From: [redacted s.38(1)(b)]
Sent: 08 March 2019 16:54
To: [redacted s.38(1)(b)]; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]
Cc: Communications Justice; News Desk; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]

Subject: RE: Spad view - East Lothian public drinking byelaw - East Lothian Courier

Yes

Sent with BlackBerry Work
(www.blackberry.com)

From: [redacted s.38(1)(b)] @scot.gov

Date: Friday, 08 Mar 2019, 4:49 pm
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Cc: Communications Justice <CommunicationsJustice@gov.scot>, News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Subject: RE: Spad view - East Lothian public drinking byelaw - East Lothian Courier

Spads,

The journalist has followed up and asked if East Lothian Council has gone through the process as Police Scotland was adamant the Scottish Government was holding up the procedure.

As [redacted s.38(1)(b)] pointed out below, the byelaw is not being 'held up' by the Scottish Government and it remains a matter for the council whether they wish to submit for approval byelaws.

Are you content for me to respond with this info?

Cheers,
[redacted s.38(1)(b)]

From: [redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 13:15
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov

Subject: RE: Spad view - East Lothian public drinking byelaw - East Lothian Courier

ok

From: [redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 13:07
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)]@scot.gov;
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov

Subject: Spad view - East Lothian public drinking byelaw - East Lothian Courier

Spads,

Grateful for views on the below.

Cheers,
[redacted s.38(1)(b)]

Background

The East Lothian Courier has asked for comment on East Lothian's proposed public drinking byelaw. The Council wants to introduce a countywide ban on public drinking, however it was allegedly said at a meeting of their licensing forum yesterday the plan is being held up by the Scottish Government, who are opposed to a blanket ban. Some towns and villages already have total bans in place (full details below).

Line

A Scottish Government spokesperson said:

"It is for the local authority to decide whether to propose a byelaw that would prohibit drinking in public in the local authority area."

Background

- Once the byelaw has been through the advertising process, the Scottish Ministers are required to consider any objections to the proposed before deciding whether to confirm the byelaws.
- The Scottish Government published a circular in 2014 providing advice to local authorities applying to the Scottish Ministers for the confirmation of byelaws prohibiting the consumption of alcohol in designated public places. https://www2.gov.scot/Resource/0045/00457061.pdf

---

From: [redacted s.38(1)(b)] @newsquest.co.uk
To: [redacted s.38(1)(b)] @scot.gov
Subject: East Lothian public drinking byelaw

Hi [redacted s.38(1)(b)]

East Lothian Council wants to introduce a countywide ban on public drinking, however it was said at a meeting of their licensing forum yesterday that the plan is being held up by the Scottish Government who are opposed to a blanket ban.
Currently some towns and village have total bans while North Berwick has a byelaw which allows drinking between 6am and 6pm in public and a few villages have exceptions for their gala days while others do not.
In Tranent and Dunbar you can only drink in public on Hogmanay and in Musselburgh only "horse riders, council representatives and guests" can drink in public during the annual ride out.
It is claimed the legislation would be easier to police if it was a blanket ban that included the coast as well, where traditionally senior students celebrate the end of school each summer.
Any response much appreciate. My deadline is Monday 2pm for filing.

Cheers,
[redacted s.38(1)(b)]

Local Democracy Reporter

From: **[**redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 12:37
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov

Subject: RE: Media query - East Lothian public drinking byelaw - East Lothian Courier

[redacted s.38(1)(b)]

Might be worth including the second bullet point as background information. Otherwise content

[redacted s.38(1)(b)]

From: **[**redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 12:35
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Subject: RE: Media query - East Lothian public drinking byelaw - East Lothian Courier

Thanks [redacted s.38(1)(b)] @scot.gov, appreciated.

Are we content with the lines below?

A Scottish Government spokesperson said:

“It is for the local authority to decide whether to propose a byelaw that would prohibit drinking in public in the local authority area.”

Background

The Scottish Government published a circular in 2014 providing advice to local authorities applying to the Scottish Ministers for the confirmation of byelaws prohibiting the consumption of alcohol in designated public places. https://www2.gov.scot/Resource/0045/00457061.pdf

From: [redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 12:04
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov

Subject: RE: Media query - East Lothian public drinking byelaw - East Lothian Courier

[redacted s.38(1)(b)]

The byelaw is not being ‘held up’ by the Scottish Government. The Council are perfectly entitled to submit an application for a ‘local authority-wide byelaw’ banning drinking in public across the whole of East Lothian.

However, when the Council approached us informally for a view on this matter, we did draw their attention to the 2014 Circular (see https://www2.gov.scot/Resource/0045/00457061.pdf) which sets out the Scottish Government’s policy on this (see paras 5 and 6 in particular). It remains a matter for the Council whether they wish to submit for approval byelaws which run contrary to the terms of this circular, and it would ultimately be for Ministers to decide whether to approve the byelaw. As such, it is a matter for East Lothian Council to decide whether they wish to make the case that an exception should be made to the general policy of not banning drinking in public *per se*. (We have, after all, approved byelaws banning drinking in the whole of the Glasgow Council area, but this is a much more built-up and densely populated area than East Lothian).

Suggest the following lines:

- It is for the local authority to decide whether to propose a byelaw that would prohibit drinking in public in the local authority area.
- Once the byelaw has been through the advertising process, the Scottish Ministers are required to consider any objections to the proposed before deciding whether to confirm the byelaws.

- As such, it is not possible to provide a definitive answer as to whether the Scottish Ministers would be prepared to confirm a local authority-wide byelaw prohibiting drinking in public prior to the outcome of the advertising process.

Background

The Scottish Government published a circular in 2014 providing advice to local authorities applying to the Scottish Ministers for the confirmation of byelaws prohibiting the consumption of alcohol in designated public places.
See https://www2.gov.scot/Resource/0045/00457061.pdf

Happy to discuss

[redacted s.38(1)(b)]
Criminal Law Team
Scottish Government
[redacted s.38(1)(b)] @scot.gov

From: [redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 11:52
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov

Subject: RE: Media query - East Lothian public drinking byelaw - East Lothian Courier

Recirculating to share with colleagues [redacted s.38(1)(b)] and [redacted s.38(1)(b)].

[redacted s.38(1)(b)]

From: [redacted s.38(1)(b)] @scot.gov
Sent: 08 March 2019 11:39
To: [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov; [redacted s.38(1)(b)] @scot.gov;
Cc: Communications Justice <CommunicationsJustice@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted s.38(1)(b)] @scot.gov ; [redacted s.38(1)(b)] @scot.gov

Subject: Media query - East Lothian public drinking byelaw - East Lothian Courier

Good morning,

The East Lothian Courier has asked for comment on East Lothian's proposed public drinking byelaw. The Council wants to introduce a countywide ban on public drinking, however it was allegedly said at a meeting of their licensing forum yesterday the plan is being held up by the Scottish Government, who are opposed to a blanket ban. Some towns and villages already have total bans in place (full details below).

Grateful for views.

Cheers,

[redacted s.38(1)(b)]

Newsdesk
Scottish Government
[redacted s.38(1)(b)]

From: [redacted s.38(1)(b)]
Sent: 29 March 2022 13:54
To: [redacted s.38(1)(b)]
Cc: [redacted s.38(1)(b)]
Subject: RE: Alcohol FMQ due 3pm - Alcohol Byelaw lines
Attachments: Alcohol Byelaws - Glasgow.docx

Good afternoon [redacted s.38(1)(b)]

Please find attached some lines on alcohol byelaws.

[redacted s.38(1)(b)]
Criminal Law, Practice and Licensing Unit
St Andrew's House
[redacted s.38(1)(b)]

From: [redacted s.38(1)(b)]@ gov.scot
Sent: 29 March 2022 12:45
To: [redacted s.38(1)(b)] @gov.scot, [redacted s.38(1)(b)] @gov.scot, [redacted s.38(1)(b)] @gov.scot, [redacted s.38(1)(b)] @gov.scot
Cc: [redacted s.38(1)(b)] @gov.scot, [redacted s.38(1)(b)] @gov.scot
Subject: RE: Alcohol FMQ due 3pm

Thanks [redacted s.38(1)(b)]

Kind regards

[redacted s.38(1)(b)]

From: [redacted s.38(1)(b)]@ gov.scot
Sent: 29 March 2022 12:43
To: [redacted s.38(1)(b)]@ gov.scot, [redacted s.38(1)(b)]@ gov.scot,
Cc: [redacted s.38(1)(b)]@ gov.scot, [redacted s.38(1)(b)]@ gov.scot,
Subject: FW: Alcohol FMQ due 3pm
Importance: High

[redacted s.38(1)(b)], [redacted s.38(1)(b)]

–

URGENT

Please see urgent ask from redacted s.38(1)(b)]. Can you provide a few lines to cover the alcohol bye-laws (in Glasgow) point ?

Cheers,

redacted s.38(1)(b)]

From: [redacted s.38(1)(b)]@ gov.scot
Sent: 29 March 2022 12:28
To: [redacted s.38(1)(b)]@ gov.scot, [redacted s.38(1)(b)]@ gov.scot, [redacted s.38(1)(b)]@ gov.scot
Subject: FW: Alcohol FMQ due 3pm
Importance: High

Afternoon [redacted s.38(1)(b)] and [redacted s.38(1)(b)]

Hope all is well with you.

We have a request to update our FMQ around licencing.

Do you have lines we can include? Note that we need to send this back by 3pm.

Kind regards

[redacted s.38(1)(b)]

From: [redacted s.38(1)(b)]@scot.gov **On Behalf Of** First Minister FMQs
Sent: 29 March 2022 11:26
To: [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov, [redacted s.38(1)(b)]@scot.gov,
Subject: Alcohol FMQ due 3pm
Importance: High

Good morning,

Thanks for providing the attached brief for this week's FMQs. Could you update the brief to reflect the following comments from MSPs please? Grateful for a revised version of the brief by 3pm today please.

Paul Sweeney on Twitter: "Nearly two years on, I reiterate, it's time to scrap this outdated 1996 by-law. Glaswegians should be able to drink responsibly in the city's parks. Licensed family-friendly outdoor beer gardens and pavilions in the parks could help fund their maintenance. https://t.co/U5NvI13tFF" / Twitter

Bummer on Twitter: "I'm quite sure a significant fraction of people who moved to Glasgow in the last two years don't even know about this astonishing 'law'😭because enforcement here in -- ehm, the West End! -- is so nonexisting. Glasgow NRS setting double standards once again." / Twitter

Holyrood magazine on Twitter: "Jamie Greene battled with his parents' relationship with alcohol his whole life. Now he wants to use his experience to help tackle Scotland's drink problem https://t.co/VzQum9aOdi" / Twitter

Thanks,

[redacted s.38(1)(b)]

Senior FMQ Officer

[redacted s.38(1)(b)] l First Minister's Policy and Delivery Unit l Scottish Government l St Andrew's House l Regent Road l Edinburgh l EH1 3DG l[redacted s.38(1)(b) l [redacted s.38(1)(b)]@scot.gov

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Alcohol Byelaws

- It is recognised that public drinking can adversely affect the quality of life for residents.
- Use of alcohol byelaws has significantly reduced the nuisance and disorder normally associated with public drinking.
- Almost all local authorities except the Scottish Borders Council have at least one alcohol byelaw that covers a population or geographical area within their areas.
- It is for the local authority to decide whether they require alcohol byelaws and the Scottish Government cannot comment on such decisions.
- The role of the Scottish Government is to decide whether to confirm, or otherwise, proposed byelaws or amendments to existing byelaws.
- In Glasgow, the alcohol byelaw the offence is : “any person who consumes alcoholic liquor in a designated place or is found to be in possession of an open container containing alcohol in a designated place shall be guilty of an offence.”
- Anyone who breaches the byelaw is liable to a fine of up to £500.
- The Scottish Government supports the proportionate use of alcohol byelaws with decisions made locally by those closest to the issues.