

**South Ayrshire Council**

**Report by Head of Legal and Regulatory Services  
to Cabinet  
of 25 April 2023**

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**Subject: Review of the Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places**

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**1. Purpose**

1.1 The purpose of this report is to advise Cabinet of the statutory requirement to review the South Ayrshire Council Byelaws which prohibit the consumption of alcohol in designated public places and ask them to authorise such a review.

**2. Recommendation**

**2.1 It is recommended that the Cabinet:**

**2.1.1 requests a review of the South Ayrshire Council Byelaws which prohibit the consumption of alcohol in designated public places; and**

**2.1.2 following the review, requests that a report is presented to Council on 12 October 2023 seeking authority as necessary.**

**3. Background**

3.1 Byelaws prohibiting the consumption of alcohol in designated public places came into force in South Ayrshire in 2002. The said byelaws were reviewed in 2012/2013 and the current byelaws are attached as Appendix 1.

3.2 The byelaws were introduced following a Scottish Government initiative to reduce the nuisance and disorder that can be associated with public drinking. The South Ayrshire byelaws prohibit the consumption of alcohol in certain designated public places. In addition, the byelaws make it an offence for a person to have in their possession an open container of alcohol in certain designated public places. The Scottish Government required the byelaws to relate to population centres or areas where there has been a history of alcohol related disorder. The byelaws, in line with model byelaws produced by the Scottish Government, contain an exception and do not apply between 6pm on 31 December and 6am on 1 January each year.

3.3 The Local Government (Scotland) Act 1973 Section 202A states a local authority shall, not later than 10 years from the coming into force of a byelaw review that byelaw.

3.4 As the said byelaws were confirmed by the Scottish Government in December 2013 they require to be reviewed in 2023. There is no prescribed procedure for reviewing

byelaws. It is essentially a process of consultation with relevant partners involved in the enforcement of the byelaws. If the review results in a recommendation to the Council to amend or revoke the byelaws, further statutory procedure requires to be followed.

#### **4. Proposals**

4.1 It is recommended that the review involve a consultation process, led by the Council's Thriving Communities service, with the following:

- a) Elected Members;
- b) Police Scotland;
- c) The Procurator Fiscal;
- d) South Ayrshire Council's Planning Service;
- e) South Ayrshire Council's Anti-Social Behaviour Team; and
- f) the South Ayrshire Community Safety Partnership.

4.2 The consultees will be asked if they consider the byelaws are still necessary and appropriate to prevent the problems that can be experienced with offensive behaviour which can be related to drinking in public.

4.3 The consultees will also be asked if they consider any amendment is required to the byelaws. In 2013 it was decided that the Council's Planning Service should review the plans attached to the byelaws to take account of new developments. The byelaws were amended to take account of the changes they proposed

4.4 The results of the review will then be put before the Council who will determine whether the byelaws should continue in their current form, be revoked or be amended. Should the result of the review be that an amendment of the byelaws is required then, in terms of the legislation, at least one month before seeking confirmation of the byelaws from the Scottish Government, the new set of byelaws as approved by Council would require to be advertised in local newspapers informing the public of the intention to apply for confirmation. The advert must detail where a copy of the byelaws could be inspected and how any objections can be made to the Scottish Government. Before confirming the byelaws, the Scottish Government must take into consideration any objections received and may, if they consider it necessary or desirable, hold a local inquiry or cause a local inquiry to be held. The existing byelaws would continue in force in the meantime until this process was completed.

#### **5. Legal and Procurement Implications**

5.1 Legal have been consulted in respect of the review of the byelaws and will continue to provide advice on the relevant legislation and required procedure.

5.2 There are no procurement implications arising from this report.

#### **6. Financial Implications**

6.1 Not applicable.

## **7. Human Resources Implications**

7.1 Not applicable.

## **8. Risk**

### **8.1 *Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

### **8.2 *Risk Implications of Rejecting the Recommendations***

8.2.1 There are risks associated with rejecting the recommendations in that the statutory provisions of the Local Government (Scotland) Act 1973 would not be complied with.

## **9. Equalities**

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

## **10. Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## **11. Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## **12. Link to Council Plan**

12.1 The matters referred to in this report contribute to Commitment 4 of the Council Plan: South Ayrshire Works/ Make the most of the local economy.

## **13. Results of Consultation**

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic Portfolio, and Councillor Ian Davis, Portfolio Holder for Finance, ICT and Procurement, and the contents of this report reflect any feedback provided.

## **14. Next Steps for Decision Tracking**

14.1 If the recommendations above are approved by Members, Head of Legal and Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion

status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<b>Implementation</b>	<b>Due date</b>	<b>Managed by</b>
Report to Council on result of statutory review and seeking authority as appropriate	12 October 2023	Service Lead – Thriving Communities

**Background Papers**    **None**

**Person to Contact**    **Karen Briggs, Service Lead – Legal and Licensing  
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County Buildings, Wellington Square, Ayr, KA7 1DR  
Phone 01292 612441  
E-mail claire.neillie@south-ayrshire.gov.uk**

**Date: 14 April 2023**

**SOUTH AYRSHIRE COUNCIL  
(PROHIBITION OF THE CONSUMPTION OF ALCOHOL  
IN DESIGNATED PLACES) BYELAWS 2013**

The South Ayrshire Council (hereinafter referred to as the Council) in exercise of the powers conferred on 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 makes the following byelaws:-

**INTERPRETATION AND CITATION**

1. (1) In these byelaws unless the context otherwise requires –  
  
“alcohol” has the same meaning as in Section 2 of the Licensing (Scotland) Act 2005;  
  
“designated place” means any place to which the public have access within the areas specified in the Schedule to these byelaws and shown edged in red on the plans annexed and signed as relative hereto;  
  
“occasional licence” has the same meaning as in Section 56 (1) of the Licensing (Scotland) Act 2005;  
  
“premises licence” has the same meaning as in Section 17 of the Licensing (Scotland) Act 2005.
- (2) These byelaws may be cited as the South Ayrshire Council (Prohibition of the Consumption of Alcohol in Designated Places) Byelaws 2013.

**APPLICATION**

2. These byelaws shall not apply:-
  - (a) on 31 December, from 6pm until the end of that day; and
  - (b) on 1 January, until 6am.

**OFFENCE**

3. (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcohol 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 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 in respect of which a premises licence is in effect.
- (3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which an occasional licence is in operation, during any period when alcohol may be sold there by virtue of that license and for 15 minutes after the expiry of such period.

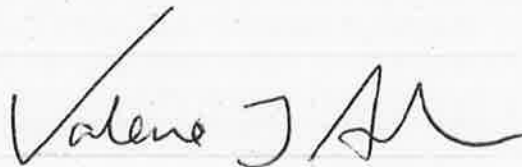
## **PRESUMPTIONS**

4. (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 conform 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 an 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 in paragraphs (2) and (3) above unless, not less than 7 days before the trial, he has given notice to the prosecutor of his intention to do so.

## **PUBLIC NOTICES OF EFFECT**

5. (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.

The Common Seal of South Ayrshire Council was affixed to these byelaws in the presence of Valerie Janet Andrews, Acting Executive Director, Resources, Governance and Organisation, South Ayrshire Council.

A handwritten signature in black ink that reads "Valerie J Andrews". The signature is written in a cursive style with a large, sweeping initial 'V'.

The Byelaws were signed by Valerie Janet Andrews, signing her usual signature "Valerie J Andrews" being the Acting Executive Director, Resources, Governance and Organisation for South Ayrshire Council and as such a Proper Officer of the authority on Eighteenth November Two thousand and thirteen.

## SCHEDULE

Each of the areas specified below is a designated place for the purposes of these byelaws:-

1. ALL and WHOLE the town of Ayr, part of South Ayrshire shown within the boundaries edged red on plan 1 annexed and executed as relative hereto.
2. ALL and WHOLE the town of Prestwick, part of South Ayrshire shown within the boundaries edged red on plan 2 annexed and executed as relative hereto.
3. ALL and WHOLE the town of Troon, part of South Ayrshire shown within the boundaries edged red on plan 3 annexed and executed as relative hereto.
4. ALL and WHOLE the town of Girvan, part of South Ayrshire shown within the boundaries edged red on plan 4 annexed and executed as relative hereto.
5. ALL and WHOLE the town of Maybole, part of South Ayrshire shown within the boundaries edged red on plan 5 annexed and executed as relative hereto.
6. ALL and WHOLE the town of Barrhill, part of South Ayrshire shown within the boundaries edged red on plan 6 annexed and executed as relative hereto.
7. ALL and WHOLE the village of Dundonald, part of South Ayrshire shown within the boundaries edged red on plan 7 annexed and executed as relative hereto.
8. ALL and WHOLE the village of Monkton, part of South Ayrshire shown within the boundaries edged red on plan 8 annexed and executed as relative hereto.
9. ALL and WHOLE the village of Tarbolton, part of South Ayrshire shown within the boundaries edged red on plan 9 annexed and executed as relative hereto.
10. ALL and WHOLE the village of St. Quivox, part of South Ayrshire shown within the boundaries edged red on plan 10 annexed and executed as relative hereto.
11. ALL and WHOLE the village of Coylton part of South Ayrshire shown within the boundaries edged red on plan 11 annexed and executed as relative hereto.
12. ALL and WHOLE the village of Annbank, part of South Ayrshire shown within the boundaries edged red on plan 12 annexed and executed as relative hereto.
13. ALL and WHOLE the village of Mossblown, part of South Ayrshire shown within the boundaries edged red on plan 13 annexed and executed as relative hereto.
14. ALL and WHOLE the village of Fisherton, part of South Ayrshire shown within the boundaries edged red on plan 14 annexed and executed as relative hereto.
15. ALL and WHOLE the village of Dunure, part of South Ayrshire within the boundaries edged red on plan 15 annexed and executed as relative hereto.
16. ALL and WHOLE the village of Maidens, part of South Ayrshire within the boundaries edged red on plan 16 annexed and executed as relative hereto.
17. ALL and WHOLE the village of Turnberry, part of South Ayrshire within the boundaries edged red on plan 17 annexed and executed as relative hereto.

18. ALL and WHOLE the village of Crosshill, part of South Ayrshire within the boundaries edged red on plan 18 annexed and executed as relative hereto.
19. ALL and WHOLE the village of Dailly, part of South Ayrshire within the boundaries edged red on plan 19 annexed and executed as relative hereto.
20. ALL and WHOLE the village of Colmonell, part of South Ayrshire within the boundaries edged red on plan 20 annexed and executed as relative hereto.
21. ALL and WHOLE the village of Old Dailly, part of South Ayrshire within the boundaries edged red on plan 21 annexed and executed as relative hereto.
22. ALL and WHOLE the village of Ballantrae, part of South Ayrshire within the boundaries edged red on plan 22 annexed and executed as relative hereto.
23. ALL and WHOLE the village of Straiton, part of South Ayrshire within the boundaries edged red on plan 23 annexed and executed as relative hereto.
24. ALL and WHOLE the village of Barr, part of South Ayrshire within the boundaries edged red on plan 24 annexed and executed as relative hereto.
25. ALL and WHOLE the village of Minishant, part of South Ayrshire within the boundaries edged red on plan 25 annexed and executed as relative hereto.
26. ALL and WHOLE the village of Lendalfoot, part of South Ayrshire within the boundaries edged red on plan 26 annexed and executed as relative hereto.
27. ALL and WHOLE the village of Craigie, part of South Ayrshire within the boundaries edged red on plan 27 annexed and executed as relative hereto.
28. ALL and WHOLE the village of Symington, part of South Ayrshire within the boundaries edged red on plan 28 annexed and executed as relative hereto.
29. ALL and WHOLE the village of Kirkoswald, part of South Ayrshire within the boundaries edged red on plan 29 annexed and executed as relative hereto.
30. ALL and WHOLE the village of Kirkmichael, part of South Ayrshire within the boundaries edged red on plan 30 annexed and executed as relative hereto.
31. ALL and WHOLE the village of Failford, part of South Ayrshire within the boundaries edged red on plan 31 annexed and executed as relative hereto.
32. ALL and WHOLE the village of Pinwherry, part of South Ayrshire within the boundaries edged red on plan 32 annexed and executed as relative hereto.
33. ALL and WHOLE the village of Pinmore, part of South Ayrshire within the boundaries edged red on plan 33 annexed and executed as relative hereto.

This is the Schedule referred to in the foregoing byelaws which was signed as relative thereto by Valerie Janet Andrews signing her usual signature "Valerie J Andrews" as a Proper Officer of South Ayrshire Council on Eighteenth November Two thousand and thirteen and who was present when the Common Seal was affixed to this Schedule.







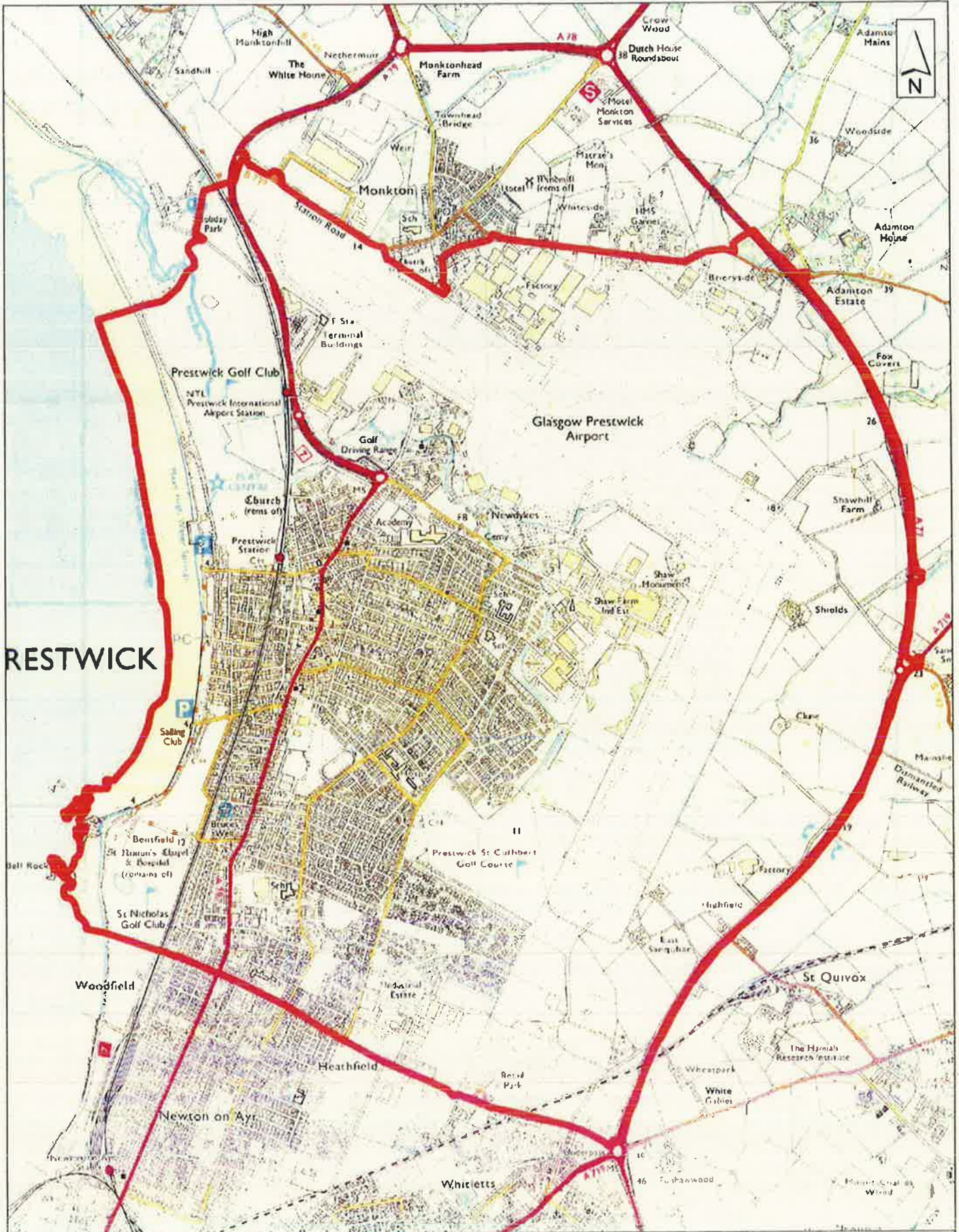
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**Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
Plan No. 1 of 33.  
Ayr.**

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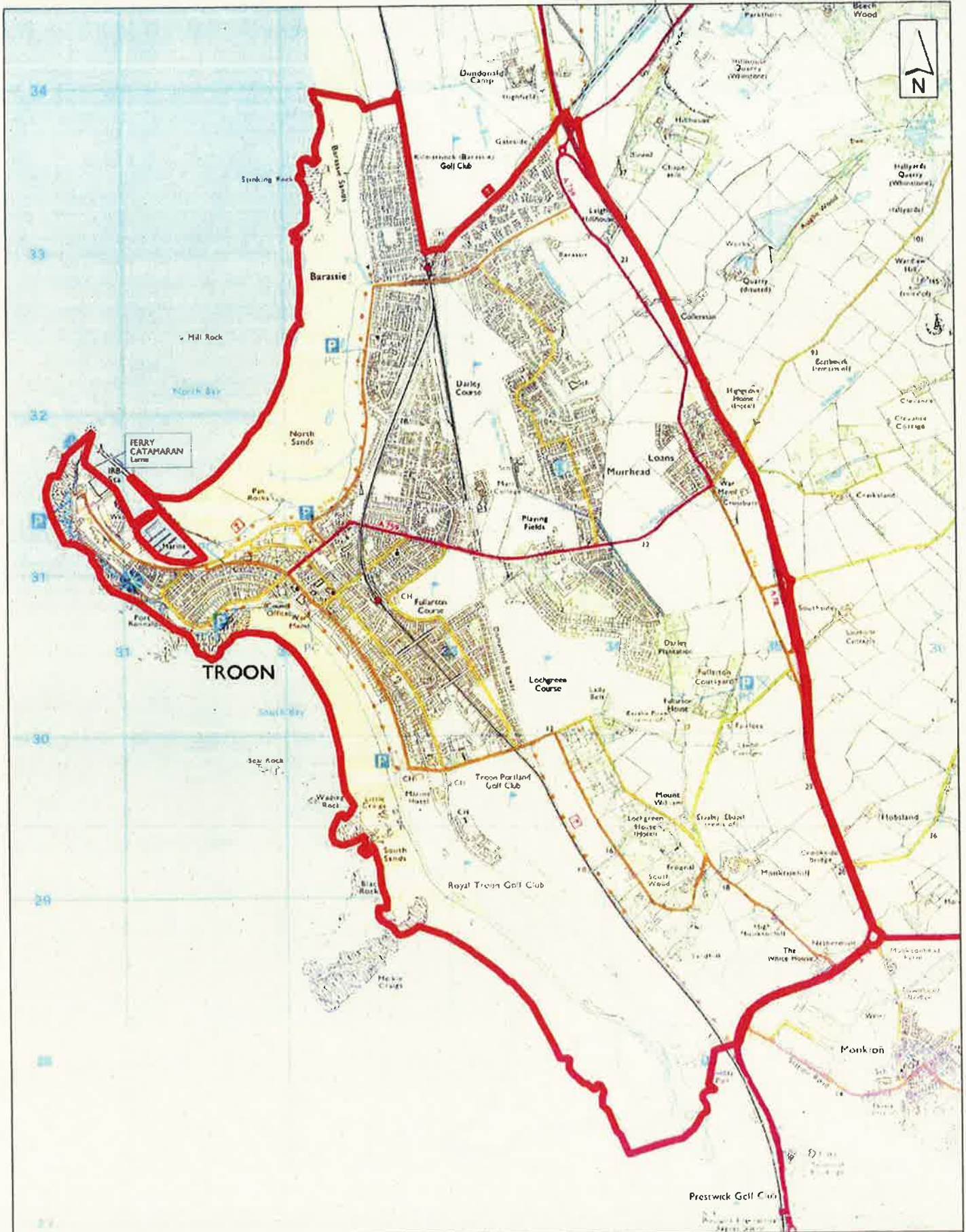
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
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Prestwick.*

*Valene J A*

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south

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*Byelaws Prohibiting Alcohol in Public Places - Area Plans*  
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*Troon*

*Valene J A*



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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
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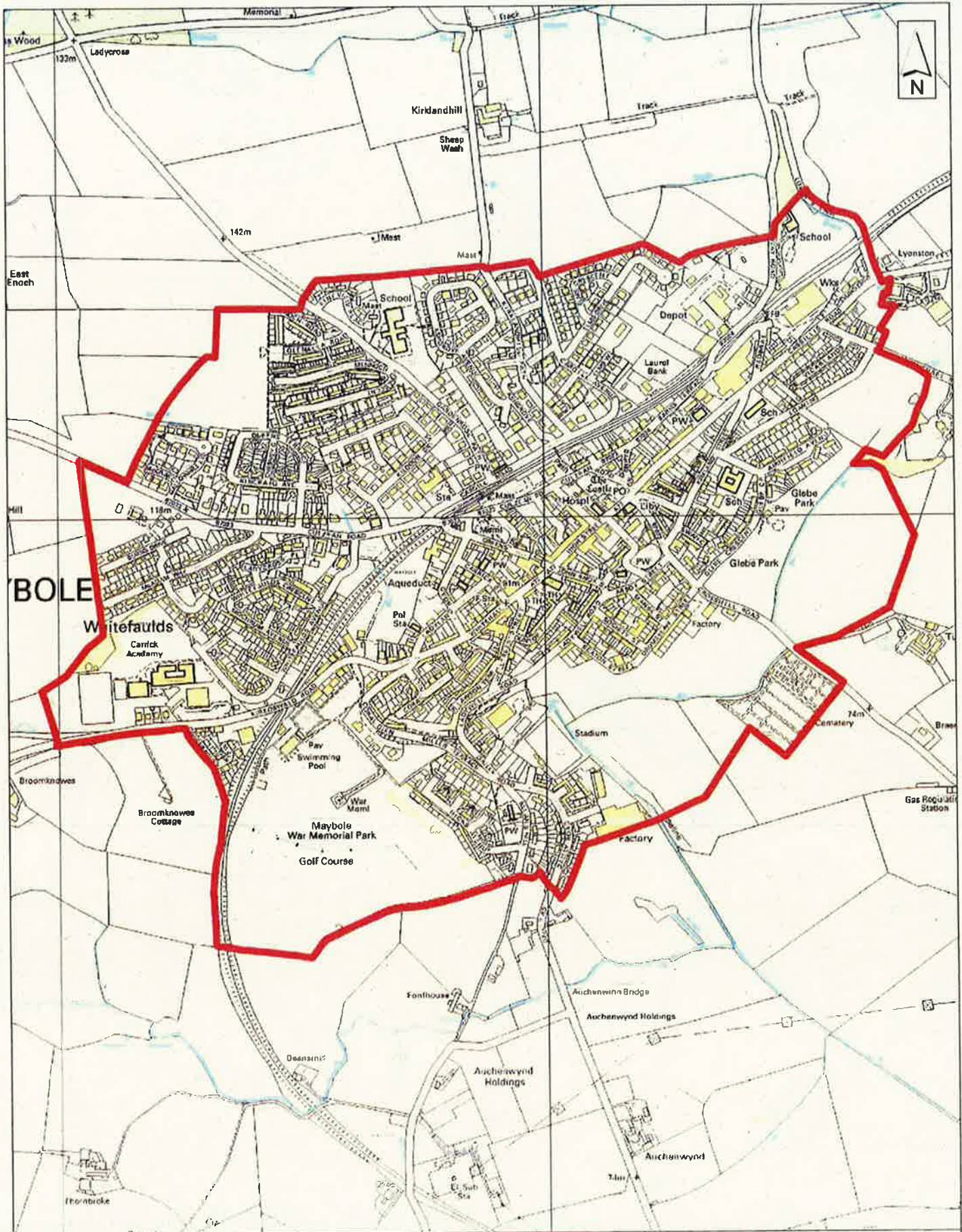
South

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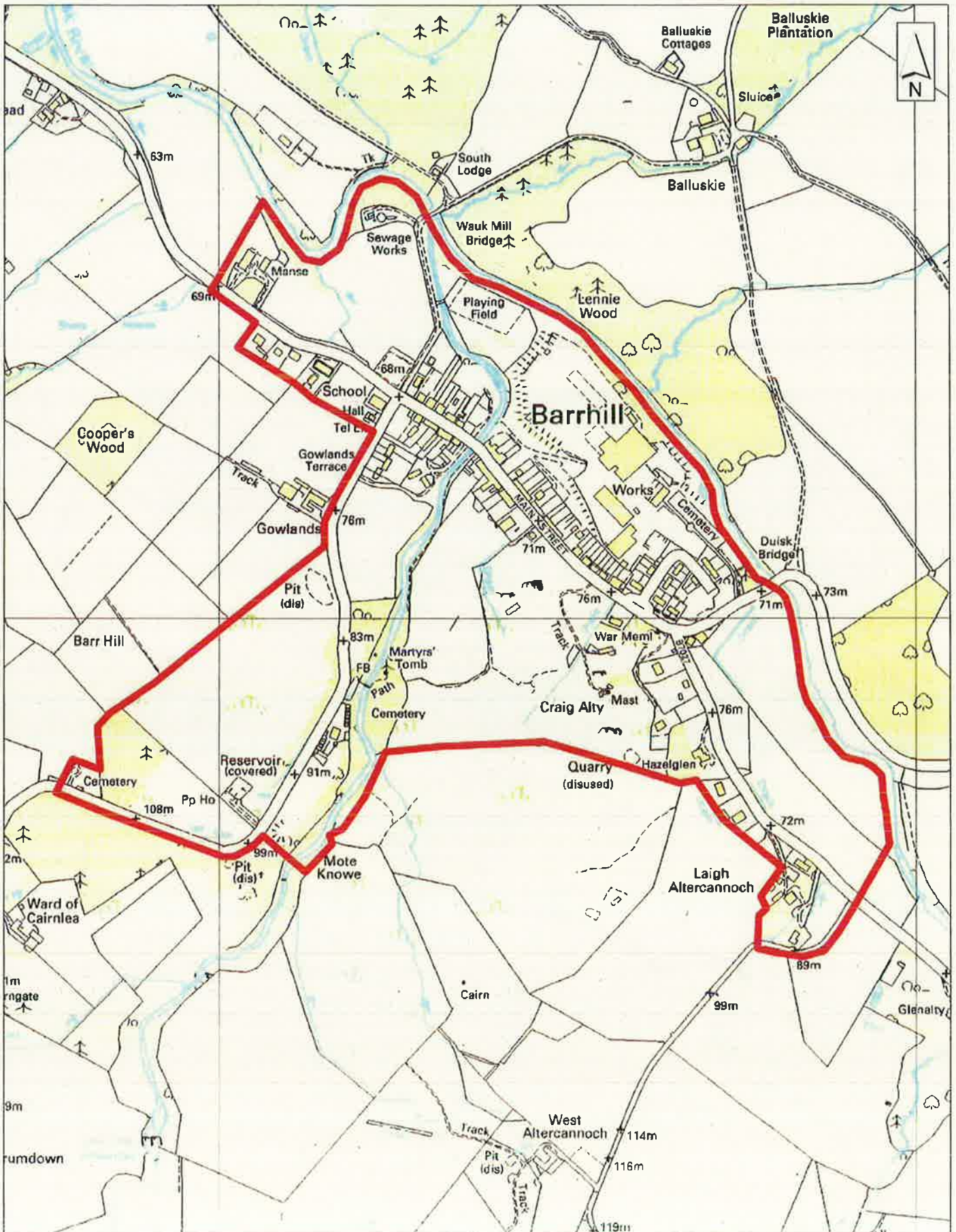
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
 Plan No. 5 of 33  
 Maybole.*

*Valerie [Signature]*



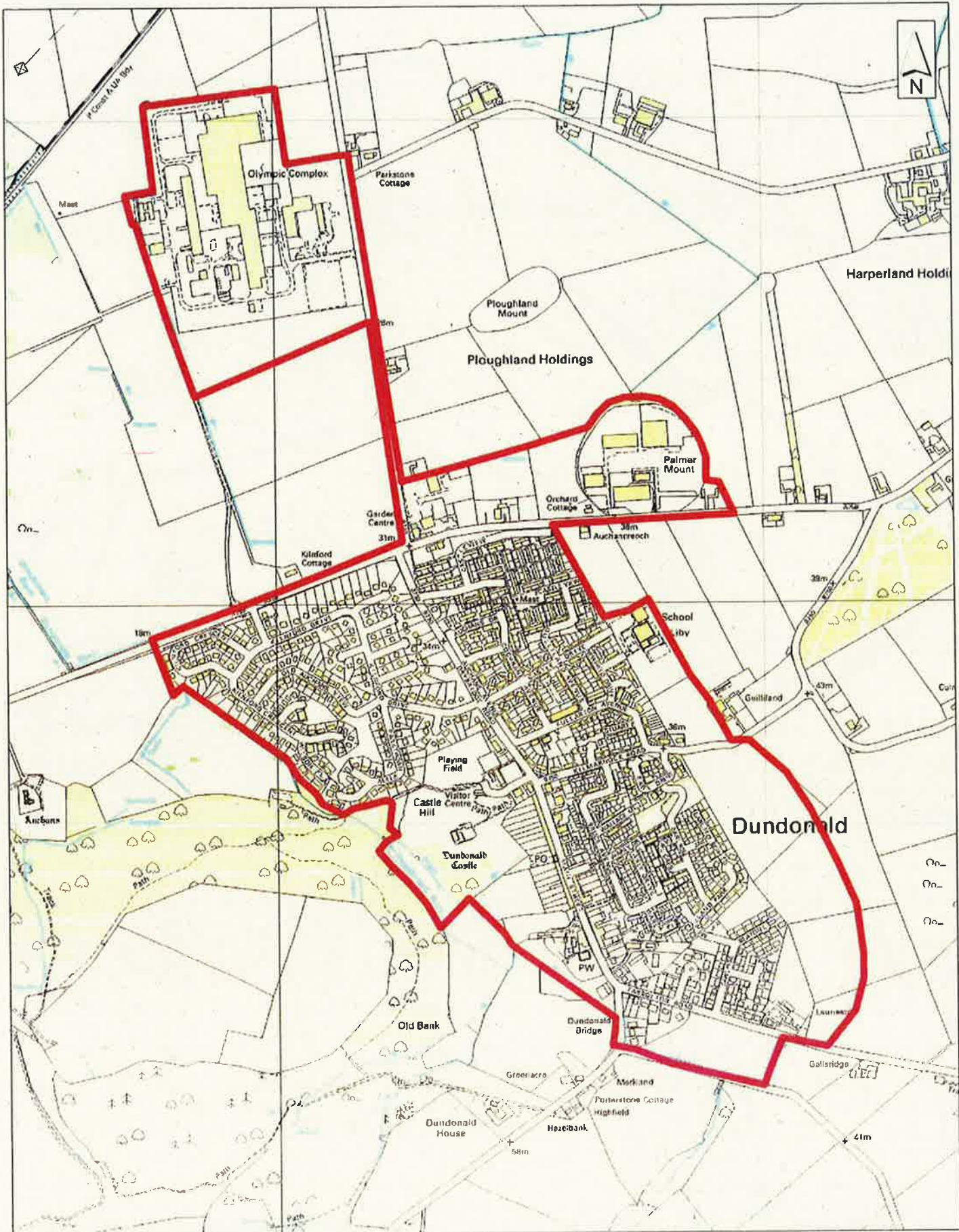
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 Barrhill.*

*Valerie J. Muir*

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South

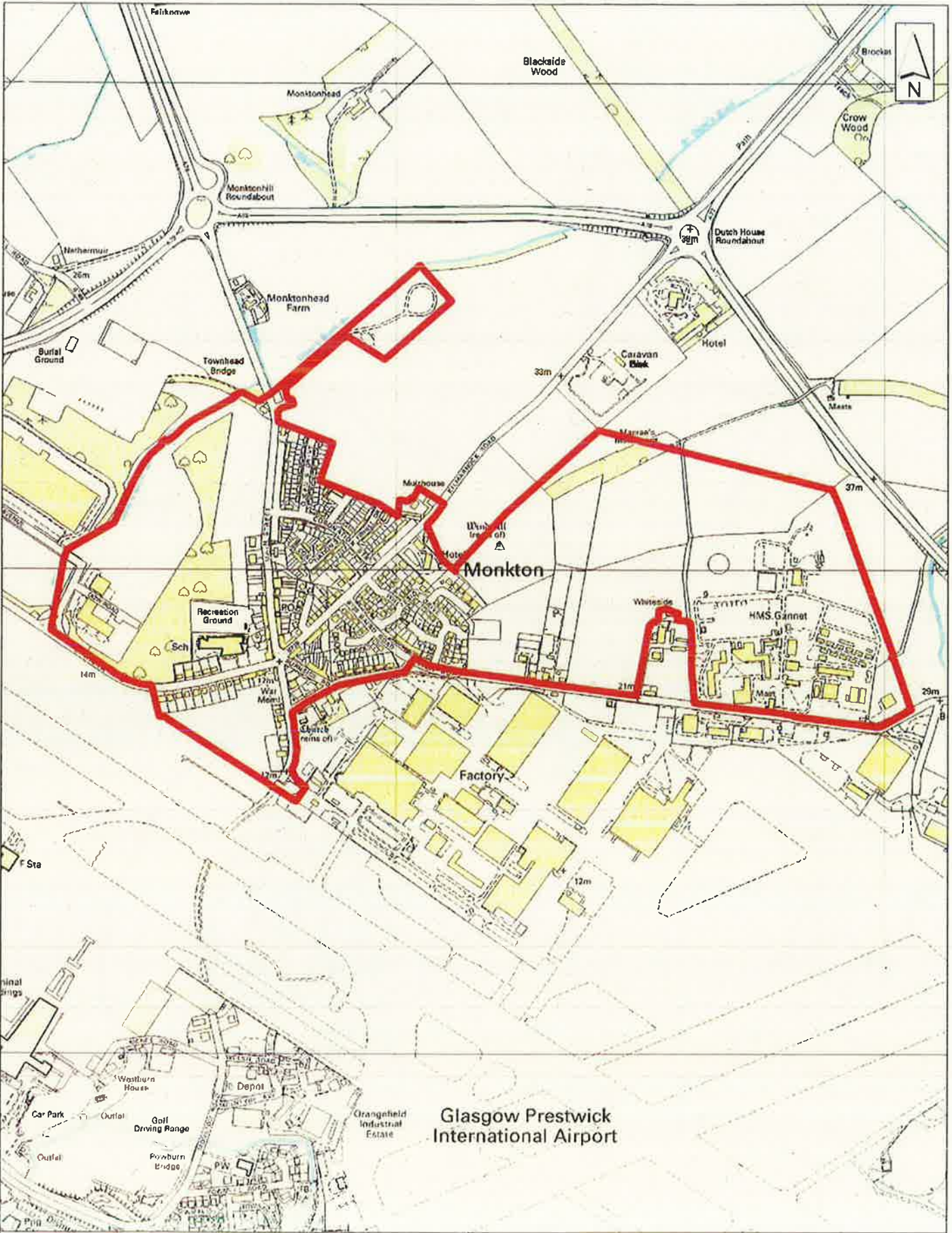
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
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Dundonald.*

*Valerie J. [Signature]*

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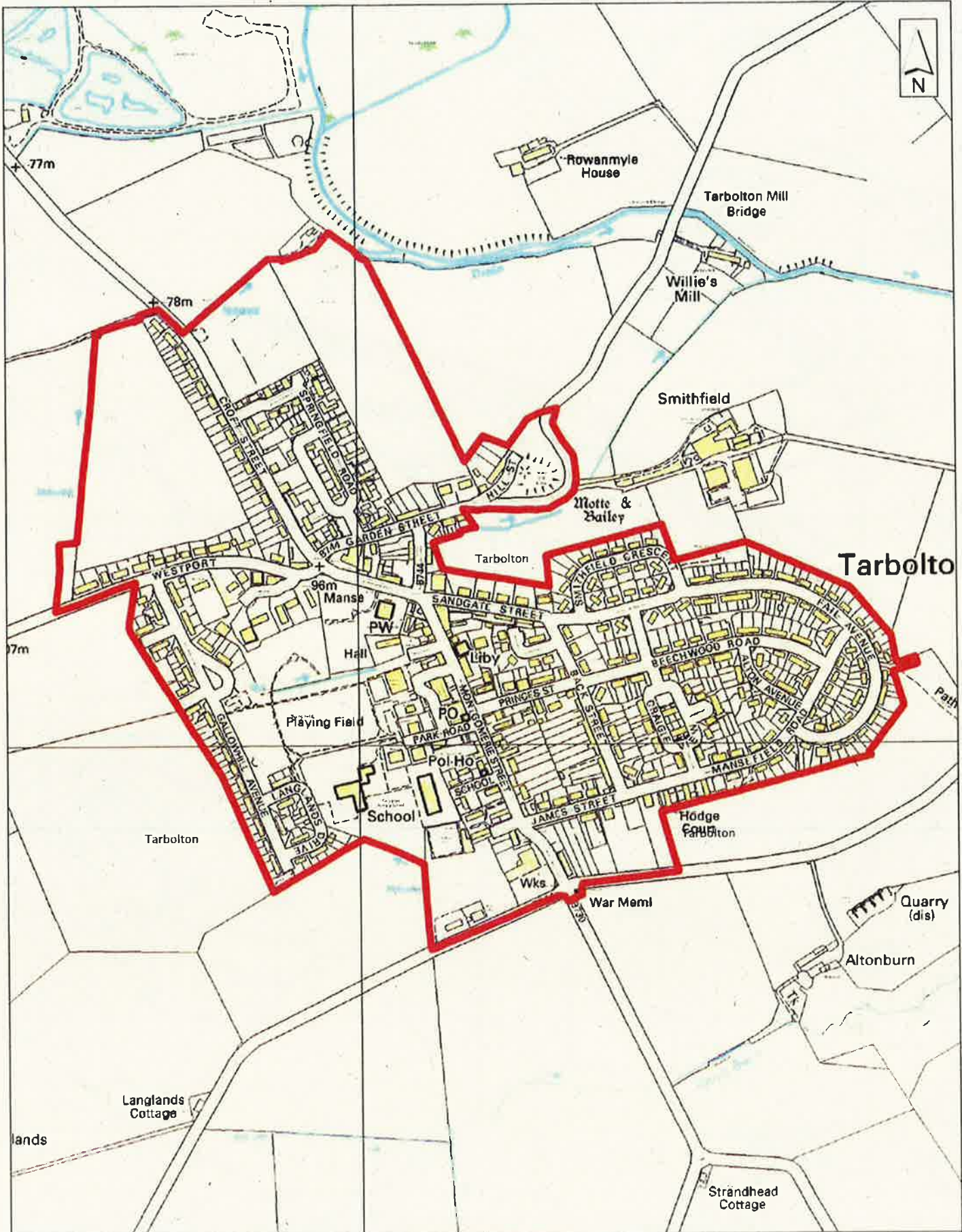
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Monkton.*

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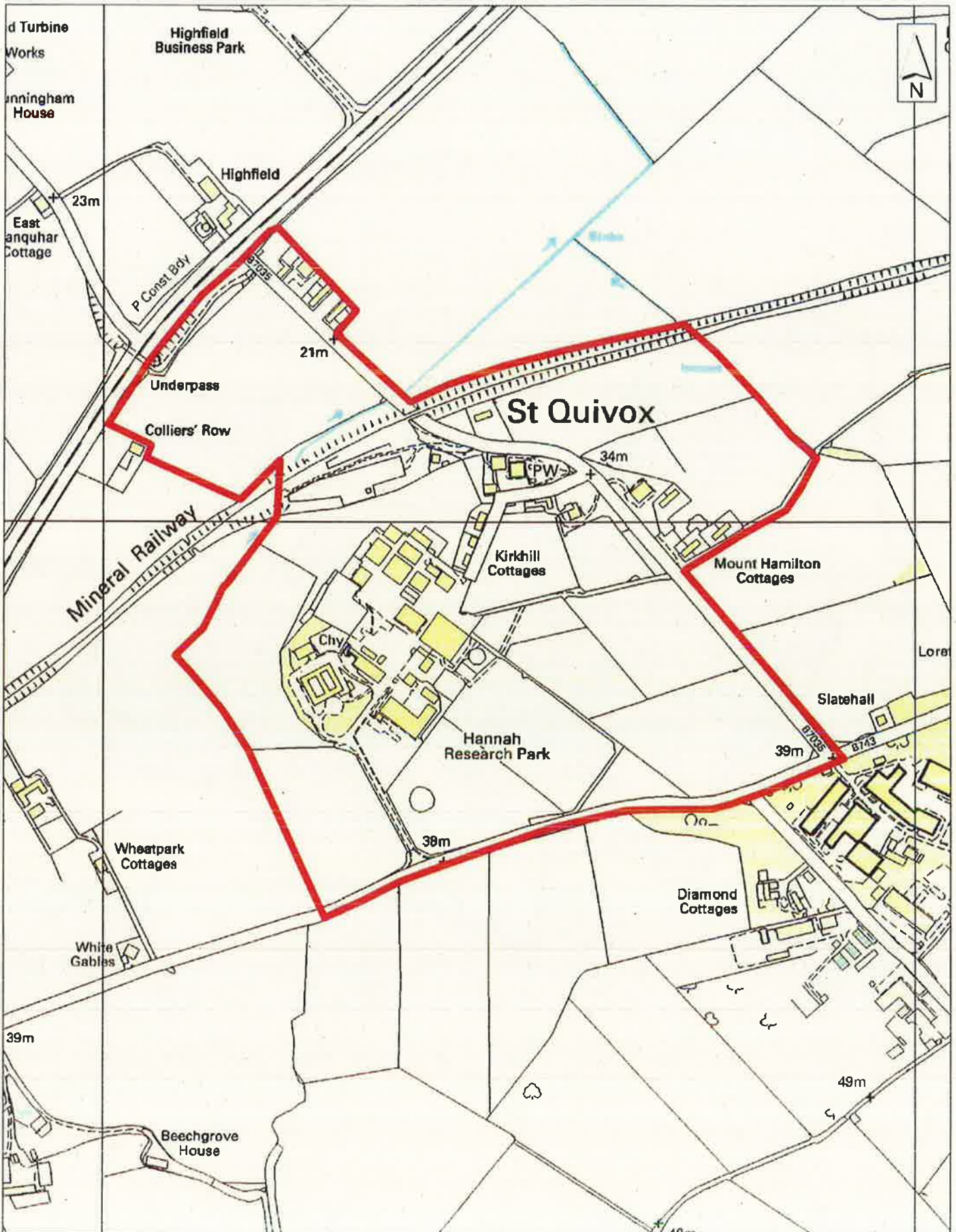
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
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 Tarbolton.*

*Valeri J A*

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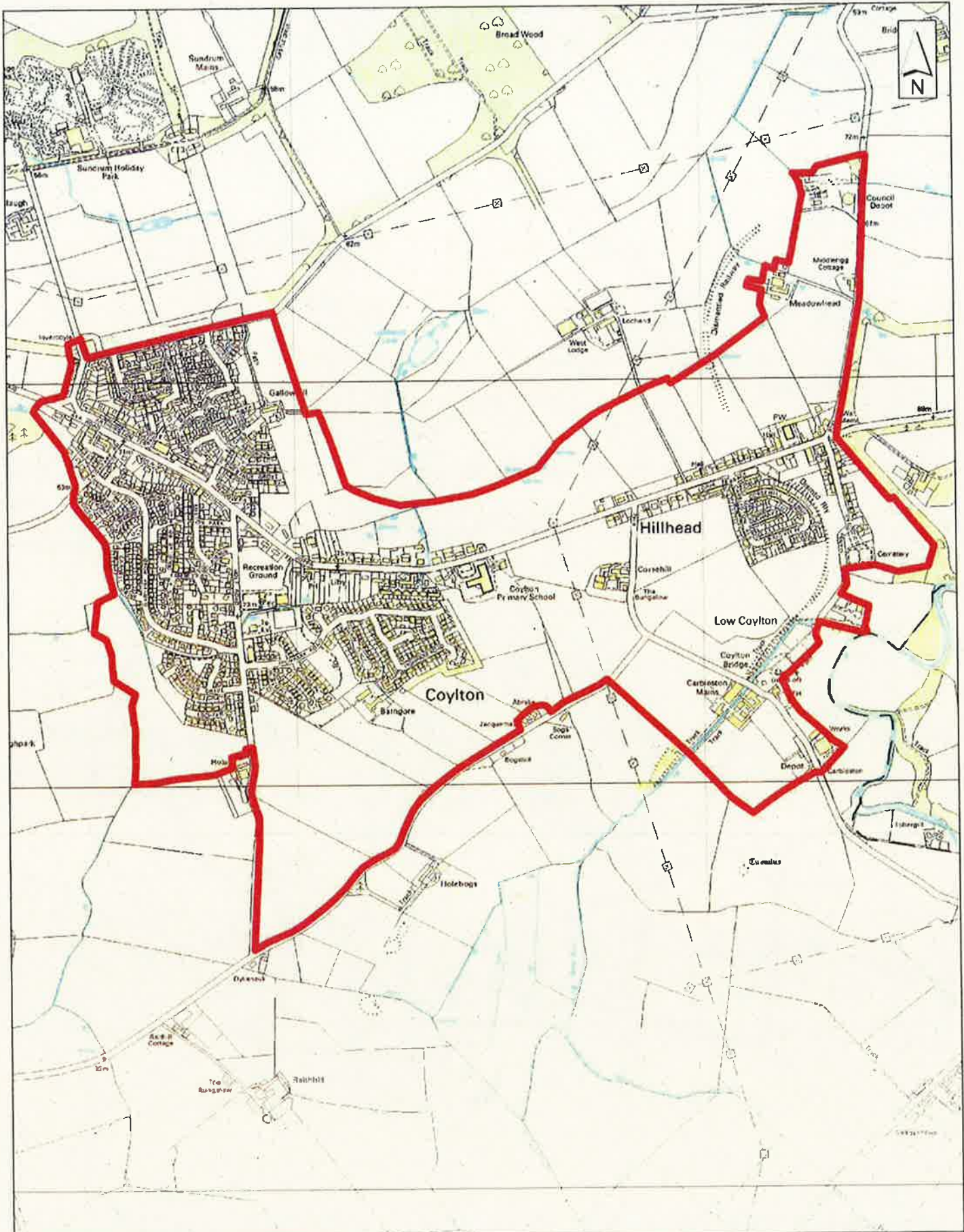
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
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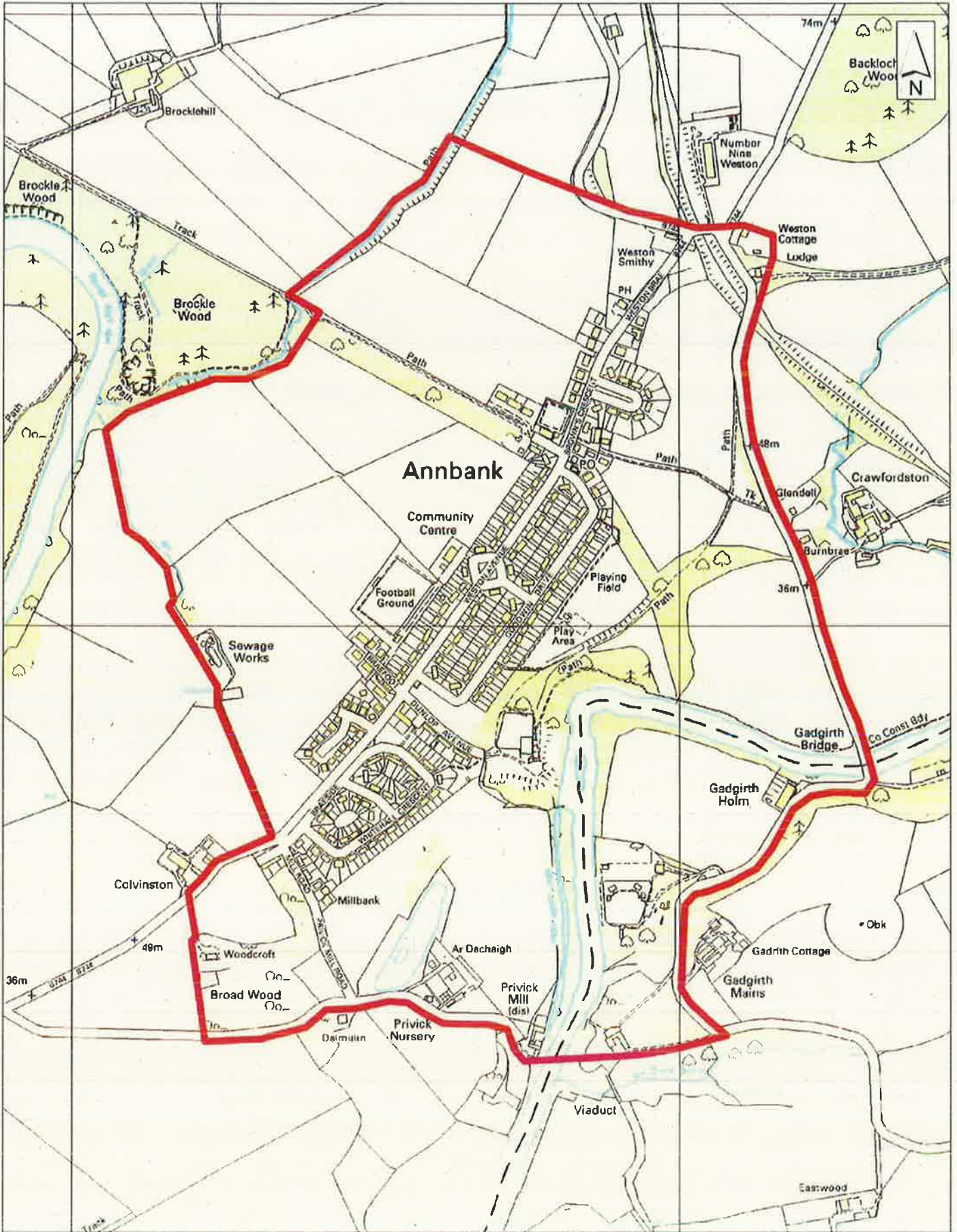
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
 Plan No. 11 of 33,  
 Coyton.*

*Valerie J A*



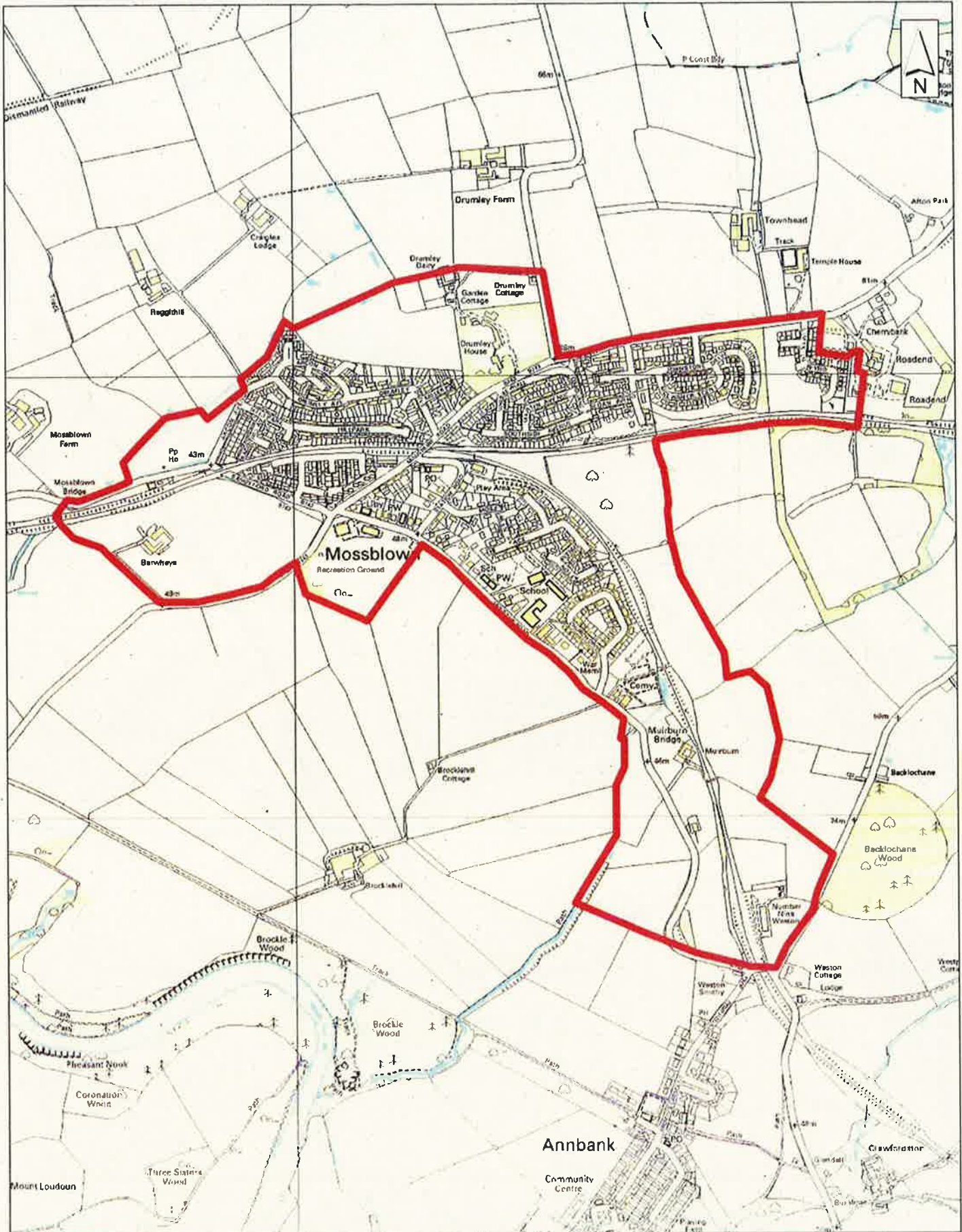
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
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 Annbank.*

*Valerie J A*



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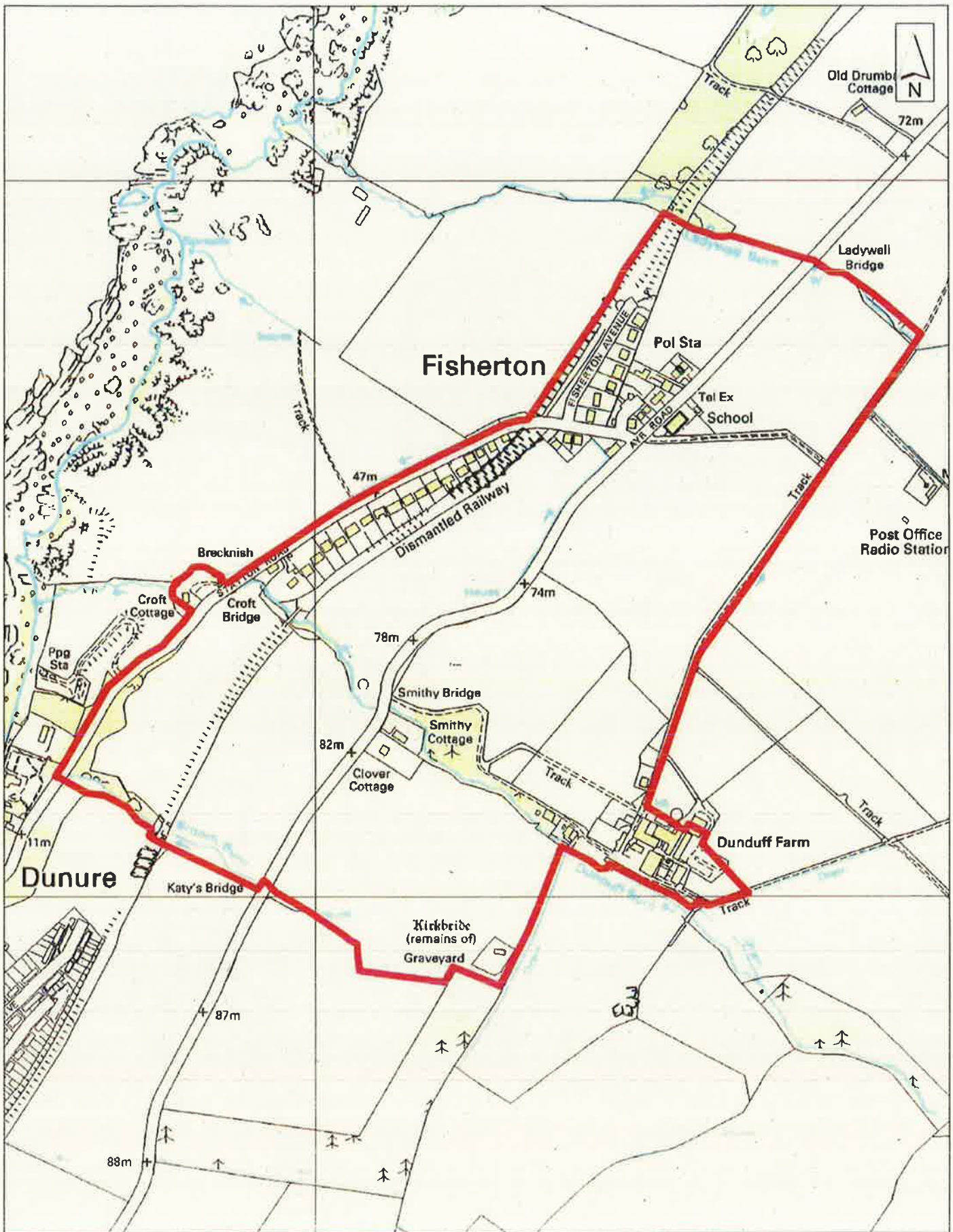
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
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Mossblown.*

*Valerie JA*



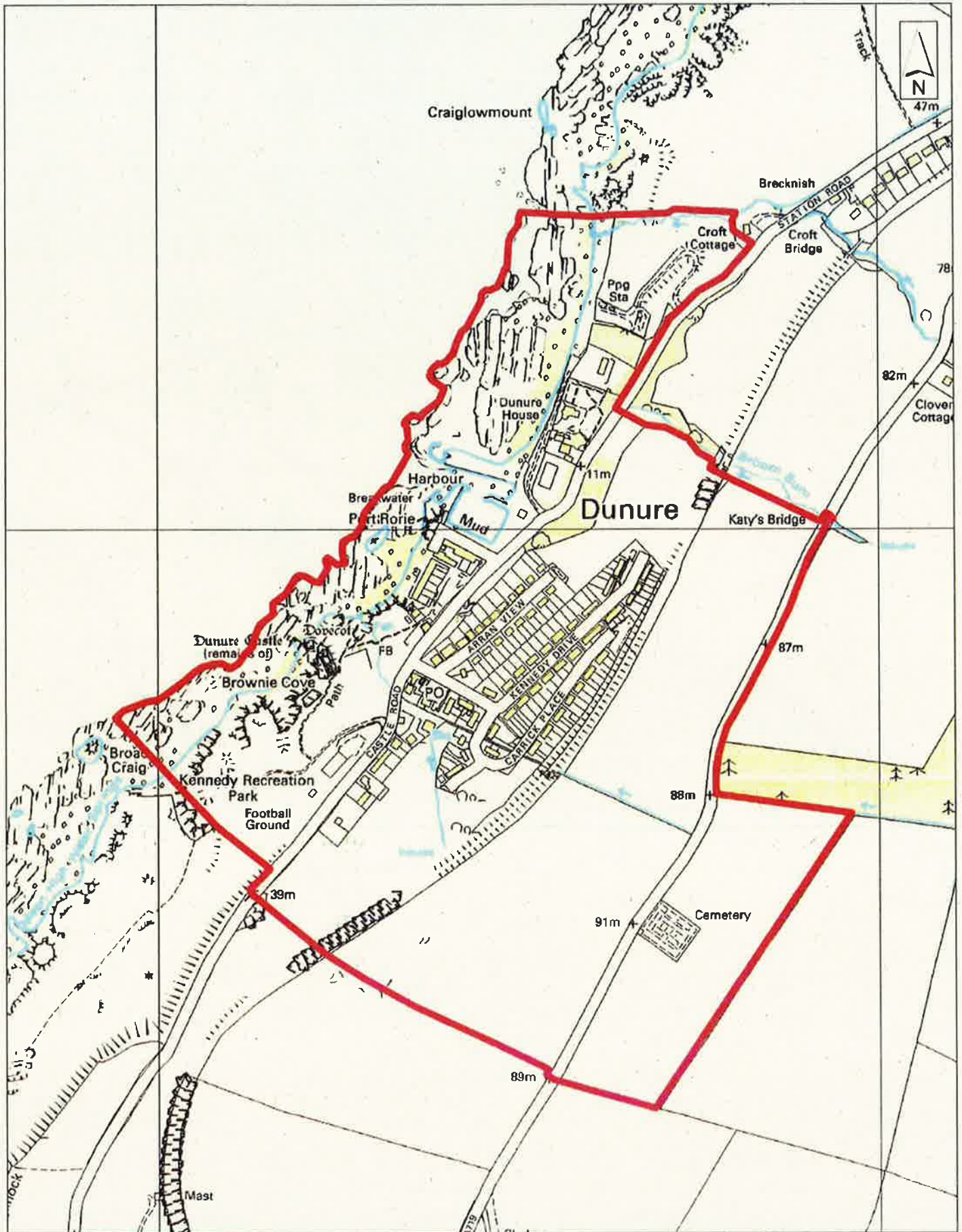
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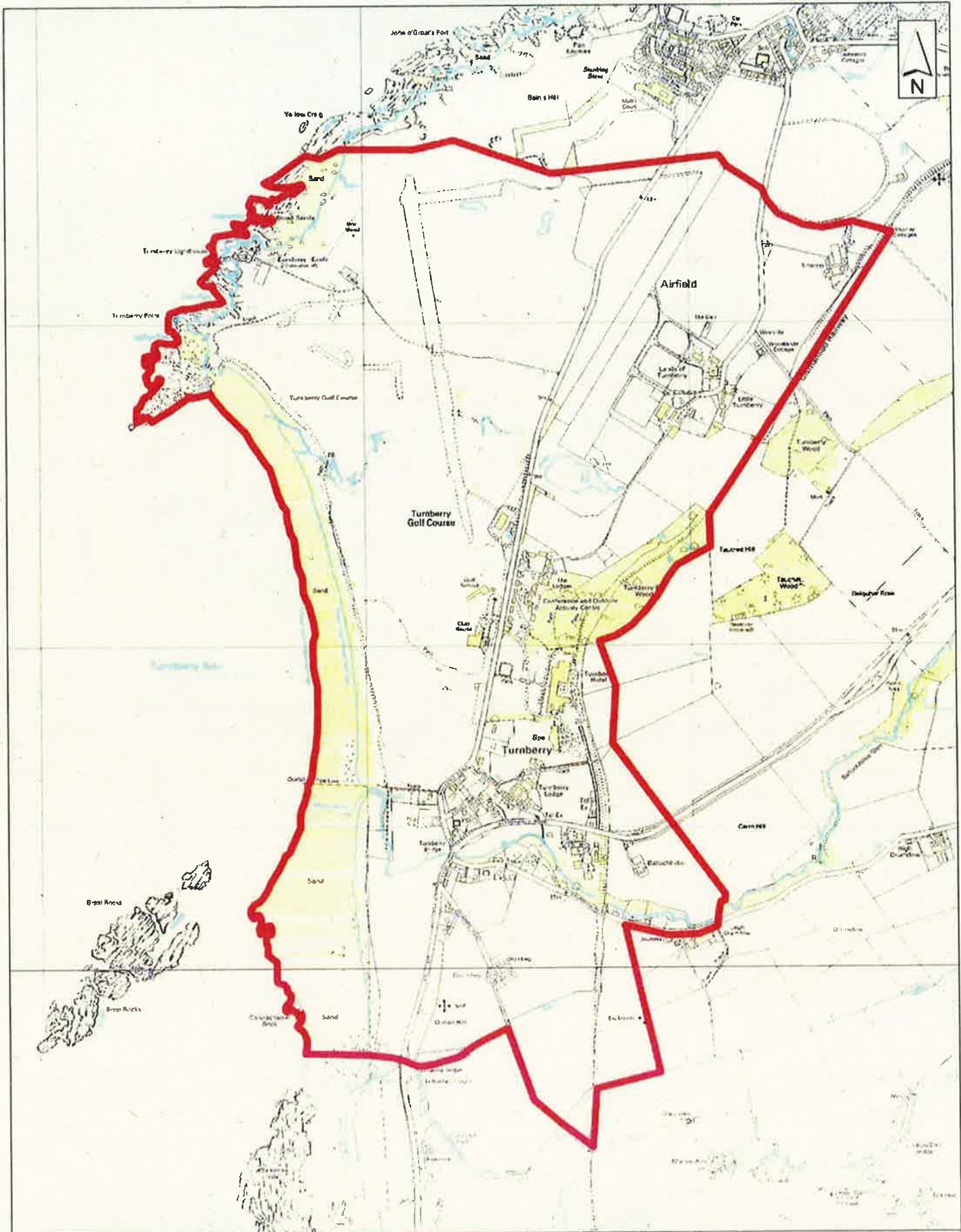
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Maidens.*

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South

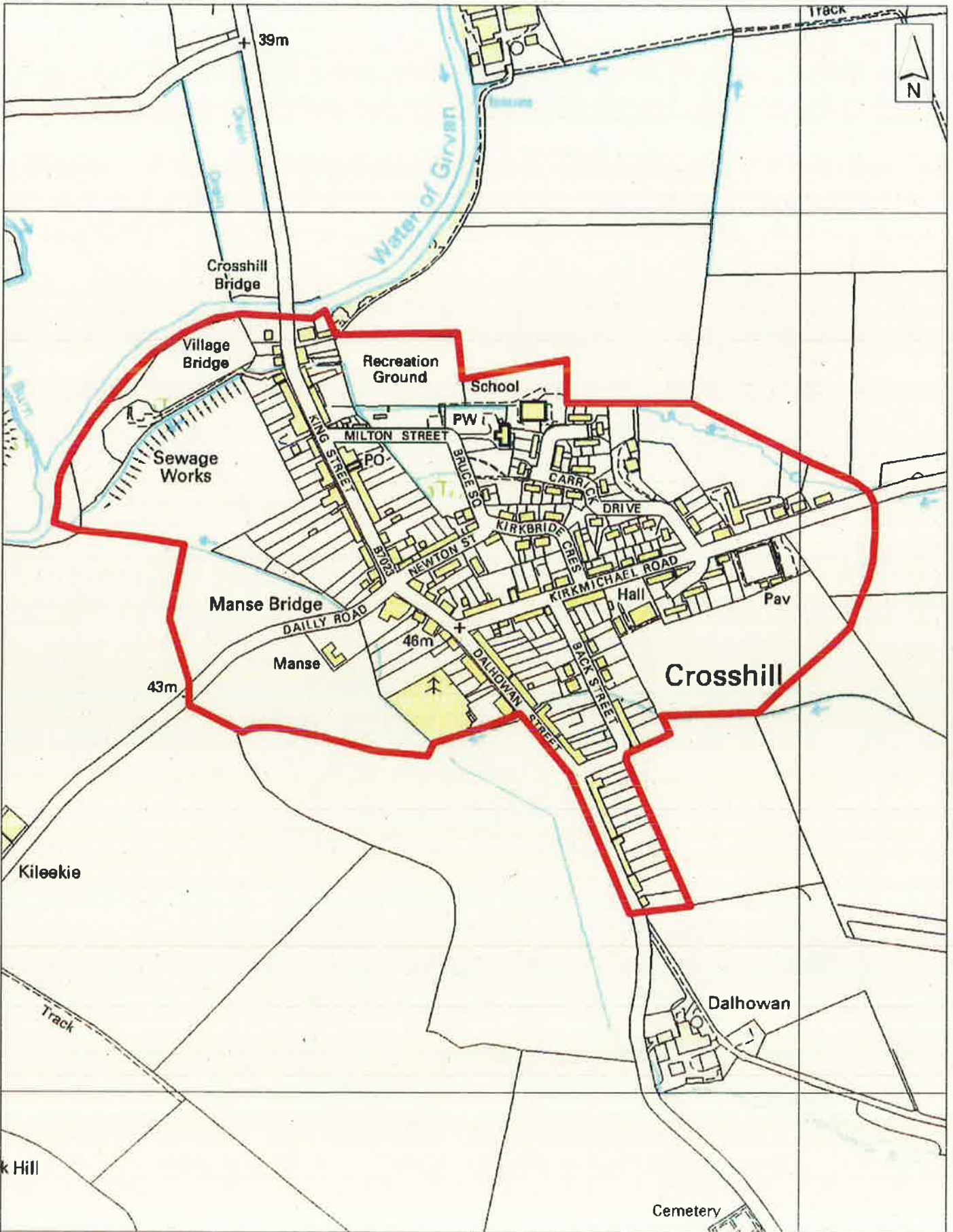
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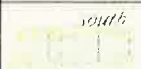
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
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Turnberry*

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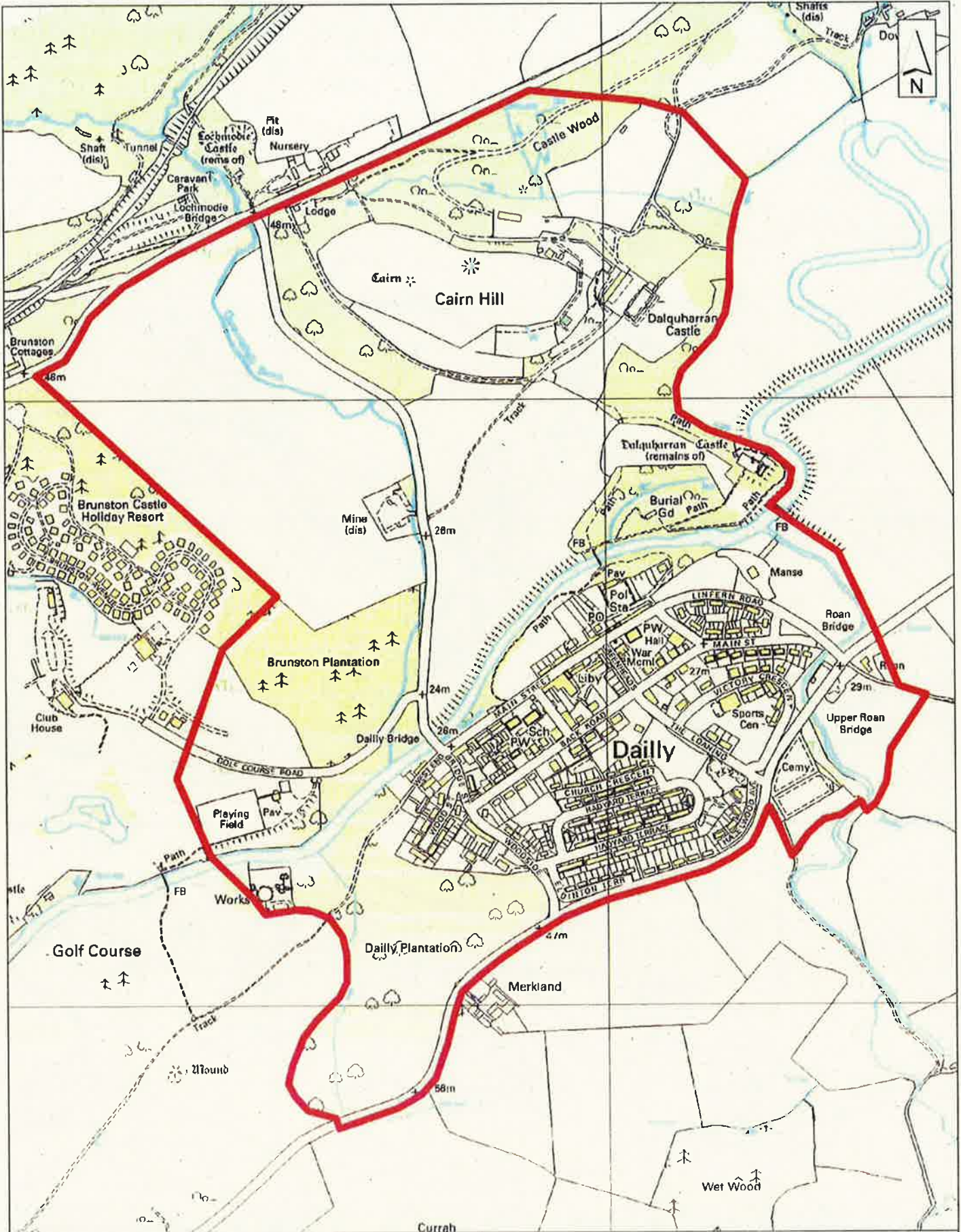


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Crosshill.*

*Valeri JA*



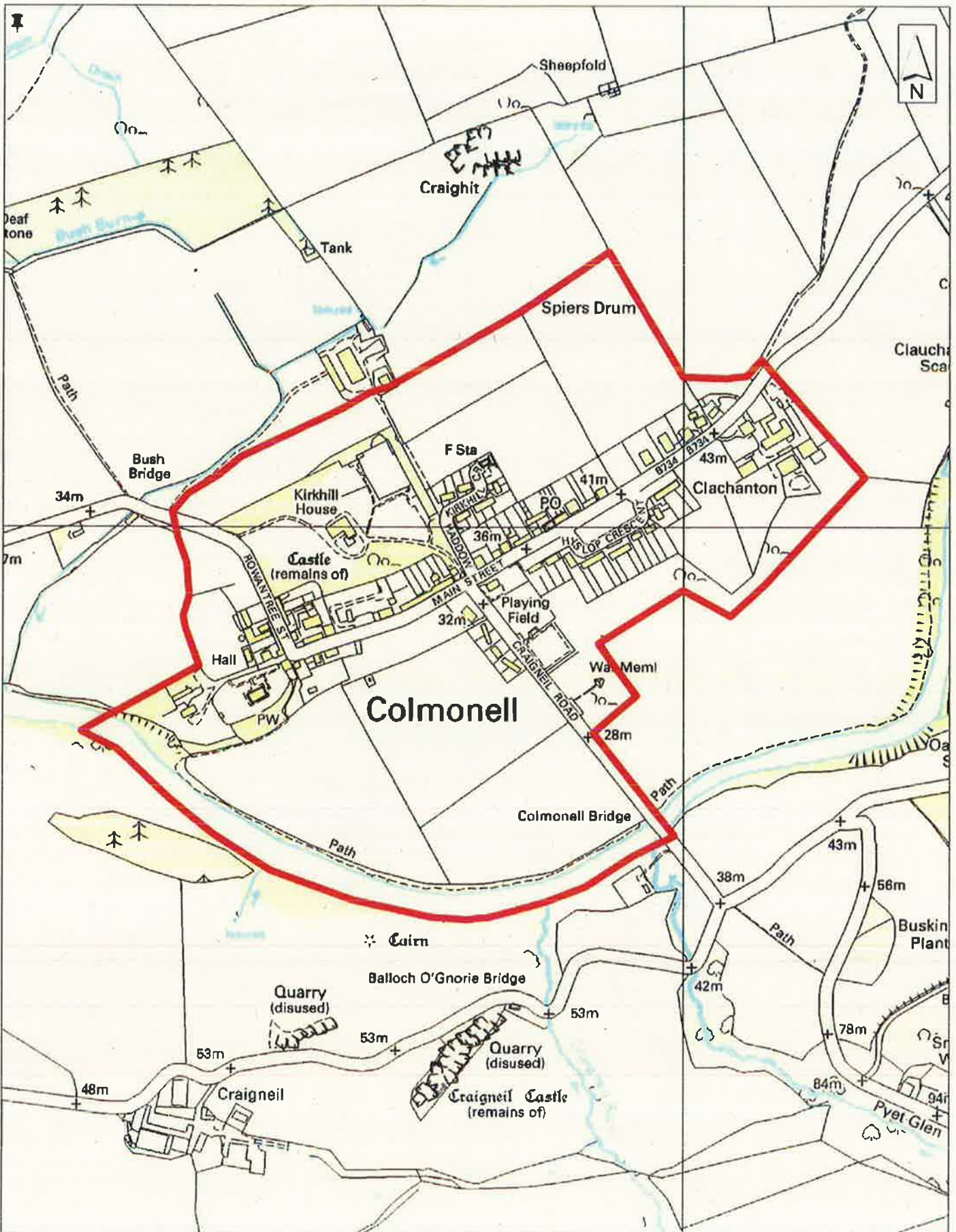
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 Dailly.*

*Valeri J A*



Scale 1:6,000

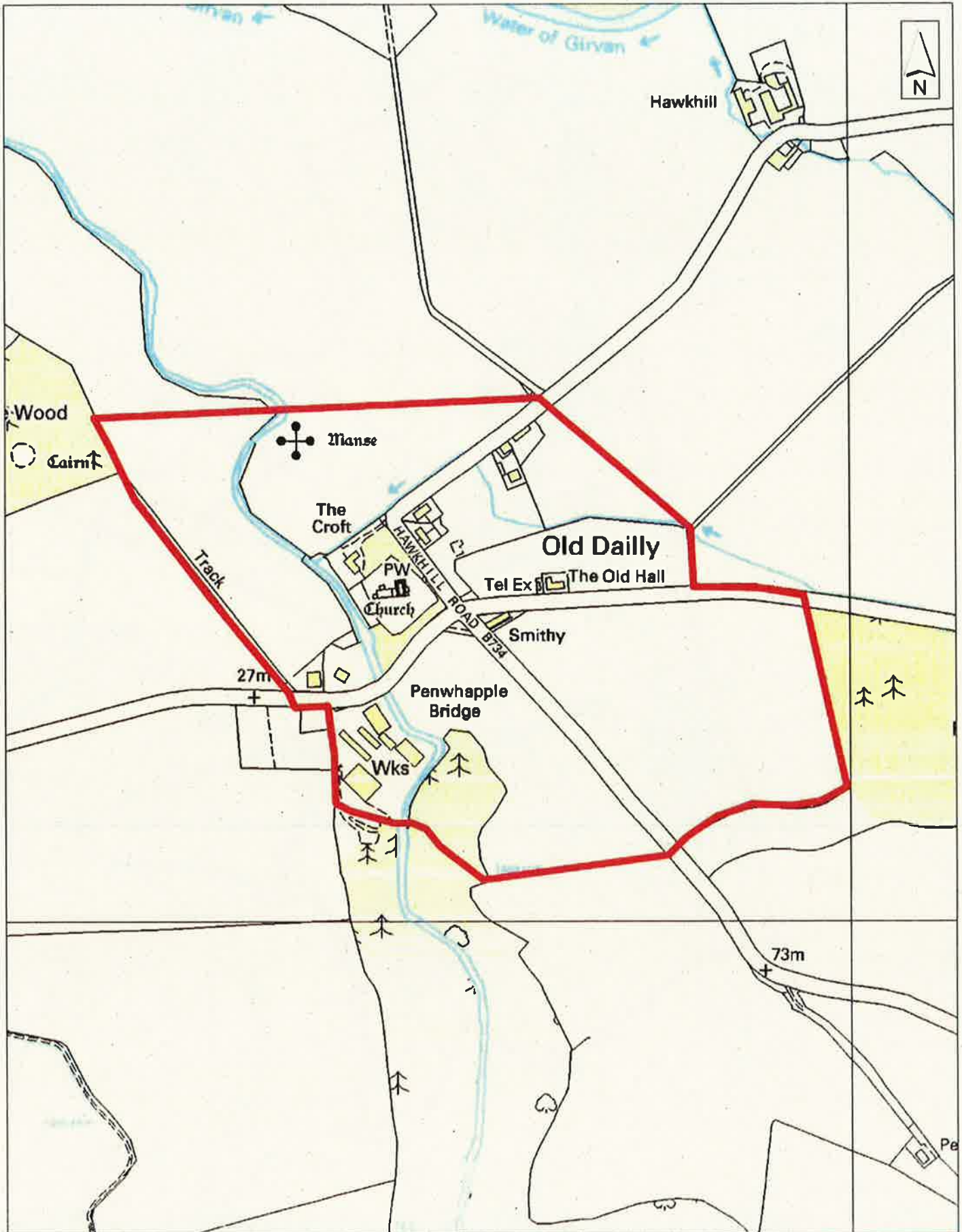
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Colmonell.*

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*Valerie J A*



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South

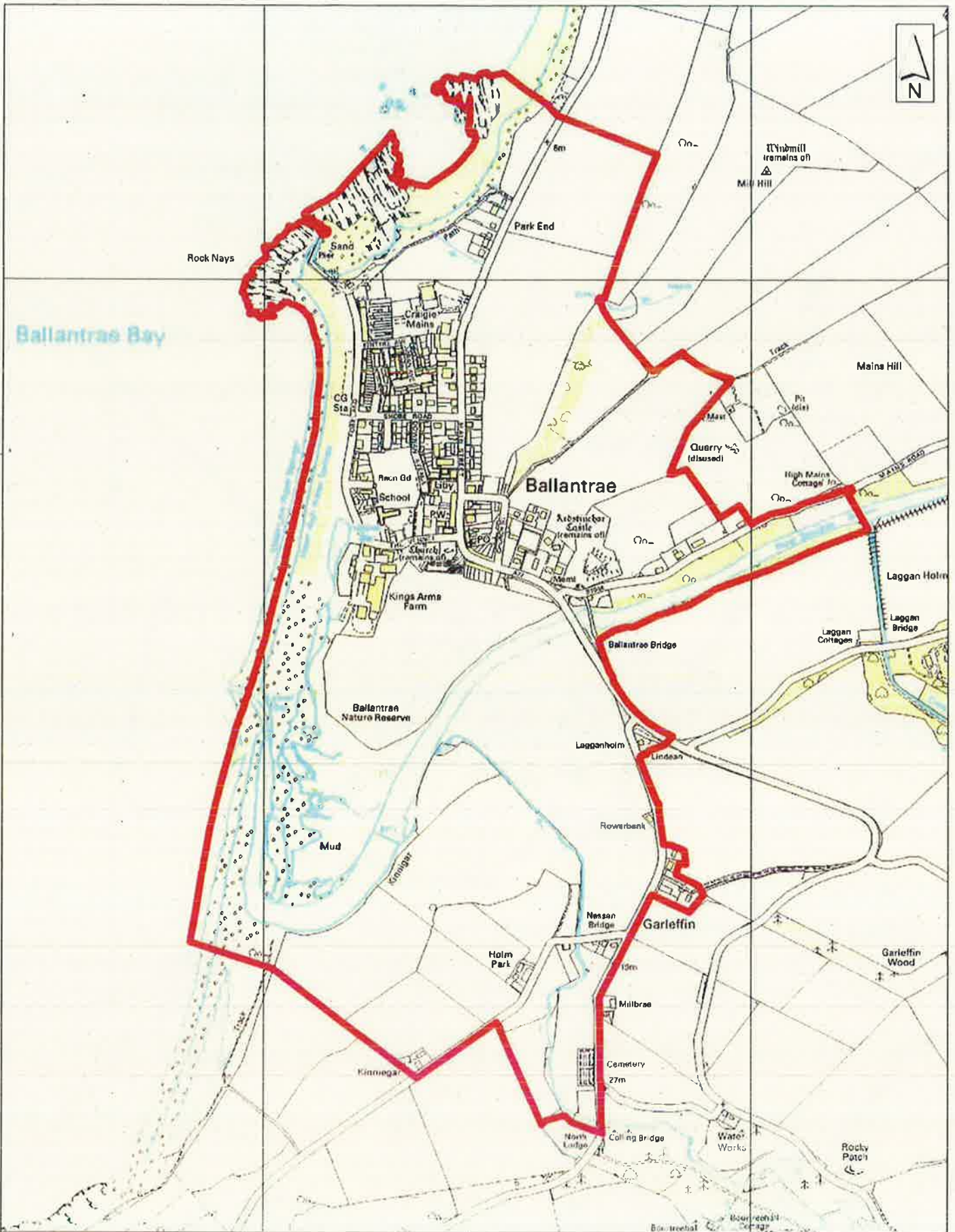
Produced By: *GW*

Date: *February 2013*

*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
Plan 21 of 33,  
Old Dailly.*

*Valerie J A*

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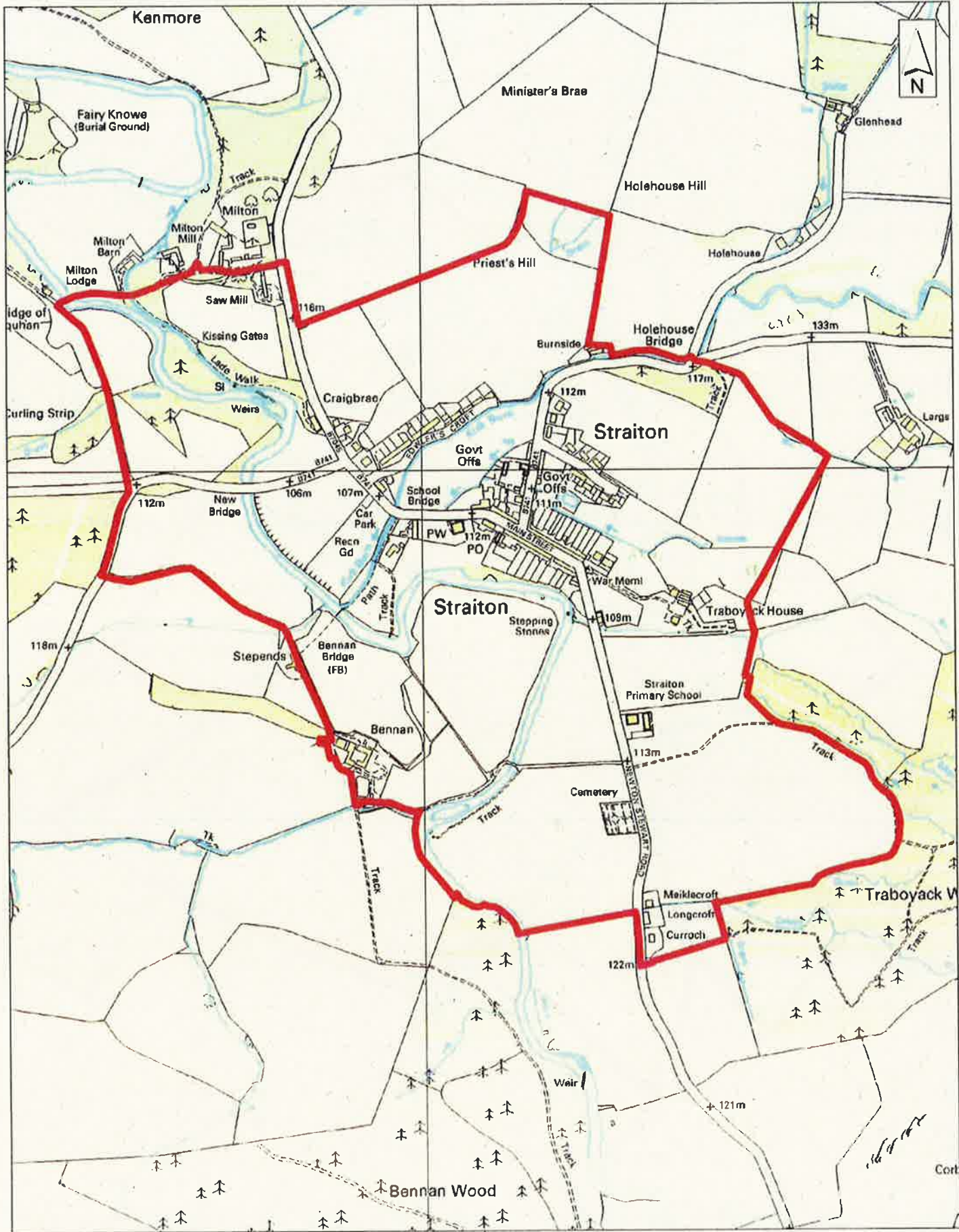
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
Plan No. 22 of 33,  
Ballantrae.*

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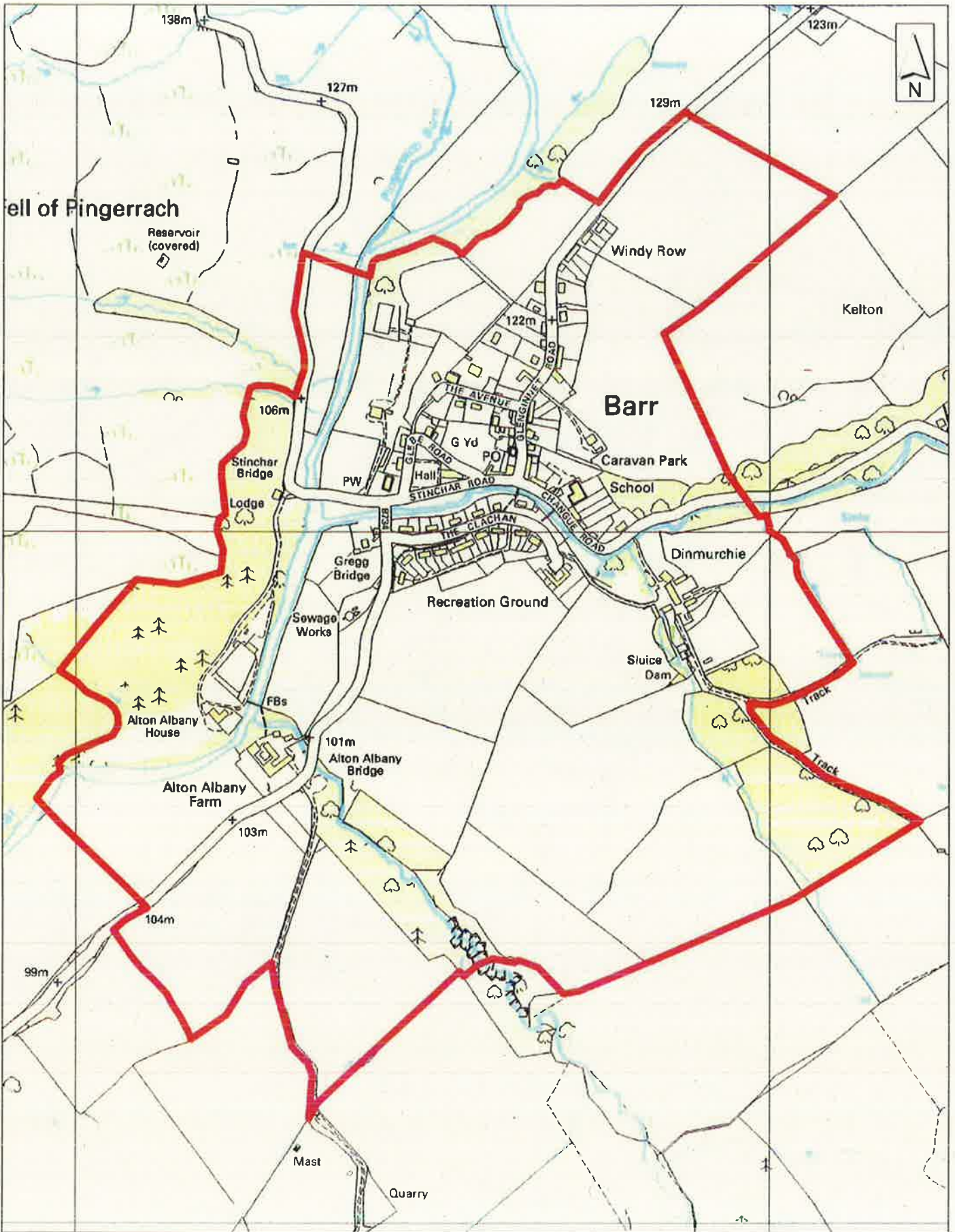


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Date: February 2013

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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
Plan No. 23 of 33  
Straiton*

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Scale 1:7,000

*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
Plan No. 24 of 33  
Barr.*

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Scale 1:10,000

South

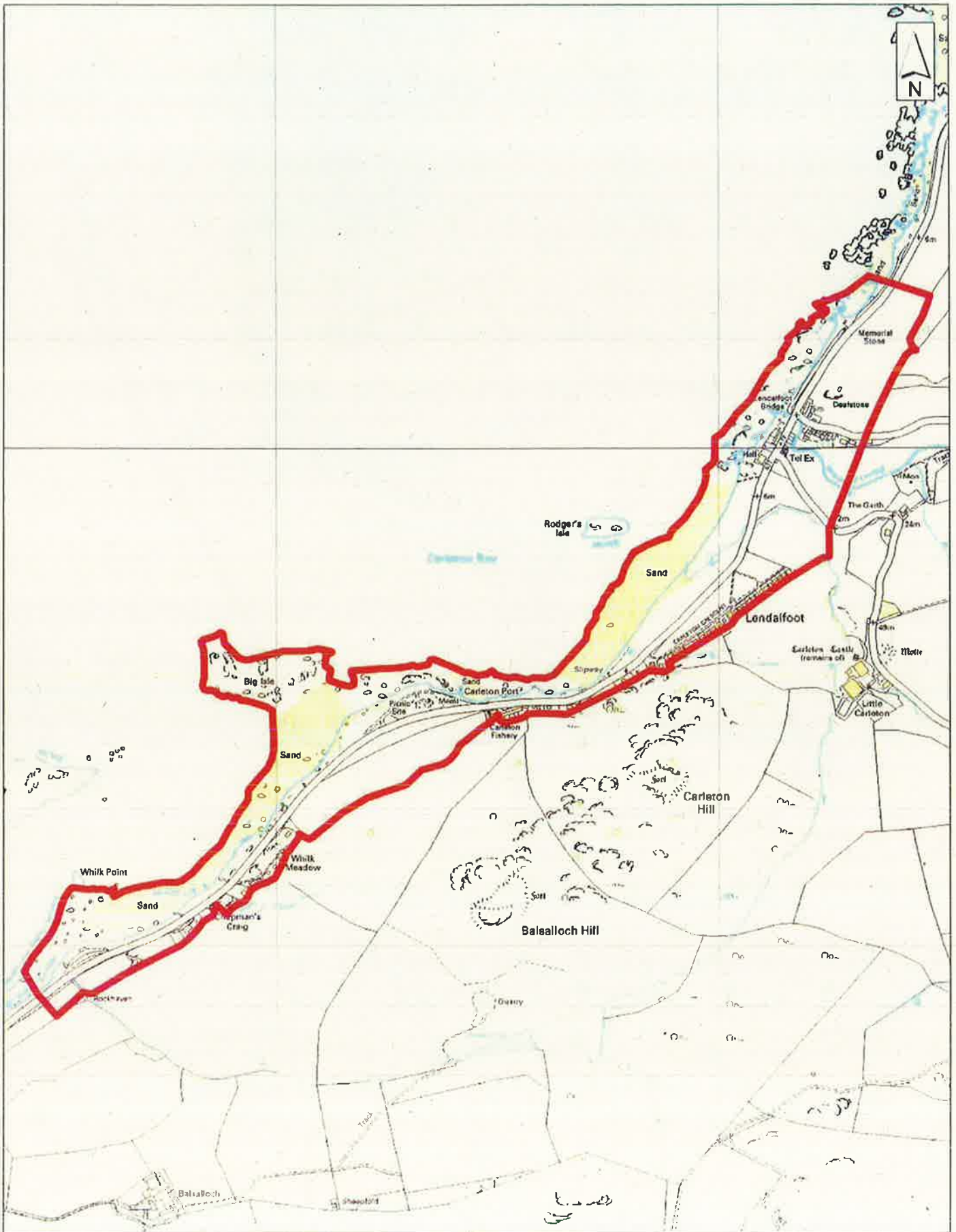
Produced By: G.W.

Date: February 2013

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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
Plan No. 25 of 33  
Minishant.*

*Valerie J A*



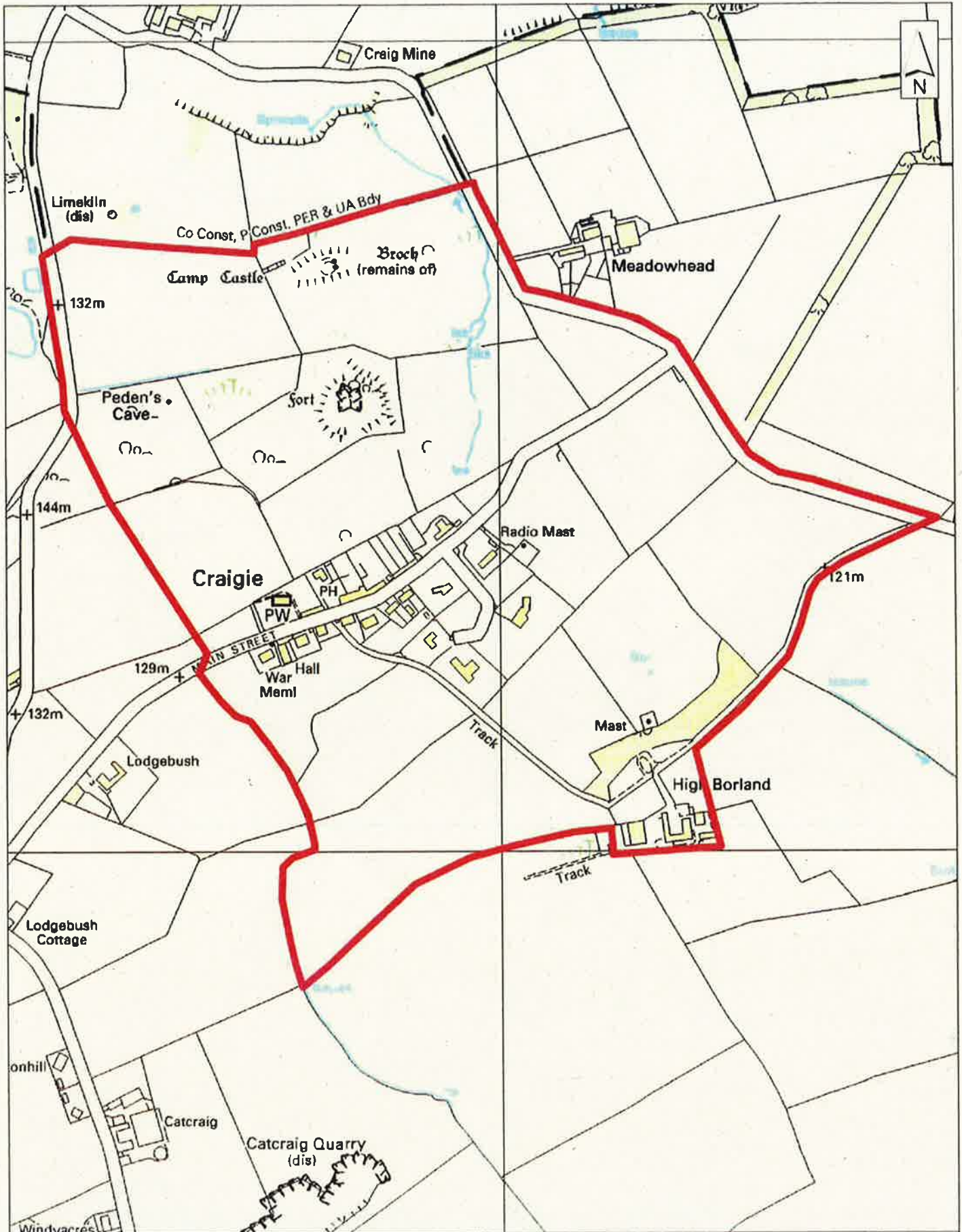
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South

Produced By: *G.W.*  
Date: *February 2013*

*Byelaws Prohibiting Alcohol in Public Places - Area Plans*  
*Plan No. 26 of 33*  
*Londalfoot*

*Valerie J A*



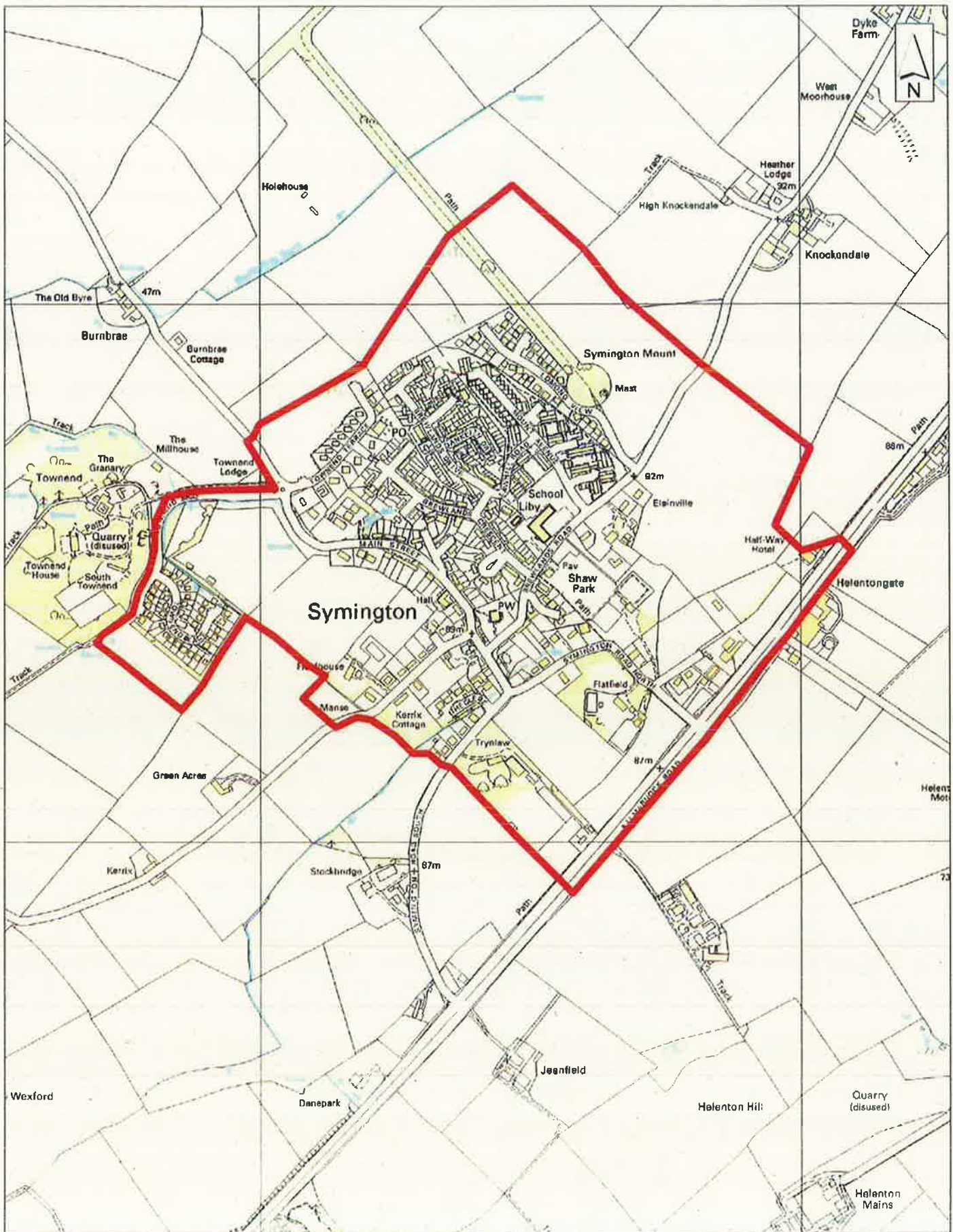
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Produced By: *G.W.*  
 Date: *February 2013*

*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
 Plan No 27 of 33,  
 Craigie.*

*Valerie J A*

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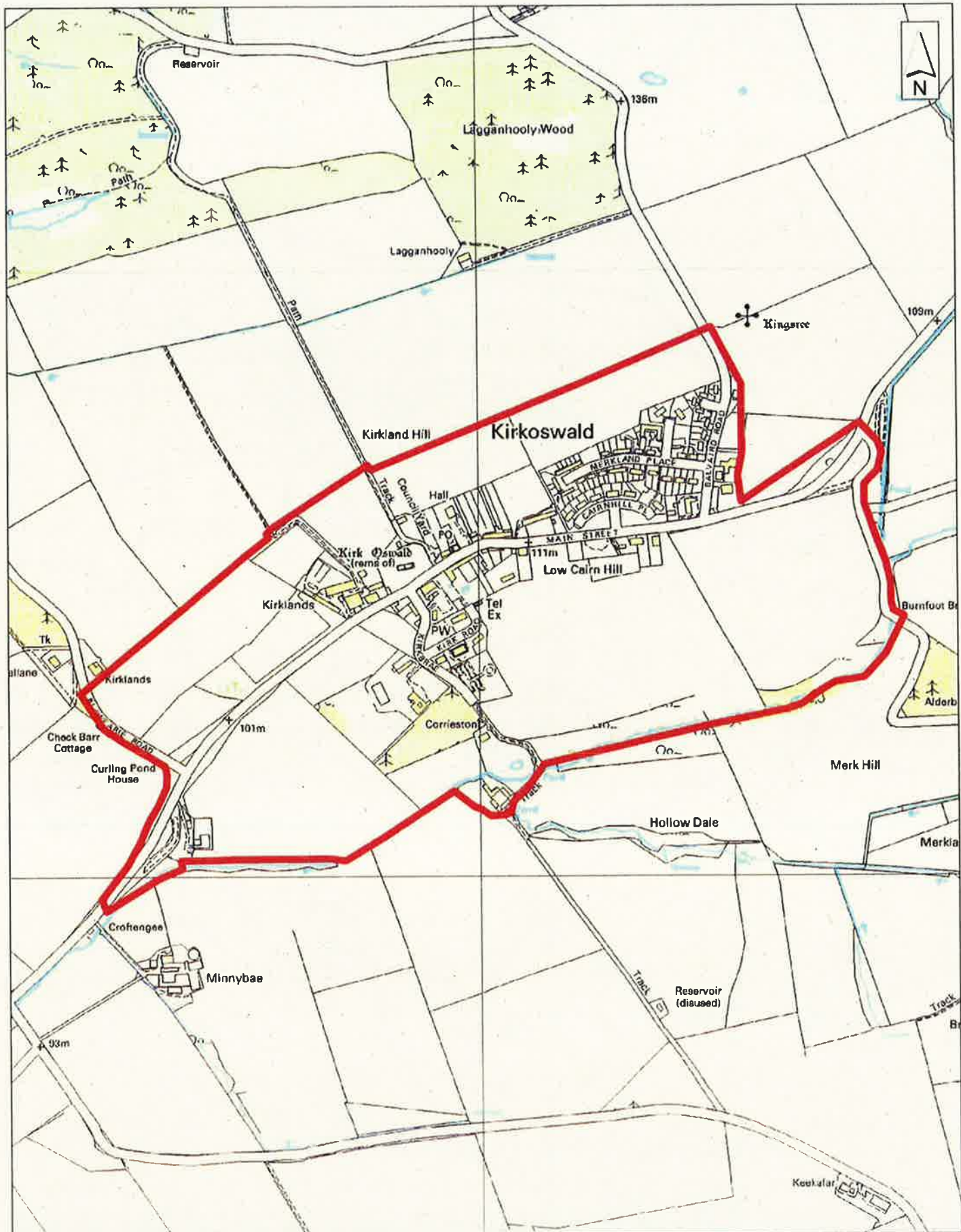
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 Date: *February 2013*

*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
 Plan No. 28 of 33,  
 Symington.*

*Valer J A*

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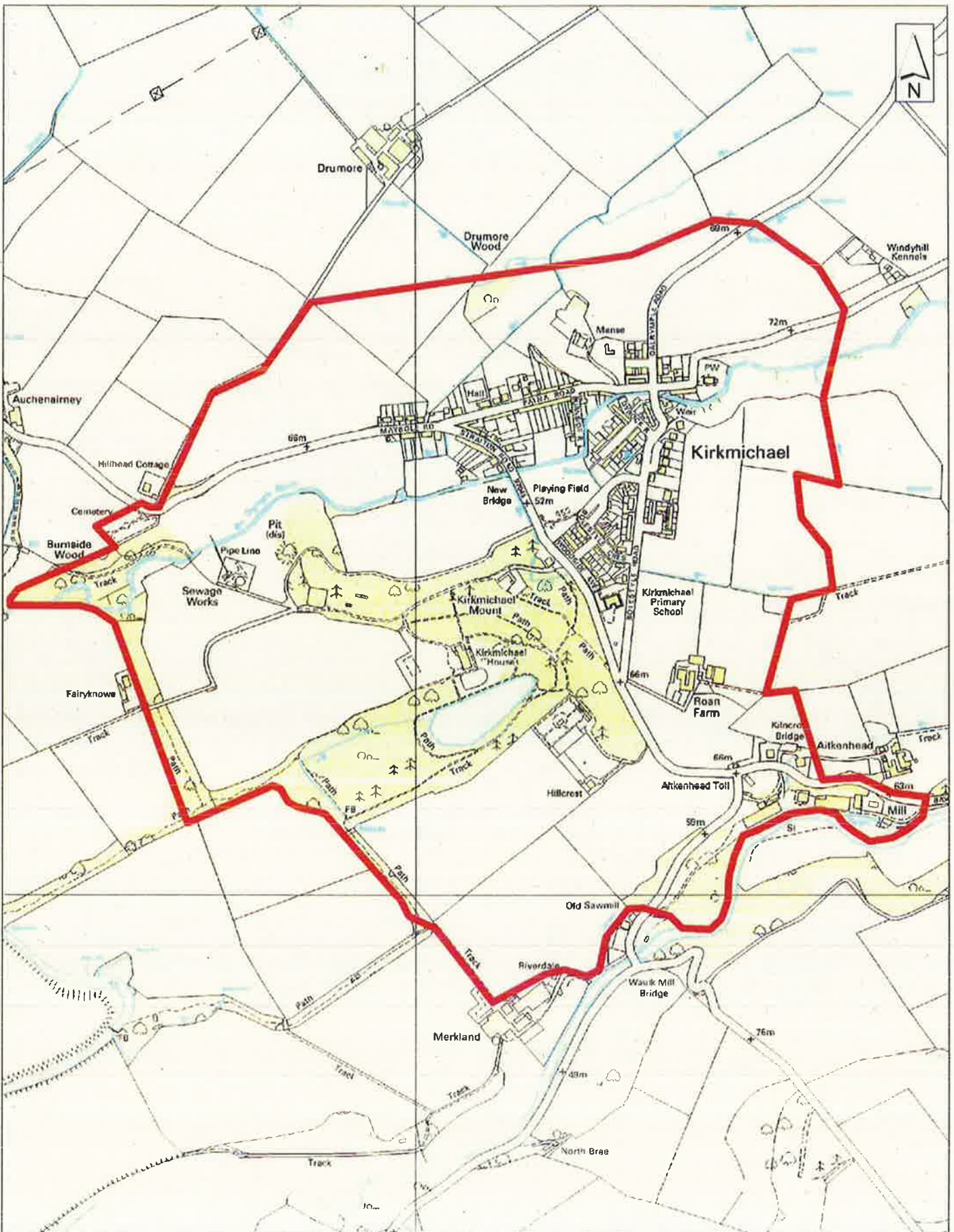
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Date: February 2013

*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
Plan No. 29 of 33  
Kirkoswald*

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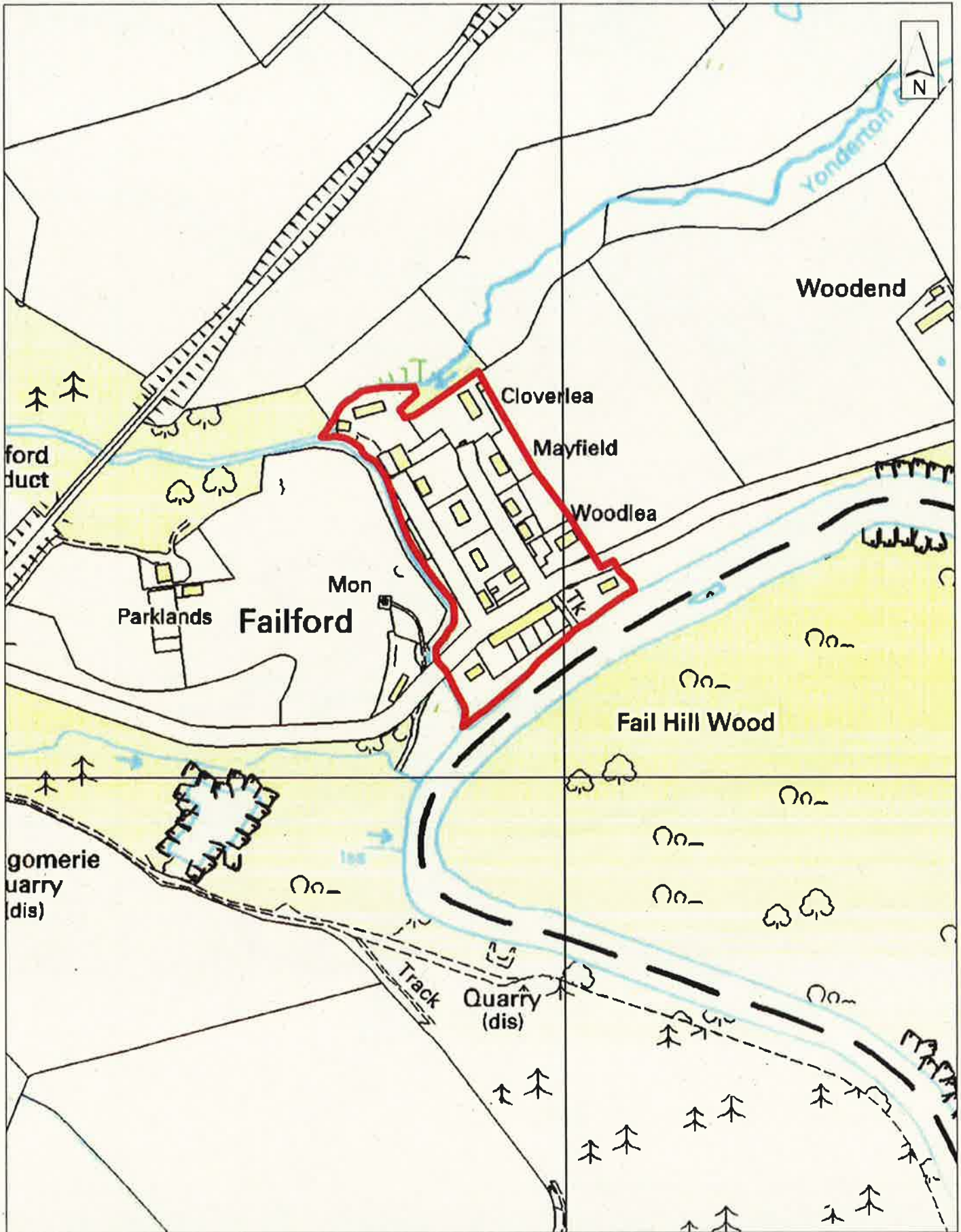
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*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
 Plan No. 30 of 33  
 Kirkmichael.*

*Valerie J A*



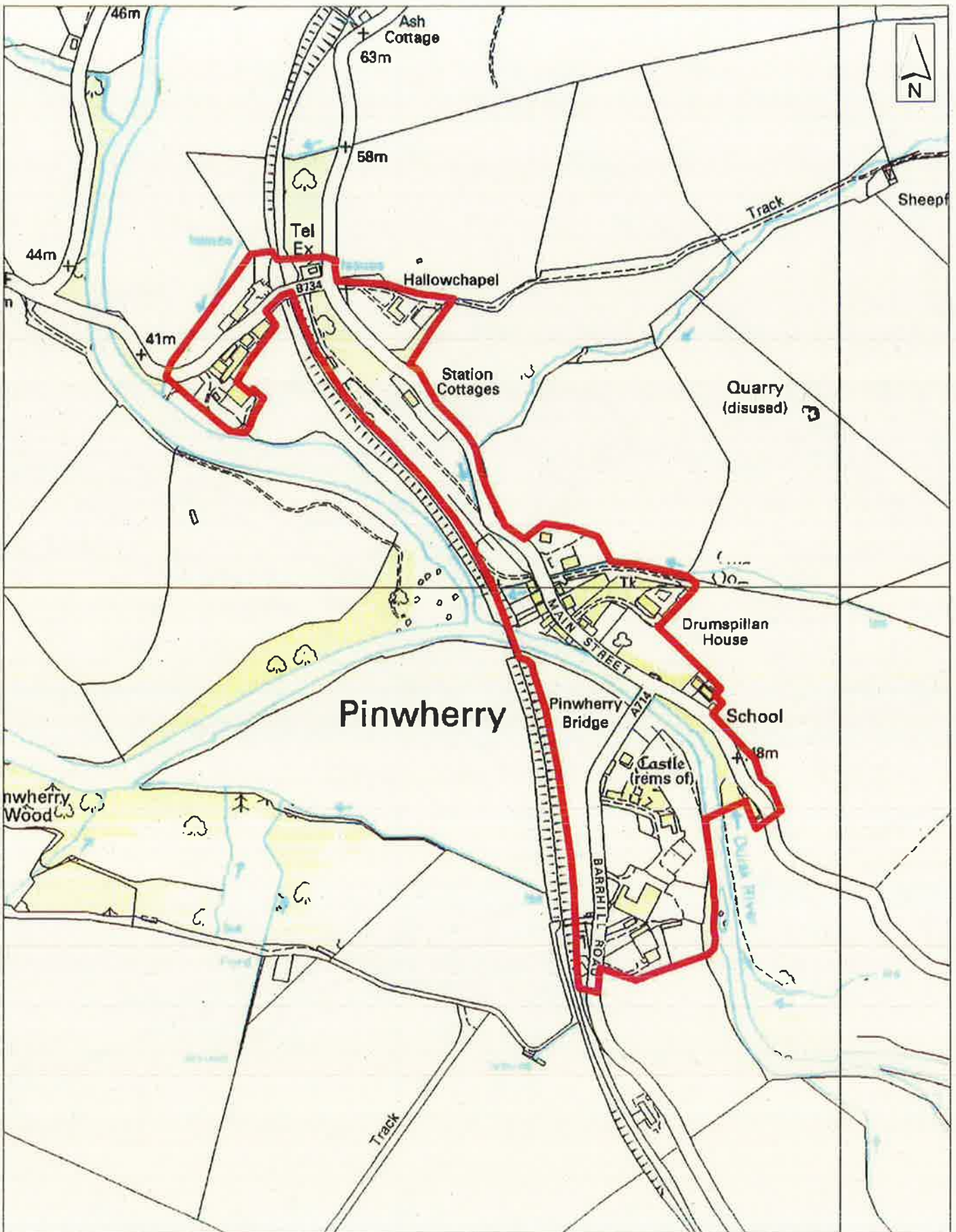
Scale 1:4,000

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 Date: *February 2013*

*Byelaws Prohibiting Alcohol in Public Places - Area Plans  
 Plan No. 31 of 33  
 Failford.*

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Scale 1:5,500

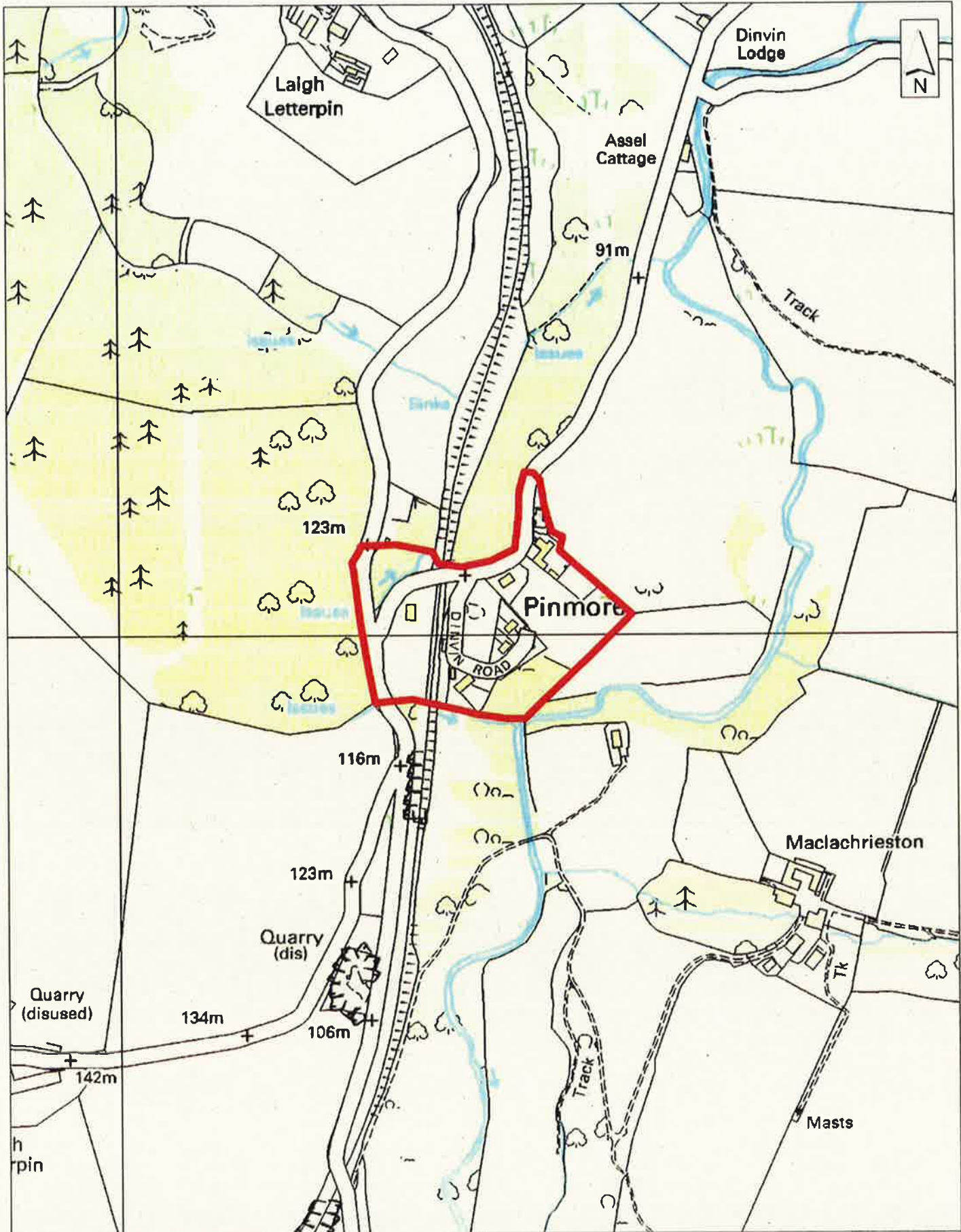
*Byelaws Prohibiting Alcohol in Public Places - Area Plans,  
Plan No. 32 of 33  
Pinwherry.*

Produced By: *GW*  
Date: *February 2013*

*Value SA*

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 Date: *February 2013*

*Byelaws Prohibiting Alcohol in Public Places - Area Plans*  
*Plan No. 33 of 33*  
*Pinnore*

*Valeri SA*



## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

### 1. Policy details

Policy Title	Review of the Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places
Lead Officer (Name/Position/Email)	Claire.neillie@south-ayrshire.gov.uk

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	X
Disability	-	X
Gender Reassignment (Trans/Transgender Identity)	-	X
Marriage or Civil Partnership	-	X
Pregnancy and Maternity	-	X
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	X
Religion or Belief (including lack of belief)	-	X
Sex – (issues specific to women & men or girls & boys)	-	X

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	x
Thematic Groups: Health, Human Rights & Children’s Rights	-	x

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.**

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	x
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	x
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	x
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	x
Socio-economic Background – social class i.e. parent’s education, employment and income	-	x

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
<b>Eliminate unlawful discrimination, harassment and victimisation</b>	Low
<b>Advance equality of opportunity</b> between people who share a protected characteristic and those who do not	Low
<b>Foster good relations</b> between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

**5. Summary Assessment**

<p><b>Is a full Equality Impact Assessment required?</b>          (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b>)</p>	<p><b>NO</b></p>
<p><b>Rationale for decision:</b></p> <p><b>This report advises the Panel of the requirement to review Council byelaws. Members' decision on this has no specific equality implications</b></p>	
<p><b>Signed :</b></p> <p><b>Date:</b></p>	<p><b>Service Lead</b></p>