

REPORT TO: Cabinet

MEETING DATE: 12 June 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Review of Byelaws Prohibiting Consumption of Alcohol in Public Places in East Lothian

1 PURPOSE

- 1.1 To seek authorisation for the continuation of the existing byelaws as presently constituted until such time as a proposed replacement byelaw is in a position to be promoted for confirmation.

2 RECOMMENDATIONS

Cabinet agrees:-

- 2.1 that the present byelaws in place in various towns and villages throughout East Lothian shall continue in effect as presently constituted.
- 2.2 that a further report be accepted in due course regarding a proposed county-wide byelaw which will replace the present byelaws in due course.

3 BACKGROUND

- 3.1 There are existing Byelaws prohibiting the consumption of alcohol in public places, covering the majority of the residential settlements within East Lothian, as listed in paragraph 7 below. These byelaws, with one exception, came into effect on 30 June 2008. The byelaw covering Whitecraig came into force in 2012.
- 3.2 In terms of section 202A of the Local Government (Scotland) Act 1973, Byelaws require to be reviewed by the Council after no later than 10 years after they come into force, failing which they shall cease to have effect.
- 3.3 In tandem with this requirement to review, Police Scotland have approached the Council requesting that these various byelaws be

replaced by a single byelaw covering the entire County. This would have the benefit of increasing clarity and consistency, and eliminate the present slight variations which exist between the existing byelaws, in particular regarding the nature and extent of exemptions.

- 3.4 The Council has undertaken a consultation on the proposed new byelaw with the various Community Councils and a number of responses have been received as a result.
- 3.5 The draft byelaw is currently with Scottish Ministers for initial comments. Following receipt of those comments and any resultant amendment of the draft, a report will be submitted seeking Cabinet approval to proceed with the advertising and confirmation of the new byelaw.
- 3.6 The process with regard to the proposed new byelaw is ongoing, but it will not reach a stage of completion within the lifetime of the present byelaws.
- 3.7 The present byelaws have been reviewed in the light of the above background, and it has been concluded that, in order to ensure that there is not a period in which there are no valid byelaws in force in respect of this subject, it is appropriate that the existing byelaws be continued on the present terms with effect from the renewal anniversary on 30 June 2018.
- 3.8 At such time as the proposed new byelaw is ready to be implemented, the Council has the power to renounce the present byelaws, so there will be no duplication of cover. Continuing the present byelaws in the meantime will avoid any gap in cover pending completion of the process regarding the proposed new byelaw and will ensure continuation of the present arrangements in the event that the proposed new byelaw, for whatever reason, does not come into being.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – There will be no additional financial implications arising from approval of the recommendations contained in this report.
- 6.2 Personnel – None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 The present byelaws are in place in respect of the following areas:

- (i) Aberlady
- (ii) Dirleton
- (iii) Dunbar, West Barns & JM Country Park
- (iv) Gullane
- (v) Haddington
- (vi) Longniddry, Cockenzie & Port Seton
- (vii) Macmerry
- (viii) Musselburgh
- (ix) North Berwick
- (x) Ormiston
- (xi) Prestonpans
- (xii) Tranent
- (xiii) Wallyford
- (xiv) Whitecraig

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