

FILE NO: PSC2016-03312

TITLE: ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY

POLICY OWNER: STRATEGY AND ENVIRONMENT

PURPOSE:

The purpose of this Policy is to manage anti-social behaviour and improve public safety through alcohol regulation in public areas.

CONTEXT/BACKGROUND:

The NSW Government has made clear its determination to tackle the growing problem of anti-social behaviour and alcohol-related violence in the community. To that end, Ministerial Guidelines on Alcohol-Free Zones (2009) have been developed in accordance with the *Local Government Act 1993* to give Police and local Council enforcement officers more power to enforce alcohol-free zones.

There are two forms of alcohol regulation that are available to manage alcohol consumption in public areas. These are Alcohol Free Zones and Alcohol Prohibition Areas.

Alcohol Free Zones

The principal object of an Alcohol Free Zone is to prevent disorderly behaviour caused by the consumption of alcohol on public roads, footpaths or in public car parks in order to improve public safety.

Alcohol-Free Zones provide an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

Alcohol-Free Zones have been established 24 hours per day, seven days per week in the following areas:

No	Area	Precinct
1	Anna Bay	Town Centre
2	Raymond Terrace	Town Centre
3	Lakeside	Neighbourhood Shops
4	Medowie	Town Centre
5	Nelson Bay	Town Centre
6	Shoal Bay	Town Centre

The boundaries of these areas are mapped on Council's website. A temporary suspension of an Alcohol-Free Zone for special events can be considered in accordance with the Department of Local Government, 2009, Ministerial Guidelines- Alcohol Free Zones.

Alcohol Prohibited Areas

Pursuant to section 632(2)(e) of the *Local Government Act 1993*, Council can prohibit the carrying and/or consumption of alcohol in public areas such as parks, reserves and beaches by the placing of signs prohibiting these activities. These areas are referred to as Alcohol Prohibited Areas.

Alcohol Prohibited Areas cover all parks, beaches and reserves across the Local Government Area from 9.00pm to 8.00am, except for Apex Park, Nelson Bay, where the consumption of alcohol is prohibited 24 hours per day, seven days per week.

A temporary suspension of an Alcohol Prohibited Area for special events can be considered in accordance with the Department of Local Government, 2009, Ministerial Guidelines on Alcohol Free Zones.

Limited Liquor Licences for Council community facilities in Alcohol Prohibited Areas

Within Council community facilities such as community halls, sporting centres, senior citizens centres etc, located in Alcohol Prohibited Areas where there is a wish to sell and/or supply alcohol under the *Liquor Act 2007*, a Limited Liquor Licence is required. Typically this is for functions held by a non-profit organisation.

In this instance, an application for a limited liquor licence is sought from the Liquor and Gaming NSW. In considering this application, Liquor and Gaming NSW will consider submissions from the NSW Police Force, Council and others.

When the local consent authority (Council) notice is received by the applicant of the proposed limited liquor licence, Council will request a site plan identifying a designated wet area. The wet area indicates where the consumption of alcohol within the Council community facility is proposed. This will assist in the responsible service of alcohol by the licence holder and the limited liquor licence parameters issued by Liquor and Gaming NSW.

Council may notify the Liquor and Gaming NSW or the NSW Police Force, if it is suspected that alcohol is being sold, served or consumed at a Council community facility without a liquor licence.

SCOPE:

This policy applies to all Alcohol-Free Zones and Alcohol Prohibited Areas across the local government area.

DEFINITIONS:

Alcohol Free Zone (AFZ)	Applies to identified public roads, footpaths and car parks that have been declared as AFZs in accordance with the Department of Local Government, 2009, Ministerial Guidelines on Alcohol Free Zones. This declaration prohibits the consumption of alcohol 24 hours per day, seven days per week.
Alcohol Prohibited Areas (APA)	Applies to all parks, beaches and reserves that have been declared by resolution of Council under the <i>Local Government Act (632(2)(e))</i> . The consumption of alcohol is prohibited from 9.00pm to 8.00am in all APAs, except for Apex Park, Nelson Bay, which is a park that the consumption of alcohol is prohibited 24 hours per day, seven days per week.
Public land	Council owned or controlled land, including Crown land that Council is the Trust manager of and Community and Operational land as classified under the <i>Local Government Act 1993 (Part 2)</i> . A register of public land and associated maps is available from Council's website.
Council community facilities	A Council community facility means land or building owned, vested or under Council management, such as community halls, senior citizen centres, multi-purpose centres, youth centres and libraries.

POLICY STATEMENT:

The objectives of this Policy are:

- To assist in the prevention of excessive or illegal consumption of alcohol on public land;
- To provide guidelines for the issuing of Limited Liquor Licences within Alcohol Prohibited Areas; and
- To advocate for the responsible service and consumption of alcohol at Council facilities.

POLICY RESPONSIBILITIES:

- The Strategy and Environment Section is responsible for administering applications regarding the use of alcohol on public land and at Councils facilities;
- The Development Assessment and Compliance Section is responsible for providing a response to Liquor and Gaming NSW for all limited liquor licences proposed within Council's community facilities; and



- The Strategy and Environment Section is responsible for the implementation, monitoring, evaluating and reviewing the Policy.

RELATED DOCUMENTS:

Related documents, policies and legislation:

No	Document, Policy or Legislation	Relevance
1	<i>Local Government Act 1993</i>	<ul style="list-style-type: none"> • s632A states that a council may declare any public place to be an APA and police have the responsibility to enforce this APA. • s642 states that a Council enforcement officer or police have the responsibility to enforce an APZ. • s646 states that the Minister may prepare guidelines that must be followed by Council in the establishment of an AFZ.
2	NSW Department of Local Government, 2009, Ministerial Guidelines on Alcohol Free Zones	<ul style="list-style-type: none"> • These guidelines are the most recent that have been prepared by the Minister for Local Government. They are provided power under the <i>Local Government Act 1993 (s646)</i>.
3	NSW Liquor Act 2007	<ul style="list-style-type: none"> • s7 states that a liquor licence is required to sell liquor. • Division 7 of Part 3 details the requirements for a limited liquor licence.

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2016-03312	RM8 record No	
Audience	Community and NSW Police Force		
Process owner	Strategic Planning Coordinator		



Author	Strategic Planning Coordinator		
Review timeframe	Two years	Next review date	February 2020
Adoption date	28 November 2000		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/11/2000	Facilities and Services	Review of Alcohol in Parks and Reserves Policy adopted.	654
1.1	27/03/2001	Facilities and Services	Review of Alcohol in Parks and Reserves Policy adopted.	128
1.2	27/02/2018	Strategy and Environment	The Alcohol in Parks and Reserves Policy has been broadened to acknowledge the AFZs and APAs that exist and to advocate for the responsible sale of alcohol within Council community facilities.	032