

Council Policy

ALCOHOL USE ON PUBLIC RESERVES AND BEACHES

1. INTRODUCTION

Alcohol and other drug misuse has a significant impact on the local community and Port Macquarie-Hastings Council plays an important role in the development of policies that have the ability to enhance public safety and amenity for local individuals and communities.

The Port Macquarie-Hastings local government area has many reserves and beaches that are important meeting and recreation spaces for local residents and visitors. The significant majority of activity that occurs within these public areas is positive and contributes to the overall safety and wellbeing of the community.

Port Macquarie-Hastings Council is committed to providing quality reserves and beaches for the local community and aims to eliminate the risks associated with the misuse of alcohol and others drugs, therefore encouraging a more positive, liveable environment for the community.

2. POLICY STATEMENT AND SCOPE

This policy is to promote the positive use of reserves and beaches and to outline the process for establishing Alcohol Prohibitions in the Port Macquarie-Hastings local government area, in line with a harm minimisation approach.

The application of this policy can apply to any Council owned and managed reserve and beach across the Port Macquarie-Hastings local government area.

Where anti-social behaviour occurs on public reserves and beaches as a result of the misuse of alcohol, Council will consider establishing Alcohol Prohibition areas where appropriate.

Generally a request to establish an Alcohol Prohibition arises as a result of unwanted behaviours (vandalism, littering, and noise complaints). Prior to making a decision regarding the development of an Alcohol Prohibition Area, discussion will occur with local Police to establish or confirm what is occurring.

In considering whether to establish an Alcohol Prohibition, the following factors are important to consider:

- ***What type of behaviour is occurring?***
Not all behaviours are related to the consumption of alcohol. Areas that also have public facilities may also be a 'safe' place to meet and 'congregate' in lieu of other meeting places, particularly for young people.
- ***The ability to enforce***
Remote reserves and beaches may also be some distance away from Police stations and regular Police patrols will be difficult to gain access to after hours.
- ***What other strategies might achieve the same result?***
Strategies other than Prohibition Zones may produce better results, for example, turning lighting off or on at a certain times or restricting the use of public amenities at certain times.
- ***What other factors may be creating the issue?***
Other factors may be the primary precipitators for the behaviour, e.g. a licensed premises located adjacent to a park or reserve, where people may congregate upon leaving.

Once a decision has been made to establish an Alcohol Prohibition Zone, adequate signage is essential to inform members of the community about the nature of the prohibition. The NSW Local Government Act 1993, section 632 permits Council to erect a notice on public land to advise users of the restrictions that apply to that land. Council signage can either be a standalone sign, or as part of a larger sign restricting or informing the public about a range of factors or as a standalone sign. Where possible, a distinct sign is the preferred model. Signage is developed in line with current standards and provides both pictogram and text.

Council has established Alcohol Prohibition Zones at all parks, reserves and sports fields across the local government area between 9.00pm and 12.00pm (noon), in conjunction with Local Area Command for particular events and days.

Alcohol prohibition signage may restrict the consumption of alcohol for all or part of any day (e.g. 'at no time' or 'between 9.00pm and 12.00pm'). Where a prohibition exists, authorisation can be sought through applications to Council (section 68) to vary this condition for a specific event.

Council has also established an alcohol prohibition period from 9pm January 25th to 12pm January 27th to combat antisocial behaviour that has been associated with past Australia Day activities.

In addition to this, it is possible that from time to time patterns of anti-social behaviour may emerge as a result of particular functions or activities. In response to these concerns, Council may impose further restrictions in conjunction with discussions with local police. These restrictions would assist in maintaining safety and amenity for a nominated period of time. The Community Engagement would be used to ascertain the process for involving the community in this decision making process.

To establish an Alcohol Free Zone, councils are required to consult with the local community and then put forward a request to the Local Government Minister. Applications are approved for Alcohol Free Zones for periods up to 4 years.

An Alcohol Free Zone is currently in place in the Port Macquarie Central Business District which extends:

- East from Buller Street Bridge to Murray Street including Short, Horton and Hay Streets and Keen, Barracks and Phillip Lanes.
- North from the top end of Horton Street though to Sunset Parade including Clarence, William and Hayward Streets.
- Entertainment precincts including Hay Street Forecourt and Town Square.

3. RESPONSIBILITIES AND AUTHORITIES

The primary responsibility for the establishment of Alcohol Prohibition areas sits within the Development and Environment Division of Council, more specifically with Recreation and Buildings. This decision would occur in consultation with the Strategy & Growth division, specifically the Group Manager of Community Place.

Strategy & Growth (GMCP) responsible for liaising with NSW Police regarding requests for Alcohol prohibition, review of community behaviour and alcohol and reviewing Council position on use of Alcohol in parks and reserves.

The decision to develop Alcohol Prohibition Areas is made by Council usually through discussion between Development and Environment (Recreation and Buildings) and Strategy and Growth (Community Place), with the final decision being made by the General Manager.

Enforcement of Alcohol Prohibition Areas is the responsibility of both Council Rangers and Police, although due to the times that a majority of prohibitions are in place, the majority of enforcement occurs by the Police.

Police undertake the primary enforcement of Alcohol Free Zones, however, where required the Commissioner of Police has the power to authorise council officers to assist.

4. REFERENCES

NSW Local Government Act 1993

Alcohol and Other Drugs: A Reference Guide 2009 (LGSA) available through the LGSA

Local Government Drug Information: www.lgsa.org.au/DrugInfo

Provides councils with up to date information about the Local Government Drug Information Project, new projects of relevance to councils, sources of funding and legislative changes, which may impact, on councils.

Office of Liquor, Gaming and Racing (OLGR): www.olgr.nsw.gov.au

The NSW Office of Liquor, Gaming and Racing serves the NSW government and community by regulating the liquor, gaming, racing and charity sectors. The organisation is part of the Department of Arts, Sport and Recreation.

5. DEFINITIONS

Alcohol Prohibition Areas relate to parks and reserves (including surrounding public beaches) and prohibit the consumption and/or possession of alcohol in accordance with Council signage (Local Government Act 1993, section 632). The decision to develop Alcohol Prohibition Areas is made by Council usually through discussion between Development and Environment (Recreation and Buildings) and Strategy and Growth (Community Place) with the final decision being made by the General Manager.

Alcohol Free Zones apply to public roads, footpaths and car parks within an approved area. The Local Government Act 1993 (section 642 – 648) provides the legislative powers for Councils to establish these zones which restrict the consumption of alcohol 24 hours a days, 7 days a week.

6. PROCESS OWNER

Group Manager Community Place

7. AMENDMENTS

Over the past three years, we have amended the Alcohol free zones and enacted the prohibition days for Australia Day and this is now included in the policy.

Adjustments to the time of alcohol prohibition zones has been made at the request of the Local Area command and to reduce anti-social behaviour in a number of locations between 9am and 12pm. The previous prohibition time were 9pm to 9am and that has now been adjusted to 9pm to 12pm.