

FAQs (Frequently asked questions)

Contents

Why are we holding this consultation?	2
I thought drinking alcohol in the streets was already banned?	2
What is an alcohol byelaw?	2
Where could byelaws affect?	2
Can there be licensed premises in places where there is an alcohol byelaw?	2
Does it stop the creation or growth of a café culture in areas covered by a byelaw?	2
What if a special event is taking place within an open space and the organisers want to sell alcohol at the event?	2
Does it mean I will not be able to drink on the street at Common Riding/Local Festival?	3
Does it mean I won't be able to have a can of beer or bottle of wine if I go on a family picnic?	3
Who will enforce a byelaw?	3
What are the penalties for breaching a byelaw?	3
Why do people think we might need a byelaw?	3
Why are some people against the idea of having a byelaw?	4
How is the consultation being run?	4

Why are we holding this consultation?

SBC previously consulted on introducing a byelaw to prohibit the consumption of alcohol in designated public places. However, as it was not possible to progress the matter at that time it has been agreed that the process should be started again and seek current views.

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 drinking alcohol in the streets in their area.

What is an alcohol byelaw?

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

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. A byelaw will not apply at that event for the duration of the occasional licence.

Does it mean I will not be able to drink on the street at 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 prohibited.

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 have a can of beer or bottle of wine 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?

A number of Scottish Borders residents think that public drinking can cause a nuisance to local communities and can greatly hamper the quality of life for residents in a particular 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 consumption 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 free¹. We also know children's exposure to parental drinking can influence their own attitude and consumption meaning they can start drinking at an earlier age and be more likely to drink in adolescence.

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

Why are some people against the idea of having a byelaw?

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

Some consider 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?

This consultation will be in two parts. The first part will run from 27 March to 2 June 2019 and will consist of an online/paper survey with alternative formats available on request. Staff will be available at Area partner meetings during the consultation period to answer any queries. More information about Area Partnerships is available at <https://www.scotborders.gov.uk/areapartnerships>

If, as a result of this consultation and other input gathered, the drinking of alcohol in public places is identified as an issue a second consultation will take place to understand the level of support and/or objections for byelaws to be introduced in these areas.