1 PURPOSE

1.1 The purpose of this report is to present to Stirling Council a proposal to establish a bye-law banning the consumption of alcohol in certain public places.

2 SUMMARY

2.1 In November 1996, The Administration received a presentation from Chief Superintendent Matchett of Central Scotland Police regarding the options for introducing a bye-law which would ban the consumption of alcohol in public places.

2.2 Following the presentation the group accepted in principle the need for a bye-law but agreed that consultation with communities and key organisations was required to identify public demand for a bye-law and opinions as to which form any proposed bye-law would take. The consultation process has now been completed and the proposal for the bye-law reflects as far as possible the views of the community and various other agencies including: Central Scotland Police, Forth Valley Health Board, Stirling Tourist Association, Licensing Trade Association, Argyll the Isles Loch Lomond Stirling & Trossachs Tourist Board and the District of Stirling Licensing Board.

3 RECOMMENDATION(S)

3.1 It is recommended that the Council:-

3.1.1 remit to the Director of Civic Services to submit to the Scottish Office draft byelaws in the form set out in Appendix 2 of this report, incorporating the detailed proposals in the report;

3.1.2 note that a further report will be submitted to a future meeting of the Council, once the Scottish Office have responded to the draft byelaws, in respect of the formal making of the byelaws;

3.1.3 approve the establishment of a multi-agency forum aimed at tackling alcohol related incidents.
4 CONSIDERATIONS

4.1 Historical Background and Consultation

4.1.1 In terms of Section 201 of the Local Government (Scotland) Act 1973, the Council has powers to make byelaws “for the good rule and government of the whole or any part of the Council’s area and for the prevention and suppression of nuisances therein”. This is the power that has been used by other authorities to make byelaws prohibiting the drinking of alcohol in public and it is this power that the Scottish Office expect authorities to use when making such byelaws.

4.1.2 The introduction of bye-laws which ban the consumption of alcohol in public places has become a major discussion point both nationally and locally. Numerous requests from Community Councils and other community groups have been received for the establishment of these bye-laws. As a consequence, the Council decided to embark on a lengthy consultation process the results of which point to the establishment of a bye-law covering Stirling and its surrounding villages and Callander. (The results of the consultation process are contained in Appendix 1 to this report).

4.1.3 The purpose behind the consultation was to identify the level of local demand for bye-laws and to obtain information on the likely impact and effectiveness. This would then allow the Council to take an informed decision on the imposition of a public drinking bye-law.

4.1.4 The Consultation exercise consisted of three main phases:-

- Structured interviews with organisations and agencies,
- Consultation with Community Councils and,
- Consultation with Council services.

4.1.5 Whilst different methods were used in each phase, a number of common themes were sought from those consulted. These were:-

- Whether in favour of a bye-law,
- Whether the bye-law should cover a designated area or for complete towns and villages,
- How the bye-law should be introduced e.g. phased over a period of weeks or months allowing sufficient time for publicity and education, or alternatively overnight introduction.
- Whether the bye-law should include options for excluding certain dates from being covered by the bye-law e.g. New Year’s Eve’
- Whether in favour of the establishment of a forum to tackle alcohol related issues.
4.2 Conclusions from Consultations - Vote in Favour

4.2.1 From the consultation exercise there are a number of key points which have emerged regarding this subject and should be considered when deliberating this paper:-

- There is a demand from a number (11) of Community Councils for the introduction of a bye-law in certain parts of the council area.
- There is concern amongst key organisations and agencies that a bye-law will fail to tackle the real alcohol related problems and could make under-age drinking more dangerous by forcing young people to drink in more inappropriate places.
- The police have expressed concern about their ability to police a widespread bye-law, thus undermining the effectiveness of the bye-law. They have expressed a preference for a phased introduction to any public drinking bye-law.
- There is an overwhelming desire not to have designated area bans, fearing that these are likely to cause displacement to adjoining areas. If bans were to be introduced then these should cover whole villages or towns.
- The majority of people felt that the establishment of a multi-agency forum would be beneficial. Some people felt that this should be linked to the existing high profile Substance Action Team and its main role should be to review the impact of the bye-law, tackle issues raised by the bye-law and promote “safe drinking” practice throughout the Stirling Council area. The nationwide “Drinkwise” campaign has recently been launched and any group could link in with the activities of this and similar campaigns. Amongst some of the issues covered may include publicity, training for servers etc.
- The District of Stirling Licensing Board considered the detailed proposals at their meeting on 1 October and unanimously agreed them. Comments made by the Board are included in paragraph 6.3 and 6.4 of this report.

4.3 Focus Group

4.3.1 In order to progress these issues at a practicable, manageable and enforceable level, a focus group was formed.

4.3.2 The Scottish Office will then either agree the draft byelaws or enter into discussion about proposed amendments. Once this has been completed, a report will be submitted to the Council inviting it to formally make the byelaws. This report will detail the comments received from the Scottish Office and contain a copy of the byelaws.

4.3.3 There then follows the statutory requirement to advertise the making of the byelaws which allows for representations and objects to be made. If any are made, then the Secretary of State will consider them, and may hold a public inquiry. Depending on the outcome of that process, the byelaws may then be confirmed and brought into operation.
4.3.4 The timetable for these events is difficult to predict and will, in large part, depend upon the Scottish Office dealing with them expeditiously.

5 POLICY IMPLICATIONS

5.1 These proposals have a direct implication for the Council’s policy on “making communities safer”. The commitment to establish a Safe Drinking Forum reinforces the Council’s viewpoint (which reflects the Scottish Office view) that the bye-law forms only one strand of a strategy to combat the nuisance of drink related crime and offences.

6 PROPOSED BYELAW

6.1 The proposed bye-law will prohibit the drinking of alcohol in public places in the undernoted areas.

Bannockburn        Cowie
Bridge of Allan    Fallin
Callander          Plean
Cambusbarron       Raploch
Cambuskeneth       Stirling
Causewayhead       St Ninians
Cornton            Throsk

(Maps detailing the above areas will be displayed at the Council meeting).

6.2 For practical purposes, ease of enforcement and justification, the boundaries have been drawn using the building blocks of Local Plan Areas.

6.3 The byelaws, once in force, will apply throughout the designated areas for 365 days a year unless there are exemptions built into them. There are only a few exemptions which the Scottish Office are likely to approve. The first is to exempt events where there is in place an occasional licence or permission in place which has been granted by the Licensing Board. This allows local events such as village fetes and events run by voluntary organisations to take place. If they do not have a licence or permission, then alcohol may not be consumed at the event. It is proposed that this exemption, suggested by the Licensing Board, should be included in the draft byelaws.

6.4 Secondly, it is possible to specify days on which the byelaws will not apply and it is proposed that the Licensing Board’s suggestion of an exemption for Hogmanay each year be included in the draft byelaws.

7 CONSULTATIONS

7.1 These proposals have a direct implication for the Council’s policy on “making communities safer”. The commitment to establish a Safe Drinking Forum reinforces the Council’s viewpoint (which reflects the Scottish Office view) that the bye-law forms only one strand of a strategy to combat the nuisance of drink related crime and offences.
7.2 The Stirling-Bannockburn Area Forum also contributed to the consultation process and indeed it was from this forum that the key Focus Group was formed. In addition, discussions have been held with officials from the Scottish Office on the rules governing the introduction of a by-law.

7.3 The Community Safety spokesperson has been kept fully informed of the progress of this consultation and has on several occasions chaired consultation meetings and the Focus Group.

8 RESOURCE IMPLICATIONS

8.1 There will be resource implications as a consequence of establishing any bye-law. At this stage precise costs have not been identified however it is envisaged that further costs will be incurred as a result of the erection of signage both on the periphery and within the proposed areas indicating that it is prohibited to consume alcohol in a public place. Due to the heavy tourist traffic within Stirling and Callander an adequate number of signs would need to be reproduced in foreign languages to inform tourists/foreign visitors.

Initial enquiries estimate the cost of a sign similar in size to the existing Neighbourhood Watch signs as being £25-£30.

9 BACKGROUND PAPERS

9.1 Background Information from The Scottish Office regarding making an application for a bye-law to prohibit the consumption of alcohol in public places including a copy of the draft bye-law.
### Author(s)

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<td>Robin Iffla</td>
<td>Community Safety Officer (seconded Police Officer)</td>
<td>2766</td>
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### Approved by

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<td>Paul Doherty</td>
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Date  2 October 1997  Reference  Bye-law3
CONSULTATION EXERCISE

Structured Interviews With Organisations

Six organisations and agencies were consulted as part of the first phase of the exercise. The organisations were:-

- Central Scotland Police Local Unit Commanders
- Central Scotland Licensed Trade Association
- Forth Valley Health Board
- Stirling Town Centre Management
- Central Scotland Council on Alcohol and,
- Scottish Grocers Federation

The following represent a broad summary of the qualitative findings:-

- 3 out of the 6 organisations consulted were opposed to the establishment of the bye-law. The reasons given included failing to tackle the underlying cause of the problem, and the potential for conflict between the police and young people.

- All but one of the organisations rejected a designated area ban. Reasons given for this were due to a fear of displacing the problem to other areas. However, there was widespread support for a ban covering Stirling Town Centre, although a definitive boundary would need to be agreed.

- All preferred a phased introduction to the bye-law including an education phase. Two expressed an opinion that it was important that the phases introducing the bye-law should be relatively short i.e. in weeks as opposed to months.

- Four of the respondents were in favour of allowing certain dates to be excluded from the bye-laws.

- All of the respondents were in favour of establishing a multi-agency forum to tackle the problems caused by alcohol misuse. A number of the organisations (including police and health board) felt that would be best served by being linked to the multi-agency Substance Action Team.

Consultation With Community Councils

A letter was circulated to each of the Community Councils (36 in total) seeking their opinion on the establishment of a bye-law and in particular the information detailed in paragraph 4.1.3 above. A total of 17 Community Councils responded of which Trossachs, Thornhill/Blair Drummond, Killearn, Dunblane, Balquhidder and Balfron did not wish a bye-law introduced in their area. The following 11 were in favour of the introduction of a bye-law, provided that this covered all of their town or village and were not designated area only:-

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<th>Bridge of Allan</th>
<th>Fintry</th>
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<td>Callander</td>
<td>Killin</td>
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<td>Kippen</td>
<td>Strathard (Aberfoyle)</td>
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<td>Bannockburn</td>
<td>Cambusbarron</td>
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<tr>
<td>Strathblane</td>
<td>Plean</td>
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<td>Cambuskenneth</td>
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A wide range of reasons were given to justify a bye-law and these included under-age drinking, fear by elderly people, cans, bottles and other litter lying in public areas and disturbances caused by drinking in public places.

On the question of the establishment of a multi-agency action forum, 7 responded to this question, of which all but one were in favour.

**Consultation With Council Services**

A bye-law banning the consumption of alcohol in public places will have an impact on the services which Stirling Council provides, e.g. social work and youth services. Consequently, Council services were consulted on likely impact of this legislation via the Policy & Performance Network. Responses were received from Community Services, Civic Services, Housing & Social Services and Environmental Services.

Concern was expressed on the establishment of a bye-law. These included the possible impact of relations between the police and young people and the impact on tourism. It was also felt that there was little point in introducing a bye-law if it was unable to be enforced by the police. In addition it may also be seen to simply make matters worse by overloading the criminal justice system through non-payments of fines etc.

However, in support of the bye-law, it was felt that alcohol was related to offending behaviour and a bye-law may help to tackle this problem. The idea of a multi-agency forum was supported although it was felt that the forum should have a clear remit and action plan.

**Consultation With Central Scotland Police**

Discussion has been held with Central Scotland Police to determine what type of bye-law could be introduced which could be effectively enforced.

The police would be in favour of introducing a bye-law provided this was done in a carefully co-ordinated manner. The possibility of initially introducing pilot bye-laws in a couple of areas raised concerns from the police that this may lead to displacement. Where a bye-law was introduced in the Stirling Town area then its coverage should be extended to cover Forthbank Stadium to include footballing events.

Central Scotland Police support the establishment of a multi-agency forum, possibly linked to the Substance Action Team. Again a clear remit for the group was seen to be important.
APPENDIX 2

Draft Byelaws

[District Council] (“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 in that behalf, hereby make the following byelaws:-

Interpretation and Application

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; and

“designated place” means any place to which the public have access within the areas specified in Schedule 1 to these byelaws an shown outlined in red on the plans annexed and signed as relative hereto.

(2) These byelaws shall not apply -

(a) on 31 December, from 6 pm until the end of that day; and

(b) on 1 January, until 6 am.

Offence

2. (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcohol 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, as the case may be, permission and for 15 minutes after the expiry of such period.

Presumptions

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

(2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to confirm 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 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 of his
intention to do so.

Public Notices of Effects

4. (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.