

5. Where an authorised person and/or a member of the Garda Síochána suspects with reasonable cause that a bottle or container in a public place situated in the Functional Area (whether or not in the possession of a person) holds an intoxicating liquor and further suspects with reasonable cause that an offence under this Bye-Law has been or is being or may be committed, then such authorised person and/or a member of the Garda Síochána may seize and destroy without warrant any such bottle or container together with its contents.
6. Any person who contravenes any provision of this Bye-Law or who prevents, attempts to prevent or encourages or incites any other person to prevent or attempt to prevent the exercise by an authorised person and/or a member of the Garda Síochána of a power conferred by this Bye-Law or who incites, or encourages any other person not to comply with a request under paragraph 4 of this Bye-Law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.
7. (a) Notwithstanding the remedy provided for in paragraph 6 of these Bye-Laws, the Council or a member of the Garda Síochána may, pursuant to S.206 of the local Government Act, 2001 serve a fixed payment notice (within the meaning of S.206 aforesaid) on any person committing an offence by virtue of a contravention of these Bye-Laws. Such fixed payment notice shall specify the amount of the fixed payment and the period within which the fixed payment must be paid in order to avoid prosecution and shall be in the general form of the notice set out in the first Schedule to the local Government Act, 2001 (Bye-Laws) Regulations, 2006 – S.1 No. 362 of 2006 – (or as provided for in any amending regulations) **but subject** to such alterations thereto as The Council may consider appropriate in the case of these Bye-Laws. The amount of the fixed Payment applicable to the fixed payment notice shall be €75.00.  
  
(b) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence under this bye-law, that member may arrest such person without warrant.
8. These Bye-Laws revoke the Drogheda Borough Council (Prohibition of Consumption of Intoxicating Liquor on Streets and in Public Places) Bye-Laws 2002.

Made and adopted under the common seal of the Council this 14<sup>th</sup> day of May, 2007.

Present when the Common Seal of Drogheda Borough Council was affixed hereto.

  
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MAYOR

  
\_\_\_\_\_  
MANAGER

  
\_\_\_\_\_  
TOWN CLERK