

## FAQs (Frequently asked questions)

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## Why are we holding this consultation?

On 20 December 2018, Scottish Borders Council agreed to conduct a consultation to consider whether or not to introduce an alcohol byelaw in the Borders. It was decided that the consultation would be carried out in two stages.

The first stage of the consultation was to determine if people felt that the drinking of alcohol in public places is a problem which needs to be addressed. It also asked whether people felt that stopping people from drinking alcohol in public places would help meet the licensing objectives which businesses such as hotels, pubs and supermarkets, are required to consider when making alcohol sales. These are:

- Prevention of crime and disorder
- Protecting children and young persons from harm
- Securing public safety
- Prevention of public nuisance
- Protecting and improving public health

Depending on the outcome of the first stage consultation, a second stage consultation might be needed to think about options in more detail.

The stage one consultation took place in 2019 and Council decided at a meeting held on 31 October 2019 to carry out a consultation about possibly introducing an alcohol byelaw in four towns, these are Eyemouth, Galashiels, Hawick and Peebles.

## Why are we only consulting about four towns?

At the end of the first stage consultation, a total of 491 responses had been received. 44% of those who took part did not think that the consumption of alcohol in a public place was causing a problem. 36% thought it did and 20% were unsure. Police Scotland and NHS Borders were both supportive of introducing a byelaw and the majority of respondents did think that preventing the consumption of alcohol in public places would help meet 3 of the licensing objectives.

Councillors considered the responses in detail at their meeting on 31 October 2019. They thought there was enough material to suggest that the idea of a byelaw should be explored further but, given the range of views, felt that should be on a restricted basis. Information suggested four towns where it was felt an alcohol byelaw might be of most benefit. These are:

- Eyemouth
- Galashiels
- Hawick
- Peebles

As a result, Scottish Borders Council has agreed that this second stage consultation be carried out in respect of the four towns to decide if a pilot alcohol byelaw in any, or all, of them is necessary.

## **Does this mean that an alcohol byelaw will be introduced?**

No. Before it decides if an alcohol byelaw will be introduced in any or all of the four towns, the Council needs to be satisfied that drinking in public places is causing problems in them.

Your views are essential to assist the Council in deciding if alcohol byelaws are required or not.

The reports and Minutes of the meetings held on 20 December 2018 and 31 October 2019, including full details of all responses received are accessible via the links below.

[20 December 2018](#)

[31 October 2019](#)

## **What is a Pilot?**

A way of testing a change over a set period of time.

## **Why introduce a Pilot?**

During the length of time the pilot takes place, it will allow the Police to monitor if an alcohol byelaw reduces crime and disorder and public nuisance towards individuals and the local community.

## **How long would a Pilot Byelaw last?**

The pilot needs to be long enough to allow the Police time to assess whether or not a byelaw has made any difference to the level of crime and disorder and public nuisance. Your views on an appropriate length of time are being asked in this consultation.

## **I thought drinking alcohol in the streets was already banned?**

It is in some parts of Scotland, but not in the Scottish Borders. It is for each Council to decide whether to introduce a byelaw which would ban people drinking alcohol in the streets in their area.

## **What is an alcohol byelaw?**

It is a local law which bans the drinking alcohol in identified public places.

## **What do you mean by a public place?**

A public place is generally common place like parks, town squares, riversides, paths and streets

## Where could byelaws affect?

It is for Council to determine which if any areas should be included in the byelaws.

Generally it could affect:

- ordinary communal public places like parks/town squares/riversides/paths and streets

Would not affect:

- Your garden
- Your home
- Any part of licensed premises such as beer gardens of pubs/area fenced off with marquees for weddings and functions

## Can there be licensed premises in places where there is an alcohol byelaw?

Yes. Any event/place which has a licence to serve alcohol can continue to do so even in areas where a byelaw applies.

## Does it stop the creation or growth of a café culture in areas covered by a byelaw?

No. Any premises which wants its customers to be able to consume alcohol in an outside seated area can apply for a licence to cover the seated area of their premise. An alcohol byelaw will not apply to any area covered by such a licence.

## What if a special event is taking place within an open space and the organisers want to sell alcohol at the event?

Any event organiser who wants to sell alcohol at an event can apply for an occasional licence to cover that space/event. An alcohol byelaw will not apply at that event for the duration of the occasional licence.

## What is an occasional licence?

An occasional licence means a licence that allows places to sell alcohol on specified days and times, i.e. not all the time.

## Does it mean I will not be able to drink on the street at a Common Riding/Local Festival?

That depends on how a byelaw is drafted. If an area is covered by a byelaw and there are no exemptions to that byelaw built in, then the byelaw will prevent general drinking on the street on these occasions.

However, it is possible for a byelaw to be drafted in such a way that it does not apply on certain dates and therefore drinking in the streets on those dates would not be banned.

In some instances it may be more appropriate for an occasional licence to be applied for and put in place.

## Does it mean I won't be able to drink alcohol if I go on a family picnic?

Yes, but only if the area where you want to picnic is covered by a byelaw.

## Who will enforce a byelaw?

Police Scotland would be responsible for enforcing any byelaws.

## What are the penalties for breaching a byelaw?

An on the spot Fixed Penalty Notice can be issued by Police Scotland. This is currently £50. If this is not paid or the matter goes to Court, and a person is found guilty, then they would be liable to a fine up to £500.

## Why do people think we might need a byelaw?

As has been evidenced by the first stage consultation, a number of Scottish Borders residents think that drinking in public places can cause a nuisance to local communities and can negatively affect the quality of life for residents in a particular area. Information provided by the Household Survey in 2017 also supports this view. It found that 36% of respondents said that they frequently or occasionally experience people being drunk or rowdy in public places in their local area.

Police Scotland is in favour of any measure, such as a byelaw, that assists in preventing antisocial behaviour in public places. If these measures provide specific guidelines any confusion is taken away from decisions and both the police and public are left in no doubt as to lawful and acceptable behaviour.

NHS Borders considers there are significant public health benefits in implementing byelaws to prevent the drinking of alcohol in a designated public place. Research has shown that children and young people fear people drinking in public spaces and want adults to drink less. Our children have the view that alcohol is connected to arguing and violence in public spaces (and at home) and want their environment (park, beaches and spaces) to be clean and pollution free<sup>1</sup>. We also know children's exposure to parental drinking can influence their own attitude and consumption, and means they can start drinking at an earlier age and be more likely to drink in adolescence.

<sup>1</sup> References: What kind of Scotland? Children influencing Scotland's future (Children's Parliament, 2017)

## Why are some people against the idea of having an alcohol byelaw?

Some Scottish Borders residents consider there is no need for such a byelaw in the Borders.

Some people think that there is no alcohol related disorder problem and/or that where there is disorder existing police powers should be able to deal with it. They consider it to be an unnecessary restriction on their freedom.

## How is the consultation being run?

It will run from 19 February to 6 May 2020 and will consist of an online/paper survey with alternative formats available on request.

Public meetings are being held in each of the four towns during the consultation period to answer any queries you may have. You can also contact us at [liquorandlicensing@scotborders.gov.uk](mailto:liquorandlicensing@scotborders.gov.uk)